



WEST MAHANNOY TOWNSHIP BOARD OF SUPERVISORS

190 Pennsylvania Avenue
SHENANDOAH, PA 17976

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ORDINANCE NO. 94-3

AN ORDINANCE OF THE TOWNSHIP OF WEST MAHANNOY DEFINING, REGULATING AND LICENSING JUNKYARDS; AUTHORIZING THE ESTABLISHMENT OF LICENSE FEES AND REQUIRING THE POSTING OF LICENSES; REGULATING OPERATIONS AND STORAGE OF CERTAIN MATERIALS; PRESCRIBING FENCING, SCREENING AND MAINTENANCE STANDARDS; SETTING COMPLIANCE HERewith; AUTHORIZING INSPECTIONS BY DESIGNATED OFFICIALS; PROVIDING CERTAIN EXCEPTIONS FOR PRE-EXISTING JUNKYARDS; AND PRESCRIBING REMEDIES AND PENALTIES FOR VIOLATION.*

The Township of West Mahanoy hereby ordains:

Section 1. Definitions. As used in this ordinance, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

FARM MACHINERY- all types of machinery and equipment which were originally manufactured for farm use, which are retained on farm properties, either as operable equipment or for the purpose of salvaging repair parts.

JUNK - any discarded or salvageable article or material including, but not limited to, scrap metal, paper, rags, glass, and equipment, with the exception of farm machinery and mobile homes or house trailers which are occupied or are properly placed and planned for occupancy.

JUNK DEALER - any person who buys, sells, salvages, stores, or in any way deals in junk; or owns, leases, operates or maintains a junkyard within the municipality.

JUNKYARD - any place where junk as herein defined is stored or accumulated. Any premises as herein defined having two or more unlicensed motor vehicles and/or unlicensed trailers thereon shall be deemed to be a junkyard, except that the foregoing shall not apply to duly licensed automobile dealers having operable vehicles on their premises for resale. Such exceptions shall not apply to inoperable vehicles being stored primarily for salvage purposes.

MOTOR VEHICLE - all types of automobiles, trucks, and tractors, including self-propelled machinery of all kinds with the exception of farm machinery.

PERSON - any natural person, partnership, firm, company, corporation, or other legal entity.

PREMISES - any parcel of land situated in the Township of West Mahanoy, having a separate tax map number of county assessment purposes.

SOLID WASTE - any waste, including but not limited to, municipal, residual or hazardous wastes including solid, liquid, semi-liquid or contained gaseous material.

TRAILER - any wheeled vehicle not self-propelled, drawn by a motor vehicle.

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

Section 2. License Required; Fees. No person may operate a junkyard as herein defined within the Township of West Mahanoy without first obtaining a license as herein described.

1. Any person desiring to operate a junkyard in the Township of West Mahanoy, shall first make written application to the Township supervisors. Such application shall be in the form established by the Township of West Mahanoy and shall set forth the applicant's name and address, include an accurate description of the premises on which the junkyard is to be located, including the County tax map parcel number(s), and a statement that the applicant will comply with this ordinance and any regulations adopted pursuant to this ordinance, and such other information as the Township of West Mahanoy may require. (State D.E.R. regulations require persons to apply to the state for a license when a junkyard is to be within 1000 feet of a federal highway.)

2. An application for license under this ordinance shall be examined by the Township supervisors and license issued or denied within sixty (60) days of submission to thereto. Examination of the application shall include consideration of the suitability of the property proposed to be used for the purpose of the license, the character of nearby properties, and the effect of the proposed use upon the zoning regulations of the Township of West Mahanoy. When the application is found in compliance with the provision of this ordinance, the Township supervisors shall issue a license to the junk dealer applicant for operation of the junkyard as described in the application.

3. The required fees shall consist of the application fee which shall not be returnable in case of refusal of license and the annual license fee which shall be established pursuant to a Resolution of the Township of West Mahanoy. All fees are due, payable to and for the use of the Township of West Mahanoy, at time of application. The Township supervisors may waive the application fee when issuing renewed licenses. The term 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.

4. 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 Township of West Mahanoy and accompanied by the license fee. Renewal applications are subject to complete re-examination and consideration by the Township supervisor for continued compliance with the terms of this ordinance.

5. No person licensed under this ordinance shall, by virtue of one license, operate more than one business or junkyard within the Township of West Mahanoy. No person shall engage in business or operate a junkyard at any place other than the place designated by his license. Licenses are non-transferable, both as to junk dealer and junkyard premises. The permitted size of a junkyard shall be fixed at the time of license issuance, with due regard for the existing and proposed uses of the surrounding area and properties and shall not be in excess of one (1) acre, excluding setback areas.

Section 3. Posting of Junkyard Licenses; Operating Procedures. The license under which the junkyard is operated shall at all times be conspicuously posted on the licensed premises, and the operating requirements as herein provided shall be complied with.

1. Permanent records of all junk received in or removed from any junkyard 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. Such records shall be open to inspection at all reasonable times by the Township supervisor, and by any law enforcement officer.

2. Junkyards and businesses licensed under this ordinance may not operate on Sunday, nor between the hours of 6 A.M. and 6 P.M., except to remove any wrecked automobile from any public highway.

Section 4. Storage Requirements for Junk. All junk in junkyards licensed under this ordinance shall be stored as herein provided:

1. All junk shall be set back at least forty (40) feet from any adjoining premises and at least sixty (60) feet from the nearest right-of-way of any public street, road or highway.

2. 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 twenty (20) feet between double rows; other junk shall be stored in piles or tiers, which shall be separated by aisles or cleared areas of no less than ten (10) feet.

3. Junk shall be arranged so as to prevent the accumulation of stagnant water, and shall be attacked to a height of not more than six (6) feet from the ground.

4. All gasoline and oil shall be drained from junked motor vehicles within forty-eight (48) hours of arrival on premises. Such gasoline and oil shall be stored at only one location on the premises and not more than one hundred (100) gallons in the aggregate, in proper containers, may be stored above ground.

5. Paper, rags, plastic and similar materials for salvage shall be stored indoors.

Section 5. Time Limit for Allowing Certain Materials to Remain on Premises. Paper, rags, plastic and similar materials for salvage shall not be accumulated or remain on the junkyard premises for more than sixty (60) days. Materials separated as solid waste shall not be accumulated for more than thirty (30) days.

Section 6. Burning Restricted. Not more than one motor vehicle or its equivalent may be burned at any one time. Gasoline, grease, oil, tires or similar materials, which could be dangerous or tend to produce smoke or odors shall not be burned at any time. Any and all burning or melting on junkyard premises shall be properly attended and controlled at all times.

Section 7. Certain Materials not to be Received or Stored in Junkyard. Garbage, organic waste, or plain solid waste shall not be received or stored in any junkyard. Materials designated as solid waste may be received only as mixed with salvageable materials and shall be promptly disposed of as herein provided.

Section 8. Fencing and Screening; Maintenance. Every junk dealer licensed under this ordinance, shall enclose and maintain his junkyard as herein provided:

1. Every junkyard premises shall be completely enclosed by a fence. Such fences shall be setback in accordance with the provisions of section 4, sub-section 1, of this ordinance, shall be at least (6') in height and shall be of wood or wire with maximum lineal openings of three (3) inches. Entrance gates shall be of similar material, 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.

2. Junkyard premises which have open-wire fence enclosures visible from an abutting public thoroughfare or from an abutting residential property within five hundred (500) feet of the fence shall have a landscaped screen of trees and/or shrubs, of varieties capable of attaining a continuous height of six (6) feet within two (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.

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

4. All junkyard premises shall be maintained in such a manner so as not to cause a public or private nuisance. Nor shall they cause any menace to the health or safety of persons off the premises. Nor shall they cause any excessive or offensive or noxious odors or sounds. Nor shall they cause the breeding, harboring or infesting of rats, rodents or vermin. Nor shall they be in violation of any health or sanitation law or ordinance or regulation of any government body.

Section 9. Right of Entry for Inspection; Additional Regulations Authorized. Every junk dealer and junkyard licensed under this ordinance is subject to inspection and regulations as herein provided:

1. Any member of the Township of West Mahanoy or the Township Supervisors may at any reasonable time enter upon the premises currently licensed or for which a license application is pending.

2. The Township of West Mahanoy may from time to time pursuant to resolution adopt regulations to carry out the provisions of this ordinance, upon giving notice to licensees affected by such regulations.

Section 10. Exceptions for Existing Junk Yards. The Township of West Mahanoy may waive the setback requirements as established by sub-section 1 of section 4, and planting requirements as established by sub-section 2 of section 8, for those junkyards in existence at the time of the enactment of this ordinance, if such junkyard is in compliance with the other requirements as provided by this ordinance, and if in the Township of West Mahanoy's discretion, compliance with aid setback requirements would cause undue hardship to such existing junkyard.

Section 11. Time Limit for Existing Establishments to Comply and Obtain License. Junk dealers and junkyards operating and existing in the Township of West Mahanoy on the effective date of this ordinance, shall be required to comply with the provisions or obtain a license under this ordinance immediately.

However, an extension of the time allotted in complying with the terms of this ordinance, may be granted at the discretion of the Township of West Mahanoy. Such extension shall be for good reason, and shall not exceed six (6) months.

Section 12. Penalties. Any person, firm or corporation who shall violate any provision of this ordinance shall, upon conviction thereof, be sentenced to pay a fine not more than six

hundred (\$600.00), and in default of payment, to imprisonment for a term not to exceed thirty (30) days. Each day that a violation of the ordinance continues, shall constitute a separate offense.

Section 13. Enforcement Remedies. The Township of West Mahanoy may take any appropriate action at law or equity, civil or criminal, to enforce the provisions of the ordinance, and this ordinance shall in no way restrict any remedies otherwise provided by law.

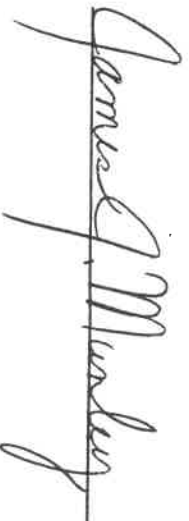
Section 14. Repealer. All ordinances or parts of ordinances, which are inconsistent herewith, are hereby repealed. The following ordinances or parts thereof are specifically repealed:

Section 15. Severability. If any sentence, clause, section, or part of the ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality or invalidity, shall not affect or impair any of the remaining provisions, sentence, clauses, section or parts of this ordinance. It is hereby declared as the intent of the Township of West Mahanoy, that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof been included herein.

Section 16. Effective Date. This ordinance shall become effective on June 20, 1994.







ATTEST:

