

Chapter 76
JUNK AND JUNKYARDS

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[HISTORY: Adopted by the Board of Supervisors of Bear Creek Township at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Amendments noted where applicable.]

GENERAL REFERENCES

Nuisances — See Ch. 86.
Abandoned vehicles — See Ch. 117.

Zoning — See Ch 127.

§ 76-1. Definitions and word usage.

A. Definitions. As used in this chapter, the following terms shall have the meanings indicated:

JUNK — Any discarded material or article that is not ordinarily disposed of as rubbish or refuse, and shall include but not be limited to scrap metal and scrapped motor vehicles, any stored vehicle not visibly in compliance with the Pennsylvania Motor Vehicle Code, trucks, trailers and machinery, but shall not include any garbage or other organic waste or any paper, rubbish, rags or other flammable article or material.

JUNK DEALER — Any person, as hereinafter defined, who shall engage in the business of storing, selling, buying and dealing in junk. It shall also include any persons involved in the scrapping or salvaging of motor vehicles.

JUNKYARD — Any lot, parcel or tract of land maintained and intended for the purpose of supplying a location for keeping, storing, parking, altering or otherwise using and dealing in junk.

PERSON — Any natural person, partnership, firm, association, corporation or the like.

B. Word usage. In this chapter, the singular shall include the plural and the masculine shall include the feminine and the neuter.

§ 76-2. New junkyards prohibited.

There shall be no new junkyards permitted in Bear Creek Township upon the closing of any existing junkyard.

§ 76-3. Nuisances.

Except as provided in § 76-17 hereof, the deposit, storage, maintenance or collection of junk or junk cars outside of a building or buildings is hereby declared to be a public nuisance and offensive to the public health, welfare and safety of the residents of the township.

§ 76-4. Prohibited location of junk.

No person shall park or locate any junk or vehicle not visibly complying with the Pennsylvania Motor Vehicle Code or allow it to stand upon any street, alley or other public place or upon any public or private tract of land, occupied or unoccupied, within Bear Creek Township, except as provided in this chapter.

§ 76-5. Operation of junkyards.

No person shall operate or occupy any junkyard within the township except as provided in this chapter.

§ 76-6. Permit required.

No person shall engage in business as a junk dealer or shall establish or operate any junkyard within the township until a permit shall have been secured from the Board of Supervisors of the township.

§ 76-7. Annual application for permit; fee.

A. Any person operating as a junk dealer or operating any junkyard shall make annual application for a permit to the Code Enforcement Officer of the township. With every annual application, there shall be submitted a plan of such junkyard or proposed junkyard showing the following:

- (1) The name and address of the applicant.
- (2) The name and address of the owner or owners.
- (3) The location of the premises from which such business shall be conducted and the extent and area to be used for junkyard purposes.
- (4) The location of all roadways and driveways.

- B. Such annual application shall be accompanied by a fee to be set from time to time by resolution of the Board of Supervisors to cover the costs of the services of the township officers and employees in making the necessary studies and investigations in connection with such applicant.
- C. Such application must be submitted by December 1 for operation for the succeeding calendar year, except for the first year of this chapter.

§ 76-8. Investigation of premises.

Following receipt of the application for a permit as provided above, the Code Enforcement Officer shall cause an investigation to be made of the premises to which such application relates, and, within thirty (30) days of the receipt of the application, the results of such investigation shall be referred to the Board of Supervisors or a committee of three (3) members of the Board of Supervisors to be appointed by the Township Supervisor to determine that all requirements of this chapter are conformed to before said permit shall be issued. In connection with such investigation, the Code Enforcement Officer, the Chief of Police, the Fire Chief and any other township officer or employee requested to do so by the Board of Supervisors shall visit the premises in order to determine whether the requirements as to which they have particular knowledge and understanding are adhered to.

§ 76-9. Conditions for issuance of permit.

The Board of Supervisors shall be required to grant an annual permit under the terms of this chapter, after the investigation set forth above, only in such instances where such premises shall be planned, arranged and operated so as to prevent the escape of smoke, gas and odors to minimize the danger of fire or explosion and to protect the health and safety of all persons in the township. Such permission, when granted, may be conditioned on the adherence by the person to whom the permit may be issued to any and all conditions prescribed by the Board of Supervisors in order to meet the above-mentioned standards of health and safety to the public. Every person receiving such permission shall constantly conform to such conditions.

§ 76-10. Issuance of permit; suspension.

Immediately following the investigation required under § 76-8, when the Board of Supervisors shall be satisfied that all the applicable requirements of this chapter have been adhered to or are to be adhered to according to the the plans for an existing junkyard, the Board of Supervisors shall issue a permit to operate such junkyard for the following calendar year. Such annual permit shall be subject to suspension by the Board of Supervisors whenever the holder thereof violates any provision of this chapter. A suspended permit may be reinstated by the Board of Supervisors for the balance of the year for which it was issued upon compliance by the holder thereof with all the provisions of this chapter. No person shall operate a junkyard in the township during the time when the permit therefor shall have been suspended.

§ 76-11. Contents of permit; posting.

Such permit shall state the name of the person to whom such permit is issued and the premises from which such business is to be conducted. Such permit shall be posted conspicuously upon the premises permitted to be used thereunder.

§ 76-12. Renewal of permit; fee.

Thirty (30) days prior to the expiration date of any permit, the holder thereof may apply to the Code Enforcement Officer for a renewal thereof, such application to be accompanied by a fee to be set from time to time by resolution of the Board of Supervisors. Following an investigation as provided for in § 76-8 to ascertain whether all the requirements of the chapter continue to be adhered to, the Board of Supervisors shall renew such permit for a further period of one (1) year.

§ 76-13. Permit limitations; operation on streets prohibited.

No person having a permit under this chapter shall, by virtue of one (1) permit, keep more than one (1) place of business within Bear Creek Township for the purpose of buying, selling, storing and dealing in junk, nor shall any such person or any other person operate upon any of the streets in the township, whether from a vehicle or upon foot, as a scavenger or an itinerant buyer, seller, storer or dealer of junk.

§ 76-14. Approval required for permit transfer.

No permit issued under this chapter shall be transferable from one person to another person without approval of the Board of Supervisors.

§ 76-15. Record of purchases.

Every junk dealer shall provide and shall constantly keep a book in which shall be legibly written in the English language at the time of the receipt of any junk a description of every article or material purchased or received by him, the date and hour of such purchase or receipt and the person from whom such article or material was purchased or received. Such book and all junk purchased, received or handled by any junk dealer at all times shall be subject to the inspection of the Board of Supervisors or its designee.

§ 76-16. Retention of junk.

Every junk dealer having a permit under this chapter shall keep and retain upon the permitted premises for a period of forty-eight (48) hours after the purchase or receipt thereof all junk received or purchased by him, and he shall not disturb or reduce the same or alter the original form, shape or condition until such period of forty-eight (48) hours shall have elapsed.

§ 76-17. Maintenance of licensed premises.

Every junk dealer having a permit under this chapter shall constantly maintain the licensed premises in the manner prescribed by this section, as follows:

- A. 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.
- B. No garbage or other organic waste and no paper, rubbish, rags or other flammable articles or materials shall be stored on such premises.
- C. Whenever any motor vehicle shall be received in such premises as junk, all gasoline and oil shall be drained and removed therefrom and none shall be permitted to remain upon the premises.
- D. 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.
- E. Such premises shall not be open for business nor shall any work be done therein in connection with the storage, processing and transporting or removal of junk at any time on the first day of the week, commonly called "Sunday," or on any other day of the week before 7:00 a.m. or after 6:00 p.m.
- F. Such premises shall be completely enclosed by a fence at least eight (8) feet in height, with all access gates locked when the business is not in operation.
- G. Such premises shall be obscured from public view by an acceptable method as approved by the Township Supervisors' permit under this chapter, and no license shall extend the area of any junkyard nor add a new facility or structure.

§ 76-18. Violations and penalties.

Any person violating any of the provisions of this chapter shall, upon conviction thereof, be punishable for each offense by a fine of not more than six hundred dollars (\$600.), plus costs of prosecution, and, in default of payment of such fine and costs, shall be imprisoned for a period of not more than thirty (30) days.

§ 76-19. Enforcement.

Enforcement of this chapter shall be by the Police Department and/or other applicable township officials.