

POINT TOWNSHIP BOARD OF SUPERVISORS

ORDINANCE NO. 139

AN ORDINANCE OF THE TOWNSHIP OF POINT, NORTHUMBERLAND COUNTY, PENNSYLVANIA, AMENDING ORDINANCE NO. 102 THEREOF, TO PROHIBIT NUISANCES INCLUDING THE ACCUMULATION OF JUNK, GARBAGE, RUBBISH, AND THE STORAGE OF ABANDONED AND JUNKED MOTOR VEHICLES, EQUIPMENT AND APPLIANCES ON PRIVATE AND PUBLIC PROPERTY AND THE ESTABLISHMENT AND MAINTENANCE OF JUNK YARDS, INCLUDING BUT NOT LIMITED TO JUNK YARDS, AND PROVIDING FOR THE ISSUANCE OF LICENSES FOR JUNK DEALERS AND FOR THE MAINTENANCE AND OPERATION OF JUNK YARDS AND PROVIDING FOR PENALTIES FOR THE VIOLATION OF THIS ORDINANCE.

BE IT ORDAINED AND ENACTED by the Supervisors of Point Township in regular meeting assembled, and it is hereby ordained and enacted by and with the authority of the same, that Sections 1 through 3, inclusive, and 14 of Ordinance No. 102 be amended, as hereinafter set forth:

SECTION 1. The Board of Supervisors of the Township of Point finds that it is in the public interest and for the public welfare to prohibit the accumulation of junk, garbage and rubbish and the storage of abandoned and junked motor vehicles, equipment and appliances on private and public property within the Township of Point, so as to prevent the creation of a nuisance, and, in accordance with this interest, it is hereby forbidden to accumulate junk, garbage or rubbish and store abandoned and junked motor vehicles, equipment and appliances on private and public property within the Township

of Point, with the exception of a duly licensed public or private dumping area or junk yard.

SECTION 2. As used in this Ordinance, the following words, terms and phrases, unless the context clearly indicates otherwise, shall have the following meanings subscribed to them:

- (1) Person - Any individual, partnership, association, syndicate, company, firm, trust, corporation, department, bureau, agency or other entity recognized by law as the subject of rights and duties.
- (2) Junked or Abandoned Motor Vehicle - Any motor vehicle which, by reason of its old or deteriorated condition, deflation of tires, removal of any parts therefrom by reason of collision or otherwise, failure to bear a current inspection sticker or failure to bear current registration plates and/or validating sticker, or for any other reason whatsoever, cannot be moved under its own power, is hereby declared to be an abandoned or junked motor vehicle.
- (3) Garbage - All putrescible animal and vegetable matter resulting from the handling, preparation, cooking and consumption of food.
- (4) Rubbish - Rags, clothes, rugs, carpets, wood, excelsior, paper, ashes, tree branches, tree leaves, yard trimmings, furniture, appliances,

tin cans, glass, crockery, masonry, and other similar materials, in disrepair, wrecked, scrapped, ruined, or not presently useable.

- (5) Trade Waste - A solid or liquid material or rubbish resulting from construction, building operations, or the prosecution of any business, trade or industry, including but not limited to, plaster products, cartons, paint, grease, oil and other petroleum products, chemicals, cinders and other forms of solid or liquid waste materials.
- (6) Refuse - Garbage, rubbish and trade waste.
- (7) Junk - Scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, iron, steel and other old or scrap ferrous or non-ferrous material, including wrecked, scrapped, ruined, dismantled or junked motor vehicles or parts thereof.
- (8) Township - The Township of Point, Northumberland County, Pennsylvania.

SECTION 3. The owner, tenant or person in possession, shall first be given a ten (10) day written notice to remove said junk, garbage, rubbish, abandoned or junked motor vehicles, equipment or appliances from said premises. Upon his failure to remove said items within ten (10) days from said premises, said owner, tenant or person in possession shall be cited for

a violation of this Ordinance. A continuation of such violation for each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuance of the violation may be punished as set forth below for each separate offense. After the expiration of ten (10) days from the date of the notice, the Supervisors of Point Township may cause to be removed said items, and they shall be entitled to collect the cost of said removal from the owners of the real estate.

SECTION 14. Any person who shall violate or fail to comply with any of the provisions of this Ordinance shall, upon conviction thereof, be punishable by a fine of not less than Twenty-Five (\$25.00) Dollars nor more than Fifty (\$50.00) Dollars for each offense hereunder, and shall also be assessed the cost of such proceedings. Failure to pay the fine and costs assessed shall result in imprisonment for a period of not to exceed ten (10) days.

ENACTED AND ORDAINED this 9th day of August, 1983.

POINT TOWNSHIP BOARD OF
SUPERVISORS

I hereby certify that the foregoing ordinance was advertised in The Daily Item on July 30, 1983, a newspaper of general circulation in the Municipality and was duly enacted and approved as set forth at a regular meeting of the Supervisors on August 9, 1983.

Ruth O. Geise
(SEAL)

Neil D. Metz
Chairman

William J. Fick

Monroe J. Myer

William D. Geise

James A. Metzger

AN ORDINANCE TO PROHIBIT NUISANCES INCLUDING THE ACCUMULATION OF JUNK, GARBAGE, RUBBISH, AND THE STORAGE OF ABANDONED AND JUNKED MOTOR VEHICLES, EQUIPMENT AND APPLIANCES ON PRIVATE AND PUBLIC PROPERTY AND THE ESTABLISHMENT AND MAINTENANCE OF JUNK YARDS, INCLUDING BUT NOT LIMITED TO JUNK YARDS, AND PROVIDING FOR THE ISSUANCE OF LICENSES FOR JUNK DEALERS AND FOR THE MAINTENANCE AND OPERATION OF JUNK YARDS AND PROVIDING FOR THE PENALTIES FOR THE VIOLATION OF THIS ORDINANCE IN THE TOWNSHIP OF POINT, NORTHUMBERLAND COUNTY, PENNSYLVANIA.

The Board of Supervisors of Point Township, Northumberland County, Pennsylvania, does hereby enact and ordain by authority of the Act of May 20, 1957, P. L. 174, Section 5, and under the authority of other acts of Legislature as follows:

Section 1. It is declared as a nuisance to accumulate junk, garbage and rubbish and the storage of abandoned and junked motor vehicles, equipment and appliances on private and public property in Point Township, Northumberland County, Pennsylvania, and this practice is hereby forbidden, with the exception of a duly licensed public or private dumping area or junk yard.

Section 2. The owner, tenant or person in possession, shall first be given a ten (10) days written notice to remove said junk, garbage or rubbish or abandoned or junked motor vehicles, equipment and appliances from said premises. Upon his failure to remove said items from said premises, he or she shall be subject to a fine not exceeding \$50.00 for each offense, and shall also be subject to all costs, including costs of removal of the said items from the real estate.

Section 3. After a written notice has been given to the owner or owners, tenants or persons in possession of the real estate requesting the removal of junk, garbage, rubbish or abandoned or junked motor vehicles, equipment or appliances, and after the expiration of ten (10) days from the date of the notice, the Supervisors of Point Township may cause to be removed said items, and they shall be entitled to collect the cost of said removal from the owners of the real estate.

Section 4. LICENSE--No person shall engage in business as a junk dealer, or maintain a junk yard 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 month period beginning July 1 and ending June 30 of the following year, and each license must be renewed annually on or before the first day of July of each year.

Section 5. APPLICATION FOR LICENSE--The license provided for in this ordinance 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 license

is issued and the premises on which such business is to be conducted, or such junkyard is 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.

Section 6. 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 ordinance as may be deemed necessary to carry out the spirit and intent of this ordinance.

Section 7. LICENSE FEE--The license fee shall be paid immediately upon the issuance or renewal of a license. The amount of the license fee shall be calculated in accordance with the following schedule as determined by the actual land to be used by the persons to whom the license is issued, exclusive of all set-back areas:

- A. Less than 15,000 square feet--\$50.00.
- B. More than 15,000 square feet but less than 40,000 square feet--\$75.00.
- C. More than 40,000 square feet--\$100.00.
- D. No license shall be issued for the use of a tract of land in excess of twenty (20) acres, excluding set-back areas.

Section 8. LICENSE LIMITATION--No person licensed under this ordinance, shall, by virtue of one license, keep more than on 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.

Section 9. TRANSFER OF LICENSE--No license issued by the Board shall be transferrable by the licensee to any 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 4 of this ordinance, by the transferee.

Section 10. 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 dollars (\$10.00).

Section 11. REGULATIONS--Every person licensed under this ordinance shall maintain the licensed premises in accordance with any special provision imposed by the Board in the manner prescribed in and by this section and any regulations adopted by the Board.

Section 12. PREMISES LICENSED--The premises to be licensed as a junkyard 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 twenty-five (25) feet from all other property lines. The area between set-back line and the right-of-way line and all streets and roads and all other property lines shall be kept at all times clear and vacant.

Section 13. LICENSE PRIVILEGE--Only a licensed junk dealer on licensed premises may accumulate and acquire junk and maintain it on said premises. No junk shall be accumulated and/or maintained on any premises in said Township of Point unless by a licensed junk dealer on licensed premises.

Section 14. VIOLATIONS--Any person who shall violate any of the provisions of this ordinance shall upon conviction thereof, by a summary proceeding, be sentenced to pay not more than fifty (\$50.00) dollars and the costs of prosecution, provided that each day's violation of any of the provisions of this ordinance shall constitute a separate offense.

Section 15. ABATEMENT OF NUISANCES--In addition to the remedy provided in Section 14 above, any continued violations, of this ordinance which shall, in the opinion of the Board, constitute a nuisance may be abated by proceeding against the violator in the proper courts for relief.

Section 16. PROCEEDING--The Township may institute in the Court of Equity, a proceeding to prohibit any of any said nuisances, and to cause to be removed said objectionable items from the private or public property.

Section 17. SEVERABILITY--If any section of this ordinance be declared invalid, the other sections shall not be affected by said ruling.

Section 18. REPEAL--All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed to to the extend to said conflict.

Enacted and Ordained this 9th day of January, 1967.

Board of Supervisors of Point Township

By: /s/ Richard L. Snyder

Attest

By: /s/ William D. Sassaman