

Chapter 94

JUNKYARDS AND JUNK DEALERS

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[HISTORY: Adopted by the Borough Council of the Borough of Westfield 8-10-1970 by Ord. No. 170. Amendments noted where applicable.]

§ 94-1. Title.

This chapter shall be known and may be cited as the "Westfield Borough Junk Yard and Refuse Ordinance."

§ 94-2. Purpose and intent.

It is the purpose and intent of this chapter to promote and protect public health so as to prevent the accumulation of excessive rubbish and junk and the development of potential public health nuisances through the accumulation of unsanitary conditions; further, to protect the safety and general welfare of the public by eliminating unattractive nuisances and unsafe conditions and at the same time to protect property values of adjacent property owners by regulating and licensing junk dealers.

§ 94-3. Definitions.

The following words shall for the purposes of this chapter have the following meanings:

BOROUGH — Westfield Borough, Tioga County, Pennsylvania.

COUNCIL — The Westfield Borough Council.

JUNK — Any discarded material that shall include, but not be limited to, scrap metal, one or more abandoned, inoperable and/or unlicensed motor vehicles, machinery, equipment, paper, glass, containers and structures. It shall not include garbage kept in a proper container for the purpose of prompt disposal.

JUNK DEALER — Any person as hereinafter defined who shall engage in the business of selling, buying, salvaging and dealing in junk and who maintains and operates a junkyard within the Borough of Westfield.

JUNKYARD — Any place where any junk as hereinafter defined is stored or disposed of.

LICENSE — The permit granted to a person who accumulates, stores or disposes of junk as hereinbefore defined.

PERSON — Any individual, partnership, association or corporation.

§ 94-4. License required. [Amended 8-13-2003 by Ord. No. 289]

No person shall engage in business as a junk dealer in the Borough without first having obtained a license from the Council, for which license the fee shall be set from time to time by resolution of the Borough Council,¹ for each and every calendar year. Such license shall be renewed annually on or before the first day of January of each year. In cases where a junk dealer 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 at 1/2 the yearly rate.

§ 94-5. Application contents.

The license provided for in this chapter shall be issued by the Council after written application has been made by the person or persons desiring to be licensed. The application form shall be provided by the Council. The license shall state the name of the person to whom such license is issued, the premises on which business is to be conducted and the written consent of the property owner to use the property as a junkyard. The applicant shall also submit a plot of the premises to be used. Such license shall be posted conspicuously upon the premises licensed.

§ 94-6. Issuance of license.

Upon receipt of an application by the Council, the Council shall issue a license or refuse to issue a license to a person applying therefor after taking into consideration the effect to the proposed use upon the Borough, both economic and aesthetic. In the event that the Council shall issue a license, it may impose upon the person applying therefor such conditions as may be deemed necessary to carry out the intent and purpose of this chapter.

§ 94-7. Limitations of license.

No person licensed under this chapter shall, by virtue of one license, keep more than one place of business within the Borough for the purpose of 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 or her license.

1. Editor's Note: See Ch. A137, Fees.

§ 94-8. Transfer of license.

No license issued by the Council shall be transferable by the licensee to any other person unless such transfer is authorized by the Council. Any person desiring to transfer a license shall notify the Council, in writing, which notification shall be accompanied by the transferee's application for a license as described in § 94-5. In the event that the Council approves a transfer of location or license, it may impose such conditions as may be deemed necessary to carry out the purpose and intent of this chapter.

§ 94-9. Transfer fee. [Amended 8-13-2003 by Ord. No. 289]

In the event that the Council shall approve the transfer of a license, the transferee shall immediately pay to the Borough a transfer fee as set from time to time by resolution of the Borough Council.²

§ 94-10. Operational standards; maintenance of premises.

Every person who stores junk in the Borough shall constantly maintain the premises in accordance with any special provisions imposed by the Council and in the manner prescribed by this section and any subsequent regulations adopted by the Council.

- A. Such premises shall at all times be maintained so as not to constitute a nuisance or menace to the health of the community or of residents nearby or a place of the breeding of rodents and vermin.
- B. No garbage or other organic waste shall be stored on such premises.
- C. Whenever any motor vehicle shall be received on such premises as junk, all gasoline shall be drained and removed therefrom. Gasoline in an amount not exceeding 10 gallons may be stored above ground, provided that the same be placed in containers approved by the Council. All other gasoline which is kept on the premises shall be stored underground, which underground storage must be approved by the Council.
- D. The premises on which junk is stored shall be set back a minimum distance of 25 feet from the right-of-way line on all streets or roads and a minimum distance of 25 feet from all other property lines. The area between the setback lines and the right-of-way line and all streets and roads and all other property lines shall at all times be kept clear and vacant.
- E. Any premises on which junk is stored shall at the setback lines be enclosed by evergreen screen plantings or a uniformly painted solid board fence, or both. The type of evergreen screen plantings and fencing used and the way they are set out must be approved by the issuance of a license or at the time of renewal or transfer of a license.
- F. All junk shall be stored in such a manner and screened so as not to be readily accessible or visible from the street or public road. Junk shall not be stored above the height of the screen plantings or fencing.

2. Editor's Note: See Ch. A137, Fees.

- G. All signs displayed on the licensed premises shall be approved by the Council, but in no case shall the total area of any one sign exceed four feet by eight feet.
- H. A person licensed under this chapter shall not burn any motor vehicles or its equivalent at any time. No oil, grease, tires, gasoline or other similar material that might be dangerous or tend to produce obnoxious smoke or odors shall be burned within a junkyard at any time.
- I. 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.

§ 94-11. Compliance required.

Each person subject to this chapter shall have 30 days from the time the chapter becomes effective to comply with the provisions of the chapter.

§ 94-12. Records.

Every person licensed under this chapter 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 or her, the date and hour of such purchase and the person from whom such article or material was purchased, received or handled by such person and said book shall at all times be subject to the inspection or any official of the Borough.

§ 94-13. Delay in disposal.

Every person 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 or her, and he or she shall not disturb or reduce the same or alter the original form, shape or condition until such period of 48 hours shall have elapsed.

§ 94-14. Violations and penalties. [Amended 8-13-2003 by Ord. No. 289]

Any person found violating any provisions of this chapter shall be subject to a fine of not more than \$600 and the costs of prosecution for each violation thereof and, in default of payment of such fine and costs, shall be subject to imprisonment in the County Jail for not more than 30 days. A new and separate offense shall be deemed to have been committed for each day that said violation exists.

§ 94-15. Abatement of nuisances.

In addition to the remedies provided in § 94-14 above, any continued violations of this chapter which shall constitute a nuisance in fact or which shall in the opinion of the Council constitute a nuisance may be abated by proceeding against the violator in a court of equity for relief.