

## **Chapter 13**

### **Licenses, Permits and General Business Regulations**

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**Part 1****Junk Dealers****§13-101. Definitions.**

*Junk*—as used in this Part shall mean any discarded material or article such as is not ordinarily disposed of as rubbish or refuse, and shall not be limited to scrap metal and scrapped motor vehicles, and shall not include any garbage or other organic waste, or any paper, rubbish, rags or other flammable material or article. There shall be a presumption that the presence of three or more unlicensed motor vehicles, outdoors, on the same property, shall constitute “junk” unless the owner shall show that the vehicles are there for some other purpose.

*Junk dealer*—as used in this Part shall mean any person, as hereinafter defined, who shall engage in the business of selling, buying and dealing in junk.

*Person*—as used in this Part shall mean any natural person, partnership, firm or corporation.

In this Part the singular shall include the plural and the masculine shall include the feminine and the neuter.

(*Ord. 3, 5/7/1964, §1*)

**§13-102. License.**

No person shall engage in business as a junk dealer in the Township of West Cocalico without first having obtained a license from the Supervisors. The fee for the initial license shall be in an amount as established, from time to time, by resolution of the Board of Supervisors, for any junk dealer not already maintaining premises for the storage of junk in West Cocalico Township. The fee for each renewal thereof, and for any junk dealer presently maintaining premises for the storage of junk in West Cocalico Township shall be in an amount as established, from time to time, by resolution of the Board of Supervisors. Such fee shall be for the use of the Township. Such license shall be renewed annually on or before the first day of January of each year; provided, in any case where a junk dealer’s business shall be established in the Township on or after the first day of July in any year, the license fee payable by such junk dealer for the remainder of such year shall be at one-half the yearly rate.

(*Ord. 3, 5/7/1964, §2; as amended by Ord. 45, 8/7/1985, §1; and by Ord. 125B, 9/16/2014*)

**§13-103. Application for License.**

The license provided for in §13-102 of this Part shall be issued by the Supervisors after 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 from which such business is to be conducted. Such license shall be posted conspicuously upon the premises licensed thereunder. The name of the licensed junk dealer and the number of the license under which he operates shall be placed in a conspicuous place on the outside of every vehicle used for business purposes by such dealer.

(*Ord. 3, 5/7/1964, §3*)

**§13-104. Keeping More Than One Place of Business.**

No person licensed under this Part shall, by virtue of one license, keep more than one place of business within the Township of West Cocalico for the purpose of buying, selling and dealing in junk. Nor shall any such person engage in business as a junk dealer in any place other than the place designated upon his license. Nor shall any person, or any other person, operate upon any of the roads and streets of the Township, whether from a vehicle or upon foot, as a scavenger or an itinerant buyer or seller of junk.

(*Ord. 3, 5/7/1964, §4*)

**§13-105. License Transfer.**

No license issued under this Part shall be transferrable from one person to another person except when the ownership of a licensed premises shall change. In any such case the new owner shall apply for a transfer of such license to him and shall pay a transfer fee in an amount as established, from time to time, by resolution of the Board of Supervisors.

(*Ord. 3, 5/7/1964, §5; as amended by Ord. 125B, 9/16/2014*)

**§13-106. Keeping a Book.**

Every junk dealer shall provide and shall constantly keep a book in which shall be clearly written 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 or received. Such book and all junk purchased, received or handled by any such junk dealer shall at all times be subject to the inspection of the State Police and any official of the Township of West Cocalico.

(*Ord. 3, 5/7/1964, §6*)

**§13-107. Keeping and Retaining Junk.**

Every junk dealer, licensed under this Part, shall keep and retain upon the licensed premises, for a period of 48 hours after the purchase or receipt thereof, all junk received or purchased by him, and he shall not disturb or reduce the same or alter the original form, shape or condition until such period of 48 hours shall have elapsed, with the exception of automobiles scrapped with proper certificate of title.

(*Ord. 3, 5/7/1964, §7*)

**§13-108. Maintaining the Licensed Premises.**

Every junk dealer licensed under this Part shall constantly maintain the licensed premises in the manner prescribed by this Section, 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, and no paper, rubbish, rags or other flammable articles or materials shall be stored in such premises.

C. Whenever any motor vehicle shall be received in such premises as junk,

all gasoline and oil shall be drained and removed therefrom. Gasoline in an amount not exceeding 10 gallons may be stored above ground in said junkyard provided the same be placed in appropriate containers. All other gasoline which is kept in the premises shall be stored underground, which underground storage must be approved by the Board.

D. 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 firefighting purposes.

E. Such premises shall not be open for business nor shall any work be done therein in connection with the storage, processing and transporting on the first day of the week, commonly called Sunday, or on any other day of the week before 7 a.m. or after 9 p.m., with the exception that emergency calls due to highway accidents might be serviced at anytime.

F. Junk shall not be stored within 40 feet of any public street or highway nor within 10 feet of any adjoining property line.

G. When the Board of Supervisors shall deem it necessary and desirable, the premises to be licensed shall, at the boundary lines be enclosed by a fence of type and style to be determined by the Board or by evergreen screen plantings or both. 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 or transfer of a license.

(*Ord. 3, 5/7/1964, §8*)

#### **§13-109. Violations and Penalties.**

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(*Ord. 3, 5/7/1964, §9; as amended by Ord. 125B, 9/16/2014*)

#### **§13-110. Nuisance.**

In addition to the remedies provided in §13-109 above, any continued violations of this Part which shall constitute a nuisance in fact, or which shall in the opinion of the Board constitute a nuisance, may be abated by proceeding against the violator in a court of equity for relief.

(*Ord. 3, 5/7/1964, §10*)

