

## Chapter 120

### JUNKYARDS

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[HISTORY: Adopted by the Board of Supervisors of the Township of North Middleton 5-3-1979 as Ch. XIII, Part 1, of the 1979 Code of Ordinances. Amendments noted where applicable.]

#### GENERAL REFERENCES

Outdoor burning — See Ch. 92.

Nuisances — See Ch. 134.

Solid waste and recycling — See Ch. 170.

Subdivision and land development — See Ch. 180.

Zoning — See Ch. 204.

#### § 120-1. Purpose.

The purpose of this chapter is to provide for the health, safety and welfare of the Township, including protection of children, by regulation of junkyards and junk dealers. This chapter is intended to supplement land use and other provisions of Chapter 180, Subdivision and Land Development, and Chapter 204, Zoning, by regulation within permitted land use areas.

#### § 120-2. Definitions.

As used in this chapter, the following words shall have the meanings ascribed to them in this section unless the context clearly indicates otherwise:

**BOARD** — Board of Supervisors of the Township.

**JUNK** — Discarded materials, articles or things of no value or possessing value in part, gross or aggregate, and held for resale, including but not limited to scrapped motor vehicles and parts thereof, including motors, bodies of motor vehicles and vehicles which are inoperable, unusable and do not have a current and valid inspection sticker as required by the Motor Vehicle Laws of the Commonwealth of Pennsylvania, but not including garbage or other organic waste or farm machinery, provided said farm machinery is used in connection with a farming operation.

**JUNK DEALER** — Any person engaged in the business or activity of selling, buying, maintaining, dealing in, storing, and trafficking in junk, including but not limited to junked, scrapped or abandoned motor or other vehicles or parts removed from such vehicles; or otherwise engaged in business or activity of a junkyard or auto graveyard as provided in the Act of 1933, May 1, P.L. 103, Art. VII, § 702, c1. LVIII, added 1959, March 11, P.L. 13, No. 9, § 1, as amended 1961, May 23, P.L. 215, No. 115, § 1; 1963, Aug. 24, P.L. 1197, No. 503, § 1.<sup>1</sup>

**JUNKYARD** — Any place where activity of storing or accumulating junk occurs or where business of selling, buying or dealing in junk is carried on or where two or more motor vehicles are stored which are unlicensed, inoperable, and do not have a current and valid inspection sticker as required by the Vehicle Code and other laws of the Commonwealth of Pennsylvania.

**PERSON** — Any natural person, association, partnership, firm or corporation or authority or municipality. Singular shall include plural and masculine shall include feminine and the neuter.

**PERSONAL NOTICE** — Notice to a person of the date, time and subject matter of proceedings concerning the person or of determination or action concerning the person, to be sent by certified mail.

**PUBLIC NOTICE** — Notice published once in newspaper of general circulation in the Township at least 10 days prior to hearing, stating the time and place of hearing and nature of the matter to be considered.

**TOWNSHIP** — Township of North Middleton.

### **§ 120-3. Compliance with regulations.**

On and after the effective date of this chapter, no person shall engage in or continue to engage in activity or business as a junk dealer or engage in activity of establishing or operating or maintaining a junkyard in the Township except as authorized and licensed under this chapter.

### **§ 120-4. Application for license.**

Application for license shall be made, in writing, under oath in a form prescribed by the Board and shall contain the name of the applicant and all owners or interested parties, their addresses, address of the premises upon which the activity or business is to be conducted or junkyard established or operated, name of the owner or owners of said property if other than the applicant, and, upon any subsequent applications, a statement that the applicant during the preceding term of license did comply with and did maintain the premises in compliance with provisions of this chapter. The application shall describe the premises upon which the junkyard is to be established or operated, specifying thereon the zoned land use, setback lines, parking requirements, structures erected thereon, dwellings erected upon premises adjacent to the premises proposed to be used, and deed book reference. A corporation applicant shall provide the name and address of all officers. The application is to be signed by the applicant,

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1. Editor's Note: See 53 P.S. § 66532.

if an individual; by all members if a partnership or association; and by the president and secretary if a corporation. A separate application shall be required for each junkyard.

**§ 120-5. Bond requirements.**

A bond, executed by the applicant with a surety company authorized to transact business within the commonwealth, shall be obtained for the sum of \$2,000, and shall accompany every application for a license. The Township may accept an executed bond secured by deposit with the Township Secretary of a cashier's check, treasurer's check or certificate of deposit of a banking institution in the above amount. The bond shall be renewed and refiled annually not later than July 1 of each year, shall be executed in favor of and for the use of the Township; shall be for a term of one year; and shall be conditioned that if, upon and after issuance of the license, the licensee shall fully and faithfully observe and comply with the provisions of this chapter and rules and regulations of the Township promulgated thereunder, the obligation of bond shall be void, otherwise to remain in full force and effect.

**§ 120-6. Fees.**

Every junk dealer shall pay an initial annual license fee as set from time to time by resolution of the Board of Supervisors, and an additional fee for each annual renewal thereafter. The license is to be issued for the term of one year beginning July 1 and ending June 30. No abatement of license fees shall be made for any cause. Licenses must be renewed annually on or before the first day of July. Such license shall be issued upon the condition that the same may, upon hearing with personal notice, be revoked in the event a licensee is found to have given false information or in any way misrepresented facts upon which the Board has relied in considering or granting the license. No refunds shall be made. The license fee shall be prorated quarterly.

**§ 120-7. Issuance of license and renewals; posting of license.**

The Board, upon receipt of application for license under this chapter, shall determine whether, in accordance with this chapter, license shall be issued or a renewal thereof granted after an examination of the application; and whether the applicant complies with Chapter 204, Zoning, and Chapter 180, Subdivision and Land Development, the Solid Waste Management Act,<sup>2</sup> and laws and regulations of state and federal agencies relating to activities subject to this chapter. The Board may hold a public hearing upon any application or renewal application after public notice. Upon approval of an application for license, the Board shall issue the applicant a license with the name of the junk dealer and address of the premises approved as a junkyard. Such license shall be at all times conspicuously posted upon premises licensed and shall not be transferable or assignable by agreement, will, intestacy or otherwise.

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2. Editor's Note: See 35 P.S. § 6018.101 et seq.

**§ 120-8. Status of existing junkyards.**

Junkyards in existence prior to this chapter may comply with provisions hereof; except that preexisting nonconforming junkyard uses may exist in conformance with provisions of Chapter 204, Zoning.

**§ 120-9. Location of junkyards.**

Junkyards may be located and junk dealers may operate only in areas zoned for such use.

**§ 120-10. Compliance with zoning and subdivision regulations.**

Junkyards must comply with all provisions of Chapter 204, Zoning, and Chapter 180, Subdivision and Land Development.

**§ 120-11. Basis for denial of license renewal.**

No license or renewal thereof shall be issued to any person who has been twice convicted of a violation of any of the terms or provisions of this chapter and/or any state law relating to activities of junk dealers, junkyards or solid waste, within any one license period of one year, until expiration of one year from the date when the last violation or violations charged has been corrected or abated.

**§ 120-12. Maintenance of junkyards.**

Every licensee shall maintain licensed premises and comply with the below provisions:

- A. Premises shall at all times be maintained so as not to constitute a nuisance or a menace to the health and welfare of the community or to residents nearby and shall not constitute a place for breeding of rodents and vermin.
- B. No garbage or other organic waste shall be stored on such premises.
- C. Manner of storage and arrangement and drainage facilities of premises shall be such as to prevent accumulation of stagnant water upon licensed land and to facilitate access for inspection purposes and firefighting.
- D. No junk shall be stored or accumulated within 75 feet of any existing dwelling house erected upon premises adjacent to licensed premises, nor within 40 feet of any public street or highway within the Township. Such restrictions shall be in addition to and subject to any more restrictive setback requirements of Chapter 204, Zoning, and Chapter 180, Subdivision and Land Development. Existing structures pertaining to and being used in connection with junkyards presently established and operating shall not be subject to this provision, but all improvements, modifications and alterations of said structures shall be subject to this chapter.
- E. Enclosure.

- (1) Premises shall be enclosed by a structure consisting either of a metal chain link fence constructed of heavy-duty steel and supported upon steel posts of a solid masonry or metal wall of a uniform design and texture. The structure shall comply with and be controlled by setback provisions of this chapter and Chapter 204, Zoning, and Chapter 180, Subdivision and Land Development. The structure shall not be less than five feet in height nor shall two or more vehicles or major parts thereof be stacked on top of one another or otherwise so as to protrude above the structure. For any junkyards in existence at time of this chapter, erection of the structure shall be completed within 12 months after the effective date of this chapter. For all other junkyards, structures shall be erected prior to application or approval of application may be made subject to completion of the structure prior to commencement of the activity or business.
- (2) The Board may extend time for compliance with provisions for the structure due to bona fide reasons such as availability of fencing materials. Structure requirements are applicable only to that portion of the premises immediately used for storage of junk.

F. Plantings.

- (1) Land area between the fence or wall structure required above and a public highway or street shall be planted with evergreens or trees of the following types: white pine; Scotch pine; Austrian pine; Norway spruce; hemlock; or other similar vegetation approved by the Board as equivalent in growth and shading characteristics. Trees shall be planted in two rows 16 feet apart in each row and alternated eight feet apart on center, except for hemlocks, which shall be eight feet apart and four feet on center.
- (2) The trees when planted shall be at least three feet in height from the ground. The trees shall be maintained in good health and replaced as required in order to achieve a screening effect within five years. The Board, from time to time, may establish rules and regulations for the purpose of implementing this subsection.

G. To facilitate inspection and fire control, all junk shall be arranged and maintained in a neat and orderly fashion and with a minimum of 20 feet of clear space between rows, with each row to be no greater in width than 40 feet.

H. Junk shall not be burned on premises under any condition.

I. No junk shall be stored or located near any river, stream, run, creek, irrigation ditch or any other natural watercourse within the distances established by regulations and/or determinations of the Department of Environmental Protection (DEP) or other state agency as in violation of state law.

**§ 120-13. Application for license for existing junkyards; inspections.**

Application for license for existing junkyards shall be filed within 30 days after the effective date of this chapter. The Township may, at its discretion, cause any junkyard to be inspected at reasonable times, and the applicant or licensee shall, as a condition for approval of his

application or renewal of his license, grant any person acting under authority of the Township the right to enter the premises for such inspection.

**§ 120-14. Violations and penalties.** <sup>3</sup>

Any person who violates or permits a violation of this chapter shall, upon conviction in a summary proceeding brought before a Magisterial District Judge under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000, plus costs of prosecution. In default of payment thereof, the defendant may be sentenced to imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense, and each section of this chapter that is violated shall also constitute a separate offense.

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3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).