

## **ORDINANCE NO. 4**

An ordinance To Regulate The Establishing of Junk Yards And The Conducting of Junk Yard Business In The Borough of Mill Village, And Providing Penalties for Violation

WHEREAS, the Borough Council, of the Borough of Mill Village recognize the fact that there is inherent in the establishment of junk yards and the conduct of junk yard businesses the possibility that nuisance or conditions detrimental to the health, welfare and safety of citizens of the Borough and the public generally may be created; and therefore deem it necessary that regulations to govern the establishment of junk yards and the conduct of junk yard business shall be adopted.

Be it enacted and ordained under authority granted by Section 46254 of the Borough Code, Public Law No. 519, Article XII, May 4, 1927, as amended and added to, and most recently by Public Law 217, No. 117, Section 1, May 23, 1961, it is hereby enacted and ordained as follows:

### **SECTION I Definitions**

(a) Person shall include any person or persons, partnerships, firms, business associates and corporations.

(b) Owner of land shall include the holder or holders of the fee title to the real estate, tenant, under tenant lessee, or sub-lessee.

(c) Residential area shall include any square block of the Borough wherein a minimum of 59% of the said land area is devoted to use by owners for purpose of dwelling houses, churches, or schools.

(d) Junk shall include waste paper and paper products, boxes, rags, can and containers of any material or character, leather, leather scraps and waste, industrial and household waste, old **capeting** and floor covering, old automobiles and parts thereof, scrap metal of any nature and type, and any and all other waste materials which result from the general conduct of a business, in manufacturing, or in housekeeping.

(e) Junk Yard shall include a lot of land or portion thereof devoted to the accumulation or storage of junk, whether or not the same is accumulated for the purpose of selling, for the land owners own use regardless of purpose and regardless whether or not the same is operated as a business.

### **SECTION II**

That no person shall establish a junk yard or carry on a junk yard business in the Borough of Mill Village, Erie County, Pennsylvania, without first obtaining a license to do so.

### **SECTION III**

That licenses to establish junk yards and to carry on junk yard business shall be issued **annually** for each calendar year on application of the owner or owners thereof, made on forms provided by the Borough, containing such information as the Council shall require. **In** annual license fee of Twenty-five dollars (\$25.00) shall be charged, which shall accompany the application. In case the application is refused, the fee shall be returned.

### **SECTION IV**

No junk yard shall be established, nor junk yard business carried on, nor a license **therefor** issued in a district or part of the Borough which is residential. Any junk yard for which a license shall be **issued** shall be enclosed by tight board fence at least eight (8) feet in height, and further which fence shall be kept painted and in good repair at all times.

### **SECTION V**

No junk yard shall be established, or junk yard business carried on, unless the proper drainage for the entire lot is provided.

### **SECTION VI**

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No automobile, tractor or motor of any kind shall be kept or placed in any junk yard unless and until the gas and oil is drained **therefrom**.

### **SECTION VII**

No burning of tires, parts, or in any other manner, shall be done on the premises, except in compliance with Mill Village Borough Ordinance or Ordinances pertaining thereto.

### **SECTION VIII**

No junk yard business shall be carried on except on week days from 7 O'clock A.M. to 9 O'clock P.M., Eastern Standard Time, except during the time when Daylight Saving Time is in effect the hours shall be from **6:00 O'clock** A.M. to **8:00 O'clock** P.M.

### **SECTION IX**

A person who shall establish a junk yard or shall conduct a junk yard business, without first obtaining a permit therefore, or who shall violate or permit the violation of any permit issued, shall, upon summary conviction before a Justice of the Peace, be sentenced to pay a fine of not less than ten Dollars (\$10.00), or more than Three Hundred Dollars (\$300.00) for the use of the Borough of Mill Village and costs of suit and in default of payment thereof such person, or officer **or** any corporation, shall be committed to the County Jail for a period not exceeding thirty (30) days.

### **SECTION X**

If any sentence, clause, phrase, or provision of this Ordinance shall be found to be invalid for any reason, such invalidity shall not affect any other provision of said Ordinance. It is the intention of the Borough Council of Mill Village that this Ordinance would have been enacted without such invalid provision.

### **SECTION XI**

All Ordinances, or parts of Ordinances, which shall conflict with the provisions of this Ordinance, are hereby repealed, Enacted and Ordained this Seventh day of July 1967.

David D. Carnahan  
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President

Susan E. Kerr  
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Secretary