

Chapter 114
JUNK AND JUNKYARDS

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[HISTORY: Adopted by the Council of the Borough of Berwick as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Solid waste — See Ch. 147.

Zoning — See Ch. 165.

ARTICLE I
Storage of Junked Automobiles
[Adopted 1-12-1970 as Ch. 47 of the 1970 Code]

§ 114-1. Definitions.

As used in this article, the following terms shall have the meanings indicated:

AUTOMOBILE WRECKING — The storage, maintenance or dumping of a partially dismantled or junk automobile or the parts of a junk automobile.

JUNK AUTOMOBILES — A motor vehicle that is so worn, deteriorated, obsolete or dismantled or disassembled for reasons other than proposed immediate repairs as to make it inoperable or unusable in its existing condition.

§ 114-2. Junk automobile restrictions; automobile wrecking.

- A. No person shall maintain or keep a junk automobile within the Borough of Berwick for a period exceeding 15 days unless such junk automobile is kept or maintained wholly within a building having four walls.

- B. No person shall maintain or conduct automobile wrecking within the Borough of Berwick unless the same shall be maintained or conducted wholly within a building having four walls.

§ 114-3. Violations and penalties.¹

- A. Any person, firm, association or corporation violating the provisions of this article shall be fined not less than \$25 nor more than \$300 for each violation, together with costs of prosecution, or in default of payment, be imprisoned for a term not to exceed 30 days.
- B. Each period of 15 days during which a person, firm or corporation violates the provisions of this article shall be a separate offense.

ARTICLE II

Junkyards

[Adopted 1-12-1970 as Ch. 48 of the 1970 Code]

§ 114-4. Permit required.

From and after the passage of this article, it shall be unlawful for any person or persons, firms or corporations, either as principal or as agent, to establish, cause to be established or permit to be established, if within their control, or to enlarge or extend or permit to be enlarged or extended, if within their control, any junkyard, salvage yard or other places used and maintained for the collection, storage and disposal of used or secondhand goods and materials anywhere within the Borough of Berwick, whether on public or private property, except upon compliance with the terms of this article and all other ordinances and state laws applicable to the subject matter and upon the obtaining of a permit to do so from the Borough Council.

§ 114-5. Application for permit.

Any person or persons, firms or corporations desiring to establish, cause to be established or permit to be established, if within their control, or to enlarge or extend or permit or cause to be enlarged or extended, if within their control, any junkyard, salvage yard or other place used and maintained for the collection, storage and disposal of used or secondhand goods and materials, shall first prepare and submit an application to Borough Council containing a drawing showing the proposed location of the yard or extension.

§ 114-6. Public hearing.

The Borough Council shall consider the application and, if it sees fit, shall hold public hearings and give public notice of the application and the public hearings.

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

§ 114-7. Fence requirements.

Every person, firm or corporation owning or operating or controlling a junkyard shall be required within 90 days of the issuance of a permit to construct and maintain a fence six feet or more in height around the junkyard, of such material and workmanship as to effectively screen the same from public view and to prevent unnecessary unsightliness.

§ 114-8. Working or storage outside enclosure.

The junkyard shall be so operated that junk and debris shall not be stored or worked upon outside the enclosure.

§ 114-9. Issuance or refusal of permit.

The Borough Council shall either issue a permit or refuse a permit, and if it issues a permit, shall prescribe such restrictions and regulations as it shall believe proper.

§ 114-10. Additional regulations; right to revocation.

The Borough Council shall have the right to revoke any permit granted and to add additional regulations and to change existing regulations affecting the operation or maintenance of said yards or extensions.

§ 114-11. Violations and penalties. ²

- A. A violation of any restriction or regulation now made or hereafter to be made by Council as aforesaid shall be a violation of this article.
- B. All matters referred to as unlawful in this article are declared to be nuisances and removable as such, and persons violating this article shall, upon conviction thereof, be liable to a fine not exceeding \$300, plus costs of prosecution, or upon default in payment, to imprisonment for a term not exceeding 30 days, for each offense. Each day's continuance of the offense shall constitute an offense. In addition to the cost of removal, the penalties shall be collected by municipal lien or any other manner authorized by law.

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

