

Chapter 103
JUNKYARDS

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[HISTORY: Adopted by the Borough Council of the Borough of South Greensburg at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Amendments noted where applicable.]

GENERAL REFERENCES

Garbage, rubbish and refuse — See Ch. 90.
Property maintenance — See Ch. 125.
Zoning — See Ch. 163.

§ 103-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ADMINISTRATIVE OFFICER — The person designated by the Borough Council to administer this chapter. In the absence of any specific designation, the Zoning Officer of the Borough of South Greensburg shall act as "administrative officer."

BOROUGH — The Borough of South Greensburg.

JUNKYARD — Any building, structure, yard or place which is used to keep, store, sort, bale or pile, for private or commercial purposes, any old, used or secondhand materials such as rags, paper, glass, lumber, metal, tires and similar or related items commonly known as "junk."

PERSON — Any natural person, partnership, association, firm or corporation. The singular shall include the plural, and the masculine shall include the feminine and the neuter.

SCRAP YARD — Any building, structure, yard or place which is used to keep, store, bale or pile, for private or commercial purposes, any old, used or secondhand motor vehicles or parts thereof and similar or related items commonly known as "scrap." For the purposes of this chapter, the term "junkyard" shall include "scrap yard."

§ 103-2. Compliance required.

From and after the passage of this chapter, it shall be unlawful for any person to own, maintain or in any manner operate on property owned, leased or occupied by him any junkyard other than provided by the regulations set forth in this chapter.

§ 103-3. Fencing required.

- A. All junkyards in the Borough of South Greensburg shall be completely surrounded by a fence or a wall not less than eight (8) feet in height, which shall be so constructed as not to have openings, holes or gaps larger than four (4) inches in any dimension except for doors and gates. A dwelling house or accessory building may be used as part of such enclosure.
- B. The fence or wall required by Subsection A above shall be located outside the right-of-way of any adjacent road or street and at least ten (10) feet back from the face of any curb or point where a curb would be located under applicable borough regulations. The fence or wall shall have a smooth and finished exterior surface and shall be properly maintained at all times.

§ 103-4. License procedure.

- A. Application. A written application for a junkyard license signed by the owner of the property and the operator or proposed operator of the junkyard shall be submitted to the administrative officer and shall include the following:
 - (1) A description or plan sufficient to identify the property and the size of the property on which the junkyard is to be conducted.
 - (2) A general description of the operation proposed to be conducted.
 - (3) An agreement that the owner of the property and the operator or proposed operator of the junkyard will provide the security required by § 103-5 of this chapter.

- (4) A check or cash for the amount of the license fee for one (1) year as provided in Subsection F of this section.
- B. Issuance. If the administrative officer finds that the application is in order and that the proposed junkyard will comply with all the provisions of this chapter and of all other governmental laws, ordinances, rules and regulations, he shall so notify the applicants. Upon the posting by the applicants of the security required by § 103-5 of this chapter, the administrative officer shall issue a license.
 - C. Term. A junkyard license shall be valid for one (1) year from the date of its issuance.
 - D. Renewal.
 - (1) An application for renewal of a license for an additional year shall be submitted, in writing, to the administrative officer, along with a check for the license fee, not later than thirty (30) days before the expiration date of the license. It shall include all the information required by Subsection A of this section, but for this information it may refer back to the original application.
 - (2) In passing upon an application for renewal, the administrative officer shall take into account whether the previous operation of the junkyard has complied with this chapter and with all other governmental laws, ordinances, rules and regulations. The provisions of Subsection B of this section shall apply to the renewal of licenses.
 - E. Revocation. If at any time the administrative officer finds that a licensee is violating any of the terms of this chapter, he shall give the owner of the land and the

operator of the junkyard written notice to comply with the chapter within five (5) days. If the violation continues after the expiration of the five (5) days, the administrative officer may forthwith revoke the license.

- F. Fee. The annual fee for a junkyard license shall be set by resolution of the Borough Council.

§ 103-5. Bond.

Applicants for junkyard licenses shall execute and deposit with the Borough of South Greensburg a bond in the amount of twenty-five thousand dollars (\$25,000.), such bond to be conditioned to insure that the operation of the junkyard shall be in strict compliance with the terms of this chapter and with all other governmental laws, ordinances, rules and regulations.

§ 103-6. Cleaning on discontinuance; action by borough.

Whenever the operation or maintenance of a junkyard is discontinued or abandoned, the operator and the owner of the land shall both be responsible for the removal of all junk and the cleaning up on the site. If they fail in this task, the borough may perform it or have it performed by others and may collect the cost thereof from the licensee and/or from the security which it holds.

§ 103-7. Compliance by existing junkyards.

Any junkyard in existence at the time of the effective date of this chapter must comply with its provisions within three (3) months of its effective date.

§ 103-8. Violations and penalties.

- A. Any person or persons violating any of the provisions of this chapter shall, for each and every violation, upon conviction thereof before any District Justice, be subject to a fine of not more than six hundred dollars (\$600.) for each and every offense, and the proceedings for the recovery of such fine or penalty may be commenced either by warrant or summons at the discretion of the District Justice before whom the proceedings are commenced. All and every such fine or penalty so recorded shall be paid to the treasurer of the borough for the use of the borough, and, upon judgment being rendered against any person in default of the payment of the fine and penalty imposed and the costs, the person or persons so in default shall be sentenced and committed to the county jail for a period of not exceeding thirty (30) days. The imposition of one (1) fine or penalty for any violation of this chapter shall not excuse the violation or permit it to continue, and all offending person or persons shall be required to remedy such violation after notice to do so. Each day that the violation continues shall constitute a separate offense.
- B. In addition, upon conviction of a violation as is cited above, the junkyard permit shall be revoked until such time as the violation of this chapter is remedied. Upon a finding that said violation has been remedied

and all fines and penalties imposed have been paid, a new permit shall be provided to the violator, provided that the security in the proper amount is posted as is required for a new application.