

ORDINANCE NO. 26-93

An Ordinance providing for the regulation and licensing of junk dealers and junk yards, the storage or accumulation of abandoned, junked or unlicensed automobiles, on public or private property, and providing for the enforcement of such Ordinance.

The Township of Farmington hereby ordains as follows, under the authority of "The Second Class Township Code", the act of May 1, 1933, P. L. 103, as amended, revised, consolidated and re-enacted by the Act of July 10, 1947, P.L. 1481.

SECTION 1. TITLE

This ordinance shall be known and may be cited as "The Farmington Township Junk Yard Ordinance".

SECTION 2. DEFINITIONS

Unless otherwise expressly stated, the following words and terms shall have for the purposes of this Ordinance, the meanings herein indicated:

- a. The word "person" shall mean any natural person, partnership, association, firm or corporation.
- b. The word "board" shall mean the Board of Supervisors of Farmington Township.
- c. In this Ordinance the singular shall include the plural and the masculine shall include the feminine and the neuter.

d. The term "Junk Yard" shall mean any place where junk as hereinafter defined is stored, bought, sold, abandoned or handled.

e. The word "junk" shall mean any discarded material and shall include, but not be limited to, scrap metal, abandoned, junked, inoperable or unlicensed motor vehicles, machinery, equipment, appliances, paper, glass, containers, and structures.

f. The term "Junk Dealer" shall mean any person who shall engage in selling, buying, salvaging, storing, handling or dealing in junk and who maintains or operates a junk yard in Farmington Township.

g. The word "license" shall mean the written authority to operate and maintain a junk yard in Farmington Township.

SECTION 3. LICENSE

No person shall operate a junk yard as owner, lessee, or otherwise in the Township of Farmington until such person has obtained a license so to do. The license fee shall be \$300.00 for the first year and \$100.00 for annual renewals thereafter. The license shall be issued by the Board of Supervisors and shall be posted upon the licensed premises at all times. The \$100.00 renewal shall apply to all persons presently operating a junk yard.

SECTION 4. APPLICATION

Every applicant for a license under this Ordinance shall make written application to the Board on a form to be furnished, and the applicant shall present the written consent of the owner of the land or property to

be used as a junk yard where the applicant is not the owner. All applications must be submitted with a plot of the property to be so used. The Board upon receipt of the application for a license shall after considering the character of the applicant, the location of the property to be licensed and its effect upon the public health, development and value of property in the area, either issue or refuse a license.

SECTION 5. TRANSFER

A license issued under this Ordinance shall not be transferred to any other person unless approved by the Board in writing, after the applicant shall have presented a written application as set forth in Section 4 of this ordinance, together with a transfer fee of \$10.00 which shall not be returned regardless of whether the transfer of the license is approved or refused.

SECTION 6. OPERATION REQUIREMENTS

Every person who operates a junk yard or who stores junk shall comply with the following prescribed standards at all times.

- a. No junk shall be stored or placed within the right of way lines of any public highway or within 100 feet of any right of way line, or within 25 feet of any adjoining property line. The area between the set back line and the right of way shall at all times be kept clear.
- b. The premises upon which any junk yard is located shall at all times be maintained in a manner which shall not create a nuisance.
- c. The area used for a junk yard shall be enclosed on the front and

sides with a solid board fence or by a screen of trees, or both. The type of enclosure must be submitted to and approved by the Board when a license is issued, renewed or transferred.

d. All junk shall be stored in such a manner and screened so as not to be readily accessible or visible from the street or public road. Junk shall not be stored above the height of the screen plantings or fencing.

e. No sign displayed on the licensed property shall have an area of more than 32 square feet.

f. No licensee shall burn any petroleum products, tires or similar material upon the licensed premises, or more than one motor vehicle at any one time.

SECTION 7. EXCEPTIONS

No property owner or lessee shall permit more than one abandoned or unlicensed motor vehicle to be placed, stored or left on the premises owned or leased by him for more than seven (7) consecutive days, unless such motor vehicle is stored in a structure, and not be operated outside of said structure.

SECTION 8. COMPLIANCE

Any person operating a junk yard on the effective date of this Ordinance shall have until April 1, 1993 to comply with the provisions of this Ordinance.

SECTION 9. RECORDS

Every licensee shall provide a record book which shall be open to inspection at all times to any member of the Board and to any officer in which such licensee shall enter in the English language all sales and purchases made by him or any person employed by him or under his supervision. Such book entrees shall show the name and address of every seller or purchaser, a description of each item sold or purchased, the date and hour of the purchase or sale and the price thereof. Each item purchased shall be retained for seventy-two (72) hours after purchase in the form, shape and condition when purchased, any may be examined by any member of the Board or Officer of the Law.

SECTION 10. VIOLATIONS

Any person who shall violate any of the provisions of this Ordinance shall upon conviction as provided by law, be sentenced to pay a fine of not more than Three Hundred Dollars (\$300.00) and costs of prosecution, and upon his failure to pay such fine and costs, be sentenced to imprisonment in the Tioga County Jail for not more than five (5) days.

SECTION 11. NUISANCE AND ABATEMENT THEREOF

Any person using or maintaining any public or private property in Farmington Township, and causing or permitting to exist thereon a nuisance shall, after notice to do so, remove or abate such nuisance or dangerous structure without delay, and in the event of his failure to do so, the Supervisors of Farmington Township or any person authorized by them may

enter upon any property for the purpose of removing or abating any nuisance, and sue the person causing or permitting such nuisance to exist and record the expense of such abatement and costs in a civil action.

SECTION 12. OTHER REMEDIES

The Supervisors of Farmington Township may institute proceedings in a Court of Equity to enforce the provisions of this Ordinance.

SECTION 13. EFFECTIVE

This Ordinance shall go into effect five (5) days after its enactment.

SECTION 14. CONFLICT

This ordinance repeals any and all ordinances or parts thereon which conflicts with this ordinance.

SECTION 15. SEVERABLE

The provisions of this Ordinance shall be severable and if any of its provisions shall be held to be unconstitutional, illegal or invalid, such holding shall not affect the validity of any of the remaining provisions of this Ordinance.

ENACTED AND ORDAINED, this 5th day of April, A. D., 1993.

ATTEST:

TOWNSHIP OF FARMINGTON

Madelin Smith
Secretary

By

Wallace H. Kemp

Albert L. Kemp
Board of Supervisors