

**MANOR TOWNSHIP, ARMSTRONG COUNTY,
PENNSYLVANIA**

**Ordinance No. 2020-1. An Ordinance Amending Ordinance No. 90-1 Junkyard, Junk Vehicles, and
Licensing of Transient and Retail Businesses Ordinance**

Part 1

§101. Short Title. This Part shall be known as the "Manor Township Junkyard, Junk Vehicles, and Refuse Ordinance." (Ord. 90-1, 8/1/1990, §1.01)

§102. Definitions. Unless otherwise expressly stated, the following words and phrases shall be construed throughout this Part to have the meanings herein indicated:

PERSON -includes any individual, partnership, association, firm and corporation. Whenever used in any clause prescribing or imposing a fine or penalty in default thereof, the term as applied to associations shall mean any member thereof and as applied to corporations shall mean the officers thereof.

TOWNSHIP - Manor Township, Armstrong County, Pennsylvania.

BOARD - the Board of Supervisors of Manor Township.

JUNKYARD - any place where any junk, as hereinafter defined, is stored, disposed of, or accumulated.

JUNK - 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. "Junk" shall not include refuse or garbage kept in a proper container for the purpose of prompt disposal. "Junk" further shall not include hazardous wastes, residual wastes, agricultural wastes, or food processing wastes, as those terms are defined in the Solid Waste Management Act of 1980 (35 P.S. §§ 6018, 101 et seq.), as amended.

JUNK DEALER - Any person separately or together, as hereinafter defined, who shall engage in the business of selling, buying, salvaging, storing, 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/or jointly owned by another Person, and who maintains and operates a Salvage yard within the Township of Manor.

JUNKED MOTOR VEHICLE - any motor vehicle which for a period of thirty (30) consecutive days remains outside of a fully enclosed building. Two or more motor-driven vehicles which are incapable of being self-propelled or is unable to legally move under its own power upon the public roads of the Township or is incapable of being utilized for its intended purpose. 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, or unless exempted under title 75 shall be prima facie evidence that such motor vehicle is a junked motor vehicle.

LICENSE - the permit granted to a person who accumulates, stores or disposes of junk as herein defined. (Ord. 90-1, 8/1/1990, §1.02)

§103. License. No person shall engage in business as a junk dealer, or maintain a junkyard or maintain a junkyard or maintain a junk motor vehicle without first having obtained a license from the Board for which license a fee in accordance with the schedule hereinafter set forth shall be paid to the Township for the use of the Township. The license shall be issued for the twelve (12) month period beginning July 1, and ending June 30 of the following year, and each license must be renewed annually on or before the first day of July of each year. (Ord. 90-1, 8/1/1990, §3.01)

§104. Application for License. The license provided for in this Part shall be issued by the Board 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 be licensed. Such license shall state the name of the person or entity to whom such license is issued and the premises on which said 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 the license referred to herein shall be accompanied by a form, every question of which must be answered, which will be supplied by the Board. The applicant shall also submit a site plan of the premises used or to be used in connection with such license. (Ord. 90-1, 8/1/1990, §3.02)

§105. Issuance of License. Upon receipt of an application by the Board, the Board shall issue a license or shall refuse to issue a license to the person or entity applying therefor after an examination of the application and taking into consideration the suitability of the property proposed to be used for the purposes of the license, the character of the properties located nearby, and the effect of the proposed use upon the Township, both economic and aesthetic. In the event the Board shall issue a license, it may impose upon the license and the person applying therefor such terms and conditions in addition to the regulations herein contained and adopted pursuant to this Part as may be deemed necessary to carry out the spirit and intent of this Part. (Ord. 90-1, 8/1/1990, §3.03)

§106. License Fee. The license fee shall be as established from time to time by resolution by the Board of Supervisors. The amount of the license fee shall be paid yearly by the person to whom the license is issued. (Ord. 90-1, 8/1/1990, §4.01; as amended by Ord. 95-1, 1/3/1995)

§107. License Limitation. No person licensed under this Part shall, by virtue of one (1) license, keep more than one (1) place of business within the Township nor maintain more than one (1) junkyard for the purpose of buying, selling and/or 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 the license. (Ord. 90-1, 8/1/1990, §5.01)

§108. Transfer of License.

1. No license issued by the Board shall be transferable by licensor to any other person unless such transfer is authorized by the Board. Any person desiring to transfer his license shall notify the Board in writing, which notification shall be accompanied by an application for license, as described in §103 of this Part, by the transferee. The approval of all transfers is up to the sole discretion of the Board.
2. Transfer Fee. In the event the Board shall approve the transfer of a license the transferee shall immediately pay the Township a transfer fee in an amount as established from time to time, by resolution of the Board. [A.O]

(Ord. 90-1, 8/1/1990, §6.01; as amended by Ord. 95-1, 1/3/1995)

§109. Regulations. Every person licensed under this Part shall constantly maintain the licensed premises in accordance with any special provisions imposed by the Board and in the manner prescribed by this Section and any subsequent regulation adopted by the Board:

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 in such premises outside of a proper container.

C. All gasoline, oil, antifreeze, transmission fluid and other automotive fluids shall be drained from junk vehicles before such vehicles are stored as junk vehicles on the premises of the Salvageyard. Operator has the option to remove all salvageable parts from the junked motor vehicle containing the fluids and store indoors excepting the gasoline tanks. Such storage shall not be exposed to any leakage of fluids. All such fluids shall be properly containerized, stored, transported, and disposed of in the manner or manners prescribed by or consistent with regulations promulgated by the Pennsylvania Department of Environmental Protection in Title 25, Chapter 75, of the Pennsylvania Code relating to solid waste management, in the Solid Waste Management Act of 1980 (35 P.S. §§6018. 101 et seq.), as amended, and in regulations promulgated by United States Environmental Protection Agency at 40 CFR, subchapter I, Parts 240 – 280, relating to solid waste, or any other applicable laws or regulations pertaining to solid waste or solid waste management. Violation of any of the previous laws and regulations, as determined by the general inspection report of any United States or Pennsylvania Department of Environmental Protection inspector, shall constitute prima facie violation of this Ordinance.

D. No junk, scrap, junked vehicles, or other materials defined in this Ordinance shall be stored, maintained, situated, placed or otherwise located within twenty (20) feet of any river, stream, run, creek, other natural water course or drains, culverts, catch-basins, or stormwater management systems. Maintenance shall be such that any adjacent stream or body of water shall not be polluted or damaged by the drainage or dumping of organic or inorganic waste materials or other waste substances. 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 vehicles shall be spaced in rows with at least fifteen (15) feet of open space between each double row to permit movement of fire equipment, which open space shall be maintained as a stoned or mowed grass roadway. Junk shall not be piled to a height of more than eight (8) feet above the ground.

E. All junk kept, stored, or arranged on the licensed premises shall at all times be kept, stored and arranged within the junkyard as described in the application for license, and as limited under subsection (D), above.

F. A person licensed under this Part shall not burn any motor vehicle or its equivalent at any 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.

G. The premises to be licensed shall be a minimum of a five (5) acre parcel with a setback of fifty (50) feet from all property boundaries.

H. When the Board shall deem it necessary and desirable, the premises to be licensed shall at the setback lines be enclosed by a 6' solid privacy fence.

(Ord. 90-1. 8/1/1990. 16.01)

§110. Penalties. Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a district justice 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 one thousand dollars (\$1,000.00) plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed ninety (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. 90-1. 8/1/1990. §§8.01. 8.02; as amended by Ord. 95-1. 1/3/1995; and by Ord. 97 -2. 8/6/1997. 11)

§111. Prosecution. All prosecutions shall be brought in the name of Manor Township before the appropriate District Magistrate. (Ord. 90-1, 8/1/1990, 18 .03)

§112. Abatement of Nuisances. In addition to the penalties provided herein, any continued violation 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. 90-1. 8/1 /1990. §9. 01)

§113. Severability. If any section, subsection, sentence, or clause of this Ordinance is held, for any reason, to be invalid, such decision or decisions shall not affect the validity of the remaining portions of this Ordinance.

§114. Repealer. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed. This ordinance shall supersede any and all ordinances and amended ordinances governing junkyards.

Ordinance Revised July 6, 2020

Part 2

Licensing of Transient Retail Businesses

§201. Definitions. As used in this Part, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

LEGAL HOLIDAY - New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas.

PERSON - any natural person, partnership, association, corporation, or other legal entity.

TRANSIENT RETAIL BUSINESS

A. Engaging in peddling, soliciting, or taking orders, either by sample or otherwise, for any goods, wares, or merchandise upon any street, alley, sidewalk, or public ground, or from house to house, within Manor Township; or,

B. Selling, soliciting, or taking orders for any goods, wares, or merchandise. from a fixed location within Manor Township, on a temporary basis, which shall include, but not be limited to, such activities conducted at the time of special occasions or celebrations, for seasonal purposes, or for yearly holidays.

The singular shall include the plural; the plural shall include the singular; and the masculine shall include the feminine and the neuter.

(Ord. 55, 6/5/1968; as revised by Ord. 95-1, 1/3/1995)

§202. License Required; Conditions of Issuance; Fee. No person shall engage in any transient retail business within Manor Township without first having obtained from the [designated official] a license, for which a fee, which shall be for the use of Manor Township, shall be charged, established by a resolution of the Board of Supervisors. (Ord. 55, 6/5/1968; as revised by Ord. 95-1, 1/3/1995)

§203. Exceptions.

1. No license fee shall be charged:

A. To farmers selling their own produce.

B. For the sale of goods, wares, and merchandise, donated by the owners thereof, the proceeds whereof are to be applied to any charitable or philanthropic purpose.

C. To children under the age of eighteen (18) years who take orders for and deliver newspapers, greeting cards, candy, bakery products, and the like, or who represent the Boy Scouts or Girl Scouts or similar organizations.

D. All religious representatives with proper photo identification.

E. To any honorably discharged member of any of the armed service who complies with the Act Of 1867, April 8, P.L. 50, 60 P.S. §61. As hereafter & mended, supplemented, modified or re-enacted by the General Assembly of Pennsylvania, and who procures from the Prothonotary a certificate in pursuance of the Act of 1867.

F. To the seeking or taking of orders by insurance agents or brokers licensed under the insurance laws of the Commonwealth of Pennsylvania.

G. To any person who has complied with the provisions of the Charitable Organization Reform Act, 10 P.S. §161.1 et seq., as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania.

H. For taking orders for merchandise, by sample, from dealers or merchants for individuals or companies who pay a license or business privilege tax at their chief place of business.

2. But all persons exempted hereby from the payment of the license fee shall be required to register with the Township Secretary and obtain a license without fee; provided, any person dealing in one (1) or more of the above mentioned exempted categories, and dealing with other goods, wares, or merchandise not so exempted, shall be subject to the payment of the license fee fixed by this Section for his activities in connection with the sale of goods, wares, and merchandise not in such exempted categories. Provided further, the Township Secretary may similarly exempt from payment of the license fee, but not from registering with him, persons working without compensation and selling goods, wares, or merchandise for the sole benefit of any nonprofit corporation.

Provided further, every license issued under the provisions of this Part shall be issued on an individual basis to any person or persons engaging in such business; every individual shall obtain a separate license, issued to him in his name, and the license fee hereby imposed shall be applicable to every such individual license, except that a representative of a charitable organization may obtain licenses for the applicants.

(Ord. 55, 6/5/1968; as revised by Ord. 95-1, 1/3/1995)

§204. License Application. Every person desiring a license under this Part shall first make application to the Township Secretary for such license. He shall, when making such application, exhibit a valid photo identification from any State. The applicant shall state:

- A. His criminal record, if any.
- B. Name and address of the person by whom he is employed.
- C. Type of goods, wares, and merchandise he wishes to deal with in such transient retail business.
- D. Length of time for which license is to be issued.
- E. Type and license number of the vehicle(s) to be used, if any.

(Ord. 55, 6/5/1968; as revised by Ord. 95-1, 1/3/1995)

§205. Issuance of License; Custody, Display and Exhibit. Upon receipt of such application and the prescribed fee, the Township Secretary, if he shall find such application in order, shall issue the license required under this Part. Such license shall contain the information required to be given on the application therefor. Every license holder shall carry such license upon his person if engaged in transient retail business from house to house or upon any of the streets, alleys, sidewalks, or public grounds, or shall display such license at the location where he shall engage in such business if doing so at a fixed location. He shall exhibit such license, upon request, to all police officers, municipal officials, and citizens or residents of Manor Township. (Ord. 55, 6/5/1968; as revised by Ord. 95-1, 1/3/1995)

§206. Prohibited Acts. No person in any transient retail business shall:

- A. Sell any product or type of product not mentioned in his license.
- B. Hawk or cry wares upon any of the streets, alleys, sidewalks, or public grounds in Manor Township.
- C. When operating from a vehicle, stop or park upon any of the streets or alleys in Manor Township.
- D. Park any vehicle upon any of the streets or alleys in Manor Township for the purpose of sorting, rearranging, or cleaning any of his goods, wares, or merchandise or of disposing of any carton, wrapping material, or stock, wares or foodstuffs which have become unsaleable through handling, age or otherwise.

E. Engage in any business activity, except by prior appointment, at any time on a Sunday or legal holiday or at any time before 8:00A.M. or after 9:00 P.M. on any day of the week other than a Sunday or legal holiday. There is to be no door to door solicitation on legal holidays.

(Ord. 55, 6/5/1968; as revised by Ord. 95-1, 1/3/1995)

§207. Supervision; Records and Reports. The Township Police shall supervise the activities of all persons holding licenses under this Part. The Township Secretary shall keep a record of all licenses issued hereunder and shall make a report thereof each month to the Board of Supervisors. (Ord. 55, 6/5/1968; as revised by Ord. 95-1, 1/3/1995)

§208. Denial, Suspension and Revocation of License; Appeal. The [designated official] is hereby authorized to deny, suspend or revoke any license issued under this Part when he deems such denial, suspension or revocation to be beneficial to the public health, safety, or morals, or for violation of any provision of this Part, or for giving false information upon any application for a license hereunder. Appeals from any suspension, revocation or denial of a license may be made to the Board of Supervisors at any time within ten (10) days after such suspension, revocation or denial and a hearing shall be held within thirty (30) days of the petition for appeal. No part of a license fee shall be refunded to any person whose license shall have been suspended or revoked. (Ord. 55, 6/5/1968; as revised by Ord. 95-1, 1/3/1995)

§209. Penalties. Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a district justice 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 one thousand dollars (\$1,000.00) plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed ninety (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. 55, 6/5/1968; as revised by Ord. 95-1, 1/2/1995; as amended by Ord. 97-2: 8/6/1997, §1)

The Ordinance shall take effect on: July 6, 2020


ENACTED AND ORDAINED into an Ordinance this 6th day of July 2020.

MANOR TOWNSHIP

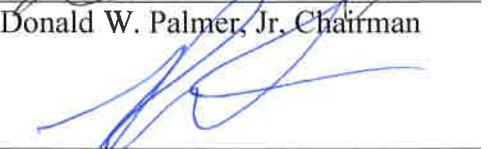
ATTEST



Jill A. Davis, Secretary

By: 

Donald W. Palmer, Jr. Chairman



Robert Q. Southworth, Vice-Chairman



Tracey A. Hecker, Supervisor

Ordinance Revised July 6, 2020