

MILLCREEK TOWNSHIP

ORDINANCE NO. 7-14-71

AN ORDINANCE REGULATING THE ESTABLISHMENT AND MAINTENANCE OF JUNK YARDS, INCLUDING, BUT NOT LIMITED TO AUTOMOBILE JUNK OR GRAVEYARDS AND THE STORAGE AND DISPOSAL OF SCRAP AND JUNKED ARTICLES: PROVIDING FOR THE ISSUANCE OF LICENSES TO JUNK DEALERS FOR THE MAINTENANCE AND OPERATION OF JUNK YARDS UNDER PRESCRIBED CONDITIONS: PRESCRIBING REMEDIES FOR THE ABATEMENT OR NUISANCES AND UNLICENSED JUNK YARDS AND SCRAP YARDS; PRESCRIBING PENALTIES FOR VIOLATIONS AND PROVIDING FOR THE REVOCATION OF LICENSES IN THE EVENT OF NON-COMPLIANCE.

BE IT ORDAINED AND ENACTED by the Board of Supervisors of the Township of Millcreek, County of Lebanon, Pennsylvania, and it is hereby enacted and ordained by the authority of the same, and pursuant to the authority granted by the Act of May 1, 1933, P.L. 103 as amended, as follows:

SECTION 1: SHORT TITLE. This Ordinance shall be known and may be cited as "Millcreek Township Junk Yard Ordinance."

SECTION 2: DEFINITIONS. Unless otherwise expressly stated, the following words and phrases shall be construed throughout this Ordinance to have the following meanings herein indicated.

- a. **PERSON:** Shall include any natural person, partnership, association, firm or corporation.
- b. **JUNK YARD:** Shall include any place where junk as herein defined is stored or accumulated. Any premises as herein defined having two or more unlicensed and discarded motor vehicles stored thereon, shall, in any event, be deemed a junk yard.
- c. **JUNK:** Shall mean any discarded material or articles. Shall include but not be limited to scrap, metal, scrapped, abandoned or junked motor vehicles, machinery, equipment, paper, glass, industrial wastes and all other salvagable material collected as salvage.
- d. **JUNK DEALER:** Shall mean any person, as herein defined who shall engage in the business of selling, buying, salvaging and dealing in junk and who maintains and operates a junk yard within the Township of Millcreek.
- e. **LICENSE:** Shall mean the permit granted to a person who accumulates, stores, or disposes of junk as heretofore defined.

License. No person shall engage in a business as a junk dealer, or maintain a junk yard without first having obtained a license from the Board of Supervisors of the Township of Millcreek, for which license fee as set forth in Section 6 hereof shall be paid to the Township for the use of the Township. The license shall be issued for the twelve months period beginning September 1, 1971 and ending August 31, 1972, and each license must be renewed annually before the First Day of September of each succeeding year.

SECTION 4: APPLICATION OF LICENSE. The license provided for in this Ordinance shall be issued by the Board of Supervisors only after written application shall have been made therefor to the Secretary of the Board or other agent designated by the Board, by the person desiring such license. Such application shall state the name of the person to whom such license is to be issued and the exact premises address where the junk yard is located and such business is conducted or where junk described in this Ordinance is stored and where such junk yard is to be maintained. Such license is issued, shall be posted conspicuously upon the premises. The written application shall be upon a form supplied by the Secretary of this Board and shall be accompanied by a plot-plan or sketch of the premises to be licensed showing location, size and distance from residences and public streets adjacent to it.

SECTION 5: ISSUANCE OF LICENSES. Upon receipt of an application by the Secretary of the Board, the Board shall issue or shall refuse to issue a license to the person applying therefor after an investigation of the application and taking into consideration the suitability of the property proposed to be licensed; the character of the properties located nearby; the effect of the proposed use upon the Township, both economic and aesthetic; and restrictions upon property uses as set forth in other applicable Township Ordinances. In the event the Board shall issue a license, it may impose in the license and upon the licensee such terms and conditions, in addition to the regulations herein contained, as may be deemed necessary to carry out the spirit and intent of this Ordinance.

SECTION 6: LICENSE FEE. The license fee shall be paid immediately upon the issuance or renewal of a license. The amount of the license fee shall be calculated in accordance with the following schedule as determined by the area actually used or to be used by the person to whom the license is issued, excluding all set-back areas:

- a. Less than 15,000 square feet \$ 25.00
- b. Over 15,000 square feet - less
than 40,000 square feet \$100.00
- c. Over 40,000 square feet \$200.00

SECTION 7: LICENSE LIMITATION. No person licensed under this Ordinance shall, by virtue of one license, keep more than one place of business or maintain or operate more than one junk yard within the Township, nor shall any person engage in business as a junk dealer or operate or maintain a junk yard in any place other than the place designated in his license.

SECTION 8: TRANSFER OF LICENSE. No license issued by the Board shall be transferable by the holder of such license to any other person unless such transfer is authorized by the Board. Any person desiring to transfer his license shall notify the Board, in writing, which notification shall be accompanied by an application for a license by the proposed transferee as described in Section 4 of this Ordinance.

SECTION 9: TRANSFER FEE. In the event the Board shall approve the transfer of a license the transferee shall immediately pay to the Township a transfer fee of Ten (\$10.00) Dollars.

SECTION 10: REGULATIONS. Every person, licensed under this Ordinance shall constantly maintain the licensed premises in accordance with the provisions of this Section and any subsequent regulations adopted or imposed by the Board.

a. Such premises shall at all times be maintained so as not to constitute a nuisance or menace to the health of the community of residents nearby or a place for the breeding of rodents and vermin.

b. No garbage or other organic waste shall be stored on such premises.

c. Whenever any motor vehicle shall be received in such premises as junk, all liquids shall be drained and removed therefrom.

d. The manner of storage and arrangement of junk, and the drainage facilities of the premises, shall be such as to prevent the accumulation of stagnant water upon the premises and to facilitate access for fire fighting purposes.

e. All junk kept, stored or arranged on the licensed premises shall at all times be kept, stored and arranged within the junk yard as described in the application for license thereunder and as limited under paragraph d, above.

f. A person or firm licensed under this Ordinance shall not burn more than one motor vehicle or its equivalent at any one time. No oil, grease, tires, gasoline or other similar material that might be dangerous or produce obnoxious smoke or odors shall be burned within a junk yard at any time. Burning vehicles must be attended and controlled at all times.

g. The license of premises used as a junk yard shall observe a minimum distance of twenty-five (25) feet from adjoining property lines. The area between the setback line and all other property lines shall at all times be kept clean and vacant.

h. Whenever the Board shall deem it necessary, it may require the licensee to enclose the premises at the set back line with a fence of a type and style to be determined by the Board or by evergreen screen plantings, or both. The Board may set forth any fence and planting requirements at the time of the issuance of a license or thereafter at any times or renewal or transfer of a license.

i. Every person licensed under this Ordinance shall maintain a record of all automobiles received. Such records shall reflect the make, model and serial no. of each vehicle and such records shall be subject to review and inspection by the Board or Chief of Police of Millcreek Township.

SECTION 11: VIOLATIONS. Any person who shall violate any of the provisions of this Ordinance shall, upon conviction thereof, in a summary proceeding, be sentenced to pay a fine of not more than one hundred (\$100.00) dollars, and the cost of prosecution; provided that each additional day's violation of any of the provisions of this Ordinance shall constitute a separate offense; provided, further, that upon conviction of any viola-

tion of the regulations set forth in Section 10, any license previously issued shall be revoked until the license complies with the provisions of Section 10 thereof.

SECTION 12: ABATEMENT OF NUISANCES. In addition to or in lieu of the remedies provided in Section 11, above, and continued violations of this Ordinance, which shall constitute a nuisance in fact or which shall, in the opinion of the Board constitute a nuisance, may be abated by proceeding against the violator in a court of equity for injunctive relief.

SECTION 13: SEVERABILITY. If any section of this Ordinance shall be found to be invalid for any reason, the other sections of this Ordinance shall not be affected thereby.

SECTION 14: REPEAL. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION 15: EFFECTIVE DATE: This Ordinance shall become effective August 20, 1971.

ENACTED AND ORDAINED this 28th day of July, 1971.

BOARD OF SUPERVISORS OF
MILLCREEK TOWNSHIP

(TOWNSHIP SEAL)

ATTEST:

David L. Lawrence
David Lawrence, Secretary

Raymond H. Stuckler
Walter DeBunker
Howard Prehl