

ORDINANCE NO. 3/ , 1972

AN ORDINANCE OF TILDEN TOWNSHIP, BERKS COUNTY, PENNSYLVANIA, AMENDING ORDINANCE NO. 2, 1964, EFFECTIVE THE SIXTH DAY OF JULY, 1964, WHEREIN TILDEN TOWNSHIP REGULATED JUNK DEALERS, THE ESTABLISHMENT AND MAINTENANCE OF JUNK YARDS, INCLUDING BUT NOT LIMITED TO AUTOMOBILE JUNK OR GRAVEYARDS, STORAGE AND DISPOSAL OF SCRAP, REFUSE, AND JUNKED ARTICLES, PROVIDING FOR THE ISSUANCE OF LICENSES FOR JUNK DEALERS, AND FOR THE MAINTENANCE AND OPERATION OF JUNK YARDS UNDER PRESCRIBED CONDITIONS, PRESCRIBING REMEDIES FOR THE ABATEMENT OF NUISANCES AND UNLICENSED JUNK YARDS AND SCRAP YARDS, PRESCRIBING PENALTIES FOR VIOLATORS, AND PROVIDING FOR THE REVOCATION OF LICENSES IN THE EVENT OF NON-COMPLIANCE.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of Tilden Township, Berks County, Pennsylvania, and IT IS HEREBY ENACTED AND ORDAINED by the authority of the same and pursuant to the authority granted by the Legislature of the Commonwealth of Pennsylvania, as follows:

ORDINANCE NO. 2, 1964, IS HEREBY AMENDED AS FOLLOWS:

SECTION I - DEFINITIONS, is hereby amended to read as follows:

SECTION I - 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 natural person, partnership, association, firm and corporation.
- B. TOWNSHIP. Shall mean Tilden Township, Berks County, Pennsylvania.
- C. BOARD. Shall mean the Board of Supervisors of Tilden Township.
- D. JUNK. The word "junk" as used in this Ordinance shall mean discarded materials, articles or things possessing value in part, gross or aggregate, and including but not limited to scrapped motor vehicles or parts thereof, including both the bodies of motor vehicles and vehicles which

are inoperable, and do not have a current and valid inspection sticker as is 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 bona-fide farming operation.

- E. JUNK DEALER. The word "junk dealer" as used in this Ordinance shall mean any person, partnership, association or corporation engaged in the business of selling, buying or dealing in junk, including but not limited to buying, selling and dealing in junked or scrapped motor vehicles or parts removed from scrapped motor vehicles or otherwise engaging in the operation of an automobile graveyard as provided in the Act of May 1, 1933, P.L. 103, Art.7, § 702 (c), L VIII as amended; 53 P.S. 65,758.
- F. JUNK YARD. The word "junk yard" as used in this Ordinance shall mean any place or establishment where junk is stored or accumulated, on the outside of any building, edifice, or structure that is enclosed on all sides or where the 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 Motor Vehicle Laws of the Commonwealth of Pennsylvania.
- G. LICENSE. The word "license" shall mean the permit granted to a person who accumulates, stores or disposes of junk as hereinbefore defined.
- H. In this Ordinance the singular shall include the plural, and the masculine shall include the feminine and neuter.

SECTION 4 IS HEREBY AMENDED TO READ AS FOLLOWS:

SECTION 4. ISSUANCE OF LICENSE. The Board of Supervisors of the Township of Tilden upon receipt of an application for a license under this Ordinance, shall determine whether or not a license shall be issued or renewal thereof

shall be granted after an examination of the application, and upon the fullest consideration of the suitability of the premises proposed to be used for the purposes of the license; the character of the property adjacent thereto, and the effect of the proposed use, taking into consideration the health, welfare and safety of the residents of the Township and any potential hazard which may result to adjacent properties and structures thereon, or to the citizens of Tilden Township. Upon approval of the application for license, the Board of Supervisors of the Township shall issue to the applicant a license, upon which said license shall be designated the name of the junk dealer, and the address of the premises approved by use as a junk yard. Such license shall be at all times conspicuously posted upon the premises licensed thereunder. No such license issued by the Board shall be transferable or assignable by agreement, will, intestacy or otherwise.

SECTION 9 - REGULATIONS, IS AMENDED TO READ AS FOLLOWS:

SECTION 9 - REGULATIONS. Every person licensed under this Ordinance shall constantly maintain the licensed premises in accordance with any special provisions imposed by the Board and in the manner prescribed by this Section, and any subsequent regulations adopted by the Board:

- (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 residents hearby or a place for the breeding of rodents and 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 and oil shall be drained and removed therefrom. Gasoline in an amount not exceeding ten (10) gallons may be stored above ground in said junk yards provided the same be placed in containers approved by the Board. All other gasoline which is kept in the premises shall be stored underground, which underground storage must be approved by the Board.
- (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 licensee's premises shall at all times be kept, stored and arranged within the junk yard as described in the application for license hereunder, and as limited under Paragraph (d) above.
- (f) A person licensed under this Ordinance shall not burn more than one motor vehicle or its equivalent at any one 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 the junk yard at any time. Burning of vehicles must be attended and controlled at all times.
- (g) No junk shall be stored nor accumulated, or shall any structure be erected within twenty-five (25') feet of the side and rear lines of the licensed premises, nor within seventy-five (75') feet of any existing dwelling house erected upon premises adjacent to the licensed premises, nor shall any junk be stored or accumulated or any structure be erected that is used in connection with said junk yard within forty (40') feet of that line of the licensed premises abutting a public street or highway within Tilden Township, provided that in cases where two or more lines of the licensed premises abut public streets or highways, within the Township, one line only of such premises shall be governed by the above-provided set-back of forty (40') feet; provided that nothing contained in this sub-section shall apply to existing structures pertaining to and used in connection with junk yards presently licensed and operating.

- (h) Every structure erected upon the licensed premises and used in connection therewith shall be of fireproof construction.

SECTION 10 - VIOLATIONS, IS HEREBY AMENDED TO READ AS

FOLLOWS:

SECTION 10 - VIOLATIONS.. Any person who shall violate any of the provisions of this Ordinance shall upon conviction thereof be sentenced to pay the fine of not less than One Hundred Dollars (\$100.00) nor more than Three Hundred Dollars (\$300.00) and costs of prosecution and in default of payment thereof, to imprisonment for not less than ten (10) days nor more than thirty (30) days, provided each day's violation of any of the provisions of this Ordinance shall constitute a separate offense.

SECTION 12 - SEVERABILITY IS HEREBY AMENDED TO READ AS

FOLLOWS:

SECTION 12 - SEVERABILITY. The provisions of this Ordinance shall be severable, and if any provisions thereof shall be held to be unconstitutional or invalid or illegal by any Court of competent jurisdiction, such decision shall not affect the validity of any of the remaining provisions of this Ordinance. It is hereby declared as Legislative intent that this Ordinance would have been enacted had such unconstitutional, invalid or illegal provision not been included therein.

SECTION 14 - A NEW SECTION 14 IS HEREBY ADDED TO THIS ORDINANCE, AND SHALL PROVIDE AS FOLLOWS:

SECTION 14 - Every licensee hereunder shall provide and shall at all times keep and maintain records, in the English language, of the time of his purchase, acquisition or receipt of junk, a full and complete description, including trade names, serial or manufacturer's numbers, if any, of every article or

item of junk purchased, acquired or received by him, the date and approximate hour of such purchase, acquisition or receipt, and the name and address of the person from whom such article or item of junk was purchased, acquired or received. Such written record shall at all times be subject to the inspection of the Township Chief of Police for just cause. Such records shall be retained for a period of five (5) years.

SECTION 15 - A NEW SECTION 15 IS HEREBY ADDED TO THIS ORDINANCE, AND SHALL PROVIDE AS FOLLOWS:

SECTION 15 - Every licensee hereunder shall keep and retain upon the licensed premises, for a period of twenty-four (24) hour after the purchase, acquisition or receipt thereof, every item or article of junk so purchased, acquired, or received by him and placed on the licensed premises. The licensee shall not disturb or reduce or alter the original form, shape or condition of same until such period of twenty-four (24) hours shall have elapsed.

SECTION 16 - A NEW SECTION 16 IS HEREBY ADDED TO THIS ORDINANCE, AND SHALL PROVIDE AS FOLLOWS:

SECTION 16 - The Township Chief of Police shall from time to time regularly inspect the premises of every licensee hereunder for the purpose of determining whether said licensee has established and maintained his premises in full compliance with the provisions of this Ordinance and such rules and regulations which may hereafter be adopted by the Township of Tilden regulating and licensing junk dealers and the establishment and maintenance of junk yards. The Township Chief of Police shall forthwith prosecute any discovered violation of this Ordinance. The Township Chief of Police shall not less than twice yearly, furnish to the Township Board of Supervisors a report of such inspections,

the same to be in writing, and in the form prescribed by the Board of Supervisors of the Township of Tilden.

SECTION 17 - A NEW SECTION 17 IS HEREBY ADDED TO THIS ORDINANCE, AND SHALL PROVIDE AS FOLLOWS:

SECTION 17 - Every junk yard in the Township of Tilden shall at all times be subject to inspection during reasonable hours of the day by Township Chief of Police. To facilitate such inspection and fire control, all junk therein shall be arranged and maintained in a neat and orderly fashion. All of such junk, vehicles and other junk, are to be arranged in rows, with a minimum of twenty (20) feet clear space between each row, and each of said rows to be no greater in width than forty (40') feet.

SECTION 18 - A NEW SECTION 18 IS HEREBY ADDED TO THIS ORDINANCE, AND SHALL PROVIDE AS FOLLOWS:

SECTION 18 - No junk, scrap or automobile bodies, motors or any other item of junk as defined in this Ordinance shall be stored, maintained, situated, placed or otherwise located within twenty (20') feet of any river, stream, run, creek, irrigation ditch or any other natural water course within the boundary lines of Tilden Township.

SECTION 19 - A NEW SECTION 19 IS HEREBY ADDED TO THIS ORDINANCE, AND SHALL PROVIDE AS FOLLOWS:

SECTION 19 - No junk yard as defined in this Ordinance shall be granted a license under the provisions hereof unless off street parking is provided within the property owner's boundary lines.

SECTION 20 - A NEW SECTION 20 IS HEREBY ADDED TO THIS ORDINANCE, AND SHALL PROVIDE AS FOLLOWS:

SECTION 20 - This Amendment to the Ordinance shall become effective five (5) days after enactment as provided in the Second Class Township Code.

ENACTED AND ORDAINED this 7th day of August, 1972.

BOARD OF SUPERVISORS OF TILDEN TOWNSHIP

By: Vernon A. Reppert

George B. Savage

Harold R. Stord

Attest:

Anna M. Schenkinger
Secretary