

JUNKYARD AND REFUSE ORDINANCE  
OF THE COUNTY OF TIOGA, PENNSYLVANIA

Article I

TITLE, INTENT AND AUTHORITY

Section 101. Title

101.01 These regulations shall be known and may be cited as the "Junkyard and Refuse Ordinance of the County of Tioga, Pennsylvania."

Section 102. Intent

102.01 These regulations are hereby established to protect the public health, safety and welfare; to assure the compatibility of junkyards with surrounding land usage; to enhance the aesthetics and economies of the county; to protect the public investment in lands, streets and highways; and to protect tax revenues by promoting the reasonable, orderly, and effective storage of junk.

Section 103. Authority

103.01 The County Board of Commissioners has jurisdiction and control of land use and development as set forth in Act 247 (as amended by Act 93 and Act 194), the Pennsylvania Municipalities Planning Code.

Section 104. Limitation of Power

104.01 These regulations shall have effect in those boroughs and incorporated townships which have no regulations governing junkyards and refuse in effect at the time this Ordinance is introduced and until the borough or township ordinance is in effect. The enactment of a junkyard and refuse ordinance or of a zoning ordinance, with provisions for the control of junkyards and refuse by any municipality, other than the county, whose land is subject to the county, shall act as a repeal protanto of the County Junkyard and Refuse Ordinance within the municipality adopting such ordinance.

Article II

DEFINITIONS

Section 201. Definitions

201.01 General Terms - As used in these regulations, words in the singular include the plural; and those in the plural include the singular. The words "shall" and "will" for the purpose of these regulations are defined as mandatory.

201.02 Specific Terms - As used in these regulations, additional specific terms or words shall be defined as follows: Unless otherwise expressly stated, the following definitions shall, for the purpose of these regulations, have the meaning herein indicated. Any pertinent word or term not a part of this listing but vital to the interpretation of these regulations shall be construed to have its legal definition.

1. Person - Shall include any partnership, association, firm, corporation and individual.
2. County - Shall mean the County of Tioga, State of Pennsylvania.
3. Junk (Refuse) - Shall mean old iron, steel, brass, copper, tin, lead or other base metals; old cordage ropes, rags, fibers or fabrics; old rubber or plastics; old bottles or other glass; bones; wastepaper; discarded appliances and wrecked, scrapped, ruined, dismantled or junked motor vehicles. It shall not include, however, materials and objects accumulated by a person as by-products, waste or scraps from the operation of his own business or materials or objects held and used by a person as an integral part of his own business operations.
4. Junkyard - Shall mean a yard, lot or place containing junk as herein defined, upon which occurs any or all of the acts of buying, keeping, dismantling, processing, selling or offering for sale any such junk, in whole units or by parts, for a business or commercial purpose.
5. Junk Dealer - Shall mean any person, as herein defined, who shall engage in the business of selling, buying, salvaging and dealing in junk and who maintains and operates a junkyard within the County of Tioga.

### Article III

#### REGULATIONS AND STANDARDS

#### Section 301. Junkyards and Refuse

301.01 In conjunction with all land uses, the following regulations shall control the establishment and maintenance of junkyards:

1. Such premises shall at all times be maintained so as not to constitute a nuisance or menace to the health, safety and welfare of the county or to provide a place for the breeding of rodents and vermin.
2. No garbage or other organic waste shall be stored on such premises.
3. Whenever any motor vehicle shall be received on such premises as junk, all gasoline shall be drained and removed therefrom. Gasoline shall be stored in approved containers which are kept on the premises.
4. The premises on which junk is stored shall be set back a minimum distance of two hundred fifty (250) feet from the right-of-way lines on all streets or roads and a minimum distance of fifty (50) feet from all other property lines and known flood plain elevation. The area between the setback lines and the right-of-way line of all streets and roads, the known flood plain elevation and all other property lines shall at all times be kept and vacant. In the case of Federal Aid Routes, the said setback shall be one thousand (1,000) feet from the center line right of way.
5. Any premises on which junk is stored shall at the setback lines be enclosed by evergreen screen plantings or a uniformly painted solid board fence or both.
6. All junk shall be stored in such a manner and screened so as not to be readily accessible or visible from the street, public road or adjacent property. Junk shall not be stored above the height of the screen plantings or fence.
7. The manner of storage and arrangement of junk and the drainage facilities of the premises shall be such as to prevent the pollution of springs and streams, to prevent the accumulations of stagnant water upon the premises and to facilitate access for fire-fighting purposes.
8. Any person governed by these regulations shall not burn out any motor vehicle or its equivalent at any time. No oil, grease, tires, gasoline or other similar material that might be dangerous or tend to produce obnoxious ~~smoke or odors shall be burned within a junkyard at any~~ time.

9. Every person licensed under these regulations shall provide and shall constantly keep a book in which shall be fairly written down in the English language at the time of the purchase of any junk, a description of every article or material purchased or received by him, the date and hour of such purchase and the person from whom such article or material was purchased, received or handled by such person shall at all times be subject to the inspection of any official of Tioga County.
10. Every person, governed by these regulations, shall keep and retain upon the licensed premises for a period of forty eight (48) hours after the purchase or receipt thereof, all junk received or purchased by him; and he shall not disturb or reduce the same or alter the original form, shape or conditions until such period of forty eight (48) hours shall have elapsed.

#### Article IV

##### VARIANCES AND APPEALS

##### Section 401. Variances

- 401.01 Hardship - The County Commissioners may grant variances to these regulations where unusual or exceptional factors or conditions require such modification provided that the County Commissioners, after a hearing shall:
1. Find that unusual topographical or exceptional physical conditons exist.
  2. Find that strict compliance with these regulations would create an extraordinary hardship in the face of the exceptional conditions.
  3. Find the situation is unique, not one shared similarly by other properties in the neighborhood.
  4. Find the hardship is not self-created by the property owner.
  5. Find the hardship is not to be construed to mean that less profit will be made under the existing regulations than might be realized with the granting of a variance.

6. Find the hardship is suffered by the parcel of land under question and not by other parcels owned by the applicant or by the community as a whole.
7. Permit any modification depart from these regulations only to the extent necessary to remove the extraordinary hardship.

401.02 Public Interest Secured - The County Commissioners may grant a variance to such applicant from such mandatory provisions so that substantial justice may be done and the public interest secured, provided that such variance may be granted only upon concurrence of a majority of the County Commissioners present at a public meeting, and that such variance will not have the effect of nullifying the intent and purpose of these regulations.

401.03 County Commissioners May Impose Conditions - In granting variances and modifications, the County Commissioners may impose such conditions as will, in their judgement, secure substantially the objectives of the standards of requirements to be modified.

#### Section 402. Penalties

402.01 The violation of the terms of this Ordinance shall be punishable by a fine not exceeding two hundred dollars (\$200.00) or imprisonment not exceeding sixty (60) days or both in the discretion of the court for each offense; and each day a violation continues to exist, shall constitute a separate offense.

#### Section 403. Appeal

403.01 Person Aggrieved - Any person aggrieved by a finding, decision or recommendation of the County Commissioners may, within thirty (30) days, request and receive opportunity to appear before the County Commissioners, present additional relevant information and request reconsideration of the original finding, decision or recommendation.

#### 403.02 Appeal to Court of Common Pleas

1. Any person aggrieved by a finding, decision or recommendation of the County Commissioners may appeal such finding, decision or recommendation to the Common Pleas Court.

Article V

ENFORCEMENT AND LEGAL PROCEDURE

Section 501. Enforcing Officer

501.01 The provisions of this Ordinance shall be administered by the County Commissioners. The County Commissioners may delegate all or part of the administration of this Ordinance to an agent and the extent of this delegation shall be on record in the minutes of the County Commissioners.

Article VI

SEVERABILITY AND CONSTITUTIONALITY

Section 601. Severability and Constitutionality

601.01 The provisions of this Ordinance shall be severable; and if any of its provisions shall be held to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect the validity of any of the remaining provisions of this Ordinance. It is hereby declared as a legislative intent that this Ordinance would have been adopted or if such unconstitutional, illegal or invalid provisions had not been included therein.

Duly enacted and ordained as an Ordinance of the County of Tioga on this 7 day of June, 1976, by the Commissioners of the County of Tioga, Commonwealth of Pennsylvania.

Commonwealth of Pennsylvania  
County of Tioga

BY:

Kenneth D. Moore  
Oliver Richard Bartlett  
William S. Hall

ATTEST:

Donald G. Blackwell  
Chief Clerk