

Chapter 169

JUNK DEALERS

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[HISTORY: Adopted by the Borough Council of the Borough of Beech Creek 9-6-1977 by Ord. No. 65 (Ch. XIII, Part 1, of the 1978 Code of Ordinances). Amendments noted where applicable.]

§ 169-1. Definitions and interpretation.

- A. As used in this chapter, the following terms shall have the meanings indicated:

JUNK — Any discarded material or article such as is not ordinarily disposed of as rubbish or refuse, and shall include, but not be limited to, scrap metal and scrapped motor vehicles, and shall not include any garbage or other organic waste, or any paper, rubbish, rags or other flammable article or material.

JUNK DEALER — Any person, as hereinafter defined, who shall engage in the business of selling, buying and dealing in junk.

PERSON — Any natural person, partnership, firm or corporation.

- B. In this chapter, the singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine and the neuter.

§ 169-2. License required; fee.

No person shall engage in business as a junk dealer in the Borough of Beech Creek, without first having obtained a license from the Mayor, for which license the fee shall be \$100 for each and every calendar year, such fee to be for the use of the Borough. Such license shall be renewed annually on or before the first day of January of each year. Provided: in any case where a junk dealer's business shall be established in the Borough on or after the first day of July in any year, the license fee payable by such junk dealer for the remainder of such year shall be 1/2 the yearly rate.

§ 169-3. Issuance and posting of license; vehicle to display name and license number.

The license provided for in § 169-2 of this chapter shall be issued by the Mayor after application shall have been made therefor by the person desiring to be licensed, and the

location of the junkyard approved by Borough Council. Such license shall state the name of the person to whom such license is issued and the premises from which such business is to be conducted. Such license shall be posted conspicuously upon the premises licensed thereunder. The name of the licensed junk dealer and the number of the license under which he operates shall be placed in a conspicuous place on the outside of every vehicle used for business purposes by such dealer.

§ 169-4. Location for business restricted.

No person licensed under this chapter shall by virtue of one license keep more than one place of business within the Borough of Beech Creek, for the purpose of buying, selling and dealing in junk. Nor shall any such person engage in business as a junk dealer in any place other than the place designated upon his license. Nor shall any such person, or any other person, operate upon any of the streets of the Borough, whether from a vehicle or upon foot, as a scavenger or an itinerant buyer or seller of junk.

§ 169-5. Transfer of license. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. D)]

No license issued under this chapter shall be transferable from one person to another person except when the ownership of a licensed premises shall change. In any such case the new owner shall apply for a transfer of such license to him and shall pay a transfer fee of \$100.

§ 169-6. Records to be kept; inspections. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. D)]

Every junk dealer shall provide and shall constantly keep a book, in which shall be fairly 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 or received. Such book and all junk purchased, received or handled by any junk dealer shall at all times be subject to the inspection by the Mayor or other elected official of the Borough of Beech Creek.

§ 169-7. Junk to be retained for 48 hours.

Every junk dealer, licensed under this chapter, shall keep and retain upon the licensed premises, for a period of 48 hours after the purchase or receipt thereof, all junk received or purchased by him, and he shall not disturb or reduce the same or alter the original form, shape or condition until such period of 48 hours shall have elapsed.

§ 169-8. Maintenance of premises.

Every junk dealer licensed under this chapter shall constantly maintain the licensed premises in the manner prescribed by this section, as follows:

- 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.
- B. No garbage or other organic waste, and no paper, rubbish, rags or other flammable articles or materials 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, and none shall be permitted to remain upon the premises.
- 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. Such premises shall not be open for business nor shall any work be done therein in connection with the storage, processing and transporting or removal of junk at any time on the first day of the week, commonly called "Sunday," or any other day of the week before 7:00 a.m. or after 6:00 p.m.

§ 169-9. Violations and penalties. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Any person who violates or permits a violation of this chapter shall, upon conviction in a summary proceeding under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000, plus court costs and reasonable attorneys' fees incurred by the Borough in the enforcement proceedings. Upon judgment against any person by summary conviction, or by proceedings by summons on default of the payment of the fine or penalty imposed and the costs, the defendant may be sentenced and committed to the county correctional facility for a period not exceeding 90 days. Each day that such violation exists shall constitute a separate offense, and each section of this chapter that is violated shall also constitute a separate offense. In addition to or in lieu of enforcement under this section, the Borough may enforce this chapter in equity in the Court of Common Pleas of Clinton County.