

ORDINANCE NO. 192

AN ORDINANCE OF NEW SEWICKLEY TOWNSHIP, BEAVER COUNTY, COMMONWEALTH OF PENNSYLVANIA AMENDING ORDINANCE NO. 31 REGULATING JUNK DEALERS AND THE ESTABLISHMENT AND OPERATION OF JUNK YARDS, PROVIDING FOR THE ISSUANCE OF LICENSES FOR JUNK DEALERS AND FOR THE ESTABLISHMENT AND OPERATION OF JUNK YARDS, AND PRESCRIBING PENALTIES FOR VIOLATIONS.

BE IT ENACTED AND ORDAINED by the Township of New Sewickley, Beaver County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same as follows:

SECTION 1. This Ordinance shall amend Ordinance No. 31 known as the "NEW SEWICKLEY TOWNSHIP JUNK DEALER AND JUNK YARD ORDINANCE OF 1968", as previously amended. Any provisions of Ordinance No. 31, as amended, that are inconsistent with the following are repealed and in their place the following provisions are enacted:

SECTION 2. Definitions:

(a) The word "junk", as used in this Ordinance, shall mean discarded materials, articles or things possessing value in part, gross or aggregate, and including but not limited to scrapped motor vehicles and parts thereof, including motors, bodies of motor vehicles and vehicles which are unlicensed and/or inoperable and/or do not have a current and/or valid inspection sticker as required by the Motor Vehicle Laws of the Commonwealth of Pennsylvania, but not including garbage or other organic waste, or

farm machinery provided said farm machinery is used in connection with a bona fide farming operation.

(b) The word "junk dealer" as used in this Ordinance shall mean any person who shall engage in the business of selling, buying or dealing in junk in New Sewickley Township, and/or any person who shall store or keep upon his or another's premises, two (2) or more motor vehicles which are unlicensed and/or inoperable and/or do not have a current and/or valid inspection sticker as required by the Motor Vehicle Laws of the Commonwealth of Pennsylvania.

(c) The word "junk yard" as used in this Ordinance shall mean any place or establishment where junk is stored or accumulated on the out-side of any building, edifice or structure that is enclosed on all sides; or, where the business of selling, buying or dealing in junk is carried on, or where two (2) or more motor vehicles are stored which are unlicensed and/or are inoperable and/or do not have a current and/or valid inspection sticker as required by the Motor Vehicle Laws of the Commonwealth of Pennsylvania.

SECTION 14. The Township Code Enforcement Officer or other designated representative of the Township shall from time to time regularly inspect the premises of every licensee hereunder for the purpose of determining whether said licensee has established and maintained his premises in full compliance with the provisions of this Ordinance and such rules and regulations which may hereafter be adopted by the Township of New Sewickley regulating and licensing junk dealers and the establishment and maintenance of junk yards. The Township Code Enforcement Officer or other designated representative of the Township shall forthwith prosecute any discovered violation of this Ordinance. The Township Code Enforcement Officer or other designated representative of the Township shall not less than twice yearly, furnish to the Township Board of Supervisors a report of inspections, the same to be in writing and in the form prescribed by the Board of Supervisors of the Township of New Sewickley.

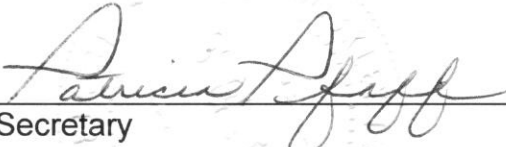
SECTION 19. The Code Enforcement Officer of the Township of New Sewickley shall, upon finding a violation of this Ordinance, give notice of such finding to the owner or occupier to remove the violation within a period of fifteen (15) days from the date of such notice.

In the event the owner or occupier fails to correct the violation within the further period of fifteen (15) days (a total of 30 days from the notice of violation), the Code Enforcement Officer shall initiate a civil enforcement proceeding before a district justice where the fine shall not exceed \$600 per violation. Any person who violates or permits the violation of this Ordinance shall pay the fine plus all court costs, including reasonable attorney fees incurred by the Township. In addition, the Code Enforcement Officer may commence an action before a district justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure where the fine may not exceed \$1,000 per violation and may prescribe imprisonment to the extent allowed by law for the punishment of summary offenses.

In all other respects Ordinance No. 31, as amended, is reenacted and restated as if set forth at length herein.

ENACTED AND ORDAINED this 2nd day of October, 2012.

ATTEST:


Secretary

TOWNSHIP OF NEW SEWICKLEY


Chairman, Board of Supervisors