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)