

ORDINANCE NO. 33

An Ordinance regulating the establishment and maintenance of junk yards, including but not limited to automobile junk yards, salvage yards, the storage and disposal of scrap, refuse, discarded or abandoned materials and providing for the maintenance and operation of such junk and salvage yards by providing for the issuance of licenses and for the maintenance and operation of junk and salvage yards under prescribed conditions and to provide for permits for such establishments in order to protect the general health, welfare and safety, and prescribing penalties for non-compliance thereof and providing for the revocation of licenses in the event of non-compliance.

Pursuant to and under the authority granted by the Act of May 1, 1933, P.L., 103, as amended, the Board of Supervisors of the Township of Washington, Franklin County, Pennsylvania, hereby enacts and ordains as follows:

Section 1. This Ordinance shall be known and may be cited as "The Township of Washington Junk Yard 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) Salvage yard or junk yard means any land or building or other place used for the collection, storage,

keeping, abandonment, demolition, dismantling, storage or salvaging of any discarded material or article and this shall include but not be limited to, scrap metal, scrapped, abandoned or junked motor vehicles, machinery, equipment, paper, glass, containers, and structures. Specifically excluded, however, is refuse or garbage kept in a proper container for the purpose of prompt disposal.

(b) Person means any natural individual, firm, company, corporation, tenant, owner, trust, partnership, association, lessee, licensee or agent.

(c) Township means the Township of Washington, Franklin County, Pennsylvania.

(d) Board means the Board of Supervisors of the Township of Washington.

Section 3. License for junk yard or salvage yard; application therefore and issuance thereof;

(a) It shall be unlawful for any person to establish, operate or maintain or permit to be established, operated or maintained upon any property owned or controlled by him a salvage yard or junk yard within the limits of the Township without having first secured a license therefore from the Board granted and existing in compliance with the terms of this Ordinance, which license shall expire one (1) year from the date of issuance; but such license may be renewed under the provisions of this Ordinance for additional periods of one (1) year.

(b) The application for a license for a salvage or a junk yard not in operation on the effective date of this Ordinance shall be filed with the Board and shall be accompanied by a filing fee of Twenty-Five (\$25.00) Dollars. The application shall be in writing signed by the applicant and shall include the following:

(1) The name and address of the applicant.

(2) The names and addresses of the owner or owners of the land upon which the salvage yard is to be laid out.

(3) The location shall be identified by a metes and bounds description together with a deed reference to the land, and it shall contain a layout of the proposed yard indicating compliance with the provisions of this Ordinance.

(4) Plans and specifications of all fencing, water facilities, access driveways, and sewage disposal system.

(c) The application and all plans and specifications shall be filed in triplicate. The Board shall inspect the application and the proposed plans and specifications and if deemed necessary, the real estate. If the proposed junk or salvage yard is found to be in compliance with all provisions of this Ordinance and all other applicable ordinances and statutes, the Board shall approve the application and upon completion of the salvage or junk yard according to the plan shall issue the license.

(d) The application for a license for an existing junk or salvage yard shall be filed with the Board of Supervisors and shall be accompanied by a fee of Twenty-Five (\$25.00) Dollars. The application shall be in writing signed by

the applicant and shall include the following:

- (1) The name and address of the applicant.
- (2) Name and address of the owner or owners of the land upon which the salvage yard is maintained.
- (3) Such further information as may be required by the Board to enable it to determine if the yard is in compliance with all legal requirements.

(e) The application shall be filed in triplicate; the Board shall inspect the application and if the existing salvage yard is in compliance with all provisions of this Ordinance and statutes, it shall approve the application and issue the license.

(f) Upon application in writing by a license for a renewal of a license and upon payment of an annual license fee of Fifteen (\$15.00) Dollars, the Board shall issue a certificate renewing such license for another one (1) year term, provided such yard continues to be in compliance with the terms of this Ordinance.

(g) Any person desiring to extend the area of a salvage yard will be required to make application for a new license as set forth in sub-paragraph (b), supra, and will be required to comply with all provisions of this Ordinance for a new salvage yard.

Section 4 - Regulations. Salvage and junk yards shall conform to the following requirements:

(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 the residents nearby and shall be operated and maintained so as not to provide a breeding place for rodents or vermin.

(b) No garbage or other organic waste shall be stored on the premises.

(c) All materials shall be stored and arranged so as not to interfere with natural drainage of the land and shall be such as to prevent the accumulation of stagnant water and to facilitate access for fire fighting purposes.

(d) Maintenance shall be such that any adjacent stream or body of water shall not be polluted or damaged by the drainage or dumping of waste materials or waste substances therein. No solid wastes shall be burned at any time except in a manner approved by the Department of Health of the Commonwealth of Pennsylvania, or the Township. No material shall be burned at any time unless the licensee or a duly authorized agent of the licensee is present.

(e) No salvage yard or junk yard may be established or enlarged until the land upon which it is to be situated shall be fenced with a screen fence, board, masonry, or other suitable fencing, after approval thereof by the Township, of a minimum height of eight (8) feet surrounding the immediate area where the activities of the yard are to be conducted; provided, however, that means of ingress and egress thereto shall have gates, doors or other barriers of at least eight (8) feet in height which shall be closed and locked when the yard is not in operation.

(f) Existing salvage or junk yards not having existing fencing or walls shall install such fencing in accordance with Section 4, supra, within twenty-four (24) months from the date of the adoption of this Ordinance as a condition of maintaining their license.

(g) Every licensee under this Ordinance shall maintain a record, in English, of all items purchased or received by him, together with the date and hour of purchase or receipt and the name and address of the person from whom the article or material was purchased or received. Such record shall be available at all times for inspection by any official of the Township or by duly acting law enforcement officers.

Section 5 - Location. Layout and screening. All new or enlarged junk yards or salvage yards shall conform to the following requirements:

(a) The fencing required by Section 4, Sub-section (e), supra, shall be set back twenty-five (25) feet from any existing street or alley and twenty (20) feet from all adjoining lot lines, and the area between the set-back line and the right-of-way line or property line shall at all times be kept clear and vacant.

Section 6 - Supervision. The Licensee or a duly authorized agent of the licensee shall be in charge at all times when the salvage yard or junk yard is open to the public and shall keep the materials collected and stored therein in a safe condition.

Section 7 - Revocation of License. Board may revoke any license to maintain and operate a salvage or junk yard when a licensee has been found guilty by a court of competent jurisdiction of violating any provision of this Ordinance. After such a conviction, the license may be reissued if the circumstances leading to a conviction have been remedied.

Section 8 - Penalties. Any person violating any section or sections of this Ordinance, upon summary conviction before a Justice of the Peace, shall be sentenced to pay a fine of not more than Two Hundred (\$200.00) Dollars and the costs of prosecution, and in default thereof, to undergo imprisonment in the Franklin County Jail for a period of not more than thirty (30) days. Provided, nevertheless, that each day's violation of any of the provisions of this Ordinance shall constitute a separate offense.

Section 9 - Severability. The provisions of this Ordinance are severable and if any word, words, part, parts, provisions, section, sentence, clause, exception or exemption shall be illegal, invalid or unconstitutional, such illegality, invalidity or unconstitutionality shall not affect or impair any of the remaining words, parts, provisions, sections, sentences, clauses, exceptions or exemptions of this Ordinance. It is hereby declared to be the intent of Township Supervisors that this Ordinance should have been adopted if such illegal, invalid or unconstitutional part had not been included herein.

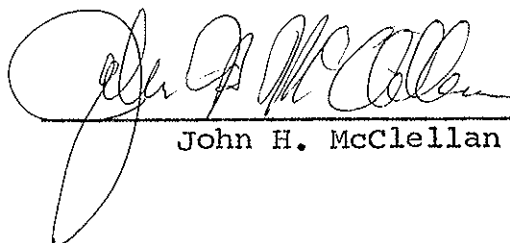
Section 10 - Effective Date. This Ordinance shall become effective May 9, 1970.

Ordained and enacted into an Ordinance this 4th  
day of May, 1970.

## WASHINGTON TOWNSHIP SUPERVISORS

  
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Andrew S. Fitz

  
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Merle C. Eigenbrode

  
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John H. McClellan