

ORDINANCE NO. 73-2

AN ORDINANCE PROVIDING FOR THE REGULATION AND LICENSING OF JUNK DEALERS, AND THE ESTABLISHMENT AND MAINTENANCE OF JUNK YARDS WITHIN THE BOROUGH OF EAST PROSPECT, YORK COUNTY, PENNSYLVANIA, PRESCRIBING METHODS OF ENFORCEMENT, AND PENALTIES FOR VIOLATION THEREOF.

The Borough of East Prospect, York County, Pennsylvania, hereby ordains as follows:

SECTION I. The following words and terms as used herein shall be given the following meanings:

- (a) The word "person" shall mean any individual, group of individuals, firm, partnership or corporation.
- (b) The term "junk yard" shall mean any establishment or place, on public or private property, where a person stores or accumulated wrecked, abandoned or junked vehicles, machinery or equipment, scrap metal or materials, for the purpose of salvaging parts therefrom for use or resale, or the destruction of the same for resale as scrap, excluding, however, two (2) or less wrecked, abandoned, or junked motor vehicles. Any tract of land, regardless of ownership, shall be considered a separate "junk yard."

SECTION II. It shall be unlawful for any person to hereafter establish or maintain any junk yard at a distance closer than fifty (50) feet from the center line of any public road, avenue or highway within the limits of the Borough of East Prospect or within twenty-five (25) feet from any other property line, except that the operator of any junk yard heretofore existing shall not be in violation of this section unless there is stored or accumulated wrecked, abandoned or junked motor vehicles, machinery or equipment, scrap metal or materials, or parts thereof, within fifty (50) feet from the center line of any public road or highway.

SECTION III. It shall be the right and duty of the Borough Council or its agents, from time to time, to enter upon any premises being used as a junk

yard for the purpose of inspecting the same to determine whether the operator has complied with the requirements of this Ordinance.

SECTION IV. It shall be unlawful for any person to operate a junk yard until such time as he shall have applied for a received an annual license from the Borough Council. The license fee shall be paid immediately upon the issuance or renewal of a license. The amount of the license fee shall be One Hundred Dollars (\$100.00). No license shall be issued for the use of a tract of land in excess of twenty (20) acres.

SECTION V. Whenever any person shall desire to cease to operate or abandon any junk yard, he shall give thirty (30) days' written notice of his intention to do so to the Borough Council. Whenever such person shall finally cease to operate or abandon a junk yard, he shall surrender to the Borough Council the license therefor issued, together with the name of his successor in business, if any.

SECTION VI. In the event that any person shall violate the provisions of this Ordinance, such violation shall be proper grounds for the Borough Council to revoke the license theretofore issued to such person, and it shall be unlawful for such person to continue to operate a said junk yard.

SECTION VII. Every junk dealer licensed under this Ordinance shall constantly maintain the licensed premises in the manner prescribed by this section, as follows, to wit:

- (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.

SECTION VIII. Any person violating the provisions of this Ordinance shall, upon summary conviction thereof before a District Magistrate, be sentenced to pay a fine of not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00), and in default of payment thereof, be committed to the York County Jail for a period of not more than thirty (30) days. Each day shall be considered a separate offense and punishable as such.

SECTION IX. If any provision of this Ordinance or the application thereof to any person is held invalid, the remainder of this Ordinance and the application of such provision to other persons shall not be affected thereby, and to this end the provisions of this Ordinance are declared to be severable.

SECTION X. All Ordinances or parts of Ordinances inconsistent herewith be and are hereby repealed to the extent of such inconsistency.

PRELIMINARILY ENACTED AND ADOPTED by the Borough Council of East Prospect, York County, Pennsylvania, this 3rd day of July, 1973.

FINALLY ENACTED AND APPROVED by the Borough Council of East Prospect, York County, Pennsylvania, this 3rd day of July, 1973.

APPROVED BY ME this 3rd day of July, 1973.