

AN ORDINANCE TO REGULATE AND LICENSE JUNK DEALERS, PROHIBIT THE ESTABLISHMENT AND MAINTENANCE OF NEW JUNK YARDS, SALVAGE YARDS AND OTHER PLACES USED AND MAINTAINED FOR THE COLLECTION, STORAGE AND DISPOSAL OF USED AND SECOND HAND GOODS AND MATERIALS, INCLUDING THE STORAGE OF DISABLED AND DISMANTLED VEHICLES, AND THE IMPOSITION OF FINES, PENALTIES AND FORFEITURES FOR VIOLATIONS THEREOF.

Whereas, Section 702, Clause 58 of the "Township Code" enacted by the Commonwealth of Pennsylvania authorizes the regulation and licensing of junk dealers, establishment and maintenance of junk yards and scrap yards, including but not limited to automobile junk or grave yards.

NOW, THEREFORE, be it ordained and enacted by the Supervisors of Rush Township, and it is hereby enacted by Authority of the same.

SECTION 1. NEW JUNK YARDS PROHIBITED. From and after the passage of this Ordinance it shall be unlawful for any person, firm or corporation, either as principal or as agent, to own, operate, carry on or otherwise conduct a junk yard, salvage yard or other place used and maintained for the collection, storage and/or disposal, of used and second hand goods and materials, including the storage and salvaging of disabled and dismantled vehicles, whether on public or private property, within the corporate limits of Rush Township.

SECTION 2. LICENSING AND REGULATION OF EXISTING JUNK YARDS. Within thirty (30) days after the passage of this Ordinance, any person, firm or corporation whether as principal or agent, doing business as/or presently engaged in the operation of a junk yard salvage yard or other place used and maintained for the collection, storage and/or disposal of used and second hand materials, including the storage and salvaging of disabled and dismantled vehicles, shall register such operation or evidence thereof, with the Secretary of the Township Supervisors. Said registration shall be accepted as an Application to be issued a Conditional License, and shall be accompanied by a fee of ten (\$10.00) Dollars, and filed on a form prescribed by and obtainable from the Township Secretary.

SECTION 3. REQUIREMENTS FOR ISSUANCE OF A CONDITIONAL LICENSE. Within twenty (20) days of a duly received Application to be issued a Conditional License, by an owner or operator of a "junk yard" the Township Secretary, or some other responsible person designated by the Board of Supervisors is hereby directed to make an inspection of the site or premises for which a conditional license has been applied. Said premises shall be subject to the following requirements and satisfactory evidence that the premises are being operated in substantial compliance therewith:

1. No building, structure, fence, etc., shall be erected or maintained within a distance of fifty (50) feet of any street, road, highway or public right of way; nor shall any goods or material be stored or stockpiled within a distance of fifty (50) feet of any street, road, highway or public right of way.
2. A cleared fire lane twenty (20') feet in width shall be maintained at all times through the center of the property sought to be licensed.

3. The premises shall be in as neat and orderly condition as possible, free and clear of all dirt, rags, paper, wood scraps, discarded lumber, cans, garbage or other debris.
4. All equipment, goods and material stored or stockpiled on the premises shall be laid out or otherwise stockpiled in a manner to facilitate walkways or aisles that are free and clear and offer safe access to all parts of the premises, to facilitate the movement of men and equipment in the event of fire.
5. Suitable fire extinguishers and other required safety equipment shall be located and maintained on the premises as required by directive of the State Fire Marshall or local ordinance.
6. The premises shall be free and clear of all rodents, vermin and snakes; drainage and sanitation hazards or other menace to employees or to public health.
7. Whenever any motor vehicle shall be received in such premises as junk, all gasoline, shall be drained and removed therefrom, and none shall be permitted to remain upon the premises.

SECTION 4. CERTIFICATION OF PREMISES FOR CONTINUED OCCUPANCY. After inspection and examination of the premises by the Secretary, or some other responsible person designated by the Board of Supervisors, and if the operation is being conducted in substantial compliance with Section 3, the Secretary shall issue a "Conditional License" which shall authorize continued occupancy and operation.

SECTION 5. LICENSE FEE. The issuance of a "Conditional License" shall be subject to a fee of \$10.00, and shall expire twelve (12) months from the date of issuance. Each succeeding annual license fee shall be in the sum of \$10.00 (\$10.00) Dollars.

SECTION 6. ABATEMENT OF VIOLATION OR NON-COMPLIANCE. IF, upon inspection and examination of the premises as required by Section 3 the subject operation is not being conducted as required, a thirty (30) day period is hereby granted within which compliance must be effected for any or all of the requirements. Failure to comply will nullify the granting of a "Conditional License."

SECTION 7. VIOLATIONS. Any person who shall violate any of the provisions of this Ordinance shall upon conviction thereof, by a summary proceeding before a Justice of the Peace be sentenced to pay a fine of not more than One Hundred (\$100.00) Dollars and the costs of prosecution, provided that each day's violation of any of the provisions of this Ordinance shall constitute a separate offense.

SECTION 8. ABATEMENT OF NUISANCES. In addition to the remedies provided in Section 7, above, any continued violation of this Ordinance shall constitute a nuisance in fact and may be abated by proceeding against the violator in a Court of competent jurisdiction.

SECTION 9. SEVERABILITY. If any section of this ordinance shall be found to be invalid by a Court of competent jurisdiction, the other sections of the ordinance shall not be affected thereby.

SECTION 10. REPEAL. All ordinances or parts thereof in conflict herewith be and the same are hereby repealed.

APPROVED, adopted and enacted in an Ordinance this 1
day of June, 1962, to become effective at the earliest
period allowed by law.

BOARD OF SUPERVISORS OF RUSH TOWNSHIP,
SCHUYLKILL COUNTY, PENNSYLVANIA.

Arnold R. Mace

H. T. Blackwell

Gerald Purnell

SUPERVISORS

ATTEST:

Homer E. Neifert
Secretary