

ORDINANCE No. 6

AN ORDINANCE TO REGULATE AND LICENSE JUNK
DELAERS. THE ESTABLISHMENT AND MAINTENANCE
OF JUNK YARDS, SALVAGE YARDS AND OTHER PLACES
USED AND MAINTAINED FOR THE COLLECTION, STORAGE
AND DISPOSAL OF USED AND SECOND-HAND GOODS AND
MATERIALS, THE IMPOSITION OF FINES, PENALTIES,
FORFEITURES AND VIOLATIONS THEREOF.

BE IT ORDAINED AND ENACTED by the Supervisors of
Centre Township, and it is hereby enacted by authority of the same.

SECTION I.

(a) The word "junk" as used in this ordinance, shall mean used materials, articles or things possessing value in part, gross or aggregate and including, but not limited to, scrapped motor vehicles and parts thereof used and second-hand goods and material, but not including garbage or other organic waste. For the purpose of this ordinance, two or more unlicensed vehicles or comparable pieces of equipment or machinery of any one type shall be construed as junk.

(b) The word "junk dealer", as used in this ordinance, shall mean any person, who shall engage in the business of selling, buying and dealing in junk.

(c) The word, "junk yard" or "salvage yard", as used in this ordinance, shall mean any place or establishment where junk is collected, stored or accumulated, salvaged and/or the business of selling, buying and dealing in junk is carried on.

(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 2. That on and after the passage of this ordinance, it shall not be lawful for any person or persons, firms or corporations, either as principal or as agent, to carry on, operate, or conduct junk yards, salvage yards or other places used and maintained for the collection, storage and disposal of used and second-hand goods and materials, within the Township, whether on public or private property, until a certificate or license shall have been granted by the Supervisors of Centre Township.

SECTION 3. All junk dealers, junk yards, salvage yards and other places used and maintained for the collection, storage and disposal of used and second-hand goods and materials shall be licensed within thirty days from the effective date of this ordinance and annually thereafter by the 31st day of December of each year.

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 Centre 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, and a statement that the applicant, if it be an application for renewal of the license, during the preceding term of license did comply with and did maintain his premises in full compliance with the provisions of this ordinance. If the applicant is a partnership or association, 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 partnership or association, and by the president and secretary if the applicant is a business corporation. A separate application and license shall be required for each junk yard conducted by a junk dealer.

SECTION 5. Each application shall be accompanied by the sum of Fifty (\$50.00) Dollars which sum shall be paid into the Township Treasury for the use of said Township.

SECTION 6. At the expiration of each calendar year, said certificate or license shall be null and void. No abatement of said license fee shall be made if the license is issued for less than one year. Every license shall be renewed annually by filing an application for a license prior to the expiration of the current license, and the prescribed fee of fifty (\$50.00) dollars shall be paid with each application.

SECTION 7. The Board of Supervisors of the Township, if it approves the application for license, shall issue to the applicant a license certificate designating thereon the name of the junk dealer and the address of his junk yard. Such license shall be conspicuously posted upon the premises licensed thereunder. Such license shall not be transferred or assigned.

SECTION 8. No licensee hereunder, nor any person, shall operate upon any of the streets, roads, alleys and ways of the Township of Centre, whether from a vehicle or upon foot, as a scavenger or an itinerant buyer or seller of junk. No

licensee hereunder shall engage in business as a junk dealer in any place other than the place designated upon his license.

PROVIDED: If a junk dealer desires to operate more than one junk yard, a license shall be obtained for each additional junk yard by filing therefor separate application and paying therefor the license fee provided herein.

SECTION 9. No license or a renewal thereof shall be issued to any applicant who shall have been convicted under this ordinance for engaging or continuing to engage in business as a junk dealer in the Township of Centre, Berks County without first having obtained a license under this Act nor to any applicant who shall have been convicted for a third violation of this ordinance.

SECTION 10. Any application whose initial or renewal application for license shall be denied for cause as hereinbefore specified and every person who shall engage or continue to engage in business as a junk dealer without first having obtained a license therefor, shall, within ninety (90) days after registered notice of such event, remove and clear from his junk yard all junk therein and every item not contrued by law to be realty or a fixture thereon. PROVIDED: Should such property on such premises be sold to a bona fide purchaser who shall, within such period of ninety (90) days, upon application made for license as hereinbefore provided, be issued a license for such premises, said denied applicant shall be excused and exonerated from any duty or liability hereunder. If within such period of ninety (90) days such denied applicant fails to fully comply with the provisions of this section, and, thereby, the Township

is required to do any work or expend any labor in the place or stead of such denied applicant, the actual cost therefor plus twenty per centum (20) thereof shall be paid by such denied applicant and the Township may collect such cost as is provided by law for collection of monies. All such property remaining upon such premises after such period of ninety (90) days shall be presumed to be abandoned and to be of no value and the same may be disposed of by the Township in behalf of said denied applicant and monies realized therefrom applied to extinguish any debt due the Township as is herein provided.

SECTION 11. Every licensee hereunder shall provide and shall constantly keep a book, in which shall be recorded in the English language at 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 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 book and all junk purchased, acquired or received by any licensee hereunder shall at all times be subject to the inspection of the Township police officers. Such book shall be retained for a period of two years.

SECTION 12. Before a license shall be issued and in order to retain a license issued, the junk dealer must conform with the following requirements:

(a) The junk yard, salvage yard, or other places used and maintained for the collection, storage and disposal of used and second-hand goods and materials shall be confined to an area inclosed by a secure link fence or a tightly-built solid fence or wall constructed of brick, stone, concrete, cement block or other similar matter or materials which shall be a minimum height of six feet. In addition, should circumstances warrant the Board may require a barrier of evergreen trees to be planted; these to be in three roads with six feet spacing, trees in alternate roads to be staggered. Trees planted shall be at least two feet high. Those not maturing shall be replaced without delay.

(b) No advertising of any nature shall be displayed on the enclosure fence or wall.

(c) The business shall be conducted in such a way as to discourage the harboring of rats, skunks, the breeding of mosquitoes and other animals or insects.

(d) Such premises shall at all times be maintained so as not to constitute a nuisance, or a menace to the health of the community or of residents nearby.

(e) No garbage or other organic waste shall be stored in such premises.

(f) 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 inspection purposes.

SECTION 13. The Supervisors of the Township shall arrange for inspections of the junk yards, salvage yards, etc. as hereinabove provided, and in the event of such inspection, in the opinion of the Township Supervisors shall indicate a violation of any of these rules and regulations, the said Supervisors of the Township shall give notice in writing to the owner, operator or occupier of said junk yard, salvage yard, etc. to comply with the rules and regulations within a reasonable time after notification thereof, and in the event said violation should continue beyond the time allotted for its discontinuance, the certificate or license granted under this ordinance may be suspended or revoked by the Supervisors of the Township in addition to any other remedies or penalties provided under this ordinance or any other ordinance or statute.

SECTION 14. ~~Penalty~~. Any person or persons, firm or corporations who or which shall fail to comply with any of the provisions of this ordinance within the Township of Centre, Berks County shall be liable, upon conviction for a first offense to a fine of not less than One Hundred Dollars (\$100.00), nor more than One Hundred Fifty Dollars (\$150.00), for each and every day he, they, or it shall operate as a junk dealer or operate a junk yard, salvage yard or other places used and maintained for the collection, storage and disposal of used and second-hand goods and materials contrary to the provisions of this ordinance;

and for a second offense, in a like manner to a fine of not less than Two Hundred Dollars (\$200.00) nor more than Three Hundred Dollars (\$300.00), for each and every day, or to imprisonment in the county jail for a period not exceeding thirty days or both at the discretion of the justice of the peace, together with costs of prosecution in each case. All prosecutions for violation of this ordinance shall be, by summary proceedings, brought in the name and for the use of the Township of Centre, Berks County before a justice of the peace in said Township. All fines paid to the Treasurer of Centre Township to apply to general funds.

SECTION 15. Validity. Should any section or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the ordinance as a whole, or of any part thereof.

SECTION 16. This ordinance shall not be construed to prohibit a person, firm or corporation depositing any used or second-hand goods and materials upon his or its premises within the Township where said person, firm or corporation is not engaged in the business of junk dealing, the operation of junk yards, salvage yards or other places used and maintained for the collection, storage and disposal of used and second-hand goods and materials; but the same is deposited by the said person, firm or corporation incidental to his or its use and enjoyment of his or its property within the Township and provided such does not violate any other ordinance of the Township.

SECTION 17. The provisions of this ordinance are to be read and enforced in conjunction with the Zoning Code of the Township.

SECTION 18. This ordinance shall become effective JUNE 3RD
~~MAY 5TH~~, 19 71.

ORDAINED AND ENACTED at a meeting of the Board of Supervisors of the Township of Centre, Berks County, Pennsylvania, in lawful session duly assembled on the 7TH day of APRIL, 1971.

CENTRE TOWNSHIP BOARD OF SUPERVISORS

Attest:

George C. Seifert
Secretary

Howard M. Zimmerman
Herbert C. Calk
Raymond J. Shappell