

**BOROUGH OF LILLY
COUNTY OF CAMBRIA
STATE OF PENNSYLVANIA**

ORDINANCE NO. 2001-1

**AN ORDINANCE REGULATING JUNKYARDS AND
SALVAGE YARDS WITHIN THE BOROUGH OF
LILLY AND PRESCRIBING PENALTIES FOR
VIOLATIONS**

WHEREAS, the Council of the Borough of Lilly finds that it is in the public interest and for the best interests of the health, safety and welfare of the residents of the Borough of Lilly to regulate the establishment and maintenance of junkyards and salvage yards within the Borough of Lilly, and

WHEREAS, the Borough of Lilly has resolved to regulate the establishment and maintenance of junkyards and salvage yards within the Borough of Lilly in the particulars more fully enumerated hereafter.

NOW, THEREFORE, the Borough of Lilly hereby ordains as follows:

SECTION 1. DEFINITIONS.

When used in this Ordinance, the following definitions shall apply:

- (a) Automotive dismantler and recycler - Any establishment or place of business which is maintained, used or operated for storing, keeping, buying or selling wrecked, scrapped, ruined or dismantled vehicles or vehicle parts or both.
- (b) Junk – scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, iron, steel, and other old or scrap ferrous or non-ferrous material, including wrecked, scrapped, ruined, dismantled or junked vehicles or parts thereof.
- (c) Junked vehicle - A vehicle shall be considered junked when it displays the following characteristics:

- (1) The vehicle is physically inoperable; and
- (2) The vehicle does not display a valid registration plate; and
- (3) The vehicle does not display a valid certificate of inspection and has one or more of the following dangerous or unhealthy conditions:

- (i) Broken windshield, mirror or other glass, with sharp edges.
- (ii) One or more flat or open tires or tubes which could permit rodent or vermin harborage.
- (iii) Missing door, window, hood, trunk or other body part which could permit rodent or vermin harborage.
- (iv) Upholstery which is torn or open which could permit rodent or vermin harborage.
- (v) Broken headlamp or tail-lamp with sharp edges.
- (vi) Sharp objects protruding from the chassis.
- (vii) Leaking or damaged oil tray or gas tank which could cause fire or explosion.
- (viii) Exposed battery containing acid.
- (ix) Broken grill with protruding edges.
- (x) Any other defect which could threaten the health, safety and welfare of the citizens of the Borough of Lilly.

(d) Junkyard. Any outdoor establishment or place of business which is maintained, used or operated for storing, keeping, buying or selling junk and the term shall include garbage dumps, sanitary fills and automotive dismantlers and recyclers.

(e) Salvage yard. Any other establishment or place of business engaged in acquiring and dismantling used, wrecked, damaged, abandoned or salvaged vehicles for the purpose of selling the usable parts and selling the remaining bulk materials for recycling or processing.

(f) Vehicle. Every device in, upon or by which any person or property is or may be transported or drawn upon a highway.

SECTION 2. ESTABLISHMENT OF JUNKYARDS OR SALVAGE YARDS PROHIBITED.

- (a) The Council of the Borough of Lilly hereby declares junkyards and salvage yards to be an abatable public nuisance and prohibits the establishment and maintenance of junkyards and salvage yards within the Borough limits.
- (b) This Section shall not apply to any junkyard or salvage yard currently in operation within the Borough at the time of the enactment of this Ordinance. Existing junkyards and salvage yards, however, shall be subject to the regulatory provisions contained herein in Sections 3, 5, 6 and 8. This exemption for established junkyards and salvage yards shall not apply to any private property owner who, by the condition of his or her property, is presently in violation of any existing Borough Ordinance.

SECTION 3. EXISTING JUNKYARD OR SALVAGE YARD MUST BE LICENSED.

No person or other business entity shall continue to operate a junkyard or salvage yard in the Borough of Lilly without having obtained a license therefor from the Council of the Borough of Lilly. Such license shall be issued for a term of one (1) year and at an annual fee of \$100.00, payable in full in advance.

SECTION 4. JUNK VEHICLES ON PRIVATE PROPERTY PROHIBITED.

Any property owner or lessee who allows any junked vehicle(s) to remain on property in the Borough of Lilly shall be deemed to be operating a junkyard which shall be considered an abatable public nuisance pursuant to Section 2 hereof.

SECTION 5. INSPECTIONS.

Every junkyard and salvage yard licensed within the Borough of Lilly shall be subject to inspection during reasonable hours of the day by the Council of the Borough of Lilly, or any duly authorized agent thereof, such inspections to be for the purpose of determining whether the licensee has maintained and operated the premises in full compliance with the provisions of this Ordinance.

SECTION 6. REGULATIONS.

Every junkyard and salvage yard licensed within the Borough of Lilly shall be maintained in accordance with the following regulations imposed by the Council of the Borough of Lilly:

- (a) No junk shall be stored or accumulated, nor shall any structure for the storage or other handling of junk be erected, within 25 feet of the side and rear lines of the licensed premises, nor within 75 feet of any existing dwelling house erected upon premises adjacent to the licensed premises, nor within 45 feet of the line of the licensed premises abutting a public street or highway within the Borough of Lilly, nor within 25 feet of any river, stream or other consistent water course, provided, however, that nothing contained in this subsection shall apply to structures currently in existence.
- (b) The licensed premises must be enclosed by a fence or wall not less than six feet in height. If the licensee shall elect to comply with this subsection via the installation of a chain-link or other type of fencing that is otherwise transparent, then said licensee shall also be required to install and maintain evergreen "screen plantings" surrounding the area enclosed by the transparent fencing.
- (c) No two or more vehicles or major parts thereof may be stacked on top of one another so as to protrude above the fence required by subsection (b) hereof. In no event shall more than three vehicles or major parts thereof be stacked on top of one another.
- (d) A twenty (20) foot space between all rows of junk must be maintained at all times and all junk shall be maintained at all times in a neat and orderly fashion.
- (e) Whenever any vehicle shall be received at such premises as junk, all gasoline and oil shall be drained and removed therefrom. This requirement shall be performed in compliance with any and all Federal, state an/or local laws or regulations as may from time to time be in effect.
- (f) No garbage or other organic waste shall be stored in or upon the licensed premises and such premises shall at all times be maintained so as not to constitute a nuisance or menace to the health of the community or of residents nearby or be a place for the breeding of rodents or vermin.

- (g) The licensed premises shall at no time be operated in violation of any Ordinances of the Borough of Lilly as may from time to time be in effect.

SECTION 7. FEDERAL OR STATE REGULATIONS.

The requirements or regulations in this Ordinance are in addition to any Federal or state laws, rules or regulations and a license issued by the Borough of Lilly shall not be deemed or construed in any way to certify compliance with any Federal or state requirements or regulations which may from time to time be in effect.

SECTION 8. PENALTIES.

- (a) Any person or business entity who shall violate Sections 2, 4 or 6 of this Ordinance shall be subject to a fine not to exceed \$100.00. Each day that a violation of any of said Sections continues to exist shall constitute a separate offense.
- (b) Any person or business entity who shall violate Section 3 of this Ordinance shall be subject to a fine not to exceed \$600.00. Each day that a violation of said Section continues to exist shall constitute a separate offense.
- (c) In addition to the penalties provided for in this Section, the Borough of Lilly may institute proceedings in a court of equity to remove, abate or correct any violation of any Section of this Ordinance. In the event the Borough of Lilly shall have expended moneys to remove, abate or correct any violations of this Ordinance, the Borough of Lilly may recover the costs thereof together with a penalty of five percent (5%) of such costs.
- (d) The remedies provided for in this Section shall not be deemed mutually exclusive and may be initiated simultaneously or consecutively in any order, all in the sole discretion of the Borough of Lilly.

SECTION 9. SEVERABILITY.

The provisions of this Ordinance are severable and if any of the provisions shall be held by a Court to be unconstitutional or otherwise illegal, the decision of that Court shall not affect or impair any of the other provisions of this Ordinance. It is hereby

declared to be the legislative intent of the Borough of Lilly that this Ordinance would have been adopted had such unconstitutional or otherwise illegal provisions not be included herein.

SECTION 10. EFFECTIVE DATE.

This Ordinance shall be effective immediately.

ORDAINED AND ENACTED this 6th day of February, 2001.

BOROUGH OF LILLY:

By: John Negmeski
President of Council

ATTEST:

Kayl A. Sawenski
Secretary

APPROVED this 6th day of February, 2001.

By: Francis J. Klayko
Mayor

Gerald P. Neugebauer, Jr.
Borough Solicitor

Gerald P. Neugebauer, Jr., Esquire
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