

1.

ORDINANCE NO. 1 OF 1989

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF FISHING CREEK TOWNSHIP, COLUMBIA COUNTY, PENNSYLVANIA, REGULATING JUNK DEALERS AND THE USE AND OPERATION OF JUNK YARDS, PROVIDING FOR THE LICENSING OF SUCH BUSINESSES, AND PROVIDING PENALTIES FOR VIOLATIONS.

BE IT ORDAINED AND ENACTED by the Board of Supervisors of Fishing Creek Township, Columbia County, Pennsylvania, and it is hereby ORDAINED AND ENACTED by authority of and pursuant to the provisions of the Act of the General Assembly of the Commonwealth of Pennsylvania, of May 1, 1933, P.L. 103, and its amendments and supplements, as follows:

SECTION 1: Definitions - Unless otherwise expressly provided, the following words and phrases shall, for the purposes of this Ordinance, have the following meanings:

(a) Abandoned Automobile: An automobile, as defined hereunder, which has been discarded, scrapped, or otherwise abandoned. Abandoned automobiles shall not include automobiles, whether licensed or unlicensed, which are not discarded, scrapped or abandoned, but which are rather retained for the purpose or purposes of repair, resale, or future use for transportation.

(b) Automobile: Any and all types of motor vehicles, including self-propelled machinery of any type or kind, excepting useable farm machinery and equipment.

(c) Board: Shall mean the Board of Supervisors of Fishing Creek Township, Columbia County, Pennsylvania.

(d) Junk: Shall mean any discarded article or material not ordinarily disposed of as rubbish, garbage, or refuse, and shall include but not be limited to scrap metal, scrapped, abandoned, or junked automobiles, machinery, equipment, paper, rags, glass, containers, and other salvageable materials.

(e) Junk Dealer: Any person as herein defined who buys, sells, salvages, stores, or in any way deals in junk or who owns, operates, leases, or maintains a junk yard within the Township of Fishing Creek.

(f) Junk Yard: Shall mean any place where any junk as herein defined is stored, disposed of, processed, or accumulated, PROVIDED, HOWEVER, that premises used for temporary, limited, and occasional storage of junked, unused, or abandoned vehicles, machinery, or equipment for personal use and not for commercial purposes, shall not be considered a junk yard.

(g) Person: Shall include an individual, partnership, corporation, firm or other legal entity, including singular and plural and male and female.

(h) Premises: Any parcel of land situate in Fishing Creek Township, Columbia County, Pennsylvania, having a separate tax map parcel number for County assessment purposes.

(i) Township: Shall mean the Township of Fishing Creek, Columbia County, Pennsylvania.

SECTION 2: No person shall be a junk dealer, or own, lease, operate or maintain a junk yard as herein defined within the Township without first obtaining a license from the Board, the fee for which shall be two hundred (\$200.00) dollars per each calendar year, PROVIDED, HOWEVER, that if any license shall be issued by the Board on or after July 1st of any calendar year, the fee therefor shall be one hundred (\$100.00) dollars. Each license so issued shall be effective during the year in which issued and shall terminate on December 31st of each calendar year, subject to renewal by the Board. All licenses must be renewed annually no later than December 31st of each year.

SECTION 3: The license provided for in Section 2 of this Ordinance shall be issued by the Board following action upon an application which shall be in written form, and which application shall be secured from the Secretary of the Board. The license, after issuance, shall contain the name of the licensee, the premises to be licensed, and shall be conspicuously posted on the licensed premises at all times.

SECTION 4: Each applicant shall submit with his application for license a plot of the premises to be licensed. Upon receipt of the application by the Board, the Board shall review the application to determine compliance with the provisions of this Ordinance. In the event that the application shall fail to comply with the provisions of this Ordinance, the Board shall refuse to issue such license. In the event that the Board shall issue a license provided hereunder, it

shall impose upon the licensee and the premises to be licensed the conditions and requirements of this Ordinance.

SECTION 5: No person shall, by virtue of one license issued to him, keep more than one place of business or operate more than one junk yard within the Township of Fishing Creek, nor shall any person engaged in business as a junk dealer or operate or maintain a junk yard in any place within said Fishing Creek Township other than the place designated upon his license.

SECTION 6: No license issued by the Board shall be transferable by the licensee to any other person unless the 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 as hereinbefore mentioned. 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 7: Every person licensed under the provisions of this Ordinance shall maintain the licensed premises and conduct business as hereafter provided:

(a) All junk shall be stored behind a fence as specified in (b) below, which fence shall be set back at least fifty (50) feet from all lot lines of the premises occupied by the junk yard.

(b) Every junk yard shall be completely enclosed with a solid fence of a substantial and permanent construction at least six (6) feet in height, with gates constructed of similar material, which gates shall be at all times secured and locked, except during business hours when an adult attendant employed as such shall be and remain on the premises.

(c) All junk shall be stored and set back at least fifty (50) feet from any adjoining premises and at least seventy-five (75) feet from the nearest edge of the cartway of any public road or highway.

(d) All junk shall be stored or arranged so as to permit access by firefighting equipment, and to prevent accumulation of stagnant water. Junk shall not be piled to a height of more than eight (8) feet from the ground.

(e) All gasoline and oil shall be drained into suitable containers and stored in accordance with any applicable state or federal environmental regulation.

(f) No garbage or organic waste shall be permitted to be stored or accumulated on the premises.

(g) An adult attendant shall at all times during business hours remain on the junk yard premises.

(h) A person licensed under this Ordinance shall not burn any motor vehicle or related parts at any time.

(i) Junk yards shall be at all times maintained in such manner as to cause no public or private nuisance. Nor shall junk yards be permitted to cause any menace to health or safety of persons on or off the premises; nor shall they be permitted to cause any offensive or noxious sounds or odors. Junk yards shall be maintained so as not to cause the breeding, harboring, or infesting of rats, rodents or vermin. Junk yards shall be maintained in compliance with any health or sanitation law, ordinance, or regulation of any governmental body.

(j) Permanent records of all junk received or removed from any junk yard shall be kept by the junk dealer on the premises. Said records shall at all times be open for inspection to any member of the Board, or its duly authorized agent, or by any law enforcement officer.

SECTION 8: Any member of the Board or its duly authorized agent may at any time enter upon and inspect any premises for which there is pending application for a junk yard license, or transfer thereof, or which holds a current license.

SECTION 9: Any person violating any of the provisions of this Ordinance, shall, upon conviction by summary proceedings before a District Justice, or other summary official, be sentenced to pay a fine not exceeding three hundred (\$300.00) dollars and costs of prosecution, and, on default of the payment of the fine imposed and the costs, shall be sentenced and committed to the Columbia County

Jail for a period not exceeding thirty (30) days, PROVIDED, HOWEVER, that each day's violation of any of the provisions of this Ordinance shall constitute a separate offense.

SECTION 10: The Board may take any appropriate action at law or in equity, civil or criminal, to enforce the provisions of this Ordinance, and this Ordinance shall in no way restrict any remedies otherwise provided by law.

SECTION 11: All sections and parts of this Ordinance are severable, and if any section or portion shall be declared invalid or unconstitutional the same shall not affect the validity or constitutionality of any and all other sections and portions.

SECTION 12: This Ordinance repeals and supersedes the provisions of Fishing Creek Township Ordinance No.2 - 1971.

SECTION 13: This Ordinance shall become effective five (5) days after its adoption.

ENACTED AND ORDAINED this 5TH DAY OF September, 1989

BOARD OF SUPERVISORS OF
FISHING CREEK TOWNSHIP

ATTEST:


Secretary



