

AN ORDINANCE REGULATING JUNK DEALERS, THE ESTABLISHMENT AND MAINTENANCE OF JUNK YARDS, INCLUDING, BUT NOT LIMITED TO, AUTOMOBILE, JUNK OR GRAVE YARDS, THE STORAGE AND DISPOSAL OF SCRAP, REFUSE AND JUNKED ARTICLES, PROVIDING FOR APPLICATIONS FOR LICENSES FOR JUNK DEALERS, PROVIDING STANDARDS FOR THE ISSUANCE OF LICENSES FOR JUNK DEALERS, AND PROVIDING FOR THE MAINTENANCE AND OPERATION OF JUNK YARDS, PROSCRIBING CERTAIN REMEDIES TO BE UTILIZED IN THE CASE OF AN UNLICENSED JUNK YARD OR SCRAP YARD, PROSCRIBING PENALTIES FOR VIOLATORS, AND PROVIDING FOR THE REVOCATION OF LICENSES IN THE EVENT OF NONCOMPLIANCE.

SECTION I

This Ordinance shall be known and may be cited as the Franklin Township Junk Yard Ordinance of 1978. This Ordinance is enacted under the authority of Article VII, Section 702, Clause LVIII, of the Second Class Township Code, Act of May 1, 1933, P.L. 103, as amended, 53 P.S. 65758.

SECTION II

This Ordinance, by its enactment, repeals and abrogates any Ordinances of Franklin Township previously enacted regarding the establishment or maintenance of Junk Yards in Franklin Township.

SECTION III

Unless otherwise expressly stated, the following words and phrases shall be construed throughout this Ordinance to have the meanings herein indicated.

A. Person shall include any partnership, association, firm or corporation.

B. Township shall mean Franklin Township, Erie County, Pennsylvania.

C. Board shall mean the Franklin Township Board of Supervisors.

D. Junk. The term Junk as used in this Ordinance shall mean discarded materials, articles or things possessing value in part, gross or aggregate, and including, but not limited to, scrapped motor vehicles and parts thereof, including motors, bodies of motor vehicles which are inoperable and/or do not have a current and valid inspection sticker as required by the Motor Vehicles Laws of the Commonwealth of Pennsylvania; provided however, that any individual may have one said inoperable motor vehicle without a valid inspection sticker on their premises and provided further that the term "junk" shall not include garbage or other organic waste, or farm machinery, provided said farm machinery is used in connection with a bona fide farming operating.

E. Junk Dealer. The term Junk Dealer as used in this Ordinance shall mean any person, partnership, association or corporation engaged in the business of selling, buying or dealing in junk, including, but not limited to, buying, selling and dealing in junked or scrapped motor vehicles, or parts removed from scrapped motor vehicles, or otherwise engaging in the operation of an automobile grave yard as provided in the Act of May 1, 1933, P.L. 103, Article VII, Section 702, C.LVIII, as amended; 53 P.S. 65758.

F. Junk Yard. The term Junk Yard as used in this Ordinance shall mean any place or establishment visible from any direction from a road right-of-way situate in Franklin Township, where junk is stored or accumulated on the outside of any building, edifice or structure that is enclosed on all sides or where the business of selling, buying or dealing in junk is carried on, or where two or more motor vehicles are stored which are unlicensed, inoperable and/or do not have a current and valid inspection sticker as required by the Motor Vehicle Laws of the Commonwealth of Pennsylvania, except, however, motor vehicles used exclusively for farm use shall not come within this definition; and provided further, however,

that the term "junk yard" shall not include a premises wherein unlicensed motor vehicles are stored if, in fact, said unlicensed vehicles were previously owned and operated by the owner of the premises.

G. License shall mean the permit granted by Franklin Township to a person who accumulates, stores or disposes of junk as hereinbefore defined or who maintains a junk yard as defined herein within the Township of Franklin.

SECTION IV

On and after the effective date of this Ordinance, no person shall engage or continue to engage in business as a junk dealer or establish or operate a junk yard in the Township of Franklin, except as authorized by this Ordinance and without first having made an application for a license and obtained a license therefor from the Supervisors as provided in Sections V and VII herein. Every junk dealer shall pay an annual license fee of \$200.00 for every license or renewal thereof issued under the terms of this Ordinance. All licenses shall be issued for a term of one year beginning August 1 and ending July 31 of the following year. No abatement of the annual license fee shall be made for any cause whatsoever. All licenses must be renewed annually on or before the first day of August of each year by a renewal application which shall contain the same information and be subject to the same standards and conditions as the applicant's initial application.

SECTION V

A. The license provided for in this Ordinance shall be issued by the Franklin Township Board of Supervisors after written application shall have been made therefor by the person desiring to be licensed. Such application shall be made on such forms as the Board may provide. All blanks contained on

said form and questions asked therein shall be fully answered by the applicant. Said application shall include, but not be limited to, the following:

1. Name of person completing application.
2. Applicant's address.
3. Address and description of the premises on which the business is to be conducted or the junk yard maintained.
4. Identity of the owner of the premises.
5. Material to be junked.
6. Days of the week which the business will be conducted.
7. Hours during the day which the business will be conducted.
8. Each application shall describe the premises upon which the junk yard is to be established or operated, specifying therein set back lines as required herein, structures erected thereon, and dwellings erected upon premises adjacent to the premises proposed to be used.
9. A reference to the place where the deed to the premises is recorded.

B. In addition to the foregoing, each applicant by executing said application agrees to comply with the following standards for the operation and maintenance of a junk yard in Franklin Township; and further providing that no license shall issue until said standards are complied with:

1. No junk shall be stored or accumulated nor shall any structure be erected within 150 feet of any existing dwelling house erected upon premises adjacent to the licensed premises. Provided: that nothing contained in this subsection shall apply to existing structures pertaining to and being used in connection with junk yards presently established and operating.

2. On that portion of the premises to be utilized as a junk yard, and which abuts or borders on a road right-of-way, and which is visible from said road right-of-way; there shall be erected a solid masonry or metal fence or wall of a uniform design, texture and structure. Such fence or wall shall not be less than six feet in height nor shall two or more vehicles or major parts thereof be stacked on top of one another or otherwise as to protrude above it. The erection of said fence shall be completed within one year after the effective date of this Ordinance. It is further provided that the foregoing fencing provisions shall be applicable only to that portion of the premises being immediately used for the storage of junk and shall not be applicable to the balance of the property owned or used by said junk yard operator so long as said remaining portion of land is not being used for the storage of junk as defined in this Ordinance.

3. On that portion of the premises to be utilized as a junk yard, and which does not abut or border on a road right-of-way, and which is not visible from said road right-of-way; there shall be implanted shrubbery, bushes, and evergreens, or the like, at reasonable intervals between each such plant.

4. No junk, scrap or automobile bodies, motors or any other item of junk as defined in this Ordinance shall be stored, maintained, situated, placed or otherwise located within 20 feet of any river, stream, run, creek, irrigation ditch, or any other natural water course within the boundary lines of Franklin Township.

5. No junk yard as defined in this Ordinance shall be granted a license under the provisions hereof unless offstreet parking is provided within the property owner's boundary lines.

C. It is further enacted and ordained that no application shall be approved by the Board or license issued by the Board until these standards and conditions have been complied with.

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 gallons may be stored above ground in said junk yards provided the same be placed in metal containers specifically manufactured or constructed for the storage of gasoline. 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. Any person licensed under this Ordinance shall not burn more than one motor vehicle or its equivalent at any one time. Burning of vehicles must be attended to and controlled at all times.

F. All junk stored or maintained in a junk yard licensed pursuant to this Ordinance shall be arranged and maintained in a neat and orderly fashion. All of such junk, vehicles and other junk are to be arranged in rows with a minimum of 20 feet of clear space between each row and each of said rows to be no greater in width than 40 feet.

G. Every structure erected upon the licensed premises and used in connection therewith shall be of fireproof construction, provided, that nothing contained in this subsection shall apply to existing structures pertaining to and being used in connection with junk yards presently established and operating.

H. No premises licensed as a junk yard under the terms of this Ordinance shall exceed 20 acres.

SECTION VII

Upon receipt of a proper application as required in Section V above, the Board shall:

A. Review the application for completeness.

B. Conduct an inspection by either itself or its properly authorized agents of the premises to be licensed to determine whether or not the premises is in accordance with the application and otherwise in compliance with the terms of this Ordinance.

C. Within 30 days of receipt of the application:

(1) Issue a license to the applicant to accumulate, store or dispose of junk in Franklin Township; or,

(2) Deny the issuance of a license and provide in writing the reason(s) for said denial; provided, however, that a license may only be denied for the reason or reasons that the applicant has failed to comply with the standards and conditions set forth in Section V above, or has otherwise submitted an improper application.

Upon approval of the application for license, the Board shall issue to the applicant a license, upon which said license shall be designated the name of the junk dealer and the address of the premises approved for use as a junk yard. Such license shall be at all times conspicuously posted upon the premises licensed thereunder. No such license issued by the Board shall be transferrable or assignable by agreement, will, intestacy or otherwise.

SECTION VIII

Any applicant whose initial or renewal application for a license shall be denied for cause as hereinbefore specified, and every person who shall engage or continue to engage in business as a junk dealer in violation of any of the terms and

provisions of this Ordinance, or who shall keep or store upon his or other premises junk, as hereinbefore defined in this Ordinance, without first having obtained a license therefor, shall within 15 days after registered notice of such event remove and clear from the premises or junk yard all junk therein as defined in this Ordinance. If within such period of 15 days such denied applicant or violator fails to fully comply with the provisions of this section, all such property remaining upon such premises after such period of 15 days shall be presumed to be abandoned and to be of no value and, at the option of the Board, the same may be disposed of by the Township on behalf of said denied applicant or violator. The remedies provided for in this section shall be in addition to any other remedies or penalties provided by law.

SECTION IX

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, 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, or maintain a junk yard in any place other than the place designated upon his license.

SECTION X

Every licensee hereunder shall provide and shall at all times keep and maintain records in the English language, of the time of his purchase, acquisition or receipt of junk, a full and complete description, including trade names, serial or a manufacturer's number, if any, of every article or item of junk purchased, acquired or received by him, the date and approximate hour of such purchase, acquisition or receipt, and

the name and address of the person from whom such article or item of junk was purchased, acquired or received. Such written records shall at all times be subject to the inspection of the Franklin Township Zoning Administrator or its agent for just cause. Such records shall be retained for a period of five years.

SECTION XI

Every licensee hereunder shall keep and retain upon the licensed premises, for a period of 24 hours after the purchase, acquisition or receipt thereof every item or article of junk so purchased, acquired or received by him and placed on the licensed premises. The licensee shall not disturb or reduce or alter the original form, shape or condition of the same until such period of 24 hours shall have elapsed.

SECTION XII

The Franklin Township Zoning Administrator or its agent shall from time to time regularly inspect the premises of every licensee hereunder for the purpose of determining whether said licensee has established and maintained his premises in full compliance with the provisions of this Ordinance and such rules and regulations which may hereafter be adopted by Franklin Township regulating and licensing junk dealers and the establishment and maintenance of junk yards. The Board or its agent shall forthwith prosecute any discovered violation of this Ordinance.

SECTION XIII

Every junk yard in Franklin Township shall at all times be subject to inspection during reasonable hours of the day by the Board or its agent.

SECTION XIV

Any person who shall violate any of the provisions of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not less than \$100, no more than \$300, and costs of prosecution, and in default of payment thereof, to imprisonment for not less than ten days nor more than 30 days. Provided: each day's violation of any of the provisions of this Ordinance shall constitute a separate offense.

SECTION XV

The provisions of this Ordinance shall be severable, and if any provisions thereof shall be held to be unconstitutional, invalid or illegal, by any court of competent jurisdiction, such decisions shall not effect the validity of any of the remaining provisions of this Ordinance. It is hereby declared as legislative intent that this Ordinance would have been enacted had such unconstitutional, invalid or illegal provisions not been included therein.

SECTION XVI

This Ordinance shall become effective five days after enactment as provided in the Second Class Township Code.

ENACTED AND ORDAINED THIS 14th DAY OF July, 1978.

FRANKLIN TOWNSHIP
BOARD OF SUPERVISORS

BY: Robert P. Beck

BY: April Lee

BY: Henry H. Horn

ATTEST:

Deanne K. Horn