

SOUTH MIDDLETON TOWNSHIP
CUMBERLAND COUNTY, PENNSYLVANIA

ORDINANCE NO. 96-09

AN ORDINANCE REGULATING THE ESTABLISHMENT AND MAINTENANCE OF JUNKYARDS.

IT IS HEREBY ENACTED AND ORDAINED by the Board of Supervisors of South Middleton Township, Cumberland County, Pennsylvania, as follows:

SECTION 1. SHORT TITLE

This Ordinance shall be known and may be cited as the "South Middleton Township Junkyard Ordinance."

SECTION 2. DEFINITIONS

- A. Person - Any individual, partnership, association, firm, corporation, or other entity recognized by law.

- B. Township - South Middleton Township, Cumberland County, Pennsylvania.

- C. Board - The Board of Supervisors of South Middleton Township.

- D. Junkyard - A lot, land or structure, or part thereof used for the collection, storage, and/or sale of waste paper, rags, scrap metal, or other discarded material, and/or for the collection, dismantling, storage or salvaging of machinery or vehicles not in running condition, and/or for the sale of parts thereof. For purposes of this Ordinance, a junkyard shall not include a recycling processing center, as provided in South Middleton Township Ordinance No. 93-01 & 94-08.

- E. License - The permit granted to a person who maintains a junkyard.

SECTION 3. LICENSE

No person shall maintain a junkyard without first having obtained a license from the Board of Supervisors of South Middleton Township, for which license a fee in accordance with this Ordinance shall be paid to the Township. All applications seeking issuance of a first-time license, if approved, shall become effective January 1 of the next calendar year and shall be effective for one (1) year thereafter.

All licenses hereunder require annual renewal. Public hearings on applications for a license are mandatory only for the initial license request. Public hearings on all

subsequent license renewals are within the discretion of the Board of Supervisors. The applicant may request that the license be renewed without public hearings by making request at the time of filing. The request must be in writing and shall set forth a brief summary addressing reasons why public hearings should not be held. If license is not renewed, together with fees paid, on or before the first day of January of each year, the license will be deemed to have been properly and legally revoked.

SECTION 4. APPLICATION FOR LICENSE

The license provided for in this Ordinance may be issued by the Board only after written application shall have been made therefor by the person desiring to be licensed. Such license shall state the name of the person to whom such license is issued and the premises on which such junkyard is to be maintained. Such license shall be posted conspicuously upon the premises licensed thereunder.

The application shall be sworn to by each of the signers before a notary public or officer authorized by law to administer oaths and shall include the following information or material:

- a. Name, residence address, and telephone number of each applicant, partner or, if a corporation or other organization, of each officer or director, in addition to the corporation;
- b. Trade names used during the previous five years by the applicant and each person signing the application, along with the location of prior establishments;
- c. Names and addresses of the employers of each person signing the application in the previous five years;
- d. An indication as to any bankruptcy sustained within the previous five years by the applicant, a partner, or any other party maintaining at least a majority financial interest in the junkyard;
- e. The name, residence address, and telephone number of each person who owns a financial interest in or is employed or intended to be employed in the junkyard, as of the time the application is filed;
- f. Exact address or location of the place where the junkyard is proposed to be maintained, plus an accurate diagram of the actual premises to be used in connection with the junkyard, giving distances in feet and showing adjoining roads, waterways, property lines, buildings and their uses, planned or existing fencing and screening, and fire hydrants;
- g. A description of the materials which any building to be used in connection with the licensed business consists of; a sketch giving distances showing the location of such buildings on the business premises

and giving distances to nearest fire hydrants or other water sources for fire-fighting purposes; and a diagram or plan giving distances and heights of the buildings, showing floors, exits, entrances, windows, ventilators and walls;

h. A reasonable description of the materials to be used in the junkyard;

i. The anticipated hours of operation of the junkyard;

j. An indication as to any conviction of the applicant, or an officer, director or majority shareholder if the applicant is a corporation, as to any crime of moral turpitude committed within the preceding five years;

k. A listing of other junkyards owned or managed by the applicant, or an officer, director or majority shareholder if the applicant is a corporation, providing the location, nature of junk and revenue of the junkyards, and any violation of law involving the junkyards;

l. The anticipated revenue of the applicant and the applicant's income for the preceding five years; and

m. Such other information as the Board of Supervisors or Township Zoning Officer shall find reasonably necessary to effectuate the purposes of this Ordinance and to arrive at a fair determination of compliance with the terms of this Ordinance.

SECTION 5. ISSUANCE OF LICENSE

Within 60 days of receipt of an application, and after a public hearing that was advertised at least once in a newspaper of general circulation in the Township, said advertisement given at least seven days prior to the hearing, the Board of Supervisors of South Middleton Township shall issue a license or shall refuse to issue a license to the applicant after examination of the application and taking into consideration the suitability of the property proposed to be used for the purpose of the license, the character of the properties located nearby, the financial ability or character of the applicant to comply with applicable law, the affect on the public's health, safety and welfare, and compliance with other Ordinances. In the event the Board of Supervisors of South Middleton Township shall issue a license, it may impose upon the license and the person applying therefor such reasonable terms and conditions in addition to the regulation herein contained and adopted pursuant to this Ordinance as may be deemed necessary to carry out the spirit and intent of this and other applicable Ordinances.

There shall be a fee for each application as approved by resolution to be paid immediately upon making initial application to the Supervisors of South Middleton Township.

SECTION 6. LICENSE FEE

A license fee shall be paid before the issuance or renewal of a license. The amount of the license fee shall be approved by resolution.

SECTION 7. LICENSE LIMITATION

No person licensed under this Ordinance shall, by virtue of one license, maintain more than one junkyard, for the purpose of buying, selling and dealing in junk, or shall extend a junkyard beyond the description in the license.

SECTION 8. TRANSFER OF LICENSE

No license issued by the Board of Supervisors of South Middleton Township shall be transferrable by the licensor to any other person unless such a transfer is authorized by the Board of Supervisors of South Middleton Township. Any person desiring to transfer a license shall notify the Board of Supervisors of South Middleton Township in writing, which notification shall be accompanied by an application for a license by the transferee as described in Section 4 of this Ordinance.

In determining whether to authorize the transfer of a license, the Board of Supervisors shall follow the procedure and considerations set forth in Sections 4 and 5 of this Ordinance with respect to the initial application and issuance of a license.

In the event the Board of Supervisors of South Middleton Township shall approve of a license transfer, the transferee shall immediately pay to the Township a transfer fee of Fifty (\$50.00) Dollars.

SECTION 9.

The Board of Supervisors may, upon written request therefor, waive application requirements for a particular junkyard when the applicant is already in possession of a valid license for that junkyard.

SECTION 10. REGULATIONS

Every person licensed under this Ordinance shall constantly maintain the licensed premises in accordance with any special provisions imposed by the Board of Supervisors of South Middleton Township, and any subsequent regulations adopted by the Board, and shall abide by the following:

- 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, and shall be maintained in a sanitary condition. No water shall be allowed to

stand in any place on the premises in such manner as to afford a breeding place for mosquitoes and other such insects.

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

c. Whenever any motor vehicle shall be received in such premises as junk, all gasoline and oil 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 or arranged on 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. No burning shall be conducted within a junkyard.

g. The premises to be licensed shall be a minimum distance of ten (10) feet from the right-of-way lines on all streets or roads, and a minimum distance of twenty-five (25) feet from all other property lines.

h. No junkyard may encompass an area in excess of ten (10) acres.

i. No space not covered by the license shall be used in the licensed business.

j. Weeds and vegetation, other than trees and shrubbery, shall be kept at a height of not more than six (6) inches.

k. Junk shall be stored in piles not exceeding six (6) feet in height.

l. No combustible material of any kind not necessary or beneficial to the licensed business shall be kept on the premises, nor shall the premises be allowed to become a fire hazard.

m. No processing of junk or other activity, other than sales, shall be conducted on Sundays or at any time other than between the hours of 7:00 a.m. and 5:00 p.m.

n. The junkyard shall be enclosed, with entrances and exits having locking gates, by a solid, vertical wall or fence of a minimum height of seven (7) feet measured from the ground. Entrances and exits shall not be

wider or more numerous than reasonably necessary for the conduct of the business. In addition, the Board of Supervisors may require natural vegetative screening of such height and nature where it deems desirable.

SECTION 11. VIOLATORS

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 Six Hundred (\$600.00) Dollars, and not less than Two Hundred (\$200.00) Dollars, and the costs of prosecution, and in default of the payment of said fine shall be imprisoned in the Cumberland County Prison for a period not exceeding thirty (30) days. Each day's violation of any of the provisions of this Ordinance shall constitute a separate offense.

In addition, the Board of Supervisors may revoke a license issued under this Ordinance for any violations of this Ordinance.

SECTION 12. ABATEMENT OF NUISANCE

In addition to the remedies provided in Section 11 above, any continued violations of this Ordinance which, in the opinion of the Board of Supervisors of South Middleton Township, constitute a nuisance, may be abated by proceeding against the violator in a court of equity for relief.

SECTION 13. SEVERABILITY

If any section, clause, sentence, part or provision hereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, clauses, sentences, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board of Supervisors that this Ordinance would have been adopted if such illegal, invalid or unconstitutional section, clause, sentence, part or provision had not been included herein.

SECTION 14. EFFECTIVE DATE

This Ordinance shall be effective immediately.

SECTION 15. REPEALER

All other Ordinances or parts thereof which are in conflict with this Ordinance are hereby repealed. In addition, Ordinance No. 12-15-69, relating to junkyards, is specifically repealed.

ENACTED AND ORDAINED this 24th day of October, 1996.

ATTEST:
BARBARA A. WILSON, SECRETARY

BOARD OF SUPERVISORS
BY TERRY T. RICKERT, CHAIRMAN