

ORDINANCE NO. 2009-01

**AN ORDINANCE REGULATING AND
LICENSING JUNK DEALERS AND
THE ESTABLISHMENT AND
MAINTENANCE OF JUNK YARDS IN EAST
HANOVER TOWNSHIP, DAUPHIN COUNTY,
PENNSYLVANIA**

It is hereby enacted and ordained by the Supervisors of East Hanover Township, Dauphin County, Pennsylvania as follows:

ARTICLE I

Short Title

Section 101. This Ordinance shall be known as “The East Hanover Township Junk Yard Ordinance.”

ARTICLE II

Definitions

Section 201. The following words and phrases, as used in this Ordinance, shall have meanings hereby ascribed thereto unless the context clearly indicates a different meaning.

1. **Board:** The Board of Supervisors of East Hanover Township, Dauphin County, Pennsylvania.

2. **Farm Machinery:** All types of farm machinery and equipment, but limited to machinery and equipment that was originally manufactured for farm uses, and that is retained on farmed properties either as operable equipment or for the purpose of salvaging repair parts.

3. **Junk:** Any discarded or salvageable article or material, including but not limited to: scrap metal, paper, rags, glass, containers, structures, junked motor vehicles and trailers, machinery and equipment, with the exception of farm machinery and mobile-home house-trailers that are occupied or are properly placed and planned for occupancy.

4. **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.

5. **Junk Yard:** Any place where junk, as defined herein, is stored or accumulated. Any premises as herein defined having two or more unlicensed

motor vehicles and/or trailers thereon, not being held exclusively for resale in their entirety, shall be deemed to be a junk yard.

6. **Junked Motor Vehicles:** All types of automobiles, trucks, tractors, and self-propelled machinery of all kinds, except farm machinery, for which no motor vehicle registration plate and/or annual plate renewal sticker has been issued for a twelve (12) month period following the expiration date of the plate and/or sticker previously issued to such vehicle, and such vehicle is inoperable and/or not being held for resale in its entirety.

7. **Person:** Any natural person, partnership, firm, company, corporation, or other legal entity, including singular and plural, male and female.

8. **Premises:** Any parcel of land situated in East Hanover Township, Dauphin County, Pennsylvania, having a separate tax map parcel number for county assessment purposes.

9. **Township:** The Township of East Hanover, Dauphin County, Pennsylvania.

10. **Trailer:** Any wheeled vehicle not self propelled, drawn by a motor vehicle.

ARTICLE III

License to Operate

Section 301. No person may be a junk dealer as herein defined within the township without first obtaining a license to operate as herein described.

Section 302. LICENSE APPLICATION

Any person desiring to be licensed as a junk dealer in the Township shall first make written application to the Board. Such application shall be in the form established by the Board, and shall set forth the applicant's name and address; include an accurate description of the premises on which the junk yard is to be located, including the Dauphin County tax map parcel number(s); include a statement that the applicant will comply with this ordinance and any regulations adopted pursuant to this ordinance; and such other information as the Board may require.

Section 303. LICENSE ISSUANCE

An application for license under this ordinance shall be examined by the Board or duly authorized agent thereof. A license will either be issued or refused within 60 days of submission of the application to the Board. Examination of the application shall include consideration of the suitability of the property for the proposed use upon the Township. The Township Planning Commission may be required by the Board or its agent to perform an application and site review and render its recommendation regarding the application, and conditions in addition

to those herein contained and adopted pursuant to this ordinance may be imposed as the Board may deem necessary to carry out the spirit and intent of this ordinance. When the application is found in compliance with the provisions herein given, the Board or its agent shall issue a license to the junk dealer applicant for operation of the junk yard as described in the application.

Section 304. LICENSE FEE AND PERIOD

The license fee shall consist of two parts; the application fee shall be \$25.00 and is not returnable in case of refusal of license; the annual license fee shall be \$100.00 where the junk yard is one acre or less in size. Where the junk yard is over one acre in size, the annual license fee shall be \$100.00 plus \$25.00 per acre for each acre or part of an acre in excess of one acre. All fees are due, payable to and for the use of the Township at the time of application. The period of any license issued under this ordinance shall be for one calendar year or portion thereof and shall terminate on December 31st of the year in which issued.

Section 305. LICENSE RENEWAL

Licenses issued under this ordinance are required to be renewed on or before January 1 of the year in which it is desired to continue operations. Such application for renewal must be in writing, in such form as may be required by the Board, and accompanied by the license fee. Renewal applications are subject to complete re-examination and consideration by the Board or its agent for continued compliance with the terms of this ordinance.

Section 306. LICENSE LIMITATIONS

1. No person under this ordinance shall, by virtue of one license, operate more than one business or junk yard within the Township.
2. No person shall engage in business or operate a junk yard at any place other than that designated by his license.
3. Licenses are not transferable, both as to junk dealer and junk yard premises.

ARTICLE IV

Operating Requirements

Section 401. LICENSE DISPLAY

The license under which the junk yard is operated shall at all times be conspicuously posted on the licensed premises.

Section 402. RECORDS

Permanent records of all junk received in or removed from any junk yard shall be kept by the junk dealer on the premises, containing the name and address from whom received or to whom delivered, the date thereof, and a description of the junk. For junked motor vehicles, the record must include the serial number of the

vehicle in the description of the junk and a Certificate of Salvage as may be required under the Vehicle Code of the Commonwealth of Pennsylvania. Such records shall be open to inspection at all reasonable times by the Board or its agent, and to any law enforcement officer.

Section 403. TEMPORARY STORAGE

All junk purchased by the junk dealer or received at the junk yard shall be placed in temporary storage for a minimum of 48 hours. During this time it may not be reduced or altered from its original form, shape or condition except as hereinafter provided.

Section 404. HOURS OF OPERATION

Junk yards or businesses licensed under this ordinance may not operate on Sunday, nor between the hours of 10:00 P.M. and 7:00 A.M., except to remove any wrecked automobile from any public highway.

Section 405. JUNK YARD ATTENDANT

Junk yards shall have an adult attendant, 21 years of age or older, for business purposes on the premises at all times during business hours.

Section 406. JUNK STORAGE

All junk in a junk yard licensed under this ordinance shall be stored as herein provided.

1. SETBACK

All junk shall be set back at least 50 feet from any adjoining premises and at least 35 feet from the nearest right of way of any public street, road or highway.

2. ACCESS

All junk shall be stored and arranged so as to permit access by fire fighting equipment. Junked motor vehicles shall be spaced in rows with at least 15 feet between double rows.

3. ARRANGEMENT AND STACKING

Junk shall be arranged so as to prevent the accumulation of stagnant water, and shall be stacked to a height of not more than 10 feet from the ground.

4. GASOLINE AND OIL

All gasoline and oil shall be drained from junked motor vehicles within 12 hours of arrival on premises. Such gasoline and oil shall be stored at only one location on the premises and not more than 100 gallons in the aggregate, in proper containers, may be stored above ground.

5. INTERIOR STORAGE REQUIRED WITH APPROVED ROOF

Papers, rags, plastics and similar materials for salvage shall be stored indoors.

Section 407. TIME LIMITS

Papers, rags, plastics and similar materials for salvage shall not be accumulated or remain on the junk yard premises for more than 60 days. Materials separated as rubbish may not be accumulated for more than 30 days.

Section 408. BURNING AND MELTING

Not more than one motor vehicle or its equivalent may be burned at any one time. Gasoline, grease, oil, tires or similar material which might be dangerous or tend to produce obnoxious smoke or odors shall not be burned at any time. Any and all burning or melting on a junk yard premises shall be properly attended and controlled at all times.

Section 409. PROHIBITED MATERIALS

Garbage, organic waste, or plain rubbish shall not be received or stored in any junk yard. Materials designated as rubbish may be received only as mixed with salvageable materials and shall be promptly disposed of as herein provided.

ARTICLE V

Enclosure and Maintenance

Section 501. Every junk dealer licensed under this ordinance shall enclose and maintain his junk yard premises as herein provided.

Section 502. FENCE ENCLOSURE

Every junk yard premises shall be completely enclosed by a fence. Such fences shall be set back in accordance with the provisions of Article IV, section 406, paragraph 1 of this ordinance, shall be 10 feet in height, and shall be made of wood or wire with maximum lineal openings of 3 inches. Entrance gates shall be made of similar materials, well constructed, and shall be kept securely locked except during business hours. Fencing shall be maintained in good condition throughout its length at all times.

Section 503. LANDSCAPE SCREEN PLANTING

Junk yard premises which have fence enclosures visible from an abutting public thoroughfare or from an abutting residential property within 500 feet of the fence shall have a landscaped screen of trees and/or shrubs, of varieties capable of attaining a continuous height of 6 feet within 2 years, planted along such fence or section of fence. All required open areas between fence and lot lines of the premises shall be maintained continuously in good order, free of weeds and scrub growth.

Section 504. INTERIOR MAINTENANCE

The area inside the fence and lot lines of any junk yard premises shall have weeds mowed regularly and not permitted to go to seed.

Section 505. NUISANCE AND SANITARY PROVISIONS

1. All junk yard premises shall be maintained in such manner as to cause no public or private nuisance.
2. Nor shall they cause any menace to the health or safety of persons off the premises.
3. Nor shall they cause any excessive or offensive odors or sounds.
4. Nor shall they cause the breeding, harboring or infesting of rats, rodents or vermin.
5. Nor shall they be in violation of any health or sanitation law or ordinance or regulation of any governmental body.

ARTICLE VI

Inspection and Regulation

Section 601. Every junk dealer and junk yard licensed under this ordinance is subject to inspection and regulation as herein provided.

Section 602. INSEPCION

Any member of the Board or the agent of the Board may at any reasonable time enter upon any premises currently licensed or for which a licensed application is pending.

Section 603. REGULATION

The Board may from time to time adopt regulations to carry out the provisions of this ordinance, upon giving notice to the licensees affected by such regulations.

ARTICLE VII

Violations

Section 701. Any person violating any provisions of this ordinance shall upon conviction by summary proceedings before a Justice of the Peace be subject to a fine not exceeding \$500.00 plus costs of prosecution, or in default thereof shall be sentenced to imprisonment in the Dauphin County Prison for a period not to exceed 10 days for each such offense, or both. Each day of violation shall constitute a separate offense.

ARTICLE VIII

Legal Remedy

Section 801. The Board or any aggrieved person may take any appropriate action at law or in equity, civil or criminal, to enforce the provisions of this ordinance, and this ordinance shall in no way restrict any remedies otherwise provided by law.

ARTICLE IX

Effectiveness, Severability and Enactment

Section 901. EFFECTIVENESS

Junk dealers and junk yards operating and existing in the Township on the effective date of this ordinance shall be required to comply with its provisions and obtain a license under this ordinance within 6 months from the effective date. However, an extension of the time allotted for complying with the terms of the ordinance may be granted at the discretion of the Board. Such extension shall be for good reason, and shall not exceed 6 months.

Section 902. SEVERABILITY

If any section, clause or provision or portion of this ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this ordinance.

Enacted this ____ day of _____, 2008.

BOARD OF SUPERVISORS OF
EAST HANOVER TOWNSHIP

By _____
Chairperson

Attest:

Secretary