

**PERRY TOWNSHIP JUNKYARD AND JUNK DEALER
LICENSING ORDINANCE NUMBER 5- 9-02**

An Ordinance of the Township of Perry, County of Lawrence, Commonwealth of Pennsylvania, providing for the licensing of junkyards and junk dealers within the Township of Perry; setting standards and procedures for the issuance, and revocation of licenses; providing for inspections and general operating requirements; providing for enforcement, inspection and application procedures and setting penalties for violation of licensing requirements.

THEREFORE BE IT ORDAINED AND ENACTED by the Board of Supervisors of the Township of Perry, County of Lawrence, Commonwealth of Pennsylvania, that by the authority of the same as follows:

SECTION I. TITLE

This Ordinance shall be known as the Perry Township Junkyard and Junk Dealer Licensing Ordinance.

SECTION II. DEFINITIONS

Except where otherwise indicated by the context, the following definitions shall apply in the interpretation and enforcement of this Ordinance:

- a. **“Person”** - shall mean any person, firm, partnership, association, corporation, company, or entity of any kind.
- b. **“Township”** - shall mean the Township of Perry, Lawrence County, Commonwealth of Pennsylvania.
- c. **“Board of Supervisors”** - shall mean the Township of Perry, Lawrence County, Commonwealth of Pennsylvania, Board of Supervisors.
- d. **“License”** - shall mean the permit granted to a “person” who operates a “junkyard” or is a “junk dealer”.
- e. **“Junk”** - shall include but not be limited to scrap metal, used building materials, scrapped, abandoned or junked vehicles, machinery, motor vehicle parts, accumulated paper, and glass.
- f. **“Junkyard”** - shall mean any location containing “junk” as defined herein, upon which occurs one or more acts of buying, storing, dismantling, processing, selling, or offering for sale any such junk, in whole units or by parts, whether individually, for a business or for commercial purpose.
- g. **“Junk Dealer”** - shall mean a “person” who operates a junkyard as defined herein within the “Township” limits.
- h. **“Business Premises” or “Premises”** - shall mean the area of a “junkyard” as described in a “junk dealer’s” license or application for license as provided for in this ordinance.

SECTION III. LICENSE REQUIRED

It shall be unlawful for any person to act as a junk dealer in the “Township” whether personally, by agents or employees, singly or along with some other business or enterprise, without first having obtained a license therefore from the “Township” in accordance with the provisions of this ordinance. A “junk dealer” who operates more than one “junkyard” within the “Township” shall be required to have in effect a separate license for each said “junkyard”.

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SECTION V. APPLICATION

An applicant for a license under this ordinance shall file with the "township" secretary a written application provided by the "township" for that purpose, together with a license fee as hereinafter prescribed. Said application shall be signed by himself (if an individual), by all partners, (if for a partnership), and by the president or chief operating officer of a corporation or other organization for said "junkyard." The "townships" receipt of the signed application (whether the original application or renewal) shall be acknowledgment from the applicant of the ordinance, rules, provisions and requirements and thereby agrees to adhere by said ordinance. Said application shall include the following information and requirements:

- a. Name, resident address, and telephone number of each individual owner, partner, or if a corporation or other organization, of each officer or director.
- b. The trade name, address and telephone number of the business on behalf of which application is made.
- c. The name, resident address, and telephone number of each person employed or intended to be employed in the business at the time of filing the application.
- d. The exact address and location where the "business premises" is or is proposed to be carried on, plus a sketch of the actual "premises" to be used in connection with the business: property size information is to be included, (acres and square feet), distances in feet from roadways, right-of ways, property lines, buildings, water sources, and descriptions and size of any building to be used in connection with business.

SECTION VI. INVESTIGATION, APPROVAL AND ISSUANCE OF LICENSE

- a. Upon receipt of an application for a junkyard or junk dealer's license as provided herein, the "Board of Supervisors" shall furnish copies of the same to the township Chief of Police and Fire Department Chief.
- b. The Chief of Police shall review the application and upon his findings, provide the "Board of Supervisors" with a written statement that confirms the application is or is not capable of operating the business in a manner consistent with the public health and safety.
- c. The Fire Department Chief shall review the application and upon his findings, whether favorable or unfavorable, provide a written statement to the "Board of Supervisors" as to whether the said premises of proposed or present business, buildings, etc. are conforming with the requirements of this ordinance and all applicable fire prevention laws.
- d. The "Board of Supervisors" shall review the application to determine if the proposed or existing buildings or equipment with which the business is being or is to be operated conform to the requirements of any township building permits and the provisions of this ordinance.

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- e. If any of the findings provided for in the previous sub-paragraphs are unfavorable to the applicant, the "Board of Supervisors" shall, within thirty (30) days after filing of the application, notify the applicant that his application is disapproved and that no license will be issued. Upon request, they shall furnish the applicant with a brief written statement of the grounds upon which the application was disapproved. If the findings in the above subparagraphs are favorable to the applicant, the supervisors shall, within 30 days after the filing of the application, issue a junk dealer's license to the applicant.
- f. If the applicant corrects the unfavorable findings, said applicant may re-apply for said license within a thirty (30) day time period, one (1) additional time with no additional fees. In the event of an unfavorable finding, a reimbursement of one half of the application fee shall be returned to the applicant.

SECTION VII. LICENSE FEE

There shall be submitted to the Perry Township Secretary with the application for a new or renewal license, a fee of \$200.00 (two hundred dollars) or the fee as set by resolution by the Board of Supervisors. If said application for license is denied, one half of the application fee shall be returned in full unless the applicant reapplies as per Section VI (f).

SECTION VIII. LICENSE PERIOD

Each license shall be effective as of the date of its issuance and shall expire on the last day of the 12th (twelfth) month thereafter.

SECTION IX. TRANSFERABILITY

No license issued under this ordinance shall be transferred, assigned, or used by any other person other than the one to whom it was issued. Nor shall a junk dealer's license be issued for any location other than the one described in the application upon which it was issued.

- a. If in the event of a transfer of said "Junkyard" business by means of estate settlement, said license will be transferred only upon completion of a new application and completion of the required approval process. The said "transfer" shall only be effective for the time remaining until the original license expires. At such time, a renewal application must be completed and the required fee paid before a renewal license will be issued.
- b. In the event the licensee should desire to transfer said license to another "person," said transfer must be authorized by the Board of Supervisors after the following guidelines have been completed:
 - 1. The completion of the standard process of submitting an application for a "New or Renewal License."
 - 2. A review of the application and requirements as per the ordinance.
 - 3. Payment of the \$ 200.00 (two hundred dollars) fee or other fee set by future resolution is to be submitted with the completed transfer application.