

## Chapter 63

### JUNKYARDS

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| <p>§ 63-1. Legislative findings; statutory authority.</p> <p>§ 63-2. Classification of businesses; licensing of second class dealers.</p> <p>§ 63-3. License requirement and procedure for first class dealers.</p> <p>§ 63-4. Scope of first class license.</p> <p>§ 63-5. Minimum period of retention.</p> | <p>§ 63-6. Purchases from minors prohibited.</p> <p>§ 63-7. Accessibility of premises; compliance with law.</p> <p>§ 63-8. Violations and penalties; enforcement.</p> <p>§ 63-9. Noise regulation.</p> |
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**[HISTORY: Adopted by the Borough Council of the Borough of Heidelberg 7-15-1980 as Ch. 63 of the 1980 Code. Amendments noted where applicable.]**

#### GENERAL REFERENCES

Peddling and soliciting — See Ch. 80.

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**§ 63-1. Legislative findings; statutory authority. [Added 12-15-1992 by Ord. No. 398, approved 12-15-1992; amended 5-28-1998 by Ord. No. 528]**

- A. The Borough Code, 53 P.S. § 46202(29), authorizes the regulation and licensing of junkyards, salvage yards and like operations; 53 P.S. § 46202(5) authorizes the prohibition and removal of nuisances; 53 P.S. § 46202(6) authorizes the borough to make such regulations as may be necessary for the health, safety, morals, general welfare and cleanliness and the beauty, convenience, comfort and safety of the borough; 53 P.S. § 46202(21) authorizes the borough to make regulations as may be deemed proper relative to the cause and management of fires and the prevention thereof; and 53 P.S. § 46202(24) authorizes the borough to enact and enforce ordinances relating to buildings and housing, their construction, alteration, extension, repair and maintenance and all facilities and services in or about such buildings or housing.<sup>1</sup>
- B. Borough residents have repeatedly informed the Borough Council that dust, noise, smoke, pollution, dirt and unsightly and offensive views resulting from junkyard, salvage yard and other such places as well as other commercial, industrial and manufacturing activities causing the same effects in the borough seriously interfere with the use and enjoyment of residential properties and harm property values.
- C. The Borough Council finds that the regulations contained herein are necessary to prevent borough residents from being subject to noise, dust, smoke, pollution, dirt, risk of harm,

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<sup>1</sup> Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

unsightly offensive views resulting from such activities, and to preserve and protect a pleasant residential environment and scenic and property values in the borough.

- D. Borough residents have on numerous occasions reported that noise from such establishments has interfered with the residents' normal activities in their homes.
- E. Noise which interferes with the normal use and enjoyment of residential properties are likely to reduce property values.
- F. Regulation of such effects is necessary to protect the physical, psychological and mental well-being of persons residing in residential areas, to preserve and protect a desirable residential neighborhood and to preserve residential property values.
- G. The Borough Council finds that the proximity of many of the commercial, industrial and manufacturing enterprises in the borough are located in close proximity to residential uses and are highly visible to the public.

**§ 63-2. Classification of businesses; licensing of second class dealers. [Amended 12-15-1992 by Ord. No. 398, approved 12-15-1992; 5-28-1998 by Ord. No. 528]**

- A. All persons, or business entities primarily engaged in the business of buying, selling, processing, sorting, transporting and/or dealing in junk, scrap, iron, lead, brass, copper or other metals, rags, bones or other materials commonly termed junk or scrap shall be divided into two classes. The first class shall include all persons or business entities having a yard, house, building or other place or premises at a fixed location in the borough for the conduct of said business. The second class shall include such persons as shall have no primary fixed location in the borough for the conduct of said business, but who shall conduct the same by vehicle or other conveyance or on foot.
- B. Dealers of the second class as defined herein shall not carry on such business without having first obtained a license from the borough, which license shall be dated the first day of April for each year; shall be renewed annually on the first day of April of each succeeding year; and shall be granted only upon and subject to the terms, conditions and provisions of this chapter.
- C. All other persons or business entities having a yard, house, building or other place or premises at a fixed location in the borough for the conduct of said business engaging in commercial, industrial or manufacturing activities within the borough shall hereinafter be referred to as "regulated enterprises."

**§ 63-3. License requirement and procedure for first class dealers. [Added 12-15-1992 by Ord. No. 508, approved 12-15-1992; amended 5-28-1998 by Ord. No. 528]**

- A. No dealer of the first class or regulated enterprise shall operate in the borough unless it has first obtained a license from the borough. No such license shall be issued unless the operation is in full compliance with all requirements of this chapter. If such dealer of the first class or regulated enterprise meets the requirements of this chapter, then such license shall be issued by the borough upon receipt of an application for such license, which application provides all pertinent information as set forth below and which application is

accompanied by a license fee in the sum as set from time to time by resolution of the Borough Council. Such license shall expire 12 months after the date of issuance and must be renewed every 12 months thereafter as a condition of continued operation. Such license is issued subject to revocation by the borough for violation of this or any other applicable ordinance.<sup>2</sup>

- B. Any regulated enterprise or dealer of the first class who desires to occupy property in the borough as such shall file a written application with the Secretary of the borough, which shall include information set forth below. Any regulated enterprise or dealer of the first class already occupying property in the borough as such shall within 30 days of the effective date of this chapter file a written application with the Secretary of the borough, said application shall include the following:
- (1) The name and address of the owner of the property to be so used.
  - (2) The name and address of the business entity that is operating the business thereon if different than the owner of the property.
  - (3) The signature of the licensee or licensee's representative and a certification by the signer that the application information is true and correct and provided subject to the penalties of 18 Pa.C.S.A § 4904 relating to unsworn falsification to authorities.
  - (4) A plan or survey showing property lines, dimensions, the placement and size of fences, structures, easements of record areas used for travel by vehicles which regularly enter and exit the property and the areas used for storage of materials, and the type of ground surfaces on the property (i.e., dirt, gravel, bituminous paving, concrete, etc.).
- C. The Borough Secretary shall immediately deliver the application to the Borough Code Enforcement Officer, who shall upon receipt of an initial application and who may subsequently, along with such assistants or consultants as he may choose, conduct an inspection of the property prior to the issuance of a license or license renewal.
- D. Every dealer of the first class and/or regulated enterprise within the borough shall meet the following minimal criteria with regard to the care and maintenance of the property:
- (1) That any existing fence be maintained in good order and, if painted, it shall be painted a uniform color on any side exposed to the general public.
  - (2) That any area between any existing fence and the property line nearest the fence, where such area is adjacent to or within 50 feet of a public roadway, shall be maintained free and clear of any debris and the area shall be planted with grass and the grass or decorative vegetation. Grass shall be maintained at a height not in excess of six inches. Any trees or shrubs planted between the fence and the roadway shall be regularly pruned and maintained.
  - (3) Paving.
    - (a) All areas within the licensed premises that are traveled upon by trucks or other vehicles which regularly enter and exit the property shall be paved with a paving

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<sup>2</sup> Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

material such as cement, asphalt or crushed asphalt/milled paving material and shall be kept in good repair at all times. In the case of such areas being paved with crushed asphalt/milled paving material, such paving shall comply with the following specifications:

- [1] Placement of bituminous milled paving material:
  - [a] The milled paving material shall be placed in multiple compacted layers not more than four inches thick, to achieve a compacted depth (including the subbase) of not less than 12 inches.
  - [b] All materials shall be spread, shaped and compacted and deposited on the subgrade during the same day.
  - [c] Material shall be rolled and thoroughly compacted with an approved 3-wheel roller in accordance with PennDOT Publication 408, Section 350 and Section 108.05(c) 3.a, 3.b, 3.e.
  - [d] Water shall be added during compaction to bring material to optimum moisture content.
- (b) All other areas not traveled upon by trucks or other vehicles which regularly enter and exit the property shall be improved and maintained in a mud- and dust-controlled condition.
- (4) Licensee shall cause the wheels of trucks or other vehicles which stray from the paved areas to be washed clean of mud, dirt, dust or other debris before such vehicles re-enter upon the public roadway.
- (5) At no time shall open burning occur on the property except in strict compliance with the Allegheny County regulations relating to air pollution control except as necessary to provide heat for employees.
- (6) After the effective date of this chapter, no scrap, junk, slag, gravel, pig iron, raw materials, by-products, waste materials, materials to be processed or debris or other similar material may be taken onto or stored on the property unless the material is stored in such a way as to prevent a substantial portion of the material from shifting, sliding, moving or from allowing such material, or particles therefrom, to become airborne and carried to other properties or roadways.
- (7) All storage and/or arrangement of material on the property shall be accomplished in an orderly manner so as to facilitate reasonable access to all areas of the property for fire-fighting and inspection purposes;
- (8) No garbage or other organic waste shall be disposed of on the premises nor shall it be stored on the property other than in a dumpster or other receptacle the purpose of which is to contain such waste while awaiting routine periodic pick-up for disposal.
- (9) The premises shall at all times be maintained so as to not cause a nuisance or for the place of breeding of rodents and/or vermin.
- (10) At the time of the application for the license or the renewal of any license, the applicant shall notify the borough in writing of any notices of violation that it has

received from any state or county or federal agency relating to the maintenance of the property in question, the status of the notice and the disposition of each alleged violation making available to the borough copies of such notice and their disposition if requested.

- (11) The activities conducted on the property shall at all times be in compliance with all applicable federal, state, county and borough laws, ordinances, and regulations.
- E. Any person aggrieved by a determination with respect to a license hereunder and who desires to appeal said determination must do so, in writing, to the Borough Council within 30 days of the mailing date of such determination. The Council will dispose of the appeal in accordance with the Local Agency Law.<sup>3</sup>

**§ 63-4.<sup>4</sup> Scope of first class license.**

No person, firm or corporation licensed as a dealer of the first class or merchant, as provided in this chapter, shall, by virtue of one license, keep more than one place of business for the purpose of buying, selling and dealing in any of the articles and materials named in this chapter, nor shall he or they at any time buy, sell or deal in such articles and goods in a place other than that for which such license is granted.

**§ 63-5. Minimum period of retention.**

All persons, firms or corporations licensed as dealers of the first class or merchants under the provisions of this chapter shall keep and retain on their premises such scrap iron, brass, lead, copper or other metals and rags, bones and other materials commonly termed "junk" in their original forms, shapes and conditions for a minimum period of 48 hours and shall not dispose of, reduce, change or alter such original forms, shapes or conditions until such minimum period of 48 hours shall have elapsed.

**§ 63-6. Purchases from minors prohibited.**

No person, firm or corporation licensed under the provisions of this chapter shall receive or buy from minors under the age of 18 years or unknown or irresponsible parties any scrap iron, brass, lead, copper or other metals or rags, bones or other materials commonly known as "junk" and mentioned in this chapter.

**§ 63-7. Accessibility of premises; compliance with law.**

The premises of all persons, firms or corporations so licensed shall be accessible at all times to the authorized representatives of the Bureau of the Police and of the Department of Public Safety of said Borough of Heidelberg for the purpose of examining, inquiring into and searching for any article and materials which may be received or purchased under the

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<sup>3</sup> Editor's Note: See 2 Pa.C.S.A. §§ 105, 551 et seq. and 751 et seq.

<sup>4</sup> Editor's Note: Former § 63-4, License fee for second class dealer, as amended, was repealed 5-28-1998 by Ord. No. 528.

provisions of this chapter. No license shall be granted to a dealer of the first class under this chapter unless it is in accordance with the laws of the Commonwealth of Pennsylvania and the ordinances of the Borough of Heidelberg governing health and sanitation and with the rules and regulations of the Department of Public Health. Every person, firm or corporation being licensed under the provisions of this chapter shall so conduct the business of such licensee that the same shall not amount to a nuisance, and places of business, premises, vehicles and carriers of such licensees shall be subject during the business hours herein provided to inspection by the authorized representatives of the Department of Public Health of the Borough of Heidelberg or the County of Allegheny.

**§ 63-8. Violations and penalties; enforcement. [Added 12-15-1992 by Ord. No. 398, approved 12-15-1992; amended 5-28-1998 by Ord. No. 528]**

- A. Any person, firm or corporation who violates any of the provisions of this chapter shall, upon conviction thereof, be punishable by a fine of not more than \$600 plus the costs of prosecution and reasonable attorneys fees, and, in default of payment of such fine and costs, by imprisonment for not more than 30 days. Each day of violation shall constitute a separate violation.<sup>5</sup>
- B. In addition to the remedies set forth in this chapter, the borough may take any appropriate action at law or equity, civil or criminal, to enforce the provisions of this chapter and this chapter shall in no way restrict any remedies otherwise provided by law.
- C. This chapter may be enforced by the borough or any borough official who is authorized to enforce this chapter, all of whom may, for enforcement purposes, enter at any reasonable time upon premises subject to the provisions of this chapter.

**§ 63-9. Noise regulation. [Added 12-15-1992 by Ord. No. 398, approved 12-15-1992; amended 5-28-1998 by Ord. No. 528]**

No operation or activity shall cause or create noise in excess of the sound levels prescribed below. For purpose of this chapter the noise level shall be measured in decibels (dBA) which indicate the sound pressure level obtained from a frequency weighing network corresponding to the A-scale on a standard sound level meter.

- A. At no point on or beyond the boundary of any property used by a dealer of the first class or a regulated enterprise shall the exterior noise level resulting from any such use or activity located on such lot exceed a maximum weighted average of 85 dBA for an eight-hour period; provided that between the hours of 10:00 p.m. to 6:00 a.m. the noise level shall not exceed a maximum weighted average of 75 dBA for a three-hour period.
- B. The following uses or activities shall be exempted from the noise regulations:
  - (1) Noises emanating from construction and/or maintenance activities between 6:00 a.m. and 10:00 p.m.; and

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<sup>5</sup> Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- (2) Noises caused by safety signals, warning devices and other emergency-related activities or uses.

