

## CHAPTER 7 BUSINESS REGULATIONS

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### ARTICLE I JUNK YARDS

*History: Adopted by the Board of Supervisors of Center Township as Ordinance No. 12, May 7, 1966, repealing Ordinance No. 3, adopted September 1951. Further amended by Ordinance No. 2004-12-12, December 8, 2004, Ordinance No. 2007-02-04, February 14, 2007.*

#### § 7-101. Definitions

Unless otherwise expressly stated, the following words and phrases shall be construed throughout this Article to have the meanings herein indicated:

- A. **Board:** The Board of Supervisors of Center Township.
- B. **Junk:** Any discarded materials or articles including, but not limited to, scrap, metal, scrapped, abandoned or junked motor vehicles, machinery, equipment, papers, glass, containers and structures of every kind. It shall not include, however, refuse or garbage kept in a proper container for the purpose of prompt disposal.
- C. **Junk Dealer:** Any person who engages in the business of selling, buying, salvaging, and dealing in junk and who maintains and operates a junk yard within the Township of Center.
- D. **Junk Yard and Automobile Grave Yard:** Shall mean any place where any junk as herein defined, is stored, disposed of, or accumulated.
- E. **License:** The permit granted to a person who accumulates, stores or disposes of junk as hereinbefore defined.
- F. **Person:** Any partnership, association, firm, corporation or individual.
- G. **Township:** Center Township, Butler County, Pennsylvania.

#### § 7-102. License

No person shall engage in business as a junk dealer, or maintain a junk yard without first having obtained a license from the Board, for which fee, in accordance with the schedule as may be adopted from time to time by the Board of Supervisors, shall be paid to the Township for the use of the Township. The license shall be issued for the twelve (12) month period beginning July 1, and ending June 30 of the following year and each license must be renewed annually on or before the first day of July of each year.

The facility must pass a safety inspection performed by the Township Zoning Officer before a new license or license renewal can be issued. The Township Zoning Officer may require outside consultants for special circumstances at facility owner's expense.(Ord. No. 2007-02-04)

#### **§ 7-103. Application for License**

The license provided for in this Article shall be issued by the Board after written application shall have been made therefore by the person desiring to be licensed. Such license shall state the name of the person to whom such license is issued and the premises on which such business is to be conducted, or such junk yard is to be maintained. Such license shall be posted conspicuously upon the premises licensed hereunder. The written application for a license hereinabove mentioned shall be accompanied by a form, every question of which must be answered, which form will be supplied by the Board. Applicant shall also submit therewith a plot of the premises used or to be used in connection with such license.

#### **§ 7-104. Issuance of License**

Upon receipt of an application by the Board of Supervisors, the Board shall issue a license or shall refuse to issue a license to the person applying therefore after an examination of the application and taking into consideration the suitability of the property proposed to be used for the purposes of the license, the character of the properties located nearby, and the effect of the proposed use upon the Township, both economically and aesthetically. In the event the Board shall issue a license, it may impose upon the license and the person applying therefor such terms and conditions in addition to the regulations herein contained and adopted pursuant to this Article as may be deemed necessary to carry out the spirit and intent of this Article, and to protect the health, safety and welfare of Township residents.

#### **§ 7-105. License Limitation**

No person licensed under this Article shall by virtue of one (1) license, keep more than one (1) place of business within the Township or maintain more than one (1) junk yard, for the purpose of buying, selling and dealing in junk. No person shall engage in business as a junk dealer in any place other than the place designated upon his license, or maintain a junk yard in any place other than the place designated upon his license. No license shall be issued for the use of a tract of land in excess of twenty (20) acres, excluding setback lines or areas.

#### **§ 7-106. Transfer of License**

No license issued by the Board shall be transferable by the licensee to any other person unless such a transfer is authorized by the Board. Any person desiring to transfer his license shall notify the Board in writing, which notification shall be accompanied by an application for a license, as described in Section 7-103 of this Article by the transferee. In the event the Board shall approve the transfer of a license, the transferee shall immediately pay to the Township a transfer fee as established by Resolution of the Board of Supervisors.

**§ 7-107. Records**

Every person licensed under this Article shall provide and shall maintain an accurate, up-to-date, legible record of every article or material purchased or received by him, the date and time of such purchase, or receipt, and the person from whom such article or material was purchased or obtained shall, at all times be subject to the inspection of any official of the Township.

**§ 7-108. Delay in Disposal**

Every person licensed under this Article shall keep and retain upon the licensed 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.

**§ 7-109. Regulations**

Every person licensed under this Article shall constantly maintain the licensed premises in accordance with any special provisions imposed by the Board and in the manner prescribed by this section:

- 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 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 from 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 on the premises shall be stored underground, which underground storage must be approved by the Board. All storage of flammable materials must be in accordance with all local and state regulations.
- 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 junk yard as described in the application for license hereunder, and as limited under Paragraph D above.

- F. A person licensed under this Article shall not burn on any day except the last three (3) days of the week; namely, Thursday, Friday and Saturday, between the hours of 8:00 a.m. and 4:30 p.m., and it is further provided that the abandoned and junked automobiles cannot be burned in a pile greater than fifteen feet (15') in height. It is further provided that it shall be unlawful for the aforesaid burning to be done less than fifty feet (50') from the boundary lines of the property. Burning must be attended and controlled at all times.
- G. When the Board shall deem it necessary and desirable, the premises to be licensed shall, at the setback lines, be enclosed by a fence of type and style to be determined by the Board or by evergreen screen plantings, or both. The Board may set forth the fence and planting requirements at the time of the issuance of a license or at the time of renewal or transfer of a license.
- H. It shall be unlawful for any person to store any scrap or junked automobile or parts of abandoned or junked automobiles on private or public property within the geographical boundaries of Center Township, Butler County, Pennsylvania, for any portion of a calendar day, without first having obtained a license as herein provided. The storage of any junk scrap, junked automobile, junked automobile parts for more than one (1) day, shall constitute a separate and distinct unlawful act for each and every calendar day, except this shall not apply to farmers who may store used machinery for repair parts, provided, that the same be kept where not visible from any public highway or any residential property.
- I. Such licensed 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.
- J. Burning, as referred to and defined in Section 7-109 F of this Article, shall be permitted only for junked automobiles which are to be sold on the local dealers' premises and it shall be unlawful for any dealer to bring into this Township for burning any vehicles from points outside Center Township which are brought in to be burned and returned to the outside dealer.
- K. Junkyards licensed hereunder also shall comply with all zoning regulations described in Chapter 20.

#### **§ 7-110. Violations and Penalties**

Any person who shall violate any of the provisions of this Article shall upon conviction thereof, by a summary proceeding be sentenced to pay a fine of not more than three hundred dollars (\$300.00) and the costs of prosecution, provided that each day's

violation of any of the provisions of this Article shall constitute a separate offense. In addition to the remedies provided herein, any continued violations of this Article which shall constitute a nuisance in fact or which shall in the opinion of the Board constitute a nuisance may be abated by proceedings against the violator in a court of equity for relief.