

13 WEST WYOMING ORDINANCE 106

AN ORDINANCE OF THE BOROUGH OF WEST WYOMING REGULATING JUNKYARDS AND PRESCRIBING PENALTIES FOR VIOLATION.

The West Wyoming Borough Council hereby ordains:

§1. Definitions. As used in this ordinance, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

FARM MACHINERY - all types of machinery and equipment which were originally manufactured for farm use, which are retained on farm properties, either as operable equipment or for the purpose of salvaging repair parts.

JUNK - any discarded or salvageable article or material including, but not limited to, scrap metal, paper, rags, glass, containers, scrap wood, motor vehicles, trailers, machinery and equipment, with the exceptions of farm machinery and mobile homes or house trailers which are occupied or are properly placed and planned for occupancy.

JUNK DEALER - any person who buys, sells, salvages, stores, or in any way deals in junk; or owns, leases, operates or maintains a junkyard within the municipality.

JUNKYARD - any place where junk as herein defined is stored or accumulated. Any premises as herein defined having two or more unlicensed motor vehicles and/or unlicensed trailers thereon shall be deemed to be junk yard, except that the foregoing shall not apply to duly licensed automobile dealers having operable vehicles on their premises for resale. Such exception shall not apply to inoperable vehicles being stored primarily for salvage purposes.

MOTOR VEHICLE - all types of automobiles, trucks and tractors, including self-propelled machinery of all kinds with the exception of farm machinery.

PERSON - any natural person, partnership, firm, company, corporation or other legal entity.

PREMISES - any parcel of land situated in the Borough of West Wyoming, having a separate tax map parcel number for county assessment purposes.

SOLID WASTE - any waste, including but not limited to, municipal, residual or hazardous wastes including solid, liquid, semisolid, or contained gaseous material.

TRAILER - any wheeled vehicles not self-propelled, drawn by a motor vehicle.

In this ordinance, the singular shall include the plural; the plural shall include the singular; and the masculine shall include the feminine and the neuter.

§2. License Required; Fees. No person may operate as junk dealer as herein defined within the municipality without first obtaining a license to operate has herein described.

1. Any person desiring to be a licensed junk dealer in the Borough of West Wyoming shall first make written application to the West Wyoming Borough Council. Such application shall be in the form established by the West Wyoming Borough Council and shall set forth the applicant's name and address, include an accurate description of the premises on which the junkyard is to be located including the Luzerne County tax map parcel number(s), and a statement that the applicant will comply with this ordinance and any regulations adopted pursuant to this ordinance, and such other information as the West Wyoming Borough Council will require.

2. An application for license under this ordinance shall be examined by the West Wyoming Borough Council or duly authorized agent thereof and license issued or refused within sixth (60) days of submission to the West Wyoming Borough Council. Examination of the application shall include consideration of the suitability of the property proposed to be used for the purpose of the license, the character of nearby properties, and the effect of the proposed use upon the Borough of West Wyoming. When the application is found in compliance with the provisions herein given, the Borough of West Wyoming or its agent shall issue a license to the junk dealer applicant for operation of the junkyard as described in the application.

3. The license fee shall consist of two parts: the application fee shall be One Hundred Dollars (\$100.00) and it is not returnable in case of refusal of license; the annual license fee shall be Fifty Dollars (\$50.00) per year. All fees are due, payable to and for the use of the Borough of West Wyoming, at time of application. The West Wyoming Borough Council or its agent may waive the application fee when issuing renewed licenses. The period of any license issued under this ordinance shall be for one calendar year or portion thereof, and shall terminate on December 31 of the year in which issued.

4. Licenses issued under this ordinance are required to be renewed on or before January 1 of the year in which it is desired to continue operations. Such application for renewal must be in writing, in such form as may be required by the West Wyoming Borough Council and accompanied by the license fee. Renewal applications are subject to complete reexamination and consideration by the Borough of West Wyoming or its agents for continued compliance with the terms of this ordinance.

5. No person licensed under this ordinance shall, by virtue of one license, operate more than one business or junkyard within the municipality. No person shall engage in business or operate a junkyard at any place other than the place designated by his license. Licenses are nontransferable, both as to junk dealer and junkyard premises. The permitted size of a junkyard shall be fixed at the time of license issuance, with due regard for the existing and proposed uses of the surrounding area and properties and shall not be in excess of ten (10) acres, excluding setback areas.

§3. Posting of Junkyard Licenses; Operating Procedures. The license under which the junkyard is operated shall at all times be conspicuously posted on the licensed premises, and the operating requirements as herein provided shall be complied with.

1. Permanent records of all junk received in or removed from any junkyard shall be kept by the junk dealer on the premises, containing the name and address from whom received or to whom delivered, the date thereof, and a description of the junk. Such records shall be open to inspection at all reasonable times by the West Wyoming Borough Council or its agent, and by any law enforcement officer.

2. Junkyards and businesses licensed under this ordinance may not operate on Sunday, nor between the hours of 12:00 A.M. and 12:00 P.M., except to remove any wrecked automobile from any public highway.

§4. Manner of Storage of Junk in Junk Yards. All junk in junkyards licensed under this ordinance shall be stored as herein provided:

1. All junk shall be set back at least forty (40) feet from any adjoining premises and at least sixty (60) feet from the nearest right-of-way of any public street, road, or highway unless currently in existence.

2. All junk shall be stored and arranged so as to permit access by fire-fighting equipment. Junked motor vehicles shall be spaced in rows with at least eight (8) feet between double rows; other junk shall be stored in piles or tiers which shall be separated by aisles or cleared areas of no less than twenty (20) feet.

3. Junk shall be arranged so as to prevent the accumulation of stagnant water, and shall be stacked to a height of not more than twenty (20) feet from the ground.

4. All gasoline and oil shall be drained from junked motor vehicles within Forty-Eight (48) hours of arrival on premises. Such gasoline and oil shall be stored at only one location on the premises and not more than Two Hundred (200) gallons in the aggregate, in proper containers, may be stored aboveground and must be disposed of pursuant to Pennsylvania Laws within one (1) week.

5. Paper, rags, plastics and similar materials for salvage shall be stored indoors.

§5. Time Limit for Allowing Certain Materials to Remain on Premises.

Paper, rags, plastic and similar materials for salvage shall not be accumulated or remain on the junkyard premises for more than sixty (60) days. Materials separated as solid waste shall not be accumulated for more than thirty (30) days.

§6. Burning Restricted. No one licensed under this ordinance shall burn any type of motor vehicle or its equivalent or its contents of said vehicle.

§7. Certain Materials not to be Received or Stored in Junk Yard. Garbage, organic waste, or plain solid waste shall not be received or stored in any junkyard. Materials designated as solid waste may be received only as mixed with salvageable materials and shall be promptly disposed of as herein provided.

§8. Fencing and Screening; Maintenance. Every junk dealer licensed under this ordinance shall enclose and maintain his junkyard as herein provided:

1. Every junkyard premises shall be completely enclosed by a fence. Such fences shall be set back in accordance with the provisions of Section 4, Subsection 1, of this ordinance, shall be six (6) to eight (8) feet in height, and shall be kept securely locked except during business hours. Fencing shall be maintained in good condition throughout its length at all times.

2. Junkyard premises which have open-wire fence enclosures visible from an abutting public thoroughfare or from an abutting residential property within five hundred (500) feet of the fence shall have a landscaped screen of trees and/or shrubs, or varieties capable of attaining a continuous height of six (6) feet within two (2) years, planted along such fence or section of fence. All required open areas between fence and lot lines of the premises shall be maintained continuously in good order, free of weeds and scrub growth.

3. The area inside the fence and lot lines of any junkyard premises shall have weeds mowed regularly and not permitted to go to seed.

4. All junkyard premises shall be maintained in such manner so as not to cause a public or private nuisance. Nor shall they cause any menace to the health or safety of persons off the premises. Nor shall they cause any excessive or offensive or noxious odors or sounds. Nor shall they cause the breeding, harboring or infestation of rats, rodents or vermin. Nor shall they be in violation of any health or sanitation law or ordinance or regulation of any governmental body.

§9. Right of Entry for Inspection; Additional Regulations Authorized.

Every junk dealer and junkyard licensed under this ordinance is subject to inspection and regulation as herein provided:



1. Any member of the West Wyoming Borough Council or the agent of the Board may at any reasonable time enter upon the premises currently licensed or for which a license application is pending.

2. The West Wyoming Borough Council may from time to time pursuant to resolution adopt regulations to carry out the provisions of this ordinance, upon giving notice to licensees affected by such regulations.

§10. Exceptions for Existing Junk Yards. The West Wyoming Borough Council may waive the setback requirements as established by subsection 1 of section 4, and the planting requirements as established by subsection 2 of section 8, for those junkyards in existence at the time of the enactment of this ordinance, if such junkyard is in compliance with the other requirements as provided by this ordinance, and if, in the West Wyoming Borough Council's discretion, compliance with said setback and planting requirements would cause undue hardship to such existing junkyard.

§11. Time Limit for Existing Establishments to Comply and Obtain License. Junk dealers and junkyards operating and existing in the Borough of West Wyoming on the effective date of this ordinance shall be required to comply with the provisions of and obtain a license under this ordinance within six (6) months from the effective date.

However, an extension of the time allotted in complying with the terms of this ordinance may be granted at the discretion of the West Wyoming Borough Council. Such extension shall be good reason, and shall not exceed six (6) months.

§12. Use of Mechanical Crushers or Similar Devices. No applicant or licensed dealer under this ordinance shall operate any type of mechanical device used to crush or compact cars or their equivalent except during the hours of 8:00 a.m. to 4:00 p.m.

§13. Penalties. Any person, firm or corporation who shall violate any provision of this ordinance shall, upon conviction thereof, be sentenced to pay a fine not more than Three Hundred Dollars (\$300.00), and/or to undergo imprisonment for a term not to exceed ninety (90) days. Each day that a violation of this ordinance continues shall constitute a separate offense.

§14. Enforcement Remedies. The West Wyoming Borough Council may take any appropriate action at law or equity, civil or criminal, to enforce the provisions of this ordinance, and this ordinance shall in no way restrict any remedies otherwise provided by law.

§15. Repealer. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

§16. Severability. If any sentence, clause, section, or part of this ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this ordinance. It is hereby declared as the intent of the West Wyoming Borough Council that this ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section or part thereof not been included herein.

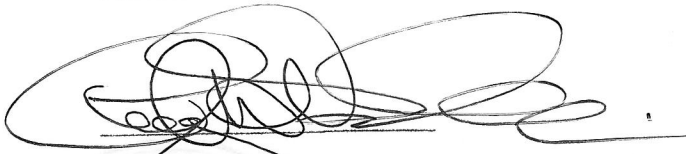
§17. Effective Date. This ordinance shall become effective on June 5, 1985.

Duly and enacted and ordained by West Wyoming Borough Council on 11<sup>th</sup> day of October  
2010 and signed by the Mayor on the 21 day of Oct, 2010.

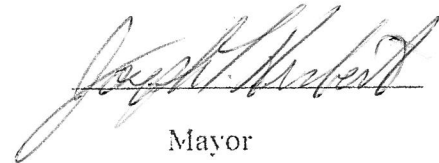


President of Council

Attest:



Borough Secretary



Mayor

WEST WYOMING BOROUGH  
464 West Eighth St  
West Wyoming, PA 18644

Date\_\_\_\_\_

APPLICATION FOR A JUNKYARD  
OR  
AUTOMOTIVE DISMANTLER AND RECYCLER LICENSE

**License Type:**

\_\_\_\_ New facility \_\_\_\_ Existing Facility \_\_\_\_ Expansion \_\_\_\_ Renewal

If renewal License No \_\_\_\_\_

**Applicant Information: (Please Print)**

Applicant Name \_\_\_\_\_

Applicant Mailing Address

Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Home Phone \_\_\_\_\_ Daytime phone \_\_\_\_\_ fax \_\_\_\_\_ cell \_\_\_\_\_

Have you ever been convicted of a crime other than motor vehicle? \_\_\_\_ yes \_\_\_\_ no

If yes, state the date and place of conviction, nature of offense and the punishment or penalty  
inflicted \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Property Owners name \_\_\_\_\_

Property Owners Address

Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Home Phone \_\_\_\_\_ Daytime phone \_\_\_\_\_ fax \_\_\_\_\_ cell \_\_\_\_\_



**Location of Property**

Business Name \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Property Tax Account Number \_\_\_\_\_ Acreage \_\_\_\_\_

Date Business Operation Began \_\_\_\_\_ Currently in operation Y or N

Zoning Occupancy Permit No. \_\_\_\_\_ Date approved \_\_\_\_\_

Planned Hours of Operation: Days \_\_\_\_\_ Hours \_\_\_\_\_

**APPLICANT MUST SUBMIT THE FOLLOWING:**

- 1-County issued Zoning Occupancy Permit.
- 2-Legal description of the boundaries of the site.
- 3-Copy of Assumed Name Certificate or DBA.
- 4-Copy of PennDOT Junkyard License if applicable.

I hereby certify that all statements contained in this application are true

Sworn or Affirmed and subscribed before me

This \_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

\_\_\_\_\_

Signature of Applicant

\_\_\_\_\_

Notary Public

\_\_\_\_\_

Signature of Property Owner

\*\*\*\*\*

For Borough Use

Date received \_\_\_\_\_

Fee paid \_\_\_\_\_

This application has been reviewed \_\_\_\_ approved \_\_\_\_ denied \_\_\_\_ incomplete

Date Issued \_\_\_\_\_

\_\_\_\_\_  
Council President