

MAIN TOWNSHIP

ORDINANCE NO. 1 OF 2014

**REGULATING THE STORAGE OF JUNK, REFUSE, GARBAGE, RUBBISH AND
ABANDONED/JUNKED VEHICLES**

IT IS HEREBY ENACTED AND ORDAINED by the Board of Supervisors of Main Township, Columbia County, Pennsylvania, as follows:

SECTION 1. NAME AND CITATION

This Ordinance shall be known and may be cited as the "Township of Main Junk Regulation Ordinance".

SECTION 2. FINDINGS AND PURPOSES

The Supervisors of Main Township, Columbia County, Pennsylvania, finds and declares that the accumulation or storage of junk, refuse, garbage, rubbish, abandoned vehicles and/or junked vehicles within the Township of Main located in districts which are zoned as Residential, Rural Residential or Village Center pursuant to the Zoning Map and Ordinance of Main Township, represents a unique danger to the health, welfare and safety of the residents of Main Township located in the aforementioned zoning districts. In particular, the storage of junk, refuse, garbage, rubbish, abandoned vehicles and/or junked vehicles can and will, if not properly controlled, result in traffic hazards, danger from fire and explosion, threats to the health, safety and welfare of the general public, provide breeding places for insects, vermin, rodents and other animals, create substantial risks of pollution of surface and subsurface waters within the Township, create unique problems for law enforcement and firefighting and require that the Township engage in additional expense for the supervision and regulation of any such places which accumulate or store junk, refuse, garbage, rubbish, abandoned vehicles and/or junked vehicles. The Supervisors further finds that the said dangers to the health, safety and welfare of the residents of the Township of Main require the regulation of the storage and accumulation of junk, refuse, garbage, rubbish, abandoned vehicles and/or junked vehicles within the Township.

SECTION 3. DEFINITIONS

The following words shall, for the purposes of this Ordinance have the following meanings, unless the context clearly indicates otherwise:

ABANDONED OR JUNKED VEHICLE:

(i) any vehicle that is inoperable and left unattended on public property for more than forty-eight (48) hours;

(ii) a vehicle that has remained illegally on public property for a period of more than forty-eight (48) hours;

(iii) a motor vehicle without a current license and registration, except for motor vehicles actively being restored or in the process of restoration or repair, which is located on property zoned Residential, Rural Residential and Village-Center pursuant to the Zoning Map and Ordinance of Main Township which has remained stationary for a period of more than forty-eight (48) hours, excepting however, motor vehicles located on property being utilized for agricultural purposes within the aforementioned zoning districts;

(iv) a vehicle without any of its four wheels or tires for normal operation and without a part necessary to make it self-propelled.

TOWNSHIP – Township of Main, Columbia County, Pennsylvania.

SUPERVISORS – The Supervisors of Main Township, Columbia County, Pennsylvania.

JUNK – any second hand or worn out or discarded material in general that may be turned to some use, including articles or items sold or to be sold for scrap or to be used or sold whole or for parts, and including but not limited to: old rope, chain, iron or other base metals, rags, waste, paper, empty bottles, copper, parts of machinery, used tires or rubber, scrap metal, abandoned or junked vehicles or equipment, containers and parts or portions of structures, appliances, household furnishings, rubbish, garbage and organic waste; and all articles discarded or no longer used as a manufactured article and all other similar items.

JUNK OR SECONDHAND DEALER – any person who is in the business of selling, buying, salvaging or dealing in junk or secondhand goods or products, other than garbage or other organic waste or rubbish.

PERSON – any individual, partnership, association, corporation or entity of any kind specifically identifiable.

SECTION 4. GENERAL PROHIBITION

It shall be unlawful for any person to accumulate or store any junk, refuse, garbage or rubbish or abandoned or junked vehicle on private or public property which is zoned Residential, Rural Residential or Village-Center pursuant to the Zoning Map and Ordinance of Main Township within the Township of Main, Columbia County, Pennsylvania unless the same are temporarily stored or left to be hauled away in a reasonable and normal manner by a local refuse hauler and are so hauled away within a reasonable time, not to exceed ten (10) days. In addition, if any of these items are accumulated or stored on property by tenants of the owner or landlord of the property and the tenants move from the property without removing said items, the owner or landlord of the property shall be responsible for the proper disposal of these items within a reasonable period of time not to exceed ten (10) days. The prohibition of this Section

shall not include a person who is a junk or secondhand dealer engaged in the business of selling, buying, salvaging or dealing in junk or secondhand goods or products or person repairing such items and who properly maintains or operates a site for the same within the Township in accordance with this Ordinance and all other applicable Township ordinances.

SECTION 5. JUNK OR SECONDHAND DEALER SITE

Any person not subject to the foregoing provision because he is a junk or secondhand dealer who maintains or operates a site for such business within the Township and who stores junk or secondhand goods or products out of doors on premises owned by him, leased by him or controlled by him within the Township, must comply with this Section to assure that the site does not present burdensome and expensive law enforcement difficulties or present a danger to children or incompetents. Each site must be maintained in such a manner as to keep the danger of fire and explosions, the danger of theft and any dangers the site might present to children or incompetents, to a minimum. Each junk or secondhand dealer must do whatever is reasonably possible to maintain the site or sites in such a manner. Also, each site is to be maintained in a neat and orderly manner. Each junk or secondhand dealer agrees to do whatever is reasonably possible to maintain each site in such a manner so as to keep to a minimum, difficulties that fire or police personnel may have if they have to go to the site for fire or police purposes.

SECTION 6. ENFORCEMENT

Any person violating any provision of this Section shall remove the cause of said violation or come into compliance with this Section within seventy-two (72) hours of receiving written notice of the violation from the Township Supervisors or their designee. Extensions may be granted by the Township for cause shown. If the cause of the violation is not removed or brought into compliance within the seventy-two (72) hour period, or any extension thereof, the Township may cause the same to be done, and collect the cost thereof, together with a penalty of ten percent (10%) of such cost, in the manner provided by law for the collection of municipal claims, or by action of assumpsit, or the Township may seek relief by bill in equity.

SECTION 7. FINES AND PENALTIES

Any person violating any provisions of this Section shall upon conviction thereof be guilty of a summary offense and shall be sentenced to pay a fine of not less than \$300.00 nor more than \$1,000 and in default of payment of such fine and costs, shall be sentenced to imprisonment for a period not to exceed ninety (90) days. Each day a violation continues to exist shall be considered a separate and distinct offense or violation of this Section. Enforcement shall be by actions brought before a District Justice in the same manner as provided for the enforcement of summary offenses.

SECTION 8. EXCEPTION

Notwithstanding the foregoing, this Ordinance shall not apply to any property located within the Village Center Zoning District that is utilized for agricultural purposes.

SECTION 8. REPEALS

This Ordinance hereby repeals all Township ordinances or regulations inconsistent herewith. Nothing in this Ordinance hereby adopted shall be construed to attest any suit or proceeding now pending in any court or any rights accrued or liability incurred or any cause of action accrued or existing under any ordinance repealed by the current ordinance.

SECTION 9. EFFECTIVE DATE

This Ordinance is hereby enacted this 2nd day of June, 2014, and shall take effect ten (10) days after adoption by the Board of Supervisors.

MAIN TOWNSHIP SUPERVISORS:



ROBERT FREY, SUPERVISOR



THOMAS SHUMAN, SUPERVISOR



LARRY RHOADS, SUPERVISOR