

RESOLUTION 218

Whereas, the Supervisors of Charleston Township have determined that sections of the Township's Zoning Ordinance dealing with Junkyards should be ammended to require the licensing of Junk Dealers and regulating the storage of Junk in the interest of Public Health, Safety, and Welfare.

Now, therefore, be it resolved that Article VI, supplemental Regulations, Section 610, Junkyards by deleting paragraphs A through E and adding Sections 1 through 17 to read as follows:

SECTION 1. Purpose and Intent

It is the purpose and intent of this resolution to promote and protect public health so as to prevent the accumulation of excessive rubbish and junk and the development of potential public health nuisances through the accumulation of unsanitary conditions. Further, to protect the safety and general welfare of the public by eliminating unattractive nuisances and unsafe conditions; at the same time to protect property values of adjacent property owners by regulating and licensing junk dealers in accordance with P.L. 1481, Article VII, Section 702; XII, XXIX, and LVII.

SECTION 2. Definitions

The following words shall for the purposes of this resolution have the following meanings:

- a. Person - Any individual, partnership, association and corporation
- b. Township - Charleston Township, Tioga County.
- c. Board - Board of Supervisors of Charleston Township.
- d. Junk Yard - Any place where any junk as hereinafter defined is stored or disposed of.
- e. Junk - Any discarded material and shall include, but not be limited to, scrap metal, two or more abandoned, inoperable and/or unlicensed motor vehicles, machinery or equipment. No paper, glass, containers and structures. It shall not include garbage kept in a proper container for the purpose of prompt disposal.
- f. Junk Dealer - Any person as hereinafter defined, who shall engage in the business of selling, buying, salvaging and dealing in junk and who maintains and operates a junk yard within the Township of Charleston.
- g. License - The permit granted to a person who accumulates, stores or disposes of junk as hereinbefore defined.

SECTION 3. License Required

No person shall hereafter engage in business as a junk dealer in the Township without first having obtained a license from the supervisors, for which license the fee could be Two Hundred (\$200.00) Dollars, the maximum permitted by Law, for each and every calendar year. Such license shall be renewed annually on or before the First day of January of each year. In case where a junk dealer business shall be established in the Township on or after the First day of July in any year, the license fee payable by such junk dealer for the remainder of such year shall be at one-half the yearly rate.

SECTION 4. Application for License

The license provided for in this Resolution shall be issued by the Board after written application has been made by person or persons desiring to be licensed. The application form shall be provided by the Board. License shall state name of person to whom such license is issued, the premises on which business is to be conducted, and the written consent of the property owner to use the property as a junk yard. The applicant shall also submit a plot of the premises to be used. Such license shall be posted conspicuously upon the premises licensed.

SECTION 5. Issuance of License

Upon receipt of an application by the Board, Board shall issue a license or refuse to issue license to person applying therefore after taking into consideration the effect of the proposed use upon the Township, both economic and aesthetic. In the event the Board shall issue a license, it may impose upon the person applying therefore such conditions as may be deemed necessary to carry out the intent and purpose of this Resolution.

SECTION 6. License Limitation

No person licensed under this ordinance shall, by virtue of one license, keep more than one place of business within the Township for purpose of dealing in junk dealer in any place other than place designated upon his license.

SECTION 7. Transfer of License

No license issued by Board shall be transferrable by licensee to any other person unless such transfer is authorized by Board. Any person desiring to transfer license shall notify Board in writing, which notification shall be accompanied by transferee's application for license as described in Section 4. In the event the Board approves a transfer of location or license, they may impose such conditions as may be deemed necessary to carry out the purpose and intent of this Resolution.

SECTION 8. Transfer fee

In event Board shall approve transfer of license, the transferee shall immediately pay to Township a transfer fee of 100.00 Dollars.

SECTION 9. Operational Standards

Every person who stores junk in this Township shall constantly maintain the premises in accordance with any special provisions imposed by the Board and in the manner prescribed by this section and any subsequent regulations adopted by the Board.

a. Such premises shall at all times be maintained so as not to constitute nuisance or menace to health of community or of residents nearby or a place for the breeding of rodents and vermin.

c. Whenever any motor vehicle shall be received on such premises as junk, all gasoline shall be drained and removed therefrom. Gasoline in an amount not exceeding ten gallons may be stored above ground provided same be placed in containers approved by Board. All other gasoline which is kept on premises shall be stored underground, which underground storage must be approved by Board.

d. The premises on which junk is stored shall be set back a minimum distance of Two Hundred Fifty (250) feet from the right of way lines on all streets or roads and a minimum distance of fifty feet from all other property lines. The area between the set back lines and the right of way line and all streets and roads and all other property lines shall at all times be kept clear and vacant.

e. Any premises on which junk is stored shall at the set back lines be enclosed by evergreen screen plantings or a uniformly painted solid board fence, or both. The type of evergreen screen plantings or a uniformly painted solid board fence, or both. The type of evergreen screen plantings and fencing used and the way they are set out must be approved by the Board at the time of the issuance of a license or at the time of renewal or transfer of license.

f. 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.

g. All signs displayed on the licensed premises shall be approved by the Board; but in no case shall the total area of any one sign exceed 4' by 8'.

h. No oil, grease, tires, gasoline or other similar material that might be dangerous or tend to produce obnoxious smoke or odors shall be burned within a junk yard at any time. Burning must be attended and controlled at all times.

i. The manner of storage and arrangement of junk, and the drainage facilities of the premises shall be such so as to prevent the accumulation of stagnant water upon the premises and to facilitate access for fire-fighting purposes.

SECTION 10. Additional Standards.

Any person who has only one abandoned and/or unlicensed motor vehicle on his or her premises shall keep that abandoned and/or unlicensed motor vehicle a minimum distance of five hundred feet from the right of way lines on all streets or roads and a minimum distance of fifty feet from all other property lines, if this is possible. If this is not possible, then the abandoned and/or unlicensed motor vehicle shall be kept at the back side of the premises so far from all streets and roads as possible, so as not to be visible from all streets and roads.

SECTION 11. Compliance

Each person subject to this Resolution shall have six months from the time the ordinance becomes effective to comply with the provisions of the resolution.

SECTION 12. Records

Every person licensed under this Resolution shall provide and shall constantly keep a book in which shall be fairly written down in the English language at the time of the purchase of any junk, a description of every article or material purchased or received by him, the date and hour of such purchase and the person from whom such article or material was purchased, received or handled by such person, and the said book shall at all times be subject to the inspection of any official of the Township.

SECTION 13. Delay in Disposal

Every person licensed under this Resolution shall keep and retain upon the licensed premises, for a period of forty-eight (48) hours after the purchase or receipt thereof, all junk received or purchased by him, and he shall not disturb or reduce the same or alter the original form, shape or condition until such period of forty-eight (48) hours shall have elapsed.

SECTION 14. Violations

Any person found violating any provision to this Resolution shall be subject to a fine of not less than Twenty-five (\$25.00) Dollars nor more than Two Hundred (\$200.00) Dollars and the costs of prosecution for each violation thereof. A new and separate offense shall be deemed to have been committed for each day that said violation exists.

SECTION 15. Abatement of Nuisances

In addition to the remedies provided in Section 14 above, any continued violations of this Resolution which shall constitute a nuisance in fact or which shall in the opinion of the Board constitute a nuisance, may be abated by proceeding against the violator in a court of equity for relief.

SECTION 16. Severability

If any Section of this Resolution shall be found to be invalid, the other Sections of the Resolution shall not be affected thereby.

SECTION 17. Effective Date

This Resolution shall become effective five days after adoption.

ADOPTED the Third day of September, 1985

BOARD OF SUPERVISORS

Charleston TOWNSHIP
Walter E. Van Dergift

Attest:

Teresa Jasper
Secretary