

ORDINANCE NO. 2-70

AN ORDINANCE OF THE TOWNSHIP OF WEISENBERG, LEHIGH COUNTY, PENNSYLVANIA, REGULATING JUNK YARDS AND REQUIRING THE LICENSING OF JUNK DEALERS AND PRESCRIBING PENALTIES FOR VIOLATION THEREOF

WHEREAS, the Township of Weisenberg desires to regulate junk dealers and the establishment and maintenance of junk, salvage and scrap yards in order to protect the health, safety and general welfare of the public; and

WHEREAS, the regulatory body of the Commonwealth of Pennsylvania, by the Act of 1933, May 1, P.L. 103, as amended, 53 P.S. 65101, et. seq., has given authority to the Township to regulate and license the aforesaid parties;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE BOARD OF THE TOWNSHIP SUPERVISORS OF WEISENBERG TOWNSHIP, LEHIGH COUNTY, PENNSYLVANIA, AND IT IS HEREBY ORDAINED AND ENACTED BY AUTHORITY OF THE SAME:

SECTION 1. Title. This Ordinance shall be known as the Junk Dealer, Junk, Salvage and Scrap Yard Ordinance.

SECTION 2. Definitions. Unless otherwise expressly stated, the following words and phrases shall be construed throughout this ordinance to have the meanings herein indicated.

- (a) Person. Shall include any partnership, association, firm and corporation.
- (b) Township. Shall mean Weisenberg Township, Lehigh County, Pennsylvania.
- (c) Board. Shall mean the Board of Supervisors of Weisenberg Township.
- (d) Junkyard. Shall mean any place where any junk as hereinafter defined, is stored, disposed of, or accumulated.
- (e) Junk. Shall mean any discarded material or article and shall include, but not be limited to, scrap metal, scrapped, abandoned or junked motor vehicles, machinery, equipment, paper, glass, containers, and structures. It shall not include, however, refuse or garbage kept in a proper container for the purpose of prompt disposal.
- (f) Junk Dealer. Shall mean any person, as hereinafter defined, who shall have three or more junked vehicles and who shall engage in the business of selling, buying, salvaging, and dealing in junk and who maintains and operates a junk yard within the Township of Weisenberg.
- (g) License. Shall mean the permit granted to a person who accumulates, stores or disposes of junk as hereinbefore defined.

SECTION 3. Limitations. From and after the effective date of this ordinance, it shall be unlawful for any person, persons, firm or corporation to engage or continue to engage in business as a Junk Dealer or to establish or maintain or continue to operate or maintain a Junk, Salvage and Scrap Yard, within the limits of the Township, except as provided in this ordinance.

SECTION 4. License. All persons, firms or corporations presently engaged or intending to engage in business as a Junk Dealer, or operating or maintaining or intending to establish or maintain a Junk, Salvage and Scrap Yard within the limits of the Township of Weisenberg, shall obtain a permit from the Secretary of the Weisenberg Township Board of Supervisors, which permit shall be granted for a period of one (1) year, except all permits shall expire on December 31st of the year in which they are granted. No permit issued by the Weisenberg Township Board of Supervisors shall be transferable by the licensee to any other person unless such transfer is authorized by the Board of Supervisors, subject, however, to full compliance with this ordinance.

SECTION 5. Fee. A fee of \$150.00 shall be paid upon the issuance of a permit and a fee of \$100.00 shall be paid for each renewal of a permit. The aforesaid fee shall be used to process application for permits and to defray the expense of inspection necessary to insure compliance with this ordinance.

SECTION 6. Issuance of License. The Board of Supervisors of the Township of Weisenberg shall have the power to revoke or refuse to allow the renewal of a permit for non-compliance with the provisions of this ordinance. The Board of Supervisors shall also have the power to refuse issuance of a permit after taking into consideration the suitability of the proposed property, the character of the properties located nearby, and the effect the proposed use would have upon the Township, both economic and aesthetic. Upon receipt of the application for a permit to establish a business as a Junk Dealer, the application shall be reviewed by the Planning and Zoning Commission and the Planning and Zoning Commission shall make recommendations to the Board of Supervisors regarding the manner of appropriately landscaping, so as to eliminate any nuisance or unattractive appearance. An application for a permit shall be accompanied by a plan and such other descriptive material sufficient to clearly portray the intentions of the applicant. The plan shall indicate the boundaries of the premises on which the business is to be located.

SECTION 7. Area. From and after the effective date of this ordinance, no Junk, Salvage and Scrap Yard shall be established closer to any street or side property line than 100 feet and, when so established, shall be appropriately landscaped in the manner prescribed by the Weisenberg Planning and Zoning Commission, approval of which shall be attached to the application for license filed with the Board of Township Supervisors.

SECTION 8. Existing Establishments. No Junk, Salvage and Scrap Yard in existence on the effective date of this ordinance shall expand or extend its business beyond the boundaries presently occupied by the Junk, Scrap, automobiles or other materials presently on the premises, unless the Owner shall have complied with Section 7 hereof. A Junk, Salvage and Scrap Yard in existence on the effective date of this ordinance, shall be required to obtain a permit for continued existence.

SECTION 9. Regulations. Every Junk Dealer licensed under this ordinance, shall constantly maintain the licensed premises in accordance with any special provisions imposed by the Weisenberg Township Board of Supervisors and in a manner prescribed by this section and any subsequent regulations by the Board of Supervisors.

(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 or vermin.

(b) No garbage or other organic waste shall be stored in such premises.

(c) Whenever any motor vehicle shall be received in such premises as junk, all gasoline shall be drained and removed therefrom.

(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) All junk kept, stored, or arranged on the licensed premises shall at all times be kept, stored and arranged within the junkyard as described in the application for license hereunder, and as limited under paragraph (d) above.

(f) All rags, bottles, paper, etc., must be kept within the walls of a building constructed of fire-resistive materials.

(g) There shall be established and maintained in all Junk, Salvage and Scrap Yards parallel aisles or roadways of not less than 10 feet in width and not more than 50 feet apart, and intersection vertical aisles or roadways of not less than 10 feet in width and not more than 50 feet apart. All aisles or roadways must be kept clean at all times.

(h) A licensee under this ordinance shall not burn more than one motor vehicle or its equivalent at one time. No oil, grease, tires, gasoline or similar materials that might be dangerous or tend to produce obnoxious smoke or odors shall be burned within a Junk, Salvage and Scrap Yard at any time. Burning shall be attended and controlled at all times.

SECTION 10. Any person, persons, firm or corporation violating any of the provisions of this ordinance or falling to comply therewith, or with any of the requirements thereof shall, upon conviction before any Justice of the Peace in the said Township, be sentenced to pay a fine of not less than Twenty-five dollars (\$25.00), nor more than Two hundred dollars (\$200.00), together with costs of prosecution and, in default of payment thereof, shall be committed to the Lehigh County Prison for a term of 10 days.

Each day during which any violation of this ordinance continues shall constitute a separate offense within the meaning hereof.

SECTION 11. The provisions of this ordinance are severable. If any sentence, clause, section or provision hereof shall be held to be unconstitutional, it is hereby declared to be the intent of the Board of Supervisors that the remaining portions thereof would have been enacted notwithstanding such judicial determination of the invalidity of any particular sentence, clause, section or provision in any respect and such unconstitutionality shall not affect or impair any of the remaining sentences, clauses, sections or provisions of this ordinance.

DULY ENACTED AND ORDAINED this 22 day of May, 1970, by the Board of Township Supervisors of the Township of Weisenberg, Lehigh County, Pennsylvania, in lawful session duly assembled.

THE TOWNSHIP OF WEISENBERG

By

Ralph W. Zettlemoyer
Charles E. Bittner
Charles G. Bennecoff
Township Supervisors

ATTEST:

Charles E. Bittner

Secretary