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## LICENSES

### ARTICLE I

#### SCRAP METAL PROCESSING LICENSE

##### **Section 101. Short Title**

This Ordinance shall be known and may be cited as the “Ontelaunee Township Scrap Metal Processing Facility Ordinance.”

Ord. 1986-1, 1/9/1986, §1.

##### **Section 102. Definitions**

Unless otherwise expressly stated, the following words and phrases shall be construed throughout this Ordinance to have the meanings herein indicated:

- A. **TOWNSHIP** – Shall mean Ontelaunee Township, Berks County, Pennsylvania.
- B. **BOARD** – Shall mean the Board of Supervisors of Ontelaunee Township.
- C. **SCRAP METAL PROCESSING FACILITY** – Shall mean an establishment having facilities for processing iron, steel or non-ferrous scrap for sale for remelting purposes only.
- D. **SCRAP METAL PROCESSING FACILITY OPERATOR** – Shall mean any person(s), firm(s) or corporation(s) who shall engage or intend to engage in the business of processing iron, steel or non-ferrous scrap metal and whose principal product is iron, steel or non-ferrous scrap for sale for remelting purposes only.
- E. **TOWNSHIP SCRAP METAL PROCESSING FACILITY LICENSE** – Shall mean the License granted to a person(s), firm(s) or corporation(s), by the Township, who operated a Scrap Metal Processing Facility as hereinbefore defined.

Ord. 1986-1, 1/9/1986, §2.

##### **Section 103. License and Fee**

Every person or persons, firms or corporations operating or intending to operate, establish, maintain, or operate a scrap metal processing facility in the Township of Ontelaunee is hereby required to apply for and obtain a Township Scrap Metal Processing Facility License from the Township Secretary, in accordance with the provisions of 53 P.S. § 66532 of the Second Class Township Code and this Ordinance, to establish, maintain, operate or intend to operate the same, on an annual basis, at an annual fee, as set from time to time by a Resolution of the Board of Supervisors, for each Scrap Metal Processing Facility he operates in the Township of Ontelaunee, Berks County, Pennsylvania.

Ord. 1986-1, 1/9/1986, §3.

**Section 104. Application for License**

The License provided for in this Ordinance shall be issued by the Township Secretary after written application shall have been made therefor by the person(s), firm(s) or corporation(s) required to be licensed and after approval by the Township Supervisors. Such License shall state the name of the person or firm to whom such License is issued and the premises on which such business is to be conducted. 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 Township, and a map or plot plan of the area or premises used or to be used in connection with such License.

Ord. 1986-1, 1/9/1986, §4.

**Section 105. Issuance of License**

Upon receipt of an application by the Township the Board shall direct the Secretary to issue a License or refuse to issue a License to the person(s), firm(s) or corporation(s) applying therefore after an examination of the application and its compliance with the Township Zoning Ordinance or other Ordinances pertaining to Scrap Metal Processing Facilities. Refusal to issue such License shall be based only upon reasonable cause. In the event the Board shall direct the Secretary to issue a License, it may impose upon the License and the person(s), firm(s) or corporation(s) applying therefore such terms and conditions, in addition to the regulations herein contained and adopted pursuant to this Ordinance, as may be deemed necessary to carry out the spirit and intent of this Ordinance.

Ord. 1986-1, 1/9/1986, §5.

**Section 106. License Limitation**

No person(s), firm(s) or corporation(s) licensed under this Ordinance shall, by virtue of one License, keep more than one place of business within the Township or maintain more than one place of business within the Township or maintain more than one Scrap Metal Processing Facility. No person(s), firm(s) or corporation(s) shall engage in business as a Scrap Metal Processing Facility in any place other than the place designated upon his License, or maintain a Scrap Metal Processing Facility in any place other than the place designated upon his License. Any person(s), firm(s) or corporation(s) licensed under this Ordinance who shall transfer this License shall notify the Township, in writing, within thirty (30) days of such transfer of the name and address of the transferee.

Ord. 1986-1, 1/9/1986, §6.

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### **Section 107. Necessity and Requirement of License and Fee**

This annual License and Fee is necessary for the administration of Ordinances and regulations pertaining to Scrap Metal Processing Facilities and the policing of compliance to such Ordinances and regulations in order to preserve the health, safety and general welfare of the citizens of the Township of Ontelaunee. This License and Fee is required in addition to any and all Local, DER, EPA, State or Federal licenses, permits, requirements or regulations.

Ord. 1986-1, 1/9/1986, §7.

### **Section 108. Regulations**

Every person(s), firm(s) or corporation(s) licensed under this Ordinance shall constantly maintain the licensed premises in accordance with any special provisions imposed by the Board, the Ontelaunee Township Zoning Ordinance and any subsequent regulations adopted by the Board and as follows:

- A. 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.
- B. No garbage or other organic waste shall be stored on such premises.
- C. Whenever any motor vehicle shall be received in such premises as scrap, all gasoline and oil shall be drained and removed therefrom. All drained gasoline and drained oil which is kept in the premises shall be stored in a manner approved by the appropriate State or Federal regulations.
- D. The manner of storage and arrangement of scrap, 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. Fire lanes of a minimum width of ten feet (10') shall be maintained between all accumulations of materials stored either temporarily or permanently.
- E. No automobiles or unprocessed scrap shall be stored in piles higher than twenty five feet (25') above the ground level.
- F. No processed scrap materials shall be stored in piles higher than fifty feet (50') above the ground level.
- G. The unenclosed burning or melting of any automobile, scrap, junk, rubbish or refuse is prohibited.
- H. The premises to be licensed shall be set back a minimum distance of fifty feet (50') from the right-of-way lines on all streets or roads and a minimum distance

of twenty five feet (25') from all other property lines or one hundred feet (100') from an inhabited or inhabitable home not on the licensed premises, whichever shall be the greater. The area between the set-back line and the right-of-way line and all streets and roads and all other property lines shall be at all times kept clear and vacant. Provided: That nothing contained in this subsection shall apply to existing equipment and structures pertaining to and being used in connection with Processing Facilities established and operating prior to the enactment date of this Ordinance.

- I. The premises to be licensed shall at the setback lines be enclosed by a six foot (6') high chain link fence and by evergreen screen plantings, or both as determined by the Board. The Board may set forth the fence and planting requirements at the time of the issuance of a License or at the time of renewal of a License.
- J. There shall be no areas outside the licensed premises used for the processing of scrap metal or the storage of any processed or unprocessed materials on either a temporary or permanent basis.
- K. No Hazardous Waste, as defined in Act 97, the Pennsylvania Solid Waste Management Act of 1980, shall be placed or stored on such licensed premises. Provided, however, that this shall not preclude the licensee from obtaining approval for such storage under the applicable state and local laws.

Ord. 1986-1, 1/9/1986, §8.

#### **Section 109. Violations**

See Chapter 4, Article IV entitled "Civil/Criminal Enforcement Procedure".

Ord. 1986-1, 1/9/1986, §9; superseded by Ord. 2001-2, 7/12/2001.

#### **Section 110. Repealer**

All Ordinances or parts of Ordinances inconsistent herewith, particularly Ordinance No. 1962-2, the "Ontelaunee Township Junkyard and Refuse Ordinance" and amending Ordinance No. 1967-1, shall be and the same are hereby specifically repealed.

Ord. 1986-1, 1/9/1986, §10.

**ARTICLE II**  
**JUNKYARD LICENSE**

**Section 201. Short Title**

This Ordinance shall be known and may be cited as the “Ontelaunee Township Junkyard Licensing Ordinance.”

Ord. 1986-2, 1/9/1986, §1.

**Section 202. Definitions**

Unless otherwise expressly stated, the following words and phrases shall be construed throughout this Ordinance to have the meanings herein indicated:

- A. **PERSON** – Shall include any partnership, association, firm and corporation.
- B. **TOWNSHIP** – Shall mean Ontelaunee Township, Berks County, Pennsylvania.
- C. **BOARD** – Shall mean the Board of Supervisors of Ontelaunee Township.
- D. **JUNKYARD** – Shall mean any outdoor establishment or place of business which is maintained, used or operated for storing, keeping, buying or selling junk, but the term shall not include a scrap metal processing facility as hereinafter defined.
- E. **JUNK** – Shall mean any discarded material or article and shall include, but not be limited to, scrapped, abandoned or junked motor vehicles, machinery, equipment, paper, glass, containers and structures. It shall not include however, refuse or garbage kept in proper containers for the purpose of prompt disposal.
- F. **JUNKYARD OPERATOR** – Shall mean any person, as hereinbefore defined, who shall engage or intend to engage in the business of selling, buying, salvaging, and dealing in junk and who maintains and operates a junkyard within the Township of Ontelaunee.
- G. **TOWNSHIP JUNKYARD LICENSE** – Shall mean the License granted to a person(s), firm(s) or corporation(s), by the Township, who accumulates, stores or disposes of junk as hereinbefore defined.
- H. **SCRAP METAL PROCESSING FACILITY** – Shall mean an establishment having facilities for processing iron, steel or non-ferrous scrap metal and whose principal product is scrap iron, steel or non-ferrous scrap for sale for remelting purposes only.

Ord. 1986-2, 1/9/1986, §2.

**Section 203. License and Fee**

Every person or persons, firms or corporations operating or intending to operate, establish or maintain a junkyard, including by not limited to, automobile junk or grave yard in the Township of Ontelaunee is hereby required to apply for and obtain a Township Junkyard License from the Township Secretary, in accordance with the provisions of 53 P.S. § 66532 of the Second Class Township Code, to establish, maintain, operate or intend to operate the same, on an annual basis, at an annual fee, as set from time to time by a Resolution of the Board of Supervisors, per year, for each junkyard or auto grave yard he operates in the Township of Ontelaunee, Berks County, Pennsylvania.

Ord. 1986-2, 1/9/1986, §3.

**Section 204. Application for License**

The License provided for in this Ordinance shall be issued by the Township Secretary after written application shall have been made therefor by the person(s), firm(s) or corporation(s) required to be licensed and after approval by the Township Supervisors. Such License shall state the name of the person or firm 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 Township, and a map or plot plan of the area or premises used or to be used in connection with such License.

Ord. 1986-2, 1/9/1986, §4.

**Section 205. Issuance of License**

Upon receipt of an application by the Township, the Board shall direct the Secretary to issue a License or refuse to issue a License to the person(s), firm(s) or corporation(s) applying therefore after an examination of the application and its compliance with the Township Zoning Ordinance or other Ordinances pertaining to Junkyards. In the event the Board shall direct the Secretary to issue a License, it may impose upon the License and the person(s), firm(s) or corporation(s) applying therefore such terms and conditions, in addition to the regulations herein contained and adopted pursuant to this Ordinance, as may be deemed necessary to carry out the spirit and intent of this Ordinance.

Ord. 1986-2, 1/9/1986, §5.

**Section 206. License Limitation**

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No person(s), firm(s) or corporation(s) licensed under this Ordinance shall, by virtue of one License, keep more than one place of business within the Township or maintain more than one place of business within the Township or maintain more than one junkyard, for the purpose of buying, selling, and dealing in junk. No person(s), firm(s) or corporation(s) 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. No License issued by the Township shall be transferrable.

Ord. 1986-2, 1/9/1986, §6.

### **Section 207. Necessity and Requirement of License and Fee**

This annual License and Fee is necessary for the administration of Ordinances and regulations pertaining to junkyards or auto grave yard and the policing of compliance to such Ordinances and regulations in order to preserve the health, safety and general welfare of the citizens of the Township of Ontelaunee. This License and Fee is required in addition to any and all Local, DER, EPA, State or Federal licenses, permits, requirements or regulations.

Ord. 1986-2, 1/9/1986, §7.

### **Section 208. Regulations**

Every person(s), firm(s) or corporation(s) licensed under this Ordinance shall constantly maintain the licensed premises in accordance with any special provisions imposed by the Board, the Ontelaunee Township Zoning Ordinance and any subsequent regulations adopted by the Board and prescribed as follows:

- A. 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.
- B. To prevent the breeding of rodents or vermin, no scrapped, abandoned or junked motor vehicle shall be kept, stored or arranged at a distance less than six feet (6') from any other scrapped, abandoned or junked motor vehicle.
- C. No garbage or other organic waste shall be stoned on such premises.
- D. Whenever any motor vehicle shall be received in such premises as junk, all gasoline and oil shall be drained and removed therefrom. All drained gasoline and drained oil which is kept in the premises shall be stored underground in an approved tank.



- 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. No junk shall be stored or arranged in piles higher than eight feet (8') in height. Fire lanes of a minimum width of ten feet (10') shall be maintained between all accumulations of junk stored either temporarily or permanently.
- F. The burning or melting of any automobile, junk, rubbish or refuse is prohibited.
- G. The premises to be licensed shall be set back a minimum distance of fifty feet (50') from the right-of-way lines on all streets or roads and a minimum distance of twenty five feet (25') from all other property lines or one hundred feet (100') from an inhabited or inhabitable home not on the licensed premises, which ever shall be the greater. The area between the setback line and the right-of-way line and all streets and roads and all other property lines shall be at all times kept clear and vacant.
- H. The premises to be licensed shall at the setback lines be enclosed by a six foot (6') high chain link fence and by evergreen screen plantings as determined by the Board. The Board may set forth the fence and planting requirements at the time of the issuance of a license or at the time of renewal of a license.
- I. There shall be no areas outside the licensed premises used for the processing or storage of any of any processed or unprocessed junk on either a temporary or permanent basis.
- J. No Hazardous Waste, as defined in Act 97, the Pennsylvania Solid Waste Management Act of 1980, shall be placed or stored on such premises.

Ord. 1986-2, 1/9/1986, §8.

#### **Section 209. Violations**

See Chapter 4, Article IV entitled "Civil/Criminal Enforcement Procedure".

Ord. 1986-2, 1/9/1986, §9; superseded by Ord. 2001-2, 7/12/2001.

#### **Section 210. Abatement of Nuisances**

In addition to the remedies provided in Section 209 above, any continued violations of this Ordinance which shall constitute a nuisance in fact or which shall in the opinion of the Board of Supervisors constitute a nuisance may be abated by proceeding against the violator in a court of equity for relief.

Ord. 1986-2, 1/9/1986, §10.

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### **Section 211. Severability**

Should any article, section, subsection, paragraph, clause, phrase or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such judgement shall not affect the validity of this Ordinance as a whole or any part or provision thereof other than the part so decided to be invalid.

Ord. 1986-2, 1/9/1986, §11.

### **Section 212. Repealer**

All Ordinances or parts of Ordinances inconsistent herewith, particularly Ordinance No. 1962-2, the “Ontelaunee Township Junkyard and Refuse Ordinance” and amending Ordinance No. 1967-1, shall be and the same are hereby specifically repealed.

Ord. 1986-2, 1/9/1986, §12.