

Part 1

Regulating Junk Dealers and Junkyards

§101. Short Title. This Part 1 shall be known and may be cited as "Paradise Township Junkyard and Refuse Ordinance". (Ord. 1973-1, 4/9/1973, §1)

§102. Definitions. The following words and phrases when used in this Part 1 shall, for the purpose of this Part 1, have the following meanings, respectively, except in those instances where the context clearly indicates a different meaning:

BOARD - the Board of Supervisors of Paradise Township.

JUNK - any discarded material or article and shall include, but not be limited to, scrap metal, scrapped, abandoned, junked, damaged or wrecked motor vehicles, machinery, equipment, paper, glass containers, building materials and structures. It shall not include, however, refuse or garbage kept in a proper container for the purpose of prompt disposal. The failure of any motor vehicle to bear a current state registration and/or a current official state inspection emblem issued by the Bureau of Motor Vehicles of the Commonwealth of Pennsylvania or of some other state, shall be prima facie evidence that such motor vehicle is an abandoned and/or junked motor vehicle.

JUNKYARD - any place where any junk as hereinafter defined is accumulated, stored, or disposed of.

JUNK DEALER - any person, as hereinafter defined, who shall engage in the business of selling, buying, salvaging, and dealing in junk, or who causes or permits damaged or wrecked motor vehicles to be stored upon premises owned or occupied by him, and who maintains and operates a junkyard within the Township of Paradise.

LICENSE - the permit granted to a person who accumulates, stores or disposes of junk as hereinbefore defined.

PERSON - any natural person, partnership, association, firm or corporation.

TOWNSHIP - Paradise Township, York County, Pennsylvania.

(Ord. 1973-1, 4/9/1973, §2)

§103. License. No person shall engage in business as a junk dealer, or maintain a junkyard within the Township without first having obtained a license from the Board, for which license a fee as hereinafter set forth shall be paid to the Township for the use of the Township. The license shall be issued for the twelve (12) month period beginning January 1, and ending December 31, of each year, and each license must be renewed annually on or before the first day of January of each year. At least thirty (30) days prior to the expiration of the current existing license year, each licensee shall file a written application for renewal of his license with the Township Secretary, which application shall contain an affidavit under oath by the licensee that he is not maintaining a junkyard within the Township in violation of the terms of this Part 1. Upon receipt of an

application for renewal of a license, the Board may inspect the premises of the applicant and shall have the right to refuse a renewal of any license where the applicant is not in compliance with the provisions of this Part 1 and any regulations adopted hereunder; provided, however, that such refusal shall be in writing and shall contain the reasons for such refusal. The applicant shall have a period of ten (10) days from the date of said notice of refusal to renew his license to cure an deficiencies and/or to comply with the provisions of this Part 1. (Ord. 1973-1, 4/9/1973, §3)

§104. Application for License. The license provided for in this Part 1 shall be issued by the Board 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 business is to be conducted, or such junkyard to be maintained. Such license shall be posted conspicuously upon the premises licensed thereunder. The written application for license hereinabove mentioned shall be accompanied by a form, every question of which must be answered, which form will be supplied by the Board. Applicant shall also submit therewith a plot of the premises used or to be used in connection with such license. (Ord. 1973-1, 4/9/1973, §4)

§105. Issuance of License. Upon receipt of an application by the Board, the Board shall inspect the premises of the applicant to determine whether or not the applicant is in complete compliance with all of the provisions and terms of this Part 1 and the regulations adopted hereunder. Unless the Board shall determine that the premises of the applicant are in full compliance with such requirements, it shall not issue a license. In the event that the Board refuses to issue a license hereunder, it shall so notify the applicant in writing setting forth the reasons for such refusal. Any applicant engaging in business as a junk dealer or having a junkyard pre-existing on the date of adoption of this Part 1 shall have until January 1, 1977 to cure any deficiencies set forth in such notice and/or to comply with all other provisions of this Part 1 other than the obtaining of a license as required pursuant to §103. No license shall be issued for the use of a tract of land less than two (2) acres or more than ten (10) acres, including set back areas. (Ord. 1973-1, 4/9/1973, §5; as amended by Ord. 1976-1, 5/3/1976, §1)

§106. License Fee. A license fee in the amount of one hundred (\$100.00) dollars shall be paid immediately upon the issuance of renewal of a license. Provided, however, that if a license is issued by the Board after the thirtieth (30th) day of June and before the first (1st) day of December of any license year the fee for such license shall be one-half ($\frac{1}{2}$) the annual fee as set forth above. (Ord. 1973-1, 4/9/1973, §6)

§107. License Limitation. No person under this Part 1 shall, by virtue of one (1) license keep more than one (1) place of business within the Township or maintain more than one junkyard, 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 junkyard in any place other than the place designated upon his license. Notwithstanding the fact that an applicant for a license may own

property on both sides of a public road, the premises licensed hereunder shall be limited to that part of such property which is on one side of said public road only. (Ord. 1973-1, 4/9/1973, §7; as amended by Ord. 1976-1, 5/3/1976, §2)

§108. Transfer of License. No license issued by the Board shall be transferrable by the licensee to any other person unless such a transfer is authorized by the Board. Any person desiring to transfer his license shall notify the Board in writing, which notification shall be accompanied by an application for a license, as described in §104 of this Part 1, by the transferee. (Ord. 1973-1, 4/9/1973, §8)

§109. Transfer Fee. In the event the Board shall approve the transfer of a license the transferee shall immediately pay to the Township a transfer fee of ten (\$10.00) dollars. (Ord. 1973-1, 4/9/1973, §9)

§110. Records. Every person licensed under this Part 1, shall provide and shall constantly keep a book, in which shall be clearly written down in the English language at the time of the purchase of any junk, a description of every article or material purchased or received by him, the date and hour of such purchase, or receipt, and the person from whom such article or material was purchased, received or handled by such person, which book shall at all times be subject to the inspection of the Board and/or any police official of the Township or other person authorized by the Board. (Ord. 1973-1, 4/9/1973, §10)

§111. Delay in Disposal. Every person, licensed under this Part 1 shall keep and retain upon the licensed premises, for a period of fortyeight (48) hours after the purchase or receipt thereof, all junk received or purchased by him, and shall not disturb or reduce the same or alter the original form, shape or condition until such period of forty-eight (48) hours shall have elapsed. (Ord. 1973-1, 4/9/1973, §11)

§112. Regulations. Every person licensed under this Part 1 shall constantly maintain the licensed premises in accordance with the following regulations and any subsequent regulations adopted by the Board:

1. Such premises shall at all reasonable times be subject to the inspection of the Board and/or any police official of the Township or other person authorized by the Board.

2. 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.

3. No garbage or other organic waste shall be stored on such premises.

4. Whenever any motor vehicle shall be received on such premises as junk, all gasoline and oil shall be drained and removed therefrom. Gasoline in an amount not exceeding ten (10) gallons may be stored above ground in a junkyard provided the same be placed in containers approved by the Board. All other gasoline which is kept on the premises shall be stored underground, which underground storage must be approved by the Board.

5. 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. Junked automobiles shall be spaced in rows with at least fifteen (15) feet between each double row to permit movement of fire equipment. Junk shall not be piled to a height of more than eight (8) feet above the ground.

6. No person licensed under this Part 1 shall burn more than one (1) motor vehicle or its equivalent at any one time. No oil, grease, tires, gasoline or other similar material that might be dangerous or tend to produce obnoxious smoke or odors shall be burned within a junkyard at any time. Burning of vehicles must be attended and controlled at all times. Nothing contained herein shall be deemed to authorize any person licensed under this Part 1 to burn any material in violation of any federal, state or municipal air pollution law, ordinance, rule or regulation.

7. No junkyard shall be operated on Sunday, nor between the hours of 8:00 PM and 7:00 AM, except to remove a wrecked automobile from a public highway.

8. An adult attendant shall at all times during business hours remain on the premises.

9. All junk shall be stored and set back at least fifteen (15) feet from any adjoining premises and at least fifty (50) feet from the nearest edge of the cartway of any public road and highway.

(Ord. 1973-1, 4/9/1973, §12; as amended by Ord. 1976-1, 5/3/1976, §§3-4)

§113. Additional Regulations. The Board may from time to time adopt such additional regulations to carry out the provisions of this Part 1 as it deems necessary upon notice to existing licenses affected by such additional regulations. (Ord. 1973-1, 4/9/1973, §13)

§114. Violations.¹ Any person who shall violate any provision of this Part shall, upon being found liable thereof in a civil enforcement proceeding commenced by Paradise Township, pay a fine not exceeding one hundred (\$100.00) dollars for the first such offense, or a fine of not more than three hundred (\$300.00) dollars for the second such offense, or a fine of not more than six hundred (\$600.00) dollars for each succeeding offense, plus all court costs, including reasonable attorney's fees incurred by Paradise Township. Northern York County Regional Police Department, the appropriate enforcement officers of Paradise Township, or other appropriate officer or officers of Paradise Township shall have the power to enforce the provisions of this Part. The amount of the fine imposed for the violation of this Part shall be established by the officer who determines that a violation has occurred. Notice of the violation of the Part and the amount of the fine imposed shall be given by personal delivery or by certified mail to the person or entity violating the Part. If the person or entity violating the Part fails or refuses to pay the fine imposed within the period specified within the notice of the violation of the ordinance, the Township, or an officer thereof, shall file a civil enforcement proceeding with the district

¹Editor's Note: Please see Chapter 1, Part 6, "Criminal Enforcement Amendments."

justice of the peace to enforce the fine imposed. Any violation of this Part shall be deemed a separate offense for each and every day such violation shall continue and shall subject the violator thereof to the penalties above imposed for each and every separate offense. (Ord. 1973-1, 4/9/1973, §14; as amended by Ord. 1989-1, 8/7/1989; and by Ord. 1996-3, 11/11/1996, §2)

§115. Abatement of Nuisances. In addition to the remedies provided in §114, above, any continued violations of this Part 1 which shall constitute a nuisance in fact or which shall in the opinion of the Board constitute a nuisance may be abated by proceeding against the violator in a court of equity for relief. (Ord. 1973-1, 4/9/1973, §15)