

**JUNK YARD ORDINANCE**

**MARION TOWNSHIP  
BEAVER COUNTY  
PENNSYLVANIA**

**ADOPTED JULY 10, 1964**

ORDINANCE NO 64-1

AN ORDINANCE OF THE TOWNSHIP OF MARION, BEAVER COUNTY, PENNSYLVANIA, REGULATING AND LICENSING JUNK DEALERS AND THE ESTABLISHMENT AND MAINTENANCE OF JUNK YARDS AND INCLUDING BUT NOT LIMITED TO AUTOMOBILE JUNK OR SCRAP YARDS IN SAID TOWNSHIP AND PRESCRIBING FINES AND PENALTIES FOR THE VIOLATION THEREOF.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of Marion under and by virtue of the authority contained in the Second-class Township Code, and it is hereby enacted and ordained by the authority the same as follows:

SECTION 1. DEFINITIONS:

(a) JUNK - Shall mean any discarded material or article and shall include, but not be limited to scrap metal scrapped, abandoned or junked motor vehicles, motor vehicle parts, machinery, machinery parts, equipment, paper, glass, containers, and abandoned, dilapidated or partially dismantled structures. It shall also include a partially dismantled motor vehicle not bearing current registration license plates and which is not in the process of immediate repair. It shall not include, however, refuse or garbage kept in a proper container for the purpose of prompt disposal.

(b) Junk Dealer. - Any person who buys, sells, salvages, stores, or in any way deals in junk or owns, leases, operates, or maintains a junk yard within the Township.

(c) Person. - The word "person," as used in this ordinance, shall mean any natural person, partnership, firm or corporation.

(d) Township. - The Township of Marion, Beaver County, Pennsylvania.

(e) Board. - The Board of Supervisors of Marion Township, Beaver County, Pennsylvania.

(f) Junkyard - Shall mean any place where any junk, as herein defined, is stored, allowed to remain, disposed of, or accumulated.

(g) Junk Dealer - Shall mean any person who shall engage in the business of selling, buying or dealing in junk.

(h) In this ordinance, the singular shall include the plural and the masculine shall include the feminine and the neuter.

SECTION 2. No person shall engage in business as a junk dealer or own, lease, operate or maintain a junk yard as herein defined within the Township without first obtaining a license to operate a junk yard as a junk dealer. The annual fee for such a license shall be Two Hundred (\$200.00) Dollar and the license shall be effective for one calendar year only, each license terminating on December 31st. of the year for which it is issued, subject to renewal upon reapplication and payment of the annual fee. Application for a license or any renewal thereof shall be filed in writing with the Secretary of the Board and shall contain the applicant's sworn statement setting forth the applicant's name and address, together with the names and addresses of all other persons interested in the business, an accurate description of the premises upon which the business is to be conducted and the junk yard located, including the Beaver County Tax Map Parcel

Number, and a statement that applicant will comply with this ordinance and any regulations adopted pursuant to this ordinance. Upon receipt of the application and license fee of Two-Hundred (\$200.00) Dollars by the Township, 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 purpose of a license, the character of the properties located nearby, the compliance of the applicant with the terms and conditions of this ordinance and the effect of the proposed use upon the Township, both economic and aesthetic. Such license shall at all times be conspicuously displayed upon the junk yard premises. The license shall not be transferrable both as to the junk yard premises and the junk dealer, except as provided in Section 4 hereof.

SECTION 3: No person licensed under this ordinance shall, by virtue of one license, keep more than one place of business within the Township for the purpose of buying, selling or dealing in junk; nor shall any such person engage in any business as a junk dealer in any place other than in the place designated in his license. Nor shall any such person, or any other person, operate upon any of the streets of the Township, whether from a vehicle or upon foot, as a scavenger or an itinerant buyer or seller of junk.

SECTION 4: No license issued under this ordinance shall be transferrable from one person to another person except when the ownership of a licensed premises shall change. In such case, the new owner shall apply for a transfer of such license to him and shall pay a transfer fee of Ten (\$10.00) Dollars.

SECTION 5: Every junk dealer shall provide and shall constantly keep a book, in which shall be clearly and legibly written down in the English language at the time of the purchase 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 shall at all times be subject to inspection of any Police Officer or Constable of the Township, or any other Official of the Township.

SECTION 6: Every junk dealer, licensed under this Ordinance, shall keep and maintain 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.

SECTION 7: REGULATIONS. Every junk dealer licensed under this Ordinance 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 to not constitute a nuisance or a menace to the health of the community or of the residents nearby or a place for the breeding of rodents or vermin.

(b) No garbage or other organic waste, and no paper, rubbish rags or other flammable articles or materials shall be stored in such premises.

(c) Whenever any motor vehicle shall be received in such premises as junk all gasoline and oil shall immediately be drained and removed therefrom and no more than ten (10) gallons of gasoline shall be stored above ground in said junk yard and the same shall be placed in suitable containers. No other gasoline or oil shall be permitted to remain on 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, 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 seven o'clock A.M. and after six o'clock P.M.

(f) No melting or burning of any junk shall be permitted in any junk yard, nor in the Township.

(g) The premises to be licensed shall be set back a minimum distance of twenty-five (25) feet from the right-of-way lines on all streets or roads and a minimum of twenty-five (25) feet from all other property lines. The area between the set back line and the right-of-way line and all streets and roads and other property lines shall at all times be kept clear and vacant.

(h) All junk shall be stored behind a fence as herein specified, which fence shall be set back at least twenty-five (25) feet from all lot lines of the premises occupied by the junk yard. Whenever such fence, or any part of such fence is visible from a public road or from a residence of any adjoining property, a landscaped screen of trees and/or shrubs of varieties, capable of attaining a continuous height of six (6) feet within two years shall be planted along said fence or section of fence.. All required open areas between fence and lot lines shall be maintained continuously in good order and free of weeds and scrub growth.

(j) Every junk yard shall be completely fenced with a heavy duty chain-link fence at least six (6) feet in height, with gates of similar fencing material, which gates shall at all times be securely locked except during business hours.

SECTION 8: Any member of the Board or a duly authorized agent thereof may at any time enter upon and inspect any premises for which there is a pending application for a junk yard license or which holds a current junk yard license.

SECTION 9: The Board may from time to time adopt regulations to carry out the provisions of this ordinance upon giving ten (10) days written notice to the licensees affected by such regulation.

SECTION: 10: Junk dealers and junk yards operating and existing in this Township on the effective date of this ordinance shall have sixty (60) days from the effective date of this ordinance in which to place their junk yard premises in such condition as will comply with the requirements of this ordinance. However, all junk dealers and junk yards operating and existing on the effective date of this ordinance are required to immediately make application for a license, accompanying said license application with a license fee in the sum of Two Hundred (\$200.00) Dollars and in all other respects comply with the terms and provisions relating to the applying for and securing of licenses herein contained.

SECTION 11: Any person who shall violate any of the provisions of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than One Hundred (\$100.00) Dollars and the costs of prosecution, in the manner provided by the Second-class Township code for the enforcement of ordinances, and upon failure to pay said fine and costs shall be committed to jail as provided by the Second-class Township Code. It is further hereby provided that each day's violation of any of the provisions of this ordinance shall constitute a separate offense.

SECTION 12: All sections, paragraphs, or parts of this ordinance are severable, and if any section, paragraph, or portion shall be declared invalid, or unconstitutional, the same shall not affect the validity of any or all other sections, paragraphs and portions or parts of this ordinance. It is hereby declared as the intent of the Township that this ordinance would have been adopted as if such unconstitutional, illegal or invalid sentence, clause, or section or part hereof had not been included herein.

SECTION 13: Any ordinance or part of any ordinance conflicting with this ordinance is hereby repealed insofar as the same is inconsistent herewith.

SECTION 14: This ordinance shall become effective ten (10) days after the adoption and notice of adoption as provided by law.

ENACTED AND ORDAINED THIS 10<sup>th</sup> day of July, 1964 by the Board of Supervisors of the Township of Marion, Beaver County, Pennsylvania.

BOARD OF SUPERVISORS OF THE  
TOWNSHIP OF MARION

By S/ Richard P. Hugh  
Chairman of the Board of  
Supervisors

ATTEST:

Emer L. Guehning  
Secretary of the  
Township of Marion