

CHAPTER XVII

LICENSES, PERMITS, AND GENERAL BUSINESS REGULATIONS

Part 1

Junk Yards

- Section 101. Short Title
- Section 102. Definitions
- Section 103. License
- Section 104. Application for License
- Section 105. Issuance of License
- Section 106. License Fee
- Section 107. License Limitation
- Section 108. Transfer of License
- Section 109. Transfer Fee
- Section 110. Records
- Section 111. Delay in Disposal
- Section 112. Regulations
- Section 113. Inspection
- Section 114. Penalties for Violations
- Section 115. Abatement of Nuisances
- Section 116. Severability

Part 2

Peddling

- Section 201. Definitions
- Section 202. License Required
- Section 203. License Application
- Section 204. License Fees
- Section 205. Issuance and Exhibition of License
- Section 206. Permitted Hours of Peddling
- Section 207. Loudspeakers Not Permitted
- Section 208. Use of Streets and Curbs
- Section 209. Fixed Locations Not Permitted
- Section 210. License Records; Supervision
- Section 211. License Suspension
- Section 212. Penalties
- Section 213. Severability
- Section 214. Enforcement

Part 1

Junk Yards

Section 101. Short Title. This Ordinance shall be known and may be cited as "Amity Township Junkyard Ordinance". (Ordinance 43, May 19, 1972, Section 1)

Section 102. Definitions. Unless otherwise expressly stated, the following words and phrases shall be construed throughout this Ordinance to have the meanings herein indicated:

(a) Board. The Board of Supervisors of Amity Township.

(b) Junk. Junk shall mean any discarded material or article and shall include, but not be limited to scrap metal, scrapped, abandoned or junked motor vehicles, including the commercial storage of wrecked automobiles, pending disposition thereof, machinery, equipment, paper, glass, containers and structures. It shall not include, however, refuse or garbage kept in proper containers for the purpose of prompt disposal.

(c) Junk Dealer. Any person, as hereinafter defined, who shall engage in the business of selling, buying, salvaging and dealing in junk, including one who commercially stores wrecked automobiles pending disposition of the same, and who maintains and operates a Junk Yard within the Township of Amity.

(d) Junkyard. Shall mean any place where any junk, as hereinafter defined, is stored, disposed of or accumulated.

(e) License. The permit granted to a person who accumulates, stores or disposes of junk, as hereinbefore defined.

(f) Person. Shall include any partnership, association, firm, corporation or other entity.

(g) Reasonable Time. A time determined by the Board of Supervisors which shall not be more than two (2) years and not less than one (1) year from the date a license is obtained under this Ordinance.

(h) Township. Amity Township, Berks County, Pennsylvania.

(Ordinance 43, May 19, 1972, Section 2)

Section 103. License. No person shall engage in business as a junk dealer or maintain a junk yard without first having obtained a license from the Board, for which a license fee shall be paid to the Township for the use of the Township. (Ordinance 43, May 19, 1972, Section 2)

Section 104. Application for License. The license provided for in this Ordinance shall be issued by the Board after written application shall have been made therefor by the person desiring to be licensed. Such license shall state the name of the person to whom such license is issued and the premises on which such business is to be conducted, or such junk yard is to be maintained. Such license shall be posted conspicuously upon the premises licensed thereunder. The written application for license hereinabove mentioned shall be accompanied by a form, each question of which must be answered, which form shall be supplied by the Board. Applicant shall also submit therewith a plot plan of the premises

used or to be used in connection with such license. (Ordinance 43, May 19, 1972, Section 4)

Section 105. Issuance of License. Upon receipt of an application by the Board, the Board shall issue a license or shall refuse to issue a license to the person applying therefor after an examination of the application and a determination that the applicant has complied with the regulations in Section 112 of this Chapter. (Ordinance 43, May 19, 1972, Section 5)

Section 106. License Fee. A license fee shall be paid immediately upon the issuance or renewal of a license. The amount of the license fee shall be Two Hundred Dollars (\$200.00) for each and every license issued. (Ordinance 43, May 19, 1972, Section 6)

Section 107. License Limitation. No persons licensed under this Ordinance shall, by virtue of one license, keep more than one place of business within the Township or maintain more than one junk yard, for the purpose of buying, selling and dealing in junk. No person shall engage in business as a junk dealer in any place other than the place designated upon his license, or maintain a junk yard in any place other than the place designated upon his license. (Ordinance 43, May 19, 1972, Section 7)

Section 108. Transfer of License. No license issued by the Board shall be transferable by the licensee to any other person unless such a transfer is authorized by the Board. Any person desiring to transfer his license shall notify the Board in writing, which notification shall be accompanied by an application for a license, as described in Section 104 of this Chapter, by the transferee. (Ordinance 43, May 19, 1972, Section 8)

Section 109. Transfer Fee. In the event the Board shall approve the transfer of a license, the transferee shall immediately pay to the Township a transfer fee of Ten Dollars (\$10.00). (Ordinance 43, May 19, 1972, Section 9)

Section 110. Records. Every person licensed under this Ordinance shall provide and keep a book, in which shall be 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 purchase or receipt, and the person from whom such article or material was purchased or received. Such book shall at all times be subject to the inspection of any official of the Township or any police officer of the State of Pennsylvania or its subdivisions. In the case of motor vehicles, there shall be kept in addition a personal description of the person from whom purchased and a complete description of the purchase which shall include trade name, and the motor, body, manufacturer's numbers and any other serial numbers, the style of body, model, color and license number. (Ordinance 43, May 19, 1972, Section 10)

Section 111. Delay in Disposal. Every person licensed under this Ordinance 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 condition until such period of forty-eight (48) hours shall have elapsed. (Ordinance 43, May 19, 1972, Section 11)

Section 112. Regulations. Every person licensed under this Ordinance shall constantly maintain the licensed premises in accordance with any special provision imposed by the Board and in the manner prescribed by this Section and any subsequent regulations adopted by the Board. Notwithstanding this provision, all junk yard dealers within the Township who have been licensed under a previous Ordinance in relation to junk yards shall be allowed a reasonable time in which to comply with the following regulations.

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

(b) No garbage or other organic waste shall be stored in such premises.

(c) There shall be erected a fence or wall not less than six feet (6') in height and to encompass the entire junk yard for the purpose of preventing thefts and thereby reducing law enforcement problems. The fence or wall shall be constructed of materials of sufficient strength in order to carry out the purpose of this regulation.

(d) In order to allow fire and emergency equipment to maneuver within junk yards to prevent the spread of fires, there shall be a twenty feet (20') space between rows of junk within the junk yard.

(e) There shall be a twenty feet (20') setback from all streams or water courses running near, in or around said junk yards.

(f) Any person licensed under this Ordinance shall not burn more than one motor vehicle or its equivalent at any one 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 junk yard at any time. Burning vehicles must be attended and controlled at all times.

(g) The premises to be licensed shall be set back a minimum distance of twenty-five feet (25') from the right-of-way lines on all streets or roads and a minimum distance of twenty-five feet (25') from all other property lines. The area between the setback line, the right-of-way line, all streets and roads and all other property lines shall be at all times kept clear and vacant.

(h) No two (2) or more vehicles can be stacked on top of one another. All other junk shall be stacked in a manner and to a height which does not exceed the height limit of the fence which surrounds the junk yard.

(Ordinance 43, May 19, 1972, Section 12)

Section 113. Inspection. An official of the Township shall regularly inspect the premises of every licensee to determine if the licensee is in full compliance with the regulations as set forth above. Further, said official shall report, not less than twice yearly, in writing, to the Township Board of Supervisors the conditions of the junk yard. (Ordinance 43, May 19, 1972, Section 13)

Section 114. Penalties for Violations. Any person who shall violate any of the provisions of this Ordinance shall, upon conviction thereof by a summary proceeding, be sentenced to pay a fine of not more than Six Hundred Dollars (\$600.00), and the costs of prosecution, or be sentenced to confinement in the Berks County Prison for a period not exceeding thirty (30) days, provided that each day's violation of any provision of this Ordinance shall constitute a separate offense. (Ordinance 43, May 19, 1972, Section 14)

Section 115. Abatement of Nuisances. In addition to the remedies provided in Section 114 of this Chapter, any continued violation of this Ordinance which shall constitute a nuisance in face or which shall in the opinion of the Board

constitute a nuisance may be abated by proceeding against the violator in a Court of Equity for relief. (Ordinance 43, May 19, 1972, Section 15)

Section 116. Severability. If any section of this Ordinance shall be found to be invalid, the other sections of this Ordinance shall not be affected thereby. (Ordinance 43, May 19, 1972, Section 16)

## Part 2

### Peddling

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

(a) Peddler. Any person who shall engage in peddling, as herein defined.

(b) Peddling. Engaging in peddling, canvassing, soliciting or taking of orders, either by sample or otherwise, or accepting donations directly or indirectly, for any goods, wares or merchandise upon any of the streets or sidewalks or from house to house within the Township of Amity. The term "peddling" shall include soliciting of donations. PROVIDED: the word "peddling" shall not apply (1) to farmers selling their own produce, (2) to the sale of goods, wares and merchandise donated by the owners thereof, the proceeds whereof are to be applied to any charitable or philanthropic purpose, or (3) to any manufacturer or producer in the sale of bread and bakery products, meat and meat products, or milk and milk products.

(c) Person. Any natural person, association, partnership, firm, corporation or other entity.

In this Ordinance, the singular shall include the plural and the masculine shall include the feminine and the neuter. (Ordinance 84, September 5, 1980, Section 1)

Section 202. License Required. No person shall engage in peddling in the Township of Amity without first having taken out a license as herein provided. (Ordinance 13, July 1, 1961, Section 2)

Section 203. License Application. Every person desiring to engage in peddling in the Township of Amity shall first make application to the Secretary of the Township or his agent. Upon such application, such person shall give his name; local and permanent home address; his previous criminal record, including summary offenses, if any; the name of the person for whom he works, if any; the type of goods, wares and merchandise he wishes to peddle; the length of time for which he wishes to be licensed; the detailed type of vehicle he uses, if any; and the number of helpers he has. PROVIDED: where a person makes application for himself and one or more helpers, all applicable personal information specified above shall be given for each helper. No license issued under this Ordinance shall be transferable from one person to another. (Ordinance 84, September 5, 1980, Section 3)

Section 204. License Fees. No license shall be issued under this Ordinance until the proper fee, as follows, shall be paid to the Secretary or his agent, which shall be for the use of the Township:

(a) Foot peddler: Five Dollars (\$5.00) per week; Ten Dollars (\$10.00) per month, Thirty Dollars (\$30.00) per year.

(b) Peddler operating from a vehicle: Ten Dollars (\$10.00) per week; Twenty Dollars (\$20.00) per month; Sixty Dollars (\$60.00) per year.

(Ordinance 84, September 5, 1980, Section 4)

Section 205. Issuance and Exhibition of License. Upon making application therefor and paying the proper fee, as herein specified, a license shall be issued to every peddler. Such license shall contain the information required to be given upon the application therefor. Every peddler shall at all times when engaged in peddling in the Township carry such license upon his person, and shall exhibit such license, upon request, to all police officers, Township officials and citizens. No peddler shall engage in selling any product not mentioned upon such license nor shall any person having a foot peddler's license operate directly from a vehicle. (Ordinance 84, September 5, 1980, Section 5)

Section 206. Permitted Hours of Peddling. No person licensed as a peddler under this Ordinance shall engage in peddling at any time on a Sunday, or upon any other day of the week before nine o'clock (9:00) A.M., prevailing time, or after five o'clock (5:00) P.M., prevailing time. (Ordinance 84, September 5, 1980, Section 6)

Section 207. Loudspeakers Not Permitted. No person licensed as a peddler under this Ordinance shall hawk or cry his wares upon any of the streets or sidewalks of the Township, nor shall he use any loud speaker, horn or any other device for announcing his presence by which the public is annoyed. (Ordinance 84, September 5, 1980, Section 7)

Section 208. Use of Streets and Curbs. No person licensed as a peddler under this Ordinance shall park any vehicle upon any of the streets or alleys of the Township in order to sort, re-arrange or clean any of his goods, wares or merchandise; nor may any such person place or deposit any refuse upon any of such streets or alleys; nor may such person maintain or keep a street or curbstone market by parking any vehicle upon any street or alley in the Township for longer than necessary in order to sell or distribute therefrom to persons residing in the immediate vicinity. (Ordinance 84, September 5, 1980, Section 8)

Section 209. Fixed Locations Not Permitted. No person licensed under this Ordinance shall occupy any fixed location upon any of the streets, alleys or sidewalks of the Township for the purpose of peddling, with or without any stand or counter. (Ordinance 84, September 5, 1980, Section 9)

Section 210. License Records; Supervision. The Chief of Police or his agent shall keep a record of all licenses issued under this Ordinance. The Chief of Police shall supervise the activities of all holders of such licenses. (Ordinance 84, September 5, 1980, Section 10; as amended by Ordinance 252, December 3, 2008, Section 1)

Section 211. License Suspension. The Chief of Police of the Township of Amity is hereby authorized to refuse to issue or suspend any license issued under this Ordinance for the following:

- (a) when he deems such suspension to be beneficial to the public health, safety or morals
- (b) for violation of any of the provisions of this Ordinance
- (c) for giving false information upon any application for a license hereunder
- (d) for the individual's violation of their probation or parole in carrying out the activities under the license

(Ordinance 84, September 5, 1980, Section 11; as amended by Ordinance 252, December 3, 2008, Section 2)

Section 212. Penalties. Any person who shall violate any of the provisions of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than Six Hundred Dollars (\$600.00) and costs of prosecution, and, in default of payment thereof, to imprisonment for not more than sixty (60) days. (Ordinance 84, September 5, 1980, Section 12)

Section 213. Severability. The provisions of this Ordinance shall be severable, and if any provision thereof shall be held to be unconstitutional, invalid or illegal by any court of competent jurisdiction, such decision 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 enacted had such unconstitutional, invalid or illegal provision not been included therein. (Ordinance 84, September 5, 1980, Section 13)

Section 214. Enforcement. The Township Solicitor be and he is hereby authorized to take whatever steps are necessary to carry out the provisions of this Ordinance. (Ordinance 84, September 5, 1980, Section 14)