

CHAPTER 10

HEALTH AND SAFETY

Part 1 Junk Yards

\$101. Short Title.....	10-1-1
\$102. Definitions.....	10-1-1
\$103. License.....	10-1-1
\$104. Application for License.....	10-1-1
\$105. Issuance of License.....	10-1-2
\$106. License Fee.....	10-1-2
\$107. License Limitation.....	10-1-2
\$108. Transfer of License.....	10-1-2
\$109. Transfer Fee.....	10-1-2
\$110. Regulations.....	10-1-2
\$111. Violations.....	10-1-3
\$112. Abatement of Nuisance.....	10-1-3
\$113. Severability.....	10-1-4

Part 2 Fireworks

\$201. Permit Required.....	10-2-1
\$202. Permit Operator.....	10-2-1
\$203. Application.....	10-2-1
\$204. Purpose.....	10-2-1
\$205. Bond and Insurance.....	10-2-1
\$206. Permit Extension.....	10-2-2
\$207. Agricultural.....	10-2-2
\$208. Compliance with Other Laws.....	10-2-2
\$209. Penalties.....	10-2-2

Part 3 Noise

\$301. Prohibition.....	10-3-1
\$302. Definition.....	10-3-1
\$303. Violations.....	10-3-1
\$304. Officers Responsible.....	10-3-1
\$305. Exceptions.....	10-3-1

Part 4 Penalties

\$401. Penalties.....	10-4-1
-----------------------	--------

CHAPTER 10

HEALTH AND SAFETY

Part 1

Junk Yards

§101. Short Title. This Part shall be known and may be cited as "WHITE DEER TOWNSHIP JUNKYARD AND REFUSE ORDINANCE."

(Ordinance No. 13, adopted May 25, 1971)

§102. Definitions. Unless otherwise expressly stated, the following words and phrases shall be construed throughout this ordinance to have the meaning herein indicated:

(1) "Person" shall include any partnership, association, firm and corporation.

(2) "Township" shall mean White Deer Township, Union County, Pennsylvania.

(3) "Board" shall mean Board of Supervisors of White Deer Township.

(4) "Junkyard" shall mean any place where any junk as hereinafter defined, is stored, disposed of or accumulated.

(5) "Junk" shall mean any discarded material or article and shall include, but not be limited to scrap metal, scrapped, abandoned or junked motor vehicles, machinery, equipment, paper, glass, containers, and structures. It shall not include, however, refuse, or garbage kept in a proper container for the purpose of prompt disposal, or vehicles in an operable condition.

(6) "Junk Dealer" shall mean any person, as above defined, who shall engage in the business of selling, buying, salvaging, and dealing in junk and who maintains and operates a junkyard within the Township of White Deer.

(7) "License" shall mean the permit granted to a person who accumulates, stores or disposes of junk as hereinbefore defined.

(Ordinance No. 13, adopted May 25, 1971)

§103. License. No person shall engage in business as a junk dealer or maintain a junkyard without first having obtained a license from the Board, for which license a fee in accordance with the schedule 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 from the date of approval of application, and each license must be renewed annually on or before the expiration date of the then existing license.

§104. Application for License. The license provided for in this Part shall be issued by the Board after written application shall have been made therefore by the person desiring to be licensed. Such license shall state the name of the person to whom such a license is issued and the premises on which such business is to be conducted, or such junkyard as to be maintained.

Such license shall be posted conspicuously upon the premises. The written application shall be accompanied by a form, every question of which must be answered, and which form will be supplied by the Board. Applicants shall also submit therewith a plot of the premises used or to be used in connection with such license.

§105. Issuance of License. Upon receipt of an application by the Board, the Board shall issue a license or shall refuse to issue a license to the person applying therefore after an examination of the application and taking into consideration the suitability of the property proposed to be used for the purposes of the license, the character of the properties located nearby and the effect of the proposed use upon the Township, both economic and aesthetic. In the event the Board shall issue a license, it may impose upon the license and the person applying therefore such terms and conditions in addition to the regulations herein contained and adopted pursuant to this Part as may be deemed necessary to carry out the spirit and intent of this ordinance.

§106. License Fee. The license fee shall be One Hundred (\$100.00) Dollars, which shall be paid with initial application for or renewal of license. No license shall be issued for the use of a tract of land in excess of ten (10) acres, excluding setback areas, nor less than five (5) acres.

§107. License Limitation. No person licensed under this Part shall, by virtue of one license, keep more than one 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.

§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 Section 104 of this Part by the transferee.

§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.

§110. Regulations. Every person licensed under this Part shall constantly maintain the licensed premises in accordance with any special provisions imposed by the Board and in the manner prescribed by this Section and any subsequent regulations adopted by the Board:

(1) 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.

(2) No garbage or other organic waste shall be stored in such premises.

(3) Gasoline in an amount not exceeding ten (10) gallons may be stored above ground in said Junkyards provided the same be placed in containers approved by the Board. All other gasoline which is kept in the premises

shall be stored underground which underground storage must be approved by the Board.

(4) 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 firefighting purposes.

(5) All junk kept, stored, or arranged on the licensed premises shall at all times be kept, stored and arranged within the junkyard as described in the application for license hereunder, and as limited under subsection (d) above.

(6) No oil, grease, tires, gasoline or other similar materials that might be dangerous or tend to produce obnoxious smoke or odors shall be burned within a junkyard at any time. Burning of vehicles is hereby prohibited.

(7) The premises to be licensed shall be set back a minimum distance of twenty-five (25') feet from the right-of-way lines on all streets or roads and a minimum distance of fifteen (15') feet from all other property lines. The area between set back lines and the right-of-way lines and all streets and roads and all other property lines shall be kept at all times clear and vacant. Where applicable, however, all requirements of the White Deer Township Zoning Ordinance shall be adhered to, provided the requirements of the Zoning Ordinance are stricter and more limiting than the requirements of this Part.

(8) When the Board shall deem it necessary and desirable, the premises to be licensed shall at the setback lines be enclosed by a fence of type and style to be determined by the Board or by evergreen screen plantings, or both. The time of the issuance of a license or at the time of renewal or transfer of a license.

(Ordinance No. 13, adopted May 25, 1971)

§111. Violations. Any person, partnership, corporation, firm, entity or joint venture who or which has violated or shall violate or permitted or permits the violation of the provisions of this Part shall upon being found liable therefor in a civil enforcement proceeding pay a judgment of not more than ONE THOUSAND AND 00/100 DOLLARS (\$1,000.00), plus all court costs and reasonable attorney fees incurred by the Township as a result thereof.

Each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this Part shall be paid over to the Township. Nothing in this section shall be construed or interpreted to grant to any person, firm, partnership, entity, corporation or joint venture other than the Board of Supervisors or its duly designated agent the authority to commence or prosecute any action pursuant to this section.

(Ordinance No. 96-4, adopted June 25, 1996)

§112. Abatement of Nuisance. In addition to the remedies provided in section 111 above, any continued violations of this Part 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 violation in a court of equity for relief.

§113. Severability. If any section of this Part shall be found to be invalid the other sections of this Part shall not be affected thereby.

(Ordinance No. 13, adopted May 25, 1971)

CHAPTER 10

HEALTH AND SAFETY

Part 2

Fireworks

§201. Permit Required. It shall be unlawful for any person, firm or corporation, amusement park, fair association or other organizations or groups of individuals, to have or to hold public displays of fireworks, as that term is defined by the laws of the Commonwealth of Pennsylvania, within the limits of White Deer Township, unless a permit therefor is first granted by the Board of Supervisors of the Township, or their representative, as hereinafter provided. The Chief of the White Deer Township Fire Company is hereby designated as the Board of Supervisor's representative and is authorized to issue permits.

§202. Permit Operator. Every such display within the limits of said Township shall be handled by a competent operator, properly licensed by the appropriate governmental agency, to be approved by the Board of Supervisors, or their representative, which display shall be of such character and so located, discharged or fired, as in the opinion of the Board of Supervisors, or their representative, after proper inspection, shall not be hazardous to property or endanger any person or persons. The said inspections shall be conducted by the Chief of the White Deer Township Fire Company. The matters to be considered in the inspection shall include but not be limited to proximity to buildings, areas of assembly, public and private roadways and walk ways and parking areas.

§203. Fees. Application for permits shall be made in writing to the Township at least thirty (30) days in advance of the date of display, setting forth the proposed location of the display, the character thereof, name and address of the operator, and the name and address of the owner or owners of the grounds on which the display is to be held, with the consent of such owner or owners thereto in writing attached.

(Ordinance No. 47, adopted July 22, 2014)

§204. Purpose. If and after such permit shall have been granted, possession, sales, use and distribution of fireworks for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferable.

§205. Bond and Insurance. The Board of Supervisors of the Township shall require a bond deemed adequate by it given by the permittee or licensee in a sum not less than Five Hundred and 00/100 Dollars (\$500.00) conditioned for the payment of all damages caused to any person or persons, and to any property by reason of the licensed display and arising from any acts of the licensee, his/her/their/its agents, employees, or subcontractors, which bond shall be filed with the Township before any permit for a supervised public display of fireworks is delivered. In addition to the above bond permittee or licensee shall furnish Township with evidence of liability insurance in the amount of One Million and 00/100 Dollars (\$1,000,000.00), with Township as an additional insured and permittee or licensee shall agree in writing to save Township harmless from any and all liability with regard to the activities authorized by said permit.

§206. Permit Extension. If by reason of unfavorable weather the display for which a permit has been granted does not take place at the time so authorized, the person to whom such permit was issued may within forty eight (48) hours apply to the Township or its representative, setting forth under oath the fact that such display was not made, giving the reason therefore, and requesting a continuance of such permit for a day designated therein, not later than one week after the day fixed originally in said permit. Upon receiving such application for a continuance the Township or its representative, if it believes the facts stated therein are true, shall extend the provisions of said permit to the day fixed in said application not later than one (1) week after the original day designated in the permit, and such extension of time shall be granted without the payment of any additional fee and the said bond and insurance shall remain in full force and effect in the same manner and to the same extent as if such display had taken place at the date originally fixed in the permit.

§207. Agricultural. Permits issued for agricultural purposes in connection with raising crops and the protection of crops from bird or animal damage shall be for a period of one year and shall be good for only that purpose.

§208. Compliance with Other Laws. Any display or use of fireworks shall be in full compliance with all applicable state, federal, and local ordinances, statutes, laws, rules and regulations.

§209. Penalties. Violations of this Part shall be enforced by an action brought before a District Judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. The Township Solicitor may assume charge of the prosecution without the consent of the District Attorney as required by Pennsylvania Rule of Criminal Procedure No. 83 (c). The fine for a violation of this Part shall not exceed \$1,000.00 and/or imprisonment to the extent allowed by law for the punishment of summary offenses.

(Ordinance No. 31, adopted May 25, 2010)

CHAPTER 10
HEALTH AND SAFETY

Part 3

Noise

§301. Prohibition. No person shall, between the hours of 10:00 o'clock P.M. and 7:00 o'clock A.M. of the following day, make or cause to be made any loud, unnecessary or unusual noise which disturbs the peace or quiet of White Deer Township or which causes discomfort or annoyance to any reasonable person of normal sensitivities and/or hearing residing in White Deer Township nor shall any person owning, leasing or controlling land within White Deer Township permit said noise to originate or emanate from said land. The source of said noise may include but not be limited to:

(1) Radio, television, cassette and disc player, phonographs, musical instruments, sound amplifiers or similar devices which produce, reproduce or amplify sounds.

(2) The operation of motor vehicles, machinery or similar equipment.

(3) Repairing, rebuilding, testing or otherwise working on any motor vehicles, motor boat, aircraft, machinery or similar equipment.

(4) Any animal or bird which howls, barks, meows, squawks or makes other sounds continuously and/or inconsistently for a period of 10 minutes or which makes said sound intermittently for ½ hours if said animal or bird is kept, possessed, harbored, controlled or maintained by a person.

§302. Definition. For purposes of this Part the term person shall include but not be limited to a corporation, partnership, unincorporated association, limited liability company or similar entity.

§303. Violations. Violations of this Part shall be prosecuted before a District Judge in the same manner provided for the prosecution of summary offenses under the Pennsylvania Rules of Criminal Procedure. The Township Solicitor may assume charge of the prosecution without the consent of the District Attorney as requested by the Pennsylvania Rules of Criminal Procedure. The penalty for a violation of the Part shall not exceed a fine of \$1,000.00 and/or imprisonment to the extent allowed by law for the punishment of a summary offense.

§304. Officers Responsible. The officers or other persons responsible for the operation of a corporation, partnership, unincorporated association, limited liability company or similar entity may be prosecuted for a violation of the Part committed by said corporation, partnership, unincorporated association, limited liability company or similar entity.

§305. Exceptions. The provisions of this Part shall not apply to persons conducting normal farming operations, normal business operations and refuse removal.

(Ordinance No. 29, adopted September 22, 2009)

CHAPTER 10

HEALTH AND SAFETY

Part 4

Penalties

§401. Penalties. Violations of this Chapter shall be enforced by an action brought before a District Judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. The Township Solicitor may assume charge of the prosecution without the consent of the District Attorney as required by Pennsylvania Rules of Criminal Procedure No. 83(c). The fine for a violation of this Chapter shall not exceed \$1,000.00 and/or imprisonment to the extent allowed by law for the punishment of summary offenses.

(Ordinance No. 84, adopted June 23, 2026).