

FELTON BOROUGH  
York County, Pennsylvania

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ORDINANCE NO. 1988-1

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REGULATING JUNK DEALERS, THE ESTABLISHMENT AND MAINTENANCE OF JUNK YARDS, INCLUDING, BUT NOT LIMITED TO AUTOMOBILE JUNK OR SALVAGE YARDS, THE STORAGE AND DISPOSAL OF SCRAP, REFUSE, AND JUNKED ARTICLES, PROVIDING FOR THE ISSUANCE OF LICENSES FOR JUNK DEALERS AND FOR THE MAINTENANCE AND OPERATION OF JUNK YARDS UNDER PRESCRIBED CONDITIONS, PRESCRIBING REMEDIES FOR THE ABATEMENT OF NUISANCES AND UNLICENSED JUNKYARDS AND SCRAP YARDS, PRESCRIBING PENALTIES FOR VIOLATIONS, AND PROVIDING FOR THE REVOCATION OF LICENSES IN THE EVENT OF NON-COMPLIANCE.

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IT IS HEREBY ENACTED AND ORDAINED by the Borough Council of Felton Borough, York County, Pennsylvania, pursuant to the authority granted by the Act of February 1, 1966, P.L. (1965) \_\_\_\_\_, No. 581, as amended, as follows:

SECTION 1. Short Title. This Ordinance shall be known and may be cited as the "Felton Borough Junkyard and Refuse Ordinance."

SECTION 2. Definitions. The following words and phrases when used in this Ordinance shall, for the purpose of this Ordinance, have the following meanings, respectively, except in those instances where the context clearly indicates a different meaning:

- A. "Person" shall include any natural person, partnership, association, firm or corporation.
- B. "Borough" shall mean Felton Borough, York County, Pennsylvania.
- C. "Borough Council" shall mean the Borough Council of Felton Borough.

- D. "Junkyard" shall mean any place where any Junk as hereinafter defined is accumulated, stored or disposed of.
- E. "Junk" shall mean any discarded material or article and shall include, but not be limited to, scrap metal, scrapped, abandoned, junked, damaged or wrecked motor vehicles, machinery, equipment, paper, glass containers, building materials and structures. It shall not include, however, refuse or garbage kept in a proper container for the purpose of prompt disposal. The failure of any motor vehicle to bear a current state registration and/or a current official state inspection emblem issued by the Bureau of Motor Vehicles of the Commonwealth of Pennsylvania or of some other state, shall be prima facie evidence that such motor vehicle is an abandoned and/or junked motor vehicle.
- F. "Junk Dealer" shall mean and Person, as herein defined, who shall engage in the business of selling, buying, salvaging and dealing in Junk, or who causes or permits damaged or wrecked motor vehicles to be stored upon premises owned or occupied by him, and who maintains and operates a Junkyard within Felton Borough.
- G. "License" shall mean the permit granted to a person who accumulates, stores or disposes of Junk as hereinbefore defined.

SECTION 3. License. No person shall engage in business as a Junk Dealer, or maintain a Junkyard within the Borough without first having obtained a License from Borough Council, for which License a fee as hereinafter set forth shall be paid to the Borough for the use of the Borough. The License shall be issued for the twelve month period beginning January 1, and ending December 31, of each year, and each License must be renewed annually on or before the first day of January of each year. At



least thirty (30) days prior to the expiration of the current existing License year, each licensee shall file a written application for renewal of his License with the Borough Secretary, which application shall contain an affidavit under oath by the licensee that he is not maintaining a Junkyard within the Borough in violation of the terms of this Ordinance. Upon receipt of an application for renewal of a License, Borough Council may inspect the premises of the applicant and shall have the right to refuse a renewal of any License where the applicant is not in compliance with the provisions of this Ordinance and any regulations adopted hereunder; provided, however, that such refusal shall be in writing and shall contain the reasons for such refusal. The applicant shall have a period of ten (10) days from the date of said notice of refusal to renew his License to cure any deficiencies and/or to comply with the provisions of this Ordinance.

SECTION 4. Application for License. The License provided for in this Ordinance shall be issued by the Borough Council after written 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 on which such business is to be conducted, or such Junkyard is to be maintained. Such License shall be posted conspicuously upon the premises licensed thereunder. The written application for License hereinabove mentioned shall be accompanied by a form, every question of which must be answered, which form will be supplied by the Borough. Applicant shall also submit therewith a plot of the premises used or to be used in connection with such License.

SECTION 5. Issuance of License. Upon receipt of an application by the Borough, the Borough Council shall inspect the premises of the applicant to determine whether or not the applicant is in complete compliance with all of

the provisions and terms of this Ordinance and the regulations adopted hereunder. Unless the Borough Council shall determine that the premises of the applicant are in full compliance with such requirements, it shall not issue a License. In the event that the Borough Council refuses to issue a License hereunder, it shall so notify the applicant in writing setting forth the reasons for such refusal. Any applicant engaging in business as a Junk Dealer or having a Junkyard pre-existing on the date of adoption of this Ordinance shall have a period of one (1) year from the date of such notice to cure any deficiencies and/or to comply with the provisions of this Ordinance. No License shall be issued for the use of a tract of land less than two (2) acres or more than ten (10) acres, excluding set back areas.

SECTION 6. License Fee. A License fee in the amount of One Hundred (\$100.00) Dollars shall be paid immediately upon the issuance or renewal of a License. Provided, however, that if a License is issued by the Borough after the thirtieth day of June and before the first day of December of any License year, the fee for such License shall be one-half the annual fee as set forth above.

SECTION 7. License Limitation. No person under this Ordinance shall, by virtue of one License keep more than one place of business within the Borough or maintain more than one Junkyard, for the purpose of buying, selling and dealing in Junk. No person shall engage in business as a Junk Dealer in any place other than the place designated upon his License, or maintain a Junkyard in any place other than the place designated upon his License.

SECTION 8. Transfer of License. No License issued by the Borough shall be transferable by the licensee to any other person unless such a transfer is authorized by the Borough Council. Any person desiring to



transfer his License shall notify the Borough in writing, which notification shall be accompanied by an application for a License, as described in Section 4 of this Ordinance, by the transferee.

SECTION 9. Transfer Fee. In the event the Borough shall approve the transfer of a License the transferee shall immediately pay to the Borough a transfer fee of ten (\$10.00) Dollars.

SECTION 10. Records. Every person licensed under this Ordinance, shall provide and shall constantly keep a book, in which shall be clearly 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, received or handled by such person, which book shall at all times be subject to the inspection of the Borough and/or any police official of the Borough or other person authorized by the Borough.

SECTION 11. Delay in Disposal. Every person, 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 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 12. Regulations. Every person licensed under this Ordinance shall constantly maintain the licensed premises in accordance with the following regulations and any subsequent regulations adopted by the Borough:

- A. Such premises shall at all reasonable times be subject to the inspection of the Borough and/or any police official of the Borough or other person authorized by the Borough Council.

- B. 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.
- C. No garbage or other organic waste shall be stored on such premises.
- D. Whenever any motor vehicle shall be received on such premises as Junk, all gasoline and oil shall be drained and removed therefrom. Gasoline in an amount not exceeding ten (10) gallons may be stored above ground in a Junkyard provided the same be placed in containers approved by the Borough. All other gasoline which is kept on the premises shall be stored underground, which underground storage must be approved by the Borough.
- E. 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. Junked automobiles shall be spaced in rows with at least fifteen (15) feet between each double row to permit movement of fire equipment. Junk shall not be piled to a height of more than eight (8) feet above the ground.
- F. No person licensed under this Ordinance shall burn more than one motor vehicle or its equivalent at any one time. 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 Junkyard at any time. Burning of vehicles must be attended and controlled at all times. Nothing contained herein shall be deemed

to authorize any person licensed under this Ordinance to burn any material in violation of any federal, state or municipal air pollution law, ordinance, rule or regulation.

- G. No Junkyard shall be operated on Sunday, nor between the hours of eight o'clock (8:00) p.m. and seven o'clock (7:00) a.m., except to remove a wrecked automobile from a public highway.
- H. An adult attendant shall at all times during business hours remain on the premises.
- I. All Junk shall be stored and set back at least fifty (50) feet from any adjoining premises and at least seventy-five (75) feet from the nearest edge of the cartway of any public road or highway.
- J. All Junk shall be stored behind a fence, as specified in subparagraph K. below, which fence shall be set back at least fifty (50) feet from all lot lines of the premises occupied by the Junkyard. Whenever such fence or any part of such fence, is visible from a public road or from a residence or any adjoining property, a landscaped screen of trees and/or shrubs, of varieties capable of obtaining a continuous height of six (6) feet within two years, shall be planted along such fence or section of fence. All required open areas between fence and lot lines shall be maintained continuously in good order and free of weeds and scrub growth.
- K. Every Junkyard shall be completely enclosed or fenced with a fence constructed of one of the following materials, which fence shall be at least six (6) feet in height with gates of similar fencing material, and which gates shall be at all times securely locked



except during business hours when an adult attendant employed as such is on the premises:

1. Heavy duty chain-link fence with maximum openings of four (4) square inches.
2. Heavy duty wire-mesh fence - minimum size and strength of no. 10 gauge steel wire.
3. Solid fence. Such fence may be constructed of boards or pickets placed in a vertical position without spaces between such boards or pickets, or may be constructed from solid panels or other suitable building materials, provided that the materials used in any such solid fence must be of the same or uniform type for the entire fence, and provided further that such fence must be painted or stained and continuously maintained in such condition.

SECTION 13. Additional Regulations. The Borough Council may from time to time adopt such additional regulations to carry out the provisions of this Ordinance as it deems necessary upon notice to existing licensees affected by such additional regulations.

SECTION 14. Violations. Any person who shall violate any of the provisions of this Ordinance shall upon conviction thereof, in a summary proceeding before any District Justice of the Peace of York County, be sentenced to pay a fine of not less than Ten (\$10.00) Dollars nor more than Three Hundred (\$300.00) Dollars, together with costs of prosecution for each and every day said violation continues, and in default of payment of said fine be imprisoned in the York County Jail for a period of not more than thirty (30) days. Any violation of this Ordinance shall be deemed a separate offense for each and every day such violation shall continue and



shall be subject to the penalties above imposed for each and every separate offense.

SECTION 15. Abatement of Nuisances. In addition to the remedies provided in Section 14., above, any continued violations of this Ordinance which shall constitute a nuisance in fact or which shall in the opinion of the Borough Council constitute a nuisance may be abated by proceeding against the violator in a court of equity for relief.

SECTION 16. Severability. The provisions of this Ordinance are severable. If any sentence, clause or section 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 or sections of this Ordinance. It is hereby declared to be the intent of the Borough Council of Felton Borough that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause or section not been included herein.

SECTION 17. Repeal. All prior ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

ENACTED this 6 day of JUNE, 1988.

Attest:

FELTON BOROUGH

Kathryn J. Shultz

By: Larry McBratney  
President of Council

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 1988.

By: Charles Lentz  
Mayor