

ORDINANCE NO. 1994-3

AN ORDINANCE OF THE TOWNSHIP OF ORWELL, COUNTY OF BRADFORD, COMMONWEALTH OF PENNSYLVANIA, PROVIDING FOR THE LICENSING OF JUNKYARDS AND JUNK DEALERS WITHIN THE TOWNSHIP; SETTING STANDARDS AND PROCEDURES FOR THE ISSUANCE, SUSPENSION, AND REVOCATION OF LICENSES; PROVIDING FOR INSPECTIONS AND GENERAL OPERATING REQUIREMENTS; PROHIBITING THE TRANSFER OF LICENSES, PROVIDING FOR INSPECTION AND APPLICATION PROCEDURES AND SETTING PENALTIES FOR VIOLATION OF LICENSING REQUIREMENTS.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of Orwell, County of Bradford, Commonwealth of Pennsylvania, and it is hereby ENACTED AND ORDAINED by the authority of the same as follows:

SECTION 1: TITLE:

This Ordinance shall be known as the ORWELL TOWNSHIP JUNKYARD AND JUNK DEALER LICENSING ORDINANCE.

SECTION 2: DEFINITIONS:

Except where otherwise indicated by the context, the following definitions shall apply in the interpretation and enforcement of this Ordinance:

- (a) "Person" - shall mean any person, firm, partnership, association, corporation, company, or organization of any kind.
- (b) "Junk" - shall mean old iron, steel, brass, copper, tin, lead, other base metals; old cordage, ropes, rags, fibers, or fabrics; old rubber; old bottles or other glass; bones, waste paper or other waste or discard material which might be prepared to be used again in some form; motor vehicles no longer used as such and to be used for scrap metal or stripping of parts. There is excluded, however, from this definition all materials or objects accumulated by a person as by-products, waste, or scraps from the operation of his own business or materials or objects held and used by a manufacturer as an integral part of his own manufacturing process.
- (c) "Junkyard" - shall mean a yard, lot, or place, covered or uncovered, outdoors or in an enclosed building, containing junk as defined herein, upon which occurs one or more acts of buying, keeping,



dismantling, processing, selling, or offering for sale any such junk, in whole units or by parts, for a business or commercial purpose, whether or not the proceeds from such act or acts are to be used for charity.

(d) "Junk Dealer" - shall mean a person who operates a junkyard as defined herein within the Township limits.

(e) "Business Premises" or "Premises" - shall mean the area of a junkyard as described in a junk dealer's license or application for license as provided for in this ordinance.

(f) "Licensing Officer" - shall mean the Chief of Police for Orwell Township.

### SECTION 3: LICENSE REQUIRED:

It shall be unlawful for any person to act as a junk dealer in the Township of Orwell whether personally, by agents or employees, singly, or along with some other business or enterprise, without first having obtained a license therefor from the Licensing Officer in accordance with the provisions of this ordinance. A junk dealer who operates more than one junkyard within the Township shall be required to have in effect a separate license for each such junkyard.

### SECTION 4. ENFORCEMENT:

The Licensing Officer of the Township is hereby given the duty to enforce, or aid in the enforcement of all provisions of this ordinance and for this purpose, he or his duly authorized designee, shall have the right and is hereby empowered to enter on any premises on which any business subject to the provisions of this ordinance is located, or about to be located, and to inspect the same at any reasonable time. The Licensing Officer is further empowered to issue orders granting, renewing, or revoking any license provided for in accordance with the provisions of this ordinance.

### SECTION 5. APPLICATION

An applicant for license under this ordinance shall file with the Township secretary a written application signed by himself, if an individual, by all partners, if for a partnership, and by the President or chief operating officer of a corporation or other organization, upon forms provided by the Township Secretary for that purpose, together with a license fee as hereinafter



prescribed. The application shall be sworn to by each of the signers before a Notary Public or officer authorized by law to administer oaths and shall include the following information or material:

- (a) name, resident address, and telephone number of each individual owner, partner, or if a corporation or other organization, of each officer or director;
- (b) trade names used during the previous five years by the applicant and each person signing the application, along with the location of prior establishments;
- (c) names and addresses of employees of each person signing the application in the previous five years;
- (d) the trade name and address of the business on behalf of which application is made and its telephone number, if assigned;
- (e) the name, resident address, and telephone of each person employed or intended to be employed in the business as of the time the application is filed;
- (f) exact address or location of the place where the business is or is proposed to be carried on, plus a sketch of the actual premises to be used in connection with the business giving distances in feet and showing adjoining roads, property lines, buildings, and uses;
- (g) a description of the materials with which any building to be used in connection with the licensed business are, or are to be made; a sketch giving distances, showing the location of such buildings on the business premises; and a diagram or plan giving distances and heights, showing floors, exits, entrances, windows, ventilators, and walls;
- (h) such other information as the Licensing Officer shall find reasonably necessary to effectuate the purposes of this ordinance and to arrive at a fair determination of compliance with the terms of this ordinance.

#### SECTION 6. INVESTIGATION, APPROVAL AND ISSUANCE OF LICENSE:

- A. Upon receipt of an application for a junk dealer's license as provided herein, the Licensing Officer shall approve the application if the proposed or existing buildings or equipment with which the junkyard is being



or is to be operated are found to conform to the requirement of the Township Building Code and are in accordance with all other requirements contained in Township Ordinances.

- B. If any of the findings provided for in the previous sub-paragraphs are unfavorable to the applicant, the Licensing Officer shall, within 30 days after the filing of the application, notify the applicant that his application is disapproved and that no license will be issued. Upon request the applicant shall be furnished with a brief written statement of the grounds upon which the application was disapproved. If the findings in the above sub-paragraphs are favorable to the applicant, the Licensing Officer shall, within 30 days after the filing of the application, issue a junk dealer's license to the applicant.

SECTION 7: LICENSE FEE:

There shall be submitted to the Licensing Officer with the application, a fee of \$50.00. If the application for license is denied, the fee shall be returned in full.

SECTION 8: LICENSE PERIOD:

Each license shall be effective as of the date of its issuance and shall expire on the last day of the 12th month thereafter.

SECTION 9: TRANSFERABILITY:

No license issued under this ordinance shall be transferred or assigned or used by any person other than the one to whom it was issued, and no junk dealer's license shall be issued at any location other than the one prescribed in the application upon which it was issued.

SECTION 10: GENERAL OPERATING REQUIREMENTS:

The following general operating requirements shall apply to all junk dealers licensed in accordance with the provisions of this ordinance:

- (a) the license issued pursuant to this ordinance shall be plainly displayed on the business premises;
- (b) the junkyard, together with things kept therein, shall at all times be maintained in a sanitary condition;
- (c) no space not covered by the license shall be used in the licensed business;



SECTION 11: REVOCATION AND SUSPENSION OF LICENSE, APPEALS AND PENALTIES:

- A. The Licensing Officer may, and is hereby authorized to, temporarily suspend a license issued hereunder for failure of the licensee to comply with, or to maintain compliance with, or for violation of any provision, standard, or requirement of this ordinance. The power of the Licensing Officer to temporarily suspend any license shall be limited to a maximum suspension period of three (3) days, and shall be effective only if the Licensing Officer has confronted the licensee and afforded the licensee an opportunity to refute or explain any alleged violation of this ordinance.
- B. The Licensing Officer may, and is hereby authorized to petition the Board of Supervisors of Orwell Township to suspend or revoke a license for failure of the licensee to comply with, or to maintain compliance with, or for a licensee's violation of, any provision standard or requirement of this ordinance, if the licensee has not corrected same during the period of temporary suspension. Within five (5) days exclusive of Saturdays and Sundays, the Board of Supervisors shall be notify the licensee of the licensing officer's petition. Said notice to the licensee shall contain an itemization of the section or sections of this ordinance alleged to have been violated, along with a sufficient summary of the alleged violation to put the licensee on notice of the allegations made. The notice herein required shall be personally delivered to the licensee, or shall be sent to the licensee by certified or registered mail, at the licensee's last known address, as contained on the application for license. The notice to the licensee shall, in addition to the requirements set forth above, contain a hearing date, which date shall be not less than five (5) nor more than thirty (30) days from the date of the notice, and shall further advise licensee of his right to be represented by counsel;
- (C) All decisions of the majority of the Township Supervisors shall be considered adjudications under the Local Agency Law;
- (D) Licensing Officer may, and is hereby authorized to, institute summary proceedings, in accordance with the applicable Rules of Court for violations of this ordinance. This action shall be brought in the name of the Township and any person convicted of operating a junkyard who does not have a current valid license, has a license which is under suspension or revocation, or



- (d) no water shall be allowed to stand in any place on the premises in such manner as to afford a breeding place for mosquitoes;
- (e) weeds and vegetation on the premises, other than trees, shall be kept at a height of not more than 6 inches;
- (f) no garbage or other waste liable to give off a foul odor or attract vermin shall be kept on the premises, nor shall any refuse of any kind be kept on the premises, unless such refuse is junk as defined herein and is in use in the licensed business;
- (g) no junk shall be allowed to rest upon or protrude over any public street, walkway, or curb or become scattered or blown off the business premises;
- (h) junk shall be stored in piles not exceeding 6 feet in height and shall be arranged so as to permit easy access to all such junk for firefighting purposes;
- (i) no combustible material of any kind not necessary or beneficial to the licensed business shall be kept on the premises, nor shall the premises be allowed to become a fire hazard;
- (j) no processing of junk or other activity shall be carried on in connection with the licensed business, other than sales, on Sundays, federal legal holidays, or at any time between the hours of 6:00 p.m. and 7:00 a.m.;
- (k) the area on the premises where junk is kept, other than indoors, shall be enclosed, except for entrances and exits, with a solid, vertical wall or fence of a minimum height of 6 feet measured from the ground level. Entrances and exits shall not be wider or more numerous than reasonably necessary for the conduct of the licensed business;
- (l) the licensee shall permit inspection of the business premises by the Licensing Officer, or a duly appointed designee, at any reasonable time;
- (m) no junkyard shall be allowed to become a public nuisance, nor shall any junkyard operate in such manner as to become injurious to the health, safety or welfare of the community.
- (n) battery acid and motor oils must be contained in proper legal containers.



violates any other provisions of this ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than \$300 and costs of prosecution and, in default of such fine and costs, the person shall undergo imprisonment for not more than thirty (30) days. A separate offense shall be deemed committed on each date on which, or during which, a violation occurs or continues;

- (E) The authorization to the Licensing Officer as contained in subparagraph (d) of this Section, shall be deemed an authorization in addition to the authorization of temporary suspension or petition for suspension or revocation contained in subparagraphs (a) and (b) of this Section.

SECTION 12: RENEWAL OF LICENSE:

Renewal of any junkyard license upon the expiration of same, or after revocation, shall require conformity with all requirements of the original licensing.

SECTION 13: SEVERABILITY:

The provisions of this ordinance shall be severable, and, if any of the provisions hereof shall be held unconstitutional, void, or otherwise unenforceable, such shall not affect the validity of any of the remaining provisions of said ordinance.

SECTION 14: REPEALER:

All ordinances or parts of ordinances conflicting with any of the provisions of this ordinance are hereby repealed insofar as the same affects this ordinance, including but not limited to any prior ordinances.

SECTION 15: EFFECTIVE DATE:

This ordinance shall become effective ten (10) days after final passage and approval by the Board of Supervisors where such approval is required.

ENACTED AND OBTAINED finally into law by the Board of Supervisors  
of the Township of Orwell this 30th day of November,  
1994.

SUPERVISORS OF ORWELL TOWNSHIP

Calvin Brink

Brian Cheffer

Francis Casselberry

Date: November 30, 1994

I certify that this is a true and correct  
copy of the Ordinance passed by the Board  
on the 30th day of November, 1994.

Laurie J. Nouak  
Orwell Township Secretary

