

*For
Delaware Co.*

WB XII

NOTICE

The Board of Supervisors of West Bradford Township, Chester County, Pennsylvania, intends to consider the following ordinance at its regular monthly meeting to be held on Tuesday, February 14, 1967, at the West Bradford Fire Company building in Marshallton, Pa., at 8:00 P.M.:

AN ORDINANCE OF THE TOWNSHIP OF WEST BRADFORD TO REGULATE AND LICENSE THE ESTABLISHMENT AND MAINTENANCE OF JUNK YARDS AND SCRAP YARDS, INCLUDING BUT NOT LIMITED TO AUTOMOBILE JUNK YARDS OR GRAVEYARDS AND PRESCRIBING REMEDIES AND PENALTIES FOR VIOLATION

WHEREAS, the Board of Supervisors of Second Class Townships have been given the specific power and authority by the Commonwealth of Pennsylvania to regulate and license junk dealers and the establishment and maintenance of junk yards and scrap yards, including but not limited to automobile junk or graveyards; and

WHEREAS, the Board of Supervisors of West Bradford Township are aware of the need for such regulations for junk yards now existing and which might exist in the future in order to promote and protect the health, safety and welfare of the residents of the township;

NOW, THEREFORE, BE IT ENACTED by the Board of Supervisors of West Bradford Township as follows:

SECTION I. Definitions. Unless otherwise expressly provided, the following words shall, for purposes of this ordinance, have the following meanings:

(a) Junk. Any and all forms of waste and refuse of any type of material, including scrap metal, junked motor vehicles, glass, industrial waste and other salvageable material.

(b) Automobile. Any and all types of motor vehicles, including self-propelled machinery of all kinds, with the exception of useable farm machinery.

(c) Person. Any natural person, partnership, firm, corporation or other legal entity, including singular and plural, male and female.

(d) Township. The Township of West Bradford, Chester County, Pennsylvania.

(e) Board. The Board of Supervisors of West Bradford Township, Chester County, Pennsylvania.

(f) Junk Yard. Any place where junk as herein defined is stored or accumulated. Any premises as herein defined having two or more automobiles, unlicensed and/or not bearing current Pennsylvania Motor Vehicle Code inspection sticker thereon, shall in any event be deemed a junk yard.

(g) Premises. Any parcel of land situate in West Bradford Township, Chester County, Pennsylvania, having a separate tax map parcel number for County assessment purposes.

(h) 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.

SECTION II. License. No person shall be 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 One Hundred (\$100.00) Dollars; the license shall be effective for one calendar year only, each license terminating on December 31 of the year for which it is issued subject to renewal upon reapplication. 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 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 Chester County tax map parcel number and a statement that applicant will comply with the ordinance and any regulations adopted pursuant to the ordinance. Upon receipt of the application and license fee of One Hundred (\$100.00) Dollars by the Township, if the application complies with the provisions hereof, the secretary of the Board, or the Board, shall within ten days issue its license authorizing the operation and maintenance of a junk yard upon the premises by the junk dealer. Such license shall at all times be conspicuously displayed upon the junk yard premises. The license shall be non-transferrable both as to the junk yard premises and junk dealer.

SECTION III. No person licensed under this ordinance shall, by virtue of one license, keep more than one place of business or maintain or operate more than one place of business or maintain or operate more than one junk yard within the Township of West Bradford, nor shall any person engage in business as a junk dealer or operate or maintain a junk yard in any place other than the place designated upon his license, nor shall any person operate

upon any of the roads or highways in the Township of West Bradford, whether from a vehicle or upon foot, as a scavenger or an itinerant buyer or seller of junk, except a junkyard operator licensed hereunder or under any other appropriate township ordinance.

SECTION IV. Every junk dealer licensed under the ordinance shall maintain the licensed junk yard and conduct business as hereinafter provided:

(a) All junk shall be stored behind a fence, as specified in "(b)" below, which fence shall be set back at least fifty (50) 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 a maximum of four (4) feet apart along such 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.

(b) Every junk yard shall be completely fenced with a heavy duty chainlink or wire mesh 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 when an adult attendant employed as such is on the premises. Such fence shall have maximum openings of four square inches and the wire mesh shall be of a minimum size and strength of No. 10 guage steel wire.

(c) No junk yard shall cover an area in excess of five acres.

(d) All junk shall be stored and set back at least fifty (50) feet from any adjoining premises and at least seventy-five (75) feet from the nearest edge of the cartway of any public road or highway.

(e) No junk yard shall operate on Sunday nor between the hours of 8:00 P.M. and 7:00 A.M., except to remove any wrecked automobile from any public highway.

(f) All junk shall be stored and arranged so as to permit access by fire fighting equipment and to prevent accumulation of stagnant water. Junked automobiles shall be spaced in rows with at least fifteen (15) feet between each double row to permit movement of fire equipment. Junk shall not be piled to a height of more than six (6) feet from the ground.

(g) All gasoline and oil shall be drained from any junked automobile into containers and removed from the junk yard premises within twelve (12) hours from arrival on the said premises of the junked automobile; provided, however, that gasoline or oil shall be stored at only one location on the licensed premises, and no more than one hundred (100) gallons in aggregate of gasoline and oil shall be stored above ground.

(h) All weeds on any junk yard shall be kept mowed and shall not be permitted to go to seed.

(i) An adult attendant shall at all times during business hours remain on the junk yard premises.

(j) No garbage or organic waste shall be permitted to be stored in any junk yard.

(k) No burning or melting of any junk shall be permitted in any junk yard nor in the township.

(l) Paper, rags, plastic materials and rubbish shall not be stored outside and shall not be accumulated or remain on any junk yard premises for more than one month.

(m) Junk yards shall at all times be maintained in such a manner as to cause no public or private nuisance nor to cause any menace to health or safety of any persons off the premises nor to cause any excessive or offensive or noxious sounds or odors nor to cause the breeding, harboring or infesting of rats, rodents or vermin, nor to cause a violation of any health or sanitation law, ordinance or regulation of any governmental body.

(n) Permanent records of all junk received or removed from any junk yard shall be kept by the junk dealer on the premises, containing the name and address from whom received or delivered and the date thereof and a description of the junk which shall at all times be open to inspection by any member of the Board or its duly authorized agent or any law enforcement officer.

(o) No junk shall be removed from any junk yard nor broken up, reduced or altered in shape or form for a period of forty-eight (48) hours after the same is placed on the junk yard premises.

SECTION V. Inspection. 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 VI. The Board may, from time to time, adopt regulations to carry out the provisions of this ordinance upon giving notice to the licensees affected by such regulations.

SECTION VII. Junk Yard Inspector. The Board shall appoint and provide for the compensation of a township employee to be known as a "junk yard inspector." It shall be the duty of the junk yard inspector to make monthly inspections of all junk yards licensed pursuant to the terms of this ordinance and to file with the Board a written report of each such inspection. In making such inspections, the junk yard inspector shall ascertain whether the provisions of this ordinance are being complied with, shall note any violations thereof in his report of inspection, shall check the licensee's records of junk received and removed with his inventory, shall examine the titles to all junked automobiles on the premises and shall check into such other matters as come within the scope of this ordinance.

SECTION VIII. Penalties. Any person violating any provisions of this ordinance shall, upon conviction by summary proceedings before a Justice of the Peace, be subject to a fine not exceeding Three Hundred (\$300.00) Dollars, plus costs of prosecution, for each violation thereof and be subject to imprisonment not to exceed thirty (30) days in default of payment of such fine. A new and separate offense shall be deemed to have been committed for each day that said violation exists.

SECTI IX. Any accumulation of g age, rubbish or other junk in violation of the terms of this ordinance shall be deemed a nuisance and shall be removed by the owner of the property on which such accumulation exists within ten (10) days of the receipt of a notice sent to the property owner by United States Certified Mail by the Board or their duly authorized agent, in default of which said accumulation may be removed by or at the direction of the Board and the costs of such removal shall be collected from the owner, together with the above mentioned penalty by summary proceedings.

SECTION X. Enforcement. The Board or any person may take any appropriate action at law or in equity, civil or criminal, to enforce the provisions of this ordinance, and this ordinance shall in no way restrict any remedies otherwise provided by law.

SECTION XI. Junk dealers and junk yards operating and existing in the township on the effective date of this ordinance shall not be required to obtain a license nor comply with the licensing provisions prior to July, 1967, and the license fee for the period ending December 31, 1967 shall be Fifty (\$50.00) Dollars only.

SECTION XII. This ordinance shall become effective five days after its adoption.

SECTION XIII. All sections and parts of this ordinance are severable, and if any section or portion shall be

declared invalid, the same shall not affect the validity of any
and all other sections and portions.

ENACTED and ORDAINED this *14* day of *Feb*, 1967.

BOARD OF SUPERVISORS
WEST BRADFORD TOWNSHIP

Horace W. Rodgers
Secretary

DAILY LOCAL NEWS

Publish February 1 (or 2), 1967

Proof and statement to

Mr. Horace W. Rodgers
Glenside Avenue
Downingtown, Pa. 19355