

TOWNSHIP/BOROUGH
SUSQUEHANNA COUNTY, PENNSYLVANIA

ORDINANCE NO. _____

AN ORDINANCE PROVIDING FOR THE LICENSING AND REGULATION OF JUNKYARDS, FOR THE CONTROL OF JUNK AND RUBBISH ACCUMULATION, AND THE REGULATION OF THE STORAGE OF ABANDONED AND JUNK VEHICLES AND EQUIPMENT; AND PRESCRIBING PENALTIES FOR VIOLATIONS.

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BE IT ENACTED AND ORDAINED by the Township/Borough of _____, Susquehanna County, Pennsylvania, under the authority granted by the Pennsylvania Second Class Township Code/Borough Code, as amended; and it is hereby enacted and ordained by the authority of the same as follows:

SECTION 1 -- SHORT TITLE

This Ordinance shall be known and may be cited as *THE JUNK AND RUBBISH REGULATION ORDINANCE OF _____ TOWNSHIP/BOROUGH.*

SECTION 2 -- PURPOSE

The purpose of this Ordinance is to regulate the accumulation, storage and sale of junk and/or rubbish in order to minimize safety hazards created by junk and/or rubbish, to prevent blight and property deterioration, to protect property values, and otherwise protect the general health, safety and welfare of the citizens of the Township/Borough.

SECTION 3 -- RESPONSIBILITY – NUISANCES DECLARED

It shall be the responsibility of the property owner of the premises upon which any junk and/or rubbish is situated and the owner of any such junk and/or rubbish to comply with this Ordinance, and to provide for the removal of such junk and/or rubbish and remediation of any environmental problems associated with any junk and/or rubbish. The following are hereby declared to be public nuisances and shall be removed, disposed of, or corrected as herein provided:

1. Any junk not stored in a licensed junkyard.

2. The accumulation of rubbish which is unsanitary, or otherwise dangerous, to the health, safety, or general welfare of the occupants of the premises or the public.

Any property owner or owner of any junk and/or rubbish who fails to comply with the provisions of this Ordinance shall be deemed to be in violation of the Ordinance and shall be subject to the penalties and remedies prescribed herein.

SECTION 4 -- DEFINITIONS

Abandoned or Junked Vehicle - Any vehicle not stored in a fully enclosed building which is not in good operating and road-worthy condition. (See definition of *good operating and road-worthy condition*.)

Agricultural Operation - The use of any parcel of land containing five (5) or more acres for economic gain in the raising of agricultural products or livestock. It includes necessary structures within the limits of the parcel and the storage of equipment necessary for production.

Antique Vehicle - Any vehicle twenty-five (25) years or older which has been restored to good operating and road-worthy condition. (See definition of *good operating and road-worthy condition*.)

Collector Vehicle - Any vehicle of limited manufactured production from the present through twenty-four (24) years old, in good operating and road-worthy condition. (See definition of *good operating and road-worthy condition*.)

Contracting Business - An active, ongoing business legally operating in the Township/Borough which involves the performance of services related to the construction of buildings, erection of structures, the preparation of the land for buildings and structures, the installation of community facilities such as roads, water systems and sewage disposal systems, or the provision of transportation services.

Emergency Case - A violation which poses an imminent threat to the public health, safety or welfare and which requires immediate action to eliminate such imminent threat.

Enforcement Officer - The individual(s), agency or firm appointed by the Board of Supervisors/Borough Council to enforce the provisions of this Ordinance.

Garbage - Animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

Good Operating and Road-Worthy Condition: - A vehicle having both a current and valid registration and current and valid inspection sticker as required by the motor vehicle laws of the Commonwealth of Pennsylvania, or if lacking a registration and/or inspection sticker, is in full and complete working order and condition, but for not having said current registration and inspection sticker could be safely operated on a public roadway. Registrations and inspections which have been expired for less than sixty (60) days shall be considered current for the purposes of this definition.

Junk - Any scrap, waste, refuse, reclaimable material or debris, vehicles, appliances, equipment or machinery, or parts thereof, whether or not stored or used in conjunction with dismantling, processing, salvage, storage, baling, disposal or other use or disposition. Junk shall include, but shall not be limited to:

- A. Scrap iron, tin, brass, copper, lead, zinc and all other metals and alloys; bones, rags, paper, used cloth, used rubber, used rope, and similar materials; old or used, or parts of machinery, vehicles, tools, appliances, furniture, plumbing, heating and other fixtures, and pipe and pipe fittings;
- B. Used lumber, boxes, crates and pallets;
- C. Used tires;
- D. Other worn, deteriorated, or obsolete manufactured goods which are unusable;
- E. Mobile/manufactured homes that are not in habitable condition; and,
- F. Abandoned or junked vehicles.

Junk shall not include:

- A. Any solid or liquid waste the disposal of which is regulated by the Pennsylvania Department of Environmental Protection;
- B. Agricultural vehicles and implements such as tractors, mowers, etc. for use as parts for equipment and machinery used as part of an active, on-going agricultural operation provided such equipment is stored on the premises of the operation, can be legitimately used for parts, and is adequately screened.; and,
- C. Construction and contractors equipment for use as parts for equipment and machinery used as part of an active, on-going contracting business legally operating in the Township/Borough, provided such equipment is stored on the premises of the operation, can be legitimately used for parts, and is adequately screened.

Junk Yard: An area of land, with or without buildings, used for the storage, outside a completely enclosed building, of junk as defined by this Ordinance, with or without the dismantling, processing, salvage, sale or other use or disposition of the same. The following shall also be considered junkyards:

- A. The outside storage or deposit on a lot of three (3) or more abandoned or junked vehicles; and,
- B. The outside storage or deposit on a lot of one (1) or more mobile/manufactured homes that are not in habitable condition; and,

Vehicle sales lots managed by licensed vehicle dealers legally operated in the Township/Borough and storage areas for antique and collector vehicles with adequate screening approved by the Board of Supervisors/Borough Council shall not be considered junkyards.

On-Site Utility Vehicle: An abandoned or junked vehicle used on a specific property for plowing snow, hauling fire wood, moving goods or equipment, and other similar property maintenance or operational activities.

Outside Storage - Not contained in a building fully enclosed with completed walls and roof.

Person: An individual, trustee, executor, other fiduciary, corporation, firm, partnership, association, organization or other entity acting as a unit.

Rubbish - Combustible and non combustible waste materials including but not limited to, garbage, junk, residue from the burning of wood, coal, coke, and other combustible material, paper, rags, cartons, boxes, wood, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass crockery and dust, and similar materials.

Screened: Not visible from any adjoining or neighboring property, any public or private road right-of-way, or any other premises, and which is accomplished by fencing, topography, berms, natural and planted vegetation or other means approved by the Board of Supervisors/Borough Council.

Township/Borough - The Township/Borough of _____, Susquehanna County, Pennsylvania.

Vehicle - Any device in, upon or by which any person or property is or may be transported or drawn upon a public highway or upon any land, including, but not limited to, automobiles, trucks, vans, buses, utility trailers, tractors, truck tractors, recreational vehicles, motor homes, travel trailers, motorcycles, machinery, trailers, farm machinery and implements, and other wheeled equipment; boats; and aircraft.

Vehicle or Equipment Repair/Towing Operation: An establishment legally operating in the Township/Borough and engaged in the service and/or repair of vehicles, including but not limited to, auto body shops, repair garages, truck repair garages, towing companies and agriculture equipment repair.

SECTION 5 -- JUNKYARDS

Section 5.1 Existing Junkyards

The requirements of this Ordinance shall apply to junkyards existing prior to the effective date of this Ordinance. All

such junkyards shall comply with the licensing and operational standards provided in this Ordinance.

Section 5.2 Annual License Required

On and after the effective date of this Ordinance, no person shall establish, maintain or operate, or continue to maintain or operate a junkyard; and no person shall establish, maintain or operate, or continue to maintain or operate any premises in such manner which constitutes a junkyard under the terms of this Ordinance without a license issued by the Township and except as authorized by this ordinance. No license shall be issued until compliance with all provisions of this Ordinance is clearly documented to the satisfaction of the Board of Supervisors/Borough Council. All licenses shall be valid for a period of one (1) year beginning January 1st and expiring December 31st of the following year. All licenses must be renewed annually on or before January 1st of each year.

A. Zoning

Junkyards shall be permitted only in those areas of the Township/Borough as designated by the Township/Borough Zoning Ordinance and Zoning Map, as amended.

B. Application

Any person intending to operate or currently operating a junkyard in Township/Borough shall make annual application for a license. Said application shall be made on a form prescribed by the Board of Supervisors/Borough Council and shall, at a minimum, contain the following information. Said application shall be made concurrently with that for any required zoning approval.

1. Name of applicant
2. Address and telephone of applicant
3. The location of the junkyard
4. Property owner if different than applicant
5. Any criminal record of the applicant, owner or associates involved in the business
6. Signature of the applicant and owner

C. Plan

The application shall include a plan of the proposed junkyard showing, at a minimum, the following information:

1. All information required for land developments by the Township/Borough Subdivision and Land Development Ordinance.
2. The location of principal structures and wells on all properties within one thousand (1,000) feet of the junkyard premises.

D. Fee

The operator of every junkyard shall pay a fee for the issuance or renewal of every license. The fee shall be established by Resolution of the Board of Supervisors/Borough Council.

E. Annual Bond

The operator of every junkyard shall, as part of the annual license requirement, provide a bond to cover the cost of any junk removal and/or remediation of any environmental problems undertaken by the Board of Supervisors/Borough Council in accord with Section 10,B, of this Ordinance. Nothing herein shall legally bind the Township/Borough to effect the removal of any junk and the remediation of any environmental problems associated with any junk, which shall remain the ultimate responsibility of the owner of the property upon which the junk is located and the owner of the junk.

1. Amount - A surety bond shall accompany every application for license. The amount of the bond shall be established by the Board of Supervisors/Borough Council based upon the size and nature of the proposed junkyard, but in no case shall the amount be less than thirty thousand dollars (\$30,000).

2. Form - The Bond shall be executed by a surety company authorized by the laws of the Commonwealth of Pennsylvania to transact business within the Commonwealth of Pennsylvania. The Board of Supervisors/Borough Council may, in lieu of such surety bond, accept a bond executed by the applicant for license if such bond is secured by the deposit with the Township/Borough Secretary of a cashier's check, treasurer's check, or certificates of deposit of a banking institution in the total sum as established by the Board.
3. Annual Renewal - The bond shall be renewed and filed annually along with the annual license renewal.
4. Term - The bond shall be executed in favor of the Township/Borough and shall be for the use of the Township/Borough. The term of the bond shall be for one (1) year.
5. It shall be the condition of the bond that if upon and after the issuance of such license the said licensee does not fully and faithfully observe and comply with the provisions of this Ordinance and any other applicable approvals or regulations, the Board of Supervisors/Borough Council shall have the authority to use such bond to effect the required compliance and/or the removal of junk.

F. Determination of Issuance

Upon receipt of a completed application and fee, the Board of Supervisors/Borough Council, at a duly advertised meeting, shall take action to grant or deny the license application or renewal. Said action shall be based upon the suitability of the premises for the operation of a junkyard; the character of adjacent properties and the likely effect of the junkyard; the general health, safety and welfare of Township/Borough residents; the potential hazards to neighboring properties and structures; and the past performance of the licensee in the case of renewals. No license shall be issued for a new junkyard unless and until the proper zoning and land development approvals are granted by the Board of Supervisors/Borough Council. If approval is granted, the licenses shall be issued and shall be conspicuously posted on the junkyard premises. Any license shall be for the operation of the junkyard only upon the premises for which the license is issued and no license shall be transferable by any means.

The Board of Supervisors/Borough Council shall act upon any complete application within sixty (60) days following its submission, and the decision shall be in writing to the applicant within seven (7) days of when the decision is made. Upon refusal of a license, the applicant may request in writing a hearing before the Board within seven (7) days of the applicant's receipt of the notice of denial; and the Board of Supervisors/Borough Council shall conduct a hearing within sixty (60) days of receipt of such request. Hearings and any subsequent appeal shall be pursuant to the Act of December 2, 1968, P.L. 1133, No. 353, as amended, the Local Agency Law.

G. Records

Every licensee shall maintain written records of the following information for all junk purchased, acquired or received:

1. Date and approximate time of purchase, acquisition or receipt of junk.
2. Full and complete description including trade names and serial numbers, if any.
3. Name and address of person from whom junk was obtained

Such records shall be maintained for a period of five (5) years and shall, at all times, be subject to the inspection of the Township/Borough.

H. Revocation

Any license issued under this Ordinance may be revoked by the Board of Supervisors/Borough Council in the event the said licensee is found to have given any false information or in any way misrepresented any material fact upon which the Board of Supervisors/Borough Council has relied in granting the license; or, where the licensee violates any provisions of this Ordinance. No fee refunds shall be made in such case.

Section 5.3 Junkyards -- Operating Standards

All existing and proposed junkyards licensed under the provisions of this Ordinance shall be established, maintained, and operated in accord with the following standards:

- A. Federal and State Regulations - Any junkyard located adjacent to a Federal Aid Highway shall comply with all regulations of the Federal Highway Administration, and all junkyards shall meet the licensing and screening requirements of the Commonwealth of Pennsylvania.
- B. Fencing - All junkyards shall be completely enclosed by a chain link, security fence not less than eight (8) feet in height completed prior to the issuance of a license for a new junkyard. Existing fences enclosing junkyards licensed prior to the effective date of this Ordinance shall be permitted to remain in place and shall fully enclose the junkyard within six (6) months of the effective date of this Ordinance; and, if any pre-existing fences are replaced, such replacement shall be a chain link, security fence not less than eight (8) feet in height. All gates shall be closed and locked when closed for business. All fences and gates shall be maintained in good repair and in such a manner as not to become unsightly. There shall be no advertising of any kind placed on the fence. The foregoing fencing provisions shall be applicable only to that portion of the premises being immediately used for the storage of junk and shall not be applicable to the balance of the property owned or used by said junkyard operator so long as said remaining portion of land is not being used for the storage of junk as defined in this Ordinance.
- C. Screening - Screening shall be required by the Board of Supervisors/Borough Council based upon nature of the proposed junkyard and the property so that the junkyard is screened as defined in Section 4 of this ordinance. In any case, screening shall be provided for any junkyard which is within one hundred and fifty (150) feet of the nearest edge of the right-of-way of any public road right-of-way, and within two hundred (200) feet of any adjoining property line. Natural vegetative cover shall be maintained in all required setback areas to the greatest extent possible. Vegetative plantings of sufficient height and density, berms, topography or fencing of such design may be used to effect the required screening as determined by the Board of Supervisors/Borough Council. All screening shall be maintained in such fashion as to continue to provide the required screening. Screening for existing junkyards shall be completed within twelve (12) months after the effective date of this Ordinance. However, if the Board of Supervisors/Borough Council determines that the owner and/or operator of the junkyard is clearly making a continuing bona fide effort to comply with the screening provisions of this subsection, then the Board may, in its sole discretion, grant an extension of time to such owner or operator for the completion of such screening, upon receipt of a written letter from said owner or operator requesting such an extension of time.
- D. Setbacks - The fence enclosing any junkyard and any structures associated with the junkyard shall be located not less than fifty (50) feet from any public or private road right-of-way, one hundred (100) feet to any property line or two hundred and fifty (250) feet from any principal residential or commercial structures existing at the time of adoption of this Ordinance. The requirements of this Subsection D shall not apply to junkyards legally existing prior to the effective date of this Ordinance. However, the expansion of any such existing junkyard into an area already not used for the storage of junk shall comply with this Subsection D.
- E. Dumping - The area used for a junkyard shall not be used as a dump area for trash or garbage, and any license issued under Section 5 of this Ordinance shall not be authority for the storage, handling, processing or disposing of wastes regulated under the Pennsylvania Solid Waste Management Act.
- F. Burning - No burning whatsoever shall be permitted on the premises.
- G. Water Bodies, Wetlands, Wells - No junk shall be stored less than five hundred (500) feet from any body of water, stream, wetland or well.
- H. Hazardous Materials - All batteries, coolants, gasoline, diesel fuel, engine oil, any other petroleum products and any other noxious or potentially contaminating materials shall be removed from all junk within two (2) working

days after arrival to the premises. Details about the containment and storage of such materials shall be provided by the applicant, and shall be stored and disposed of in a manner meeting all local, state and federal requirements, and while stored on the premises, shall be kept separately in leak proof containers at a central location.

- I. Water Quality - In cases where the junkyard includes ten (10) or more junk vehicles or where the Board of Supervisors/Borough Council deems it necessary to meet the intent of this Ordinance, the owner of any junkyard shall be required to monitor the ground and surface water in the vicinity of the junkyard. Water testing shall be conducted every three (3) months on any stream located on the premises or any stream within five hundred (500) feet of any area used for the storage of junk if water drainage from the junkyard area is to said stream. For each testing period two (2) samples shall be collected; one sample shall be taken from the stream at a point upstream of the junkyard drainage area and one sample shall be taken from the stream at a point below the junkyard drainage area. In addition, any well located on the premises and any well on neighboring property within five hundred (500) feet of the junkyard as designated by the Board of Supervisors/Borough Council shall be sampled every three months. The samples shall be collected and analyzed by a certified water analysis laboratory for hydrocarbons or other parameters deemed appropriate by the Board of Supervisors/Borough Council, and results shall be provided to the Township/Borough. If said samples exceed the limits established by the Pennsylvania Department of Environmental Protection, the junkyard shall cease operation until such time as the source of the contamination has been identified and corrected.
- J. Fire Lanes - Fire lanes of a minimum width of sixteen (16) feet shall be maintained so that no area of junk shall span a distance of more than fifty (50) feet.
- K. Hours of Operation - Any activity associated with the operation of the junkyard that produces any noise audible beyond the property line shall be conducted only between the hours of 6:30 a.m. and 9:00 p.m. During business hours, an adult attendant shall, at all times, remain on the premises.
- L. Stacking of Junk - Junk vehicles or major parts thereof shall not be stacked on top of any other junk vehicle or major part. No junk shall be stacked or piled to a height of greater than eight (8) feet.
- M. Nuisances, Broken Glass Removal, Trunk Lids/Appliance Doors - All premises shall, at all times, be maintained so as not to constitute a nuisance, or a menace to the health, safety, and welfare of the community or to the residents nearby, or a place for the breeding of rodents and vermin. Within two (2) days of arrival on the premises, all glass shall be removed from any broken windshield, window or mirror, and all trunk lids, appliance doors and similar closure devices shall be removed. Grass and weeds on the premises shall be kept mowed.
- N. Rubbish - Paper, rags, plastic materials, and other rubbish shall not be stored outside and shall not be accumulated or remain on any premises.
- O. Fireproof Structures - Every structure erected upon the premises and used in connection therewith shall be of fireproof construction.

Section 5.4 Inspections

All junkyards shall at all times be subject to inspection by the Enforcement Officer, the Board of Supervisors/Borough Council or its agent(s) during reasonable hours. The Board of Supervisors/Borough Council shall, from time to time, inspect every junkyard licensed under this Ordinance to determine compliance with the provisions of this Ordinance. Any violations identified shall be prosecuted in accord with this Ordinance.

Section 5.5 Exemption for Limited Junk Storage Area

Recognizing that the outside storage of a limited amount of junk may not pose a threat to the public health, safety and general welfare, such storage areas shall be exempt from the licensing requirements of this Section 5, provided the same comply with the following requirements:

- A. Minimum Parcel Size - The exemption shall apply only on parcels of ten (10) acres or more in size.
- B. Number; Size of Storage Area - Each property shall be limited to one (1) storage area the size of which shall not exceed one thousand five hundred (1,500) square feet.
- C. Screening - The storage area shall be screened as defined in Section 4. Vegetative plantings of sufficient height and density, berms, topography or fencing of such design may be used to effect the required screening as determined by the Board of Supervisors/Borough Council.
- D. Setbacks - The storage area shall be located not less than one hundred (100) feet from any public or private road right-of-way, two hundred (200) feet to any property line or three hundred and fifty (350) feet from any principal residential or commercial structures existing at the time of adoption of this Ordinance.
- E. Number of Vehicles - The number of *abandoned or junked vehicles* shall not exceed five (5).
- F. Burning - No burning whatsoever shall be permitted within the storage area.
- G. Water Bodies, Wetlands, Wells - No storage area shall be located less than five hundred (500) feet from any body of water, stream, wetland or well..
- H. Hazardous Materials - All batteries, coolants, gasoline, diesel fuel, engine oil, any other petroleum products and any other noxious or potentially contaminating materials shall be removed from all junk prior to the junk being placed in the storage area.
- I. Stacking of Junk - Junk vehicles or major parts thereof shall not be stacked on top of any other junk vehicle or major part. No junk shall be stacked or piled to a height of greater than eight (8) feet.
- J. Nuisances, Broken Glass Removal, Trunk Lids/Appliance Doors - All premises shall, at all times, be maintained so as not to constitute a nuisance, or a menace to the health, safety, and welfare of the community or to the residents nearby, or a place for the breeding of rodents and vermin. All glass shall be removed from any broken windshield, window or mirror, and all trunk lids, appliance doors and similar closure devices shall be removed prior to the junk being placed in the storage area..
- K. Rubbish - Paper, rags, plastic materials, and other rubbish shall not be stored outside and shall not be accumulated or remain on any premises.

SECTION 6 -- RECYCLING FACILITIES

Nothing in this Ordinance is intended to preclude the operation of a recycling facility legally established, maintained and operated, provided such facility does not violate any of the provisions of this Ordinance.

SECTION 7 -- VEHICLE OR EQUIPMENT REPAIR/TOWING OPERATIONS

In recognition of the need to allow limited storage of junk vehicles, or vehicles awaiting repair, or insurance coverage resolution at an active and bona fide vehicle repair/towing operation, the standards in this Section 7 shall apply. Such operations shall in all other respects comply with the provisions of this Ordinance with regard to junk and junk vehicles.

- A. Insurance; Impoundment; Awaiting Repair - An abandoned or junked vehicle stored in anticipation of the resolution of insurance coverage, or a vehicle impounded by the State Police, or a vehicle awaiting repair may be stored until the particular insurance or impoundment matter is resolved, or the vehicle is repaired. The owner of the establishment shall maintain accurate and current records on the date of receipt, ownership, status and disposition for all such vehicles on the premises and the records shall be open for inspection by the Township/Borough. The total number of such vehicles shall not exceed ten (10) per premises.

- B. Used Tires and Parts - Used tires and vehicle parts awaiting disposal may be stored outdoors on the premises provided such material is screened as defined in Section 4. The amount of such stored material shall not exceed that which would be accumulated from two weeks of normal operation.
- C. Number of Abandoned/Junk Vehicles - Not more than five (5) abandoned or junked vehicles may be stored on the premises if the size of the parcel is less than two (2) acres, and not more than eight (8) abandoned or junked vehicles may be stored on the premises if the size of the parcel is two (2) acres or more. All such vehicles shall be screened as defined in Section 4.
- D. Vehicle and Used Tires/Parts Storage Areas - All such stored vehicles, used tires and parts for disposal shall be situated not less than fifteen (15) feet from any property line and twenty-five (25) feet from any public or private road right-of-way, and shall be maintained in an orderly manner.

SECTION 8 -- WAIVER FOR CERTAIN VEHICLES

- A. Waiver for On-Site Utility Vehicles - The Enforcement Officer may grant a waiver for one (1) on-site utility vehicle (see definition in Section 4) per property which would otherwise be considered an *abandoned or junked vehicle* by Section 4 of this Ordinance, provided said vehicle is screened at times when it is not in use. (Note: An *on-site utility vehicle* as defined in Section 4 which is stored inside a building when not in use is not regulated by this Ordinance and does not require a waiver.)
- B. Conditions - In granting any waiver the Enforcement Officer may impose such conditions as will, in its judgement, secure substantially the objectives of the standards and requirements of this Ordinance.
- C. Procedure - All requests for waivers shall be in writing and shall include:
 - 1. A description of the type of vehicle and its use.
 - 2. Details about how the vehicle will be stored when not in use.
- D. Action - If the Enforcement Officer denies the request, the applicant shall be notified, in writing, of the reasons for denial. In any case, the Board of Supervisors/Borough Council shall keep a written record of all actions on all requests for waivers.
- E. Fees - The applicant for any waiver shall pay a fee for the same as shall be established by Resolution of the Board of Supervisors/Borough Council.

SECTION 9 -- ENFORCEMENT OFFICER; NOTICE

The Board of Supervisors/Borough Council shall appoint an individual, agency or firm to serve as the Enforcement Officer, who shall be responsible for enforcing the terms of this Ordinance.

- A. Inspections - The Enforcement Officer may inspect to determine whether any violations of this Ordinance exist. The Enforcement Officer may consult with the Township/Borough Engineer, Township/Borough Solicitor, or any other qualified person, in making the determination regarding a violation.
- B. Notice - Whenever an inspection discloses that a violation exists, the Enforcement Officer shall issue a notice to the owner and/or occupant of the premises. The notice, the form of which shall be adopted by Resolution of the Board of Supervisors/Borough Council:
 - 1. Shall be in writing;
 - 2. Shall include a statement of the reasons it is being issued;

3. Shall state a reasonable time to rectify the conditions constituting the violation, and may contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Ordinance.
 4. Shall inform the owner that he has a right to a hearing before the Board of Supervisors/Borough Council in accord with this Ordinance.
 5. Shall inform the owner that should he fail to comply with the order or request a hearing, the Board of Supervisors/Borough Council will order the correction of the violation, and in accord with this ordinance, will assess any and all costs, expenses, and penalties incurred against the land on which the violation is located.
- C. Service of Notice - Except in emergency cases, the notice shall be sent by registered mail or by certificate of mailing, or personally delivered to, the owner, and/or the occupant of the premises. Where the owner is absent from the Township/Borough, all notices shall be deemed to be properly served upon the owner if:
1. A copy of the notice is served upon the owner personally; or,
 2. A copy of the notice is sent by registered mail or by certificate of mailing to the last known address of the owner, regardless of receipt, and is posted in a conspicuous place on or about the premises affected by the notice; or,
 3. The owner is served with such notice by any other method authorized under the laws of the Commonwealth.
- D. Hearing Appearance - The Enforcement Officer shall appear at all hearings conducted by the Board of Supervisors/Borough Council and testify as to the violation.
- E. Emergency Cases (See definition in Section 4.) - Whenever the Enforcement Officer finds that an emergency exists which requires immediate action to protect the public health, welfare or safety, he may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as is necessary to correct the violation and eliminate the emergency. Notwithstanding the other provisions of this Ordinance, such order shall be effective immediately. The costs of such emergency correction shall be collected in the same manner as provided herein for other cases.

SECTION 10 -- VIOLATIONS; ACTION TO REMOVE JUNK /RUBBISH

- A. Notice - Any person who shall engage or continue to engage in the operation of a junkyard in violation of any of the terms and provisions of this Ordinance, or any person who shall keep or store upon his or other premises any junk and/or rubbish in violation of any of the terms and provisions of this Ordinance, shall be deemed in violation of this Ordinance. Within fifteen (15) days after notice of such violation, such applicant or person shall remove and clear from the premises all junk and/or rubbish thereon as defined by this Ordinance. The Board of Supervisors/Borough Council may specify a longer time period in cases where the amount or nature of the junk warrants the same.
- B. Township/Borough Removal - If such applicant or violator fails to comply within the specified time period, the Board of Supervisors/Borough Council may effect such removal and clearing, and the cost of the same, plus twenty (20) percent thereof, shall be paid by the applicant or violator. The Board of Supervisors/Borough Council may collect the said sum from the bond or other such security required by Section 5.2,E, of this Ordinance, or by any other means provided by Law. The Board of Supervisors/Borough Council may also take enforcement action under the terms of Section 11 of this Ordinance. All property deemed junk and/or rubbish under the terms of this Ordinance which remains on the premises after the time period specified in the notice shall be presumed to be abandoned and to be of no value and the same may be disposed of by the Board of Supervisors/Borough Council on behalf of the denied applicant or violator in accord with all applicable laws.

SECTION 11 -- PENALTIES FOR VIOLATIONS

- A. Fine - Imprisonment - Any person, firm, partnership or corporation who or which shall violate any provision of this Ordinance shall, upon conviction thereof in summary proceedings before the District Justice, be sentenced to pay a fine of not less than six hundred dollars (\$600.00) but not more than one thousand dollars (\$1,000.00), and costs of prosecution, plus reasonable attorneys fees of not less than five hundred dollars (\$500.00). In default of the payment of such fine and costs, it shall be the duty of the District Justice to commit such person to the County Jail until such time as the fine and costs shall be paid, not exceeding, however, a period of thirty (30) days.
- B. Costs - In accord with Section 10 of this Ordinance, the Board of Supervisors/Borough Council may cause the removal or clearing of junk to be commenced and/or completed if the same is not effected by the junkyard violator. The cost and expense thereof, including, but not limited to, materials, labor, and legal fees, together with a penalty of twenty (20) percent, shall be collected from the violator in any manner provided by law. The recovery of such costs of abatement, together with the penalty, may be in addition to the penalty prescribed in Section 11,A.
- C. Other Remedies - In addition to any penalty therein provided, any person, persons, firm, partnership or corporation who or which shall violate any provision of this Ordinance shall be subject to any law or laws, of the Commonwealth of Pennsylvania, which affords a remedy for such violation in any court of the Commonwealth.

SECTION 12 -- HEARINGS

- A. Hearing Request - Any person affected by any notice which has been issued in connection with the enforcement of any provision of this Ordinance, may request and shall be granted a hearing on the matter before the Township Supervisors/Borough Council; provided, that such person shall file with the Board in writing a request for a hearing setting forth a brief statement of the grounds therefore within ten (10) days after the day the notice was served in accord with Section 9. Upon receipt of such request, a time and place for such hearing shall be scheduled and advertised in accord with the Pennsylvania Sunshine Law. At such hearing the person requesting the hearing shall be given an opportunity to be heard and to show why such notice should be modified or withdrawn. The hearing shall be commenced not later than sixty (60) days after the day on which the request was received in the municipal office.
- B. Board Action - After such hearing the Board of Supervisors/Borough Council shall sustain, modify or withdraw the notice. If the Board sustains or modifies such notice, it shall be deemed to be an order. Any notice served pursuant to this Ordinance shall automatically become an order if a written request for a hearing is not filed with the Board of Supervisors/Borough Council within ten (10) days after such notice is served.
- C. Appeal - Any aggrieved party may appeal the final order to the Court of Common Pleas of Wayne County in accordance with the provisions of the Local Agency Law.
- D. Fee - The person requesting the hearing shall pay the fee for such hearing as may be established by Resolution of the Board of Supervisors/Borough Council.

SECTION 13 -- SEVERABILITY

Should any section, subsection, clause, provision or other portion of this Ordinance be declared invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance; the Board of Supervisors/Borough Council having adopted this Ordinance as if such invalid portions had not been included therein.

SECTION 14 -- CONFLICTS

Should any provision of this Ordinance be in conflict with any other section, provision, regulation or standard of any

other Township/Borough ordinance, the more restrictive shall apply.

SECTION 15 -- EFFECTIVE DATE

This Ordinance shall become effective five (5) days after the adoption thereof.

ENACTED AND ORDAINED into law by the Board of Supervisors/Borough Council of _____
Township/Borough, Susquehanna County, Pennsylvania, this _____ day of _____ of 200_.

ATTEST:
