

ORDINANCE OF THE BORO COUNCIL OF THE BORO OF MILLVILLE, COLUMBIA COUNTY, PENNSYLVANIA, REGULATING JUNK DEALERS AND THE ESTABLISHMENT AND MAINTENANCE OF JUNK YARDS: PROVIDING FOR THE LICENSING OF SUCH BUSINESS: AND PROVIDING PENALTIES FOR VIOLATIONS.

BE IT ORDAINED AND ENACTED by the Boro Council of the Boro of Millville, Columbia County Pennsylvania, and is hereby ORDAINED AND ENACTED by authority of and pursuant to the provisions of the Act of the General Assembly of the Commonwealth of Pennsylvania, of May 4, 1927, P.L. 519, and its amendments and supplements as follows:

Section 1: Definitions - Unless otherwise expressly provided, the following words and phrases shall, for the purposes of this Ordinance, have the following meanings:

(a) Junk: Shall mean any discarded article, material or other debris and shall include but not be limited to scrap metal, scrapped, abandoned or junked automobiles or other self-propelled vehicles, machinery, equipment, paper, rags, glass, wood, glass or metal containers of all types.

(b) Person: Shall include and individual, partnership, corporation, firm or other legal entity, including singular and plural and male and female.

(c) Boro: Shall mean the Boro of Millville, Columbia County, Pennsylvania.

(d) Premises: Shall mean any tract, parcel or piece of land situate in the Boro of Millville, Columbia County, Pennsylvania.

(e) Council: Shall mean the Boro Council of the Boro of Millville, Columbia County, Pennsylvania.

(f) Junk Yard: Shall mean any place where any junk as herein defined is stored, disposed of, processed, or accumulated, PROVIDED, HOWEVER, that premises used for temporary or limited storage of scrap resulting from a manufacturing or fabricating process conducted on the premises shall not be considered a junk yard.

(g) Junk Dealer: Any person as herein defined who buys, sells, salvages, stores, or in any way deals in junk or who owns, operates, leases, or maintains a junk yard within the Boro of Millville, Columbia County, Pennsylvania.

Section 2: No person shall be a junk dealer, or own, lease, operate or maintain a junk yard as herein defined within the Boro without first obtaining a license from the Board, the fee for which shall be TEN (\$10.00) DOLLARS per each calendar year. Each license so issued shall be effective during the year in which issued and shall

terminate on December 31, of each calendar year, subject to renewal by the Board. All applications for renewal of licenses must be made to Council not later than October 31st of each year.

Section 3. The license provided for in Section 2 of this Ordinance may be issued by the Council following action upon an application which shall be in written form, and which application shall be secured from the Secretary of the Council. The license, after issuance, shall contain the names of the licensee, the premises to be licensed, and shall be conspicuously posted on the licensed premises at all times.

Section 4: Each applicant shall submit with his application for license a plot of the premises to be licensed. Upon receipt of the application by Council, the Council may issue a license or refuse to issue such license after a examination of the application and taking into consideration the suitability of the property proposed to be used, the character of the properties located nearby, and the effect of the proposed use upon the Boro, both economic and esthetic. In the event the Council shall issue such license, it may impose upon the licensee and the premises to be licensed such terms and conditions, in addition to the regulations contained in this Ordinance, as may be deemed necessary to carry out the spirit and intent of this Ordinance.

Section 5: No person shall, by virtue of one license issued to him, keep more than one place of business or operate more than one junk yard within the Boro of Millville, nor shall any person engage in business as a junk dealer or operate or maintain a junk yard in any place within said Millville Boro other than the place designated upon his license.

Section 6: No license issued by the Board shall be transferrable by the licensee to any other person unless the transfer is authorized by the Council. Any person desiring to transfer his license shall notify the Council in writing and which notification shall be accomplished by an application as herein before mentioned. In the event the Council shall approve the transfer of a license the transferee shall immediately pay the Boro a transfer fee of TEN (\$10.00) DOLLARS.

Section 7: Every person licensed under the provisions of this Ordinance shall maintain the licensed premises and conduct business as hereafter provided and pursuant to any subsequent regulations adopted by the Council.

(a) All junk yards shall be screened by a landscape screen of trees or other shrubs capable of attaining a height of at least six feet within two years from the date of planting, and shall be so planted as to establish a continuous or solid screen with the exception of not more than two openings which shall not exceed twelve feet in width.

(b) No junk shall be piled to a level of more than seven feet from the ground level, and the premises occupied by said junk year shall be so graded and drained that no stagnant water shall accumulate or remain thereon.

(c) All junk shall be stored and set back at least 50 feet from any adjoining premises and at least 50 feet from the nearest edge of any public road or highway, and in the event the same is within 300 feet of any adjoining occupied premises, no burning or other activity such as to create obnoxious odors or smoke shall be conducted thereon.

(d) Any area between the landscaped screen and any adjoining premises or roadway shall be kept mowed and free of weeds.

(e) Junk yards shall at all times be maintained in such manner as to cause no public or private nuisance, nor to cause any menace to health or safety of persons on or off the premises; nor to cause any offensive or noxious sounds or odors; nor to cause the breeding, harboring, or infesting of rats, rodents, or vermin; not to cause a violation of any health or sanitation law, ordinance, or regulation of any governmental body.

Section 8: Council may at any time adopt additional or supplemental regulations to carry out the intent and provisions of the Ordinance upon giving notice to the licensees affected or to be affected by such regulations.

Section 9: Any person violating any of the provisions of this Ordinance, shall, upon conviction by summary proceeding before a Justice of the Peace, or other summary official, be sentenced to pay a fine not exceeding THREE HUNDRED (300.00) DOLLARS and costs of prosecution, and, on default of payment of the fine imposed and the costs, shall be sentenced and committed to the Columbia County Jail for a period not exceeding thirty (30) days, PROVIDED, HOWEVER, that each day's violation of any of the provisions of this Ordinance shall constitute a separate offense.

Section 10: Council may suspend or revoke the license of the licensee in the event it determines that the licensee is in violation of any of the provisions of the Ordinance or its intent and provisions: PROVIDED, HOWEVER, that said licensee following 15 days written notice given by the Council to the licensee of such violation or violations has failed to abate or correct the same.

Section 11: The Council may take any appropriate action at law or in equity, civil or criminal, to enforce the provisions of this Ordinance, and this Ordinance shall in no way restrict any remedies otherwise provided at law.

Section 12: All sections and parts of this Ordinance are severable and if any section or portion shall be declared invalid or unconstitutional the same shall not affect the validity or constitutionality of any and all other sections and portions.

Section 13: This Ordinance shall become effective five days after its adoption.

APPROVE, ADOPTED AND ENACTED THIS 5th day of September, 1996.

BORO COUNCIL OF THE BORO OF MILLVILLE

COLUMBIA COUNTY, PENNSYLVANIA

Attest: Wayne Deaner      Paul Girton  
Secretary      Chairman

Seal:              William Laubach  
Burgess

MILLVILLE BORO COUNCIL  
MILLVILLE, PA 17846

APPLICATION FOR JUNK YEAR DEALERSHIP & MAINTENANCE  
OF JUNK YARD AS REQUIRED BY ORDINANCE NO. 19660905.064

DATE \_\_\_\_\_

NAME & ADDRESS OF BUSINESS

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THIS APPLICATION MUST BE ACCOMPANIED BY A PLOT OR LAYOUT OF THE  
PREMISES  
TO BE USED

DO NOT WRITE BELOW THIS LINE

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APPROVED----- DATE \_\_\_\_\_

REJECTED \_\_\_\_\_

19660905.064 *Junkyard Regs.*