

CHAPTER 13

LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS

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Part 1

Junkyards and Junk Dealers

§101. Definitions. Unless otherwise expressly stated, the following words and phrases shall be construed through this Part 1 to have the meanings hereinbelow indicated:

BOARD - the Board of Supervisors of Earl Township.

JUNK - any discarded personal property which is owned, possessed, collected, accumulated, stored, dismantled, or sorted, including but not limited to, metal, paper, glass, wood, plastic, cloth, stone, rubber, building materials, motor vehicles, containers and structures, and all forms of machinery and equipment.

JUNK DEALER - any person who engages in the business of buying, selling, salvaging and dealing in junk or any person who maintains and operates a junkyard within the Township of Earl.

JUNKYARD - any place where any junk as herein defined, is accumulated, stored, salvaged, disposed of or wrecked.

PERSON - a natural person, a partnership, association, firm, or corporation.

TOWNSHIP - Earl Township, Lancaster County, Pennsylvania.

(Ord. 10, 6/1/1966, §1)

§102. License. No person shall engage in the business of a junk dealer or maintain a junkyard in the Township without first having obtained a license from the Board, for which license a fee in accordance with the schedule hereinafter set forth shall be paid to the Board for the use of the Township. The license shall be issued for a twelve (12) month period beginning January 1 and ending December 31 of each year and shall be renewed annually before the first day of January of each year. (Ord. 10, 6/1/1966, §2)

§103. Application for and Issuance of License. A license to operate a junkyard or to operate as a junk dealer shall be issued by the Board upon written application. Applicant shall submit with said application a plot plan of the premises used or to be used in connection with such licensed premises. Upon receipt of an application by the Board it shall issue or refuse to issue license to the applicant therefor after an examination of the application and after taking into consideration suitability of the property proposed to be used in said license operation, the character of the property in the immediate vicinity and the effect of the proposed licensed operation upon the health, welfare and safety of the residents of the Township. The license issued shall state the name of the person to whom it is issued and the premises upon which the licensed business is to be conducted or maintained. Licensee shall post said license conspicuously upon the licensed premises. (Ord. 10, 6/1/1966, §3)

§104. License Fee. The license fee shall be paid prior to the issuance of the license or the renewal thereof. The initial license fee, as well as the annual renewal shall be twenty-five (\$25.00) dollars. (Ord. 10, 6/1/1966, 14)

§105. Transfer of License. A license as herein provided for shall not be transferred by licensee to any other person unless said transfer is approved by the Board in writing. Any licensee desiring to transfer his license shall notify the Board in writing and the proposed transferee shall make an application to the Board as set forth in §103 of this Part 1. The transfer of fee shall be ten (\$10.00) dollars and shall be paid prior to the approval of the transfer by the Board. (Ord. 10, 6/1/1966, §5)

§106. Exclusion from Licensing Requirements.

1. Farmers. Persons whose primary business is farming and who, incidental thereto, accumulate obsolete, broken or dismantled farm machinery formerly used by said person in his farming operations on said premises, as a source of parts for his farming operation on said premises shall not be subject to licensing provisions of this Part 1.

2. Business. Persons engaged in a business on premises in the Township who, incidental thereto, accumulate obsolete, broken or discarded machinery, parts, scrap metal, motor vehicles or other items derived from said business on said premises and retained for the use in said business for parts or otherwise, or for disposition to a junk dealer shall not be subject to the licensing provision of this Part 1. It is specifically understood that this §106 dealing with business excludes junk dealer to junkyard business.

3. Individuals and/or Families. Individuals and/or families who, after their own use on premises in this Township wherein they do not reside accumulate small quantities of junk or trash for disposition to a junk dealer or trash collector shall not be subject to the licensing provisions of this Part 1, provided, however, that said individuals or families shall not be permitted to accumulate more than two abandoned or unused automobiles on said premises.

3. Regulations. Persons excluded by this §103 of the licensing provisions of this Part 1 shall, however, observe the following rules and regulations.

A. The premises herein excluded shall at all times be so maintained as not to constitute a nuisance or menace to the health of the community or nearby residents, or as a place for the breeding of rodents and vermin.

B. The manner of the storage and arrangement of the junk upon the premises excluded shall be in such a manner that there shall be no accumulation of stagnant water upon the premises and also said storage and arrangement shall be in such a manner as to facilitate access for fire-fighting purposes.

C. No burning of any junk upon said premises shall be conducted after sunset or until sunrise on the following day, however, all burning that may occur shall be controlled at all times by responsible persons.

D. Junk shall not be stored within twenty-five (25') feet of the right-of-way lines of any streets, roads or highways nor within twenty-five (25') feet of property lines.

E. Upon determination by the Board that it is necessary for the health, safety and welfare of the community, owner of the premises herein excluded from licensing shall be required to fence the property with a suitable type fencing or plantings as determined by the Board.

(Ord. 10, 6/1/1966, §6)

§107. Regulations Governing Licenses Under This Part 1. Every licensee operating a licensed junkyard under this Part 1 shall maintain the licensed premises in the manner as prescribed in the following regulations:

1. All gasoline and oil or other flammable fluid shall be removed immediately from any vehicle, received upon any licensed premises. Gasoline and other inflammable materials shall be stored in underground tanks approved by a recognized testing agency, provided, however, that small quantities of gasoline not to exceed fifty (50) gallons may be stored in containers above ground.

2. All junk stored or arranged on said licensed premises shall be kept in such a manner that stagnant water does not accumulate therein, and further shall be arranged in an orderly fashion so as to facilitate access for fire-fighting purposes.

3. Burning of vehicles and other materials on licensed premises shall only be done between sunrise and sunset, and all burning shall be attended and controlled by responsible persons.

4. All licensed premises shall observe the following setback lines, so that no trash or junk or other items stored on said licensed premises shall be stored, placed or kept within said limits as hereinafter set forth.

(1) a setback of fifty (50') feet shall be observed from the right-of-way lines of any public road irregardless of whether said road shall comprise a boundary line of said licensed premises.

(2) A setback of twenty-five (25') shall be observed from all property lines, provided, however, that if a public road comprises a property line, Subsection (1) herein shall govern.

(3) The area between the property line and the setback lines as set forth in the preceding §106 shall be kept free and clear of trash and junk at all times.

5. When the Board shall deem it necessary, to protect the health, welfare, and safety of the residents of the Township, premises to be licensed hereunder shall be enclosed at the setback lines by a fence or a screening of plantings, or both, as prescribed by the Board upon the granting of said license.

6. No garbage or other organic waste or material shall be stored, kept or maintained upon any licensed premises.

7. Premises licensed hereunder shall at all times be maintained so as not to constitute a nuisance or menace to the health and welfare of the residents of the Township nor as a breeding place for vermin and rodents.

8. A licensed premises shall not be open for business, nor shall any work be done therein in connection with the storage, processing and transporting or removal of junk or materials contained therein at any time before seven o'clock a.m. or after six o'clock p.m. on any day, provided, however, that emergency calls due to highway accidents may be serviced at any time.

(Ord. 10, 6/1/1966, §7)

§108. Prohibited Locations. The Supervisors shall not grant a license for maintenance and operation of junkyards within said Township if any part of the premises proposed to be licensed hereunder lies within three hundred (300") feet of a dwelling house, except that this provision shall not be applicable if a dwelling house within three hundred (300') feet of proposed premises is that of the applicant of the license. (Ord. 10, 6/1/1966, §8)

§109. [Reserved]. (Ord. 10, 6/1/1966, §9; as amended by Ord. 1989-2, 6/5/1989; and as repealed by Ord. 4-1996, 7/11/1996, §2)

Part 2

Transient Retail Business

§201. Definitions. As used in this Part, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

LEGAL HOLIDAY - New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas.

PERSON - any natural person, partnership, association, corporation or other legal entity.

TRANSIENT RETAIL BUSINESS -

A. Engaging in peddling, soliciting or taking orders, either by sample or otherwise, for any services, goods, wares or merchandise upon any street, alley, sidewalk or public ground or from house to house within the Earl Township.

B. Selling, soliciting or taking orders for any services, goods, wares or merchandise from a fixed location within the Earl Township, on a temporary basis, which shall include, but not be limited to, such activities conducted at the time of special occasions or celebrations, for seasonal purposes or for or in advance of specific yearly holidays.

The singular shall include the plural; the plural shall include the singular; and the masculine shall include the feminine and the neuter.

(Ord. 1-1991, 4/1/1991, §1)

§202. License Required; Conditions of Issuance; Fee. No person shall engage in any transient retail business within Earl Township without first having obtained from the Township Secretary a license, for which a fee, which shall be for the use of Earl Township, shall be charged:

A. Three hundred dollars (\$300.00) per year.

B. Twenty-five dollars (\$25.00) each month or part of a month.

(Ord. 1-1991, 4/1/1991, §2; as amended by Ord. 4-2003, 11/3/2003, §1)

§203. Exceptions. No license fee shall be charged:

A. To farmers selling their own produce.

B. For the sale of goods, wares, merchandise, donated by the owners thereof, the proceeds whereof are to be applied to any charitable or philanthropic purpose.

C. To any manufacturer or producer in the sale of bread and bakery products, meat and meat products or milk and milk products.

D. To children under the age of eighteen (18) years who take orders for and deliver newspapers, greeting cards, candy, bakery products and the like, or who represent the Boy Scouts or Girl Scouts or similar organizations.

E. To the seeking or taking or orders by insurance agents or brokers licensed under the insurance laws of the Commonwealth of Pennsylvania.

F. To any person who has complied with the provisions of the Solicitation of Funds for Charitable Purposes Act, December 19, 1990, P.L. 1200, No. 202, 10 P.S. 162.1 et seq., as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania. [Ord. 4-2003]

G. For taking orders for merchandise, by sample, from dealers or merchants for individuals or companies who pay a license or business privilege tax at their chief place of business.

But all persons exempted hereby from the payment of the license fee shall be required to register with the Township Secretary and obtain a license without fee; provided, any person dealing in one (1) or more of the above mentioned exempted categories, and dealing with other goods, wares or merchandise not so exempted, shall be subject to the payment of the license fee fixed by this Section for his activities in connection with the sale of goods, wares and merchandise not in such exempted categories. Provided further, the Township Secretary may similarly exempt from payment of the license fee, but not from registering with him, persons working without compensation and selling goods, wares or merchandise for the sole benefit of any nonprofit corporation. Provided further; every license issued under the provisions of this Part shall be issued on an individual basis to any person or persons engaging in such business; every individual shall obtain a separate license, issued to him in his name, and the license fee hereby imposed shall be applicable to every such individual license, except that a representative of a charitable organization may obtain licenses for the applicants thereon.

(Ord. 1-1991, 4/1/1991, §3; as amended by Ord. 4-2003, 11/3/2003, §§2, 3)

§204. License Application. Every person desiring a license under this Part shall first make application to the Township Secretary for such license. He shall, when making such application, exhibit a valid license from any State or County office if such license is also required. The applicant shall provide a valid photo drivers license or other valid photo identification and a sales tax number. The applicant shall state or provide:

- A. His criminal record, if any.
- B. Name and address of the person by whom he is employed.
- C. Type of goods, wares and merchandise he wishes to deal with in such transient retail business.
- D. Length of time for which license is to be issued.
- E. Type and license number of the vehicle to be used, if any.

(Ord. 1-1991, 4/1/1991, §4; as amended by Ord. 4-2003, 11/3/2003, §4)

§205. Issuance of License; Custody, Display and Exhibit. Upon receipt of such application and the prescribed fee, the Township Secretary,

if he shall find such application in order, shall issue the license required under this Part. Such license shall contain the information required to be given on the application therefor. Every license holder shall carry such license upon his person if engaged in transient retail business from house to house or upon any of the streets, alleys, sidewalks or public grounds, or shall display such license at the location where he shall engage in such business if doing so at a fixed location. He shall exhibit such license, upon request, to all police officers, municipal officials and citizens or residents of Earl Township. (Ord. 1-1991, 4/1/1991, §5)

§206. Prohibited Acts. No person in any transient retail business shall:

A. Sell any product or type of product not mentioned in his license.

B. Hawk or cry his wares upon any of the streets, alleys, sidewalks or public grounds in Earl Township.

C. When operating from a vehicle, stop or park such vehicle upon any of the streets or alleys in Earl Township for longer than necessary in order to sell therefrom to persons residing or working in the immediate vicinity.

D. Engage in any business activity, except by prior appointment, at any time on a Sunday or legal holiday or at any time before 9 a.m. or after 6 p.m. on any day of the week other than a Sunday or legal holiday.

(Ord. 1-1991, 4/1/1991, §6)

§207. Supervision; Records and Reports. The Township Secretary shall supervise the activities of all persons holding licenses under this Part. He shall keep a record of all licenses issued hereunder and shall make a report thereof each month to the Board of Supervisors. (Ord. 1-1991, 4/1/1991, §7)

§208. Suspension and Revocation of License; Appeal. The Police Chief of Earl Township is hereby authorized to suspend or revoke any license issued under this Part when he deems such suspension or revocation to be beneficial to the public health, safety or morals, for violation of any provision of this Part, or for giving false information upon any application for a license hereunder. Appeals from any suspension or revocation may be made to the Board of Supervisors at any time within ten (10) days after such suspension or revocation. No part of a license fee shall be refunded to any person whose license shall have been suspended or revoked. (Ord. 1-1991, 4/1/1991, §8)

§209. Penalties. Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than one thousand dollars (\$1,000.00) and imprisonment may be prescribed to the extent allowed by law for the punishment of summary offenses. Each day that a violation of this Part continues shall constitute a separate offense. (Ord. 1-1991, 4/1/1991, §9; as amended by Ord. 4-2003, 11/3/2003, §5)

