

CHAPTER 13

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PART 1

JUNKYARDS AND REFUSE

§13-101. Title.

This Part shall be known and may be cited as “Towanda Township Junkyard and Refuse Ordinance.”

(Ord. 2, 6/2/1969, §1)

§13-102. Purpose and Intent.

It is the purpose and intent of this Part to promote and protect public health so as to prevent the accumulation of excessive rubbish and junk and the development of potential public health nuisances through the accumulation of unsanitary conditions. Further, to protect the safety and general welfare of the public by eliminating unattractive nuisances and unsafe conditions; at the same time to protect property values of adjacent property owners by regulating and licensing junk dealers in accordance with §§1506 and 1529 of the Second Class Township Code, 53 P.S. §§66506, 66529.

(Ord. 2, 6/2/1969, §2; as amended by Ord. 47, 7/9/2001)

§13-103. Definitions.

The following words shall for the purposes of this Part have the following meanings:

BOARD — Board of Supervisors of Towanda Township.

JUNK — any discarded material and shall include, but not be limited to, scrap metal, two or more abandoned, inoperable and/or unlicensed motor vehicles, machinery, equipment, paper, glass, rubber, tires, containers and structures. It shall not include garbage kept in a proper container for the purpose of prompt disposal. [Ord. 47]

JUNK DEALER — any person, as hereinafter defined, who shall engage in the business of selling, buying, salvaging and dealing in junk and who maintains and operates a junkyard within the Township of Towanda.

JUNKYARD — any place where any junk as hereinafter defined is stored or disposed of.

LICENSE — the permit granted to a person who accumulates, stores or disposes of junk as hereinbefore defined.

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PERSON — any individual, partnership, association and corporation.

TOWNSHIP — Towanda Township, Bradford County, Pennsylvania.

(Ord. 2, 6/2/1969, §3; as amended by Ord. 47, 7/9/2001)

§13-104. License Required.

No person shall engage in business as a junk dealer in the Township without first having obtained a license from the Supervisors, for which license the fee shall be in an amount as established from time to time by resolution of the Board of Supervisors. Such license shall be renewed annually on or before the first day of July of each year. In case where a junk dealer business shall be established in the Township on or after the first day of January in any year, the license fee payable by such junk dealer for the remainder of such year shall be at 1/2 the yearly rate. A credit shall be given to any person engaging in business as a junk dealer within the Township who has his place of business located on a United States highway and said person has made a payment to the United States of America, the Commonwealth of Pennsylvania or any other governmental subdivision for engaging in business as a junk dealer on said United States highway. The credit shall be the amount of the payment made by the junk dealer. The junk dealer shall provide proof of any such payment to the Board.

(Ord. 2, 6/2/1969, §4; as amended by Ord. 47, 7/9/2001)

§13-105. Application for License.

The license provided for in this Part shall be issued by the Board after written application has been made by person or persons desiring to be licensed. The application form shall be provided by the Board. License shall state name of person to whom such license is issued, the premises on which business is to be conducted and the written consent of the property owner to use the property as junkyard. The applicant shall also submit a plot of the premises to be used. Such license shall be posted conspicuously upon the premises licensed.

(Ord. 2, 6/2/1969, §5)

§13-106. Issuance of License.

Upon receipt of an application by the Board, the Board shall issue a license or refuse to issue a license to persons applying therefore after taking into consideration the effect of the proposed use upon the Township, both economic and aesthetic. In the event the Board shall issue a license, it may impose upon the person applying therefore such conditions as may be deemed necessary to carry out the intent and purpose of this Part.

(Ord. 2, 6/2/1969, §6)

§13-107. License Limitation.

No person licensed under this Part shall, by virtue of one license, keep more than one place of business within the Township for purpose of dealing in junk. Nor shall any such person engage in business as a junk dealer in any place other than place designated upon his license.

(Ord. 2, 6/2/1969, §7)

§13-108. Transfer of License.

No license issued by Board shall be transferrable by the licensee to any other person unless such transfer is authorized by Board. Any person desiring to transfer license shall notify the Board in writing, which notification shall be accompanied by the transferee's application for license as described in §105. In the event the Board approves a transfer of location or license, they may impose such conditions as may be deemed necessary to carry out the purpose and intent of this Part.

(Ord. 2, 6/2/1969, §8)

§13-109. Transfer Fee.

In the event the Board shall approve transfer of license, the transferee shall immediately pay to Township a transfer fee in an amount as established from time to time by resolution of the Board of Supervisors.

(Ord. 2, 6/2/1969, §9; as amended by Ord. 47, 7/9/2001)

§13-110. Operational Standards.

Every person who stores junk in this Township shall constantly maintain the premises in accordance with any special provisions imposed by the Board and in the manner prescribed by this Section and any subsequent regulations adopted by the Board.

- A. Such premises shall at all times be maintained so as not to constitute nuisance or menace to health of 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 on such premises.
- C. Whenever any motor vehicle shall be received on such premises as junk, all gasoline shall be drained and removed therefrom. Gasoline in an amount not exceeding 10 gallons may be stored above ground provided same be

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placed in containers approved by Board. All other gasoline which is kept on premises shall be stored underground, which underground storage must be approved by the Board.

- D. The premises on which junk is stored shall be set back a minimum distance of 250 feet from the right of way lines on all streets or roads and a minimum distance of 10 feet from all other property lines. The area between the set back line and the right of way line and all streets and roads and all other property lines shall at all times be kept clear and vacant. [Ord. 47]
- E. Any premises on which junk is stored shall at the set back lines be enclosed by evergreen screen plantings or a uniformly painted solid board fence, or both. The type of evergreen screen plantings and fencing used and the way they are set out must be approved by the Board at the time of the issuance of a license or at the time of renewal or transfer of license.
- F. All junk shall be stored in such a manner and screened so as not to be readily accessible or visible from the street or public road. Junk shall not be stored above the height of the screen plantings or fencing.
- G. All signs displayed on the licensed premises shall be approved by the Board; but in no case shall the total area of one sign exceed four feet by eight feet.
- H. The manner of storage and arrangement of junk and the drainage facilities of the premises shall be such so as to prevent the accumulation of stagnant water upon the premises and to facilitate access for firefighting purposes.

(Ord. 2, 6/2/1969, §10; as amended by Ord. 47, 7/9/2001)

§13-111. Additional Standards.

Any person who has no more than two abandoned and/or unlicensed motor vehicles on his or her premises shall keep those abandoned and/or unlicensed motor vehicles a minimum distance of 500 feet from the right-of-way lines of all streets or roads and a minimum distance of 50 feet from all other property lines, if this is possible. If this is not possible, then the abandoned and/or unlicensed motor vehicles shall be kept at the back side of the premises as far from all streets and roads as possible, so as not to be visible from all streets and roads.

(Ord. 2, 6/2/1969, §11; as amended by Ord. 47, 7/9/2001)

§13-112. Compliance.

Each person subject to this Part shall have six months from the time this Part becomes effective to comply with the provisions of this Part.

(Ord. 2, 6/2/1969, §12)

§13-113. Records.

Every person licensed under this Part 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, and the said book shall at all times be subject to the inspection of any official of the Township.

(Ord. 2, 6/2/1969, §13)

§13-114. Delay in Disposal.

Every person licensed under this Part shall keep and retain upon the licensed premises, for a period of 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 48 hours shall have elapsed.

(Ord. 2, 6/2/1969, §14)

§13-115. Penalties.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$25 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 2, 6/2/1969, §15; as amended by Ord. 47, 7/9/2001)

§13-116. Abatement of Nuisances.

In addition to the remedies provided in §115 above, any continued violation of this Part which shall constitute a nuisance in fact 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.

(Ord. 2, 6/2/1969, §16)

PART 2

ADULT ENTERTAINMENT

§13-201. Legislative Findings.

The Township Supervisors find that:

- A. There has been an establishment of an adult bookstore in a municipality close to the Township of Towanda and inquiries to locate an adult bookstore in the Township of Towanda.
- B. A concentration of such adult bookstores can cause a deleterious effect on the aesthetics and economics of the areas in which these uses are located.
- C. In order to prevent the deterioration of communities and neighborhoods in the Township of Towanda and to provide for the orderly, planned future development of the Township, in addition to existing zoning regulations, certain additional special regulations are necessary to ensure that these adverse effect will not continue to contribute to the blighting or downgrading of surrounding neighborhoods.
- D. For the purpose of controlling the concentration of certain uses, special regulations relating to the location of these uses are necessary.

(Ord. 30, 11/2/1992, §I)

§13-202. Definitions.

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

ADULT BOOKSTORE — an establishment having a substantial or significant portion of its stock-in-trade, books, magazines and other periodicals distinguished or characterized by their emphasis on matter depicting, describing or related to specified establishment with a segment or section devoted to the sale or display of such material and or rental of said material including, but not limited to, video tapes.

ADULT MINI-MOTION PICTURE THEATER — an enclosed building with a capacity for less than 50 persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or related to specified sexual activities or specified anatomical areas for observation by patrons therein.

ADULT MOTION-PICTURE THEATER — an enclosed building with a capacity of 50 or more persons, used for presenting material distinguished or characterized

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by an emphasis on matter depicting, describing or related to specified sexual activities or specified anatomical areas for observation by patrons therein.

CABARET — an adult club, restaurant, theater, mall or similar place which features topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators or similar entertainers exhibiting specified anatomical areas or performing specified sexual activities.

DRUG PARAPHERNALIA STORES — any retail store selling paraphernalia commonly related to the use of any drug or narcotic of which the sale, use or possession is subject to the provisions of the Controlled Substance, Drug, Device and Cosmetic Act, 35 P.S. §§780-101 et seq., including, but not limited to, water pipes, pipe screens, hashish pipes, roach clips, coke spoons, bongos and cigarette rolling paper, except that this shall not be deemed to include the sale of cigarette rolling paper by a store that also sells loose tobacco or the sale by prescription of implements needed for the use of prescribed drugs or narcotics.

SPECIFIED ANATOMICAL AREAS –

- A. Less than completely and opaquely covered:
 - (1) Human genitals, pubic region. [Ord. 47]
 - (2) Buttocks.
 - (3) Female breasts below a point immediately above the top of the areola.
- B. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES –

- A. Human genitals in a state of sexual stimulation or arousal.
- B. Acts of human masturbation, sexual intercourse or sodomy.
- C. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts.

(Ord. 30, 11/2/1992, §II; as amended by Ord. 47, 7/9/2001)

§13-203. Regulated Uses.

The following uses are designated as regulated uses:

- A. Adult bookstores.

- B. Adult mini-motion picture theater.
- C. Adult motion picture theater.
- D. Cabaret.
- E. Drug paraphernalia stores.

(Ord. 30, 11/2/1992, §III)

§13-204. Prohibited Conduct.

1. No regulated use shall be permitted:
 - A. Within 1,000 feet of any other existing regulated use.
 - B. Within 1,000 feet of any existing residential property or any of the following residentially related uses:
 - (1) Churches, chapels, convents, rectories, religious article or religious apparel stores.
 - (2) Schools, up to and including the twelfth grade, and their adjunct play areas, including vocational schools.
 - (3) Public playgrounds, public swimming pools, public parks and public libraries.
 - (4) All other public buildings and offices.
2. For the purposes of this Section, spacing distances shall be measured as follows:
 - A. From all property lines of any regulated use as listed in §203.
 - B. From the outward line of boundary of all residential occupancies.
 - C. From all property lines of any residentially related use listed in subsection (1)(B), above.
3. Said uses as described in §203, adult bookstores, adult mini-motion-picture theater, adult motion-picture theater, cabaret and drug paraphernalia stores, shall only be allowed in the Industrial District as set forth in the Zoning Ordinance.

(Ord. 30, 11/2/1992, §4)

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§13-205. Signs and Other Visible Messages.

All regulated uses shall be permitted to have signs and visible messages based on the allowable sign area of the zoning district in which they are located, provided that:

- A. Signs.
 - (1) Sign messages shall be limited to verbal description of material or services available on the premises.
 - (2) Sign messages may not include any graphic or pictorial depiction of material or services available on the premises.
- B. Other visible messages. Messages which are visible or intended to be visible from outside the property (such as on or within doors or windows) shall not display material, items, publications, pictures, films or live presentation of persons performing or services offered on the premises.

(Ord. 30, 11/2/1992, §V)

§13-206. Discontinuance of Operation.

Should any of the regulated uses listed in §203, above, cease or discontinue operation for a period of 90 or more consecutive days, it may not resume nor be replaced by any other regulated use unless it complies with all the requirements set forth in §§203 and 205 above.

(Ord. 30, 11/2/1992, §VI)

§13-207. Penalties.

Any person violating any of the provisions of this Part shall be subject to prosecution in accordance with the procedures mandated by the Municipalities Planning Code, 53 P.S. §§10101 et seq.

(Ord. 30, 11/2/1992, §VII; as amended by Ord. 47, 7/9/2001)