

ORDINANCE NO. 6

AN ORDINANCE OF THE TOWNSHIP OF SOUTH BEAVER, COUNTY OF BEAVER AND COMMONWEALTH OF PENNSYLVANIA, REGULATING AND LICENSING JUNK DEALERS AND THE ESTABLISHMENT AND MAINTENANCE OF JUNK YARDS AND INCLUDING BUT NOT LIMITED TO AUTOMOBILE JUNK OR SCRAP YARDS IN SAID TOWNSHIP AND PRESCRIBING FINES AND PENALTIES FOR THE VIOLATION THEREOF.

BE IT ENACTED AND ORDAINED by the Supervisors of the Township of South Beaver under and by virtue of the authority contained in the Second Class Township Code, and it is hereby enacted and ordained by the authority of the same as follows:---

SECTION I

(a) The word 'junk' as used in this Ordinance, shall mean any discarded material or article such as is not ordinarily disposed of as rubbish, or refuse, and shall not be limited to, scrap metal and scrapped motor vehicles, and shall not include any garbage or other organic waste, or any paper, rubbish, rags or other flammable article or material.

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

(c) The word 'person', as used in this Ordinance, shall mean any natural person, partnership, firm or corporation.

(d) In this Ordinance, the singular shall include the plural and the masculine shall include the feminine and the neuter.

SECTION II

No person shall engage in the business as a junk dealer in the Township of South Beaver without first having obtained a license from the Supervisors, for which license the fee shall be One Hundred (\$100.00) Dollars for each and every calendar year, such fee to be for the use of the Township. Such license shall be reviewed annually on or before the first day of January of each year. PROVIDED: In any case where a junk dealer's 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 III

The license provided for in the second section of this Ordinance shall be issued by the Supervisors after application shall have been made therefor by the person desiring to be licensed. Such license shall state the name of the person to whom such license is issued and the premises from which such business is to be conducted. Such license shall be posted conspicuously upon the premises licensed thereunder. The name of the licensed junk dealer and the number of the license under which he operates shall be placed in a conspicuous place on the outside of every vehicle used for business purposes by such dealer.

SECTION IV

No person licensed under this Ordinance shall, by virtue of one license, keep more than one place of business within the Township of South Beaver for the purpose of buying, selling and dealing in junk. Nor shall any such person engage in business as a junk dealer in any place other than the place designated upon his license. Nor shall any such person, or any other person, operate upon any of the streets of the Township, whether from a vehicle or upon foot, as a scavenger or an itinerant buyer or seller of junk.

SECTION V

No license issued under this Ordinance shall be transferrable from one person or another person except when the ownership of a licensed premises shall change. In any such case the new owner shall apply for a transfer of such license to him and shall pay a transfer fee of Ten (\$10.00) Dollars.

SECTION VI

Every junk dealer 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 or receipt, and the person from whom such article or material was purchased or received. Such book and all junk purchased, received or handled by any such junk dealer shall at all times be subject to the

inspection of the State Police and any official of the Township of South Beaver.

SECTION VII

Every junk dealer, licensed under this Ordinance, 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, with the exception of automobiles scrapped with proper certificate of title.

SECTION VIII

Every junk dealer licensed under this Ordinance shall constantly maintain the licensed premises in the manner prescribed by this action, as follows:

(a) 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 or a place for the breeding of rodents and vermin.

(b) No garbage or other organic waste, and no paper, rubbish, rags or other flammable articles or materials shall be stored in such premises.

(c) 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 fire-fighting purposes.

(d) Such premises shall not be open for business nor shall any work be done therein in connection with the storage, processing and transporting or removal of junk at any time on the first day of the week, commonly called Sunday, or on any other day of the week before seven o'clock A.M. or after six o'clock P.M. with the exception that emergency calls due to highway accidents might be serviced at any time.

SECTION IX

Any person violating the terms of this Ordinance shall upon conviction thereof, be sentenced to pay a fine of not more than One Hundred (\$100.00) Dollars and costs of prosecution which may be enforced in the manner provided in the Second Class Township Code. PROVIDED: Each day's violation of any of the provisions of this Ordinance shall constitute a separate offense and be subject in all respects to the same penalty as the first offense, and separate proceedings may be instituted and separate penalties imposed for each such day's offense.

SECTION X

If any section, clause or sentence or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid,

such unconstitutionality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses or sections or parts of this Ordinance. It is hereby declared as the intent of South Beaver Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION XI

Any Ordinance or part of any ordinance conflicting with this Ordinance is hereby repealed insofar as the same affects this Ordinance.

SECTION XII

This Ordinance shall become effective upon the publication thereof and adoption as required by law.

ENACTED AND ORDAINED this 7th day of March, 1964, by the Board of Supervisors of the Township of South Beaver, Beaver County, Pennsylvania.

BOARD OF SUPERVISORS
TOWNSHIP OF SOUTH BEAVER

George R. Puce
Wilbur Martin
Michael Petuk

ATTEST:

Marion G. Goehring
Secretary