

ORDINANCE NO. 120

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

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

SECTION 1: Short Title. This Ordinance shall be known and may be cited as “Conewago Township Junkyard and Refuse Ordinance”.

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

A. “Person” shall mean any natural person, partnership, association, firm and corporation.

B. “Township” shall mean Conewago Township, York County, Pennsylvania.

C. “Board” shall mean the Board of Supervisors of Conewago Township.

D. “Junkyard” shall mean any place where any junk as hereinafter defined, is stored, disposed of or accumulated.

E. “Junk” shall mean any discarded material or article and shall include, but not be limited to, scrap metal, scrapped, abandoned or junked motor vehicles, machinery, equipment, paper, glass, containers and structures. A motor vehicle shall constitute a junked motor vehicle within the meaning of this ordinance if it is

(1)uninspected; or

(2)unregistered with the Department of Motor Vehicles of one of the states of the United States or some jurisdiction in which registration of motor vehicles is permitted: or

- (3) not in running condition or ready to be lawfully placed in operation upon the public highways or the Commonwealth of Pennsylvania.
- (4) Not in such an enclosure as is reasonably calculated to prevent children from playing on or about such motor vehicle.
 - (i) Excluded from the definition of “junked motor vehicles are any of the following:
 - (a) Antique motor vehicles. A motor vehicle, but not a reproduction thereof, manufactured more than 25 years prior to the current year which has been maintained in or restored to a condition which is substantially in conformance with manufacturer specifications.
 - (b) Classic motor vehicles. A self-propelled vehicle, but not a reproduction thereof, manufactured more than ten years prior to the current year and, because of discontinued production and limited availability, determined model or make of significant value to collectors or exhibitors and which is substantially in conformity with manufacturer specifications and appearance.
 - (c) Racing cars, providing they are regularly campaigned in a current active racing season.
 - (d) Vehicles used primarily in agricultural and farming activities.

F. “Junk Dealer” shall mean any person, as heretofore defined, who shall engage in the business of selling, buying, salvaging, storing and dealing in junk and who maintains and operated a junkyard within the Township of Conewago. Provided, however, that any person as heretofore defined may keep or allow to remain on his premises one (1) junked motor vehicle and such person shall be excluded from the definition “Junk Dealer” herein.

G. “License” shall mean the permit granted to a person who accumulates, stores or disposes of junk as hereinbefore defined.

H. In this ordinance the singular shall include the plural and the masculine shall include the feminine and neuter.

[Amended 8-21-1972 by Ord. No 120a, approved 8-21-1972; 11-19-1973 by Ord. No. 132, approved 11-19-1973; 10-18-1976 by Ord. No. 148, approved 10-18-1976; 3-4-1991 by Ord. No. 210, approved 3-4-1991; 3-3-1997 by Ord. No. 245, approved 3-3-1997]

SECTION 3: License. No person shall within the Township engage in business as a junk dealer, or maintain a junkyard without first having obtained a license from the Board, for which license a fee in accordance with the schedule hereinafter set forth shall be paid to the Township for the use of the Township. The license shall be issued on a calendar year basis and each license must be renewed annually on or before the 1st day of January of each year. Provided, however, if a license is issued by the Board after the 30th day of June and before the 1st day of December of any license year the fee for such license shall be one-half the annual fee as hereinbefore prescribed.

SECTION 4: Application for License. The license provided for in this ordinance shall be issued by the Board after written application shall have been made therefore by the person desiring to be licensed. Such license shall state the name of the person to whom such license is issued and the location of the premises on which such business is to be conducted, or such junkyard is to be maintained. Such license shall be posted conspicuously upon the premises licensed thereunder. The written application for the license hereinabove mentioned shall be accompanied by a form, every question of which must be answered, which form will be supplied by the Board. Applicants shall also submit therewith a plot of the premises used or to be used in connection with such license.

SECTION 5: Issuance of License. Upon receipt of an application by the Board, the Board shall issue a license or shall refuse to issue a license to the person applying therefore after an examination of the application and taking into consideration the suitability of the property proposed to be used for the purposes of the license, the character of the properties located nearby, and the effect of the proposed use upon the township, both economic and aesthetic and the applicable provisions of the Township Zoning Ordinance. In the event the Board shall issue a license, it may impose upon the license and the person applying therefor such terms and conditions in addition to the regulations herein contained and adopted pursuant to this ordinance 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 actual land to be used by the person to whom the license is issued, excluding all “set-back” areas as defined in Section 12 (g) hereof:

- A. Less than 15,000 square feet – Fifty Dollars (\$50.00)
- B. At least 15,000 square feet, but less than 40,000 square feet – One Hundred Dollars (\$100.00)
- C. More than 40,000 square feet – Two Hundred Dollars (\$200.00)

No license shall be issued for the use of a tract of land (a) in excess of ten (10) acres, excluding set-back areas, or (b) situate within two thousand (2,000) feet of any other tract of land for which a license has been issued.

SECTION 7: License Limitations. 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 junkyard, for the purpose of buying, selling and dealing in junk. No person shall engage in business as a junk dealer in any place other than the place designated upon his license.

SECTION 8: Transfer of License. No license issued by the Board shall be transferable 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, as described in Section 4 of this ordinance, by the transferee.

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

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, the date and hour of such purchase, or receipt, and the person from whom such article or material was purchased, received or handled by such person at all times by subject to the inspection of any official of the Township.

SECTION 11: Delay in Disposal. Every person, licensed under this ordinance, shall keep and retain upon the license premises, for a period of forty-

eight (48) hours after the purchase or receipt thereof, all junk received or purchased by him, and shall not disturb or reduce the same or alter the original form, shape or condition until such period of forty-eight (48) hours shall have elapsed.

SECTION 12: 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 regulation 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 vehicles shall be received in such premises as 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 junkyards provided the same to be placed in containers approved by the Board. All other gasoline which is kept in 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 in the licensed premises shall at all times be kept, stored and arranged within the junkyard as described in the application for license hereunder, and as limited under paragraph (D) above.

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 junkyard 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 fifty (50) feet from the right-of-way lines of all streets or roads and a minimum distance of fifty (50) feet from all other property lines. The area between the set back line and the right-of-way line and all streets and roads 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 be evergreen screen plantings, or both. The Board may set forth the fence and planting requirements at the time of the issuance of a license or at the time of renewal or transfer of a license.

SECTION 13: Violations.

A. For a violation of any provision of this ordinance, enforcement shall be brought before a district justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Upon conviction thereof, a violator shall be subject a criminal fine not to exceed one thousand (\$1000.00) dollars per violation plus costs and reasonable attorney fees incurred by the Township, to a term of imprisonment to the extent allowed by law for the punishment of summary offenses, or to a term of imprisonment for the failure to pay a fine pursuant to the Pennsylvania Rules of Criminal Procedure.

B. A separate offence shall arise for each day or portion thereof in which a violation is found to exist or for each section of ordinance which is found to have been violated.

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 adapted by proceeding against the violator in a court of equity for relief.

SECTION 15: Severability. If any section of this ordinance shall be found to be invalid the other section of the ordinance shall not be affected thereby.

SECTION 16: Repeal. All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

Approved, adopted and enacted into an ordinance this 17th day off July, 1972, to become effective five (5) days hereafter.

BOARD OF SUPERVISORS
OF CONEWAGO TOWNSHIP

|S| James W. Kennedy
|S| Richard B. Kann
|S| R. R. Snyder Jr.

Harold E. Kottcamp
Secretary