

ORDINANCE NO. IV

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

BE IT ENACTED AND ORDAINED by the Supervisors of the Township of Cascade, County of Lycoming, Commonwealth of Pennsylvania, as follows:

Section 1. Short Title. This ordinance shall be known and may be cited as Cascade Township Junk Yard Ordinance.

Section 2. Definitions. Unless otherwise expressly provided, the following words shall, for the purpose of this ordinance, have the following meanings:

(a) JUNK: Any discarded material or article, including, but not limited to, scrap, abandoned, junked or inoperable motor vehicles, machinery and equipment, scrap metal, paper, glass, containers, structures, used lumber, rubber, brick, stone, concrete, used building materials and equipment. Any motor vehicle without a current license therefor shall be considered junk.

(b) JUNK YARD: Any place where junk as hereinbefore defined is stored or accumulated. Any premises as hereinafter defined having two or more unlicensed motor vehicles thereon, regardless of the extent to which they may have been dismantled, shall, in any event, be deemed a junk yard.

(c) PREMISES: Any parcel of land in Cascade Township, Lycoming County, Pennsylvania, having a separate tax map parcel number for county assessment purposes.

(d) JUNK DEALER: Any person who buys, sells, salvages, stores, or in any way deals in junk or owns, leases, operates, or maintains a junk yard within the Township, whether on land owned by such person or otherwise.

(e) PERSON: Any natural person, partnership, firm, corporation or other legal entity, including singular and plural, male and female.

(f) TOWNSHIP: The Township of Cascade, Lycoming County, Pennsylvania.

(g) BOARD: The Board of Supervisors of Cascade Township, Lycoming County, Pennsylvania.

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Section 3. License. No person shall engage in business as a junk dealer, or maintain a junk yard, without first having obtained a license from the Board, for which a license fee shall be paid to the Township. The license shall be issued for a twelve month period beginning on the first day of the calendar month next following the effective date of this ordinance.

Section 4. Application for License. The license may be issued by the Board after written application shall have been made therefor by the person desiring to be licensed. Such application shall state the name of the person to be licensed and the premises on which such business is to be conducted or such junk yard is to be maintained. The application shall be upon such

form as may be provided by the Board. The applicant shall submit a plot of the premises used or to be used in connection with such license. The license shall be posted conspicuously upon the licensed premises.

Section 5. Issuance of License. Upon receipt of the application, the Board shall consider the application and issue or refuse to issue a license after taking into consideration the suitability of the property proposed to be used for the purpose of the license, the character of the property located nearby, and the effect of the proposed use upon the Township, both economic and esthetic. The Board may impose upon the license and the licensee such terms and conditions, in addition to the regulations herein contained, as it may deem necessary to carry out the spirit and intent of this ordinance, which terms and conditions must be complied with within sixty (60) days of the date of approval, or the license may be revoked by the Board and the applicant considered to be in violation of this ordinance.

Section 6. License Fee. The license fee shall be paid upon the issuance or renewal of a license. The license fee shall be Fifty Dollars (\$50.00) per year.

Section 7. License Limitation. No person licensed under this ordinance shall, by virtue of one license, keep more than one place of business within the Township or maintain more than one junk yard. No person shall engage in business as a junk dealer in any place other than the place designated upon his license, or maintain a junk yard in any place other than the place designated upon his license.

Section 8. Transfer of License. No license shall be transferrable by the licensee to any other person unless such a 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 transferee.

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 Dollars (\$10.00).

Section 10. Records. Every person, licensed under this ordinance, shall provide and shall constantly keep a book, in which shall be fairly written down in the English language at the time of the purchase of any junk, a description of every article or material purchased or received by him, and the person from whom such article or material was purchased, received or handled by such person, which book shall at all times be subject to the inspection of any official of the Township.

Section 11. Regulations. Every person licensed under this ordinance shall constantly maintain the licensed premises in accordance with any special provisions imposed by the Board and in the manner prescribed by this section and any subsequent regulations adopted by the Board.

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

(b) No garbage or other organic waste shall be stored in such premises.

(c) Whenever any motor vehicle shall be received in such premises junk, all gasoline and oil shall be drained and removed therefrom. Gasoline in an amount not exceeding ten (10) gallons may be stored

above ground in said junk yards, provided the same be placed in' containers approved by the Board. All other gasoline which is kept on the premises shall be stored underground, which underground storage must be approved by the Board.

(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 hereunder.

(f) A person 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 tend to produce obnoxious smoke or odors shall be burned within a junk yard at any time. Burning of vehicles must be attended and controlled at all times.

(g) The premises to be licensed shall be set back a minimum distance of three hundred (300) feet from the right-of-way lines on all streets, roads or highways and a minimum distance of three hundred (300) feet from all other property lines. The area between the set back line and the right-of-way line of all streets, roads and highways, and all other property lines, shall be at all times kept clear and vacant.

(h) When the Board shall deem it necessary and desirable, the

premises to be licensed shall at the set back lines be enclosed by a fence of type and style to be determined by the Board or by evergreen screen plantings, or both. The Board may set forth the fence and planting requirement at the time of the issuance of a license or at the time of renewal or transfer of a license.

Section 12. Effect Upon Existing Junk Yards. Any person owning, leasing, operating or maintaining a junk yard on the effective date of this ordinance shall not be required to comply with the set back provisions of Section 11 (g), but shall comply with the licensing provisions forthwith, and shall comply with the other regulations of Section 11 within three (3) months from the effective date of this ordinance.

Section 13. Violations. Any person who shall violate any of the provisions of this ordinance shall upon conviction thereof, by a summary proceeding, be sentenced to pay a fine of not more than One Hundred Dollars (\$100.00) and the costs of prosecution; provided, that each day's violation of any of the provisions of this ordinance shall constitute a separate offense.

Section 14. Abatement of Nuisances. In addition to the remedies provided in Section 13 above, any 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 relief.

Section 15. Enforcement. Enforcement of this ordinance and all its provisions will be accomplished by the Board of Supervisors in the manner provided in the Second Class Township Code, 53 P.S. Sec. 65741.

Section 16. Severability. If any section of this ordinance shall be

found to be invalid, the other sections of the ordinance shall not be affected thereby.

Section 17. Repeal. All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

Approved, adopted and enacted into an ordinances this 1 day of Nov., 19 68, to become effective the 6 day of 6 November, 19 68.

BOARD OF SUPERVISORS,
CASCADE TOWNSHIP

Eugene J. Steele
Eugene J. Steele

C. LaMar Betts
C. LaMar Betts

ATTEST:

Mrs. Marion J. Murphy
Secretary

Ralph Murphy
Ralph Murphy