

PALMYRA TOWNSHIP - WAYNE COUNTY – PENNSYLVANIA

ORDINANCE NO. 78-1

AN ORDINANCE PROHIBITING THE ACCUMULATION OF GARBAGE AND RUBBISH, PARKING OF ABANDONED OR JUNKED AUTOMOBILES ON TOWNSHIP HIGHWAYS OR ON PRIVATE OR PUBLIC PROPERTY, THE ESTABLISHMENT OF ANY AUTOMOBILE GRAVEYARDS, THE ALL NIGHT PARKING OF VEHICLES ON TOWNSHIP OR STATE HIGHWAYS, AND PRESCRIBING THE PENALTY FOR VIOLATION THEREOF.

BE IT ORDAINED AND ENACTED by the Board of Supervisors of Palmyra Township, Wayne County, Pennsylvania, that:

SECTION 1: Definitions.

(a) Auto - Passenger automobile, truck, tractortruck, trailer, bus, motorcycle, or other vehicle, however propelled, as well as tractors, bulldozers, machinery and equipment. Abandoned or junk auto shall mean one without a license to operate from the Pennsylvania Department of Transportation.

(b) Automobile graveyard - Any accumulation, on one property, of more than two autos that are without licenses to operate from the Pennsylvania Department of Transportation.

(c) Garbage - All table refuse, animal and vegetable matter and other articles and materials ordinarily used for food and which have become unfit for such use, and for which reason they are discarded.

(d) Junkyard - An establishment or place of business which is maintained, operated or used for storing, keeping, buying or selling junk or for the maintenance or operation of an automobile graveyard, and the term shall include garbage dumps.

(e) Non-conforming junkyard - A junkyard existing at the time this ordinance is enacted.

(f) Rubbish - All miscellaneous waste material not otherwise included herein such as ashes, tin cans, glass, pottery, prunings and junk of all kinds resulting from the ordinary conduct of business or housekeeping. This shall mean any type of solid wastes including discarded appliances and furnitures.

SECTION 2: Legislative Intent.

It shall be the intent of the Board of Supervisors of Palmyra Township, Wayne County, Pennsylvania, by this ordinance, to prohibit the accumulation of materials that can constitute a hazard to property and persons and be a public nuisance.

SECTION 3: Automobile Graveyards.

From and after the enactment of this ordinance, it shall be unlawful, for any person, firm or corporation to establish any automobile graveyard or to enlarge any existing automobile graveyard within the limits of Palmyra Township, Wayne County, Pennsylvania.

SECTION 4: Junkyards.

From and after the enactment of this ordinance, it shall be unlawful for any person, firm or corporation to accumulate or dump garbage and rubbish, or to park or abandon any junked automobiles or otherwise create a junkyard, on any highway within the Township, or on any private or public property within the limits of Palmyra. Township, Wayne County, Pennsylvania.

SECTION 5: Parking on Highways.

From and after the enactment of this ordinance, it shall be unlawful for any person, firm or corporation to park any vehicle all night on any portion of a highway within the Township of Palmyra, Wayne County, Pennsylvania.

SECTION 6: Non-conforming Junkyards.

A non-conforming junkyard may continue in operation provided that it is located within one thousand (1,000') feet of a Federal Aid highway as classified by the Pennsylvania Department of Transportation and can provide documentation that it meets regulations issued by the Federal Highway Administration with respect to junkyards, or, if it is not located within one thousand (1,000') feet of a Federal Aid highway, that it is operated under the following conditions:

(a) The owner of the property on which it is located must personally manage or be responsible for the management of the activity or business.

(b) The owner must maintain an office and a sufficient number of employees on the premises to assure the proper and safe conduct of such activity or business to minimize the fire hazard therefrom and to prevent improper trespass thereon by children and others.

(c) The owner must erect and maintain a six (6') foot wire fence of close mesh or one made of wood or of other material adequate to prohibit the entrance of children and others into the area of the activity or business and to contain within such fence the materials dealt in by the owner, and if such area abuts a residential area or public street or highway, such fence shall be twenty-five (25') feet from the boundary line thereof. All the materials dealt in by the owner shall be kept within such fence at all times.

(d) Inside and adjacent to and contiguous with such fence, a strip of land at least ten (10') feet in width shall be kept free of all dry grass or other growth or other combustible material so as to provide a fire lane or line around the whole area where the activity or business is being conducted.

(e) The autos, parts and materials dealt in by the owner shall be disassembled or dismantled by means other than by burning. They shall be piled or arranged in neat rows so as to permit easy, clear passage through the area.

(f) There shall be maintained at each junkyard at least one (1) fire extinguisher of approved design and capacity for each forty thousand (40,000) square feet of area. Each such fire extinguisher shall be hung or mounted in a conspicuous place, clearly marked, and available.

(g) When the area is not supervised by the owner or his employees, the fence shall be locked at a secure gate in a secure manner.

(h) Suitable sanitary facilities shall be available, connected to approved public sewers or septic tanks, for the use and convenience of the employees of the owner as well as the general public visiting the area.

(i) Such a junkyard area shall not be used for dumping garbage nor as a place for burning of junk and rubbish.

SECTION 7: Violation of Ordinance.

Any person, firm or corporation violating any of the provisions of this ordinance shall be notified by the Secretary of Palmyra Township Supervisors to remove any of the aforesaid nuisances, and upon their failure to remove the same or come into compliance with this ordinance within thirty (30) days from the date of notice, the Board of Supervisors shall remove the same and forthwith prosecute the offender(s), who, upon conviction thereof before a Justice of the Peace upon summary hearing, shall forfeit and pay for the use of Palmyra Township the cost of such removal and a fine and penalty of One hundred (\$100.00) dollars for each day of violation and costs of prosecution, and in default of payment shall be imprisoned.

SECTION 8: Repeal.

All ordinances or regulations heretofore adopted in conflict with this ordinance are hereby repealed.

SECTION 9: Saving Clause.

If any portion of this ordinance is declared by the Court as invalid, it shall not affect the remainder thereof.

SECTION 10: Effective Date.

This ordinance shall take effect five (5) days after enactment.

ORDAINED AND ENACTED this NINTH (9th) day Of February, 1978.