

TOWNSHIP OF MORRIS

ORDINANCE NO. 94- 10-03
(AMENDING ORDINANCE NO. 178)

AN ORDINANCE REGULATING JUNK DEALERS AND THE ESTABLISHMENT AND OPERATION OF JUNK YARDS, PROVIDING FOR THE ISSUANCE OF LICENSES FOR JUNK DEALERS AND FOR THE ESTABLISHMENT AND OPERATION OF JUNK YARDS, AND PRESCRIBING PENALTIES FOR VIOLATIONS.

WHEREAS, the Morris Township Board of Supervisors desire to set forth regulations relative to the safe operation and the licensure of junk yards within the Township; AND

WHEREAS, the Morris Township Board of Supervisors desire to protect the health, welfare and safety of the citizens of Morris Township by providing regulations dealing with the proper operation of and safety of junk yards within the Township; AND

WHEREAS, the Morris Township Board of Supervisors desire to establish some uniform system of regulations and enforcement of those regulations within the township for the welfare and safety of all persons involved;

NOW THEREFORE, BE IT ENACTED AND ORDAINED by the Township of Morris, Clearfield County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same as follows:

SECTION 1. This Ordinance shall be known and may be cited as "JUNK YARD ORDINANCE OF MORRIS TOWNSHIP".

SECTION 2. Definitions:

(a) The word "junk", as used in this Ordinance, shall mean discarded materials, scrap metal, recyclables and articles or things possessing value in part, gross or aggregate, and including but not limited to scrapped motor vehicles and parts thereof, including motors, bodies of motor vehicles and vehicles which are inoperable whether or not said vehicles have a current and valid inspection sticker as required by the motor vehicle laws of the Commonwealth of Pennsylvania, but shall not include garbage or other organic waste, or farm machinery provided said farm machinery is used in connection with a bona fide farming operation.

(b) 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, as well as dealers engaged in the selling, buying or dealing in scrap metal or recyclables or who shall store or keep upon his or another's premises, three (3) or more vehicles which are unlicensed and/or inoperable whether or not said vehicles have a current and valid inspection sticker as required by the Motor Vehicle laws of the Commonwealth of Pennsylvania or who shall otherwise engage in the operation of an automobile graveyard as provided in the Act of May 1, 1933, P.L. 103, Article VII, Section 702, as amended; 53 P.S. 65758. Any individual who engages in the repair or replacement of motor vehicle parts even though not for profit which requires said motor vehicles to remain upon the premises of the individual for a period in excess of (90) ninety days shall be required to comply with this ordinance as a junk dealer.

(c) 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 as is defined above, as carried on, or where three (3) or more motor vehicles are stored which are unlicensed, inoperable and whether or not said vehicles have a current and valid inspection sticker as required by the Motor Vehicle laws of the Commonwealth of Pennsylvania.

(d) The word "person" as used in this Ordinance shall mean any natural person, association, partnership, firm or corporation.

(e) In this Ordinance the singular shall include the plural and the masculine shall include the feminine and the neuter.

SECTION 3. On and after the effective date of this Ordinance, no person shall engage or continue to engage in business as a junk dealer or establish or operate a junk yard in the Township of Morris except as authorized by this Ordinance and without first having obtained a license therefore from the Board of Supervisors of the Township of Morris.

SECTION 4. Application for such license shall be made in writing, under oath and in the form prescribed by the Board of Supervisors of the Township of Morris, and shall contain the name of the applicant, his address, his length of residence at such address, his previous criminal record, if any, the address of the premises upon which such business is to be conducted or upon which such junk yard is to be established or operated, the name of the owner or owners of said property if other than the applicant, and upon any subsequent application a statement that the applicant, during the preceding term of his license, did comply with and did maintain his premises in full compliance with

the provisions of this Ordinance. Each application shall describe the premises upon which the junk yard is to be established or operated, specifying therein set-back lines, structures erected thereon, dwellings erected upon the premises adjacent to the premises proposed to be used, and a reference to the place where the Deed is recorded. If the applicant operates premises in one or more separate locations then a separate application is required for each premises operated by the applicant. If the applicant is a partnership or association the application shall furnish the above information for every member thereof. If the applicant is a business corporation, the application shall furnish the above information for each officer and director thereof. The application shall be signed by the applicant, if an individual, by all members if the applicant is a business corporation. A separate application shall be required for each junk yard conducted by a junk dealer. Said application shall also provide insurance information of the applicant to include but not be limited to the name of the insurance company which insures the premises; the policy number of said insurance policy; the amount of said insurance and the deductible, if any, which is applicable to said insurance.

SECTION 5. Every junk dealer shall pay an annual license fee of two hundred (\$200.00) dollars for every license or renewal thereof issued hereunder. All licenses shall be issued for a term of one (1) year, beginning July 15 and ending July 14 of the following year. Should an application for license be received after July 15th of any year then the \$200.00 license fee shall be pro-rated such that a fee shall be paid for the remaining months applicable in the license period such that the license shall expire on July 14 of the following year so as to allow all licenses issued to expire at the same time. No abatement of the annual license fee shall be made for any cause whatsoever. All licenses must be renewed annually on or before the 15th day of July of each year. Such license shall be issued upon the condition that the same may be summarily revoked in the event the said licensee be found to have given any false information or in any way misrepresented any material fact upon which the issuing authority has relied in granting such license. No refunds will be given in such case.

SECTION 6. The Board of Supervisors of the Township, upon receipt of an application for license under this Ordinance, shall determine whether or not a license shall be issued or a 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 Morris 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 transferrable or assignable by Agreement, Will, intestacy, or otherwise.

SECTION 7. No license or renewal of license shall be issued to any person who, within the five years immediately preceding the date of his application shall have been convicted for any felony or misdemeanor or crimen falsi.

SECTION 8. 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 records shall at all times be subject to the inspection of the Township Chief of Police, the Township Code Enforcement Officer or their appropriate designee for just cause. Such records shall be retained for a period of five (5) years.

SECTION 9. Every licensee hereunder shall keep and retain upon the licensed premises, for a period of twenty-four (24) hours 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 the same until such period of twenty-four (24) hours shall have elapsed.

SECTION 10. Every licensee hereunder shall constantly maintain the licensed premises in the manner hereinafter prescribed:

(a) Such 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, or a place for the breeding of rodents and vermin.

(b) No garbage or other organic waste shall be stored on such premises except those items deemed recyclable by the Commonwealth of Pennsylvania or any other appropriate agency shall be excluded and can be stored on the premises so long as said storage is done in compliance with the provisions of this ordinance and said materials are kept in a clean, dry and sanitary condition.

(c) 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 licensed land and to facilitate access for inspection purposes and fire fighting.

(d) No junk shall be stored or accumulated nor 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 the Township of Morris, PROVIDED: That in the 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.

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

(f) Within one year from the date of enactment of this ordinance every junk yard and junk dealer falling under the provisions of this ordinance shall be required to provide fencing around the perimeter of the facility or junk yard with said fencing to be of such a nature as to totally surround said facility or junk yard and shield the view of said facility or junk yard from the sight of those individuals or persons whose properties abut the junk yard premises or who may be traveling past the junk yard premises. At the discretion of the township Chief of Police and/or the Code Enforcement Officer or their appropriate designee this fencing requirement may be waived upon application by the licensee under circumstances where the junk yard premises can not be seen from any highway or trafficway upon which the public travels within the Township of Morris as well as upon such other terms or conditions as the Chief of Police, code enforcement officer or their designee may deem fit and proper.

(g) At no time shall there be maintained or stored in any premises subject to the provisions of this ordinance any substance or material which is classified as hazardous or infectious under the current or then applicable regulations of

the United States Government, the Commonwealth of Pennsylvania, the Department of Environmental Resources or any other regulatory agency or any other body having the power to enact regulations effecting the same.

SECTION 11. The Township Chief of Police, Code Enforcement Officer and/or their designee 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 Morris regulating and licensing junk dealers and the establishment and maintenance of junk yards. The Township Chief of Police, Code Enforcement Officer and/or their designee shall forthwith prosecute any discovered violation of this Ordinance. The Township Chief of Police, Code Enforcement Officer and/or their designee 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 Morris.

SECTION 12. Every junk yard in the Township of Morris shall at all times be subject to inspection during reasonable hours of the day by the Township Chief of Police, Code Enforcement Officer and/or their designee. 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 of clear space between each row and each of said rows to be no greater in width than forty (40) feet.

SECTION 13. No burning of junk, rubbish or other material in connection with said junk yards shall be conducted unless prior to said burning appropriate application and permission have been received by the licensee from the Department of Environmental Resources and/or any other regulatory agency of the United States Government, the Commonwealth of Pennsylvania or the Township of Morris.

SECTION 14. No junk, scrap, or automobile bodies, motors or 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 Morris Township.

SECTION 15. 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 16. Any person who shall violate any of the provisions of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not less than Three Hundred (\$300.00) Dollars nor more than One Thousand (\$1000.00) Dollars, and costs of prosecution, and in default of payment thereof to undergo 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 subject to separate penalty.

SECTION 17. The provisions of this Ordinance shall be severable, and if any provisions thereof shall be held to be unconstitutional, 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 provisions not been included therein.

SECTION 18. This Ordinance shall become effective five days after the date of its adoption by the Morris Township Board of Supervisors.

ENACTED AND ORDAINED this 3d day of October, 1994.

BOARD OF SUPERVISORS OF THE
TOWNSHIP OF MORRIS

By

John J. Saggese Jr.
Chairman

John J. Saggese Jr.
Supervisor

Arnold Moriah
Supervisor

ATTEST:

Bill J. Pichler
Secretary

I hereby certify that this is a true and correct copy of
Morris Township Ordinance No. 94-10-03.

Bill J. Pichler
Secretary