

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
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Text of the law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

Town of Little Falls

Local Law No. 3 **of the year 1999**

A local law Regulations of Junk Yards

Be it enacted by the Town Board **of the**

Town of Little Falls **as follows:**

Chapter 1.-Legislative Intent

A clean, wholesome, attractive environment is declared to be of importance to the health and safety of the inhabitants and the safeguarding of their material rights against unwarrantable invasion and, in addition, such an environment is deemed essential to the maintenance and continued development of the economy of the state and the general welfare of its citizens. It is further declared that the unrestrained accumulation of junk or junk motor vehicles is a hazard to such health, safety and welfare of citizens of the state necessitating the regulation, restraint and elimination thereof. At the same time, it is recognized that the maintenance of junk yards and recycling facilities as herein after defined, is s useful and necessary business and ought to be encouraged when not in conflict with the express purposes of this section.

Chapter 2.-Definitions

Enforcement Official-Shall mean the Codes Enforcement Officer of the Town of Little Falls; or his duly authorized deputies or assistants.

Owner of Private Property-Shall mean any person, firm, partnership or corporation, whether business or membership or religious, charitable or otherwise; or any purchaser, tenant, lessee, occupant, undertenant, receiver or assignee of private premises or private property; or any other unit or entity owning real property in the unincorporated areas of the Town of Little Falls.

Junk Yard-Shall mean any parcel of land, including buildings thereon, which is used primarily for the collecting, storage or sale of waste paper, rags, scrap metal or discarded material; or for the collection, storage, dismantling or salvaging of machinery, appliances or vehicles not in running condition and the sale of parts therefrom shall be deemed a junkyard.

Municipality-Shall mean a city of less than one million in population, town or village.

Motor Vehicle-Shall be defined as that term is defined and shall be defined as that term is defined in Article 1, Section 125 of the Vehicle and Traffic Law of the State of New York.

Vehicle-Shall be defined as the term is defined in article 1, Section 159 of Vehicle and traffic Law of the State of New York.

Junk-Shall mean any items including, but not limited to old, dilapidated, scrap or abandoned metal, paper, building material and equipment, bottles, glass, appliances, furniture, beds and bedding, rags and rubber.

Junk Vehicle-Shall mean any motor vehicle, trailer or semi-trailer which is inoperable and which by virtue of its condition cannot be economically restored. In addition, any vehicle may be presumed to be a junk vehicle when:

- 1.) Valid license plates are not displayed or license plates have been expired for more than sixty (60) days; or
- 2.) Valid state inspection stickers, as required for the use of the vehicle are not displayed or have been expired for more than sixty (60) days; or
- 3.) The vehicle remains in inoperable condition for more than ninety (90) days; or
- 4.) The vehicle is being held or used for the purpose of resale of used parts therefrom or for the purpose of reclaiming for use, some or all of the material therein for the purpose of disposing of the same.

Chapter 3.-Requirement For Operation Or Maintenance Of A Junk Yard

No person shall operate, establish or maintain a junk yard until he (1) has obtained a license to operate a junk yard business and (2) has obtained a certificate of approval for the location of such junk yard.

Chapter 4.-Application For License And Certificate Of Approval

Application for a license and certificate of approved location shall be made in writing to the Town Board of the Town of Little Falls. The application shall contain a description of the land to be included within the junk yard.

Chapter 5.-Hearing

A hearing on the application shall be held within the municipality not less than two (2), nor more than four (4) weeks from the date of the receipt of the application by the legislative body. Notice of the hearing shall be given to the applicant by mail, postage prepaid, to the address given in the application and shall be published once in a newspaper having circulation within the municipality, which publication shall be not less than seven days before the date of the hearing.

Chapter 6.-License Requirement

At the time and place set for hearing, The Town Board of the Town of Little Falls shall hear the applicant and all other persons wishing to be heard on the application for a license to operate, establish or maintain the junk yard. In considering such application, it shall take into account the suitability of the applicant with reference to his ability to comply with the fencing requirements or other reasonable regulations concerning the proposed junk yard, to any record of convictions for any type of larceny or receiving of stolen goods, and to any other matter within the purposes of this Local Law.

Chapter 7.-Location Requirements

At the time and place set for hearing, the Town Board of the Town of Little Falls shall hear the applicant and all other persons wishing to be heard on the application for certificate of approval for the location of the junk yard. In passing upon same, it shall take into account, after proof of legal ownership or right to such use of the property for the license period by the applicant, the nature and development of surrounding property, such as the proximity of churches, schools, hospitals, public buildings or other places of public gathering; and whether or not the proposed location can be reasonably protected from affecting the public health and safety by reason of offensive or unhealthy odors or smoke, or of other causes.

Chapter 8.-Aesthetic Considerations

At the hearing regarding location of the junk yard, the governing board may also take into account the clean, wholesome and attractive environment which has been declared to be vital importance to the continued general welfare of its citizens by considering whether or not the proposed location can be reasonably protected from having any unfavorable effect therein. In this connection the governing board may consider collectively the type of road servicing the junk yard or from which the junk yard may be seen, the natural or artificial barrier protecting the junk yard from view, the proximity of the proposed junk yard to established residential and recreational areas or main access routes thereto, as well as the reasonable availability of other suitable sites for the junk yard.

Chapter 9.-Grant Or Denial Of Application; Appeal

After hearing, the Town Board of the Town of Little Falls shall, within two weeks, make a finding as to whether or not the application would be granted, giving notice of their finding to the applicant by mail, postage prepaid, to the address given on the application. If approved, the license, including the certificate of approved location, shall be forthwith issued to remain in effect until the following April first. Approval shall be personal to the applicant and not assignable. Licenses shall be renewed thereafter upon payment of the annual license fee without hearing, provided all provisions of this chapter are complied with during the license period, the junk yard does not become a public nuisance under the common law and the applicant is not convicted of any type of larceny or the receiving of stolen goods. The determination of the governing board may be reviewed under article seventy-eight of the civil law and rules.

Chapter 10.-License Fee

The annual license fee shall be twenty-five dollars (\$25.00) to be paid at the time the application is made and annually thereafter in the event of renewal. In the event the application is not granted, the fee shall be returned to the applicant. The Town Board, in addition to the

license fee, may assess the applicant with the costs of advertising such application and such other reasonable costs incident to the hearing as are clearly attributable thereto and may make the license conditional upon payment of same.

Chapter 11.-Fencing

Before use, a new or existing junk yard shall be completely surrounded with a fence at least eight feet in height which substantially screens and with suitable gate which shall be closed and locked, except during the working hours of such junk yard or when the applicant or his agent shall be within. Such fence shall be erected not nearer than fifty feet from a public highway. All motor vehicles and parts thereof stored or deposited by the applicant shall be kept within the enclosure of the junk yard except as removal shall be necessary for the transportation of same in the reasonable course of the business. All loading, unloading, wrecking or other work on such motor vehicles and parts and all burning of same within the vicinity of the junk yard shall be accomplished within the enclosure.

Where topography, natural growth of timber or other considerations accomplish the purpose of this chapter in whole or in part, the fencing requirements hereunder may be reduced by the legislative body, upon granting the license, provided, however, that such natural barrier conforms with the purposes of this chapter.

Chapter 12.-Established Junk Yards

For the purpose of this section, the location of junk yards already established shall be considered approved by the Town Board of the Town of Little Falls where located and the owner thereof deemed suitable for the issuance of a license. Within sixty (60) days from the passage of this section, however, the owner shall furnish the governing board the information as to location which is required in the application, together with the license fee, and the Town Board shall issue him a license valid until next April first, at which time such owner may apply for renewal as herein provided. Such owner shall comply with all other provisions of this section including the fencing requirements set forth in Chapter 11 of this section.

Notwithstanding any of the foregoing provisions of this section, no junk yard, hereafter established, shall be licensed to operate (if) such yard or any part thereof shall be within five hundred (500) feet of a church, school, hospital, public building or place of public assembly.

Chapter 13.-Penalties Of Offense

- 1.) In addition to any expenses which may be collected pursuant to this local law, any person committing an offense against this local law pertaining to the operation and maintenance of a junk yard shall, upon conviction thereof, be guilty of a violation pursuant to the Penal Law of the State of New York, punishable by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment for a term not exceeding fifteen (15) days, or both by such fine and imprisonment. The continuation of an offense against the provisions of this local law shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.
- 2.) In addition or as an alternative to the above penalties, the Town Board may also maintain an action or proceedings in the name of the Town in a court of

competent jurisdiction to compel compliance with or restrain by injunction the violation of this local law.

Chapter 14.-Effective Date

This local law shall take effect immediately upon filing in the Office of the Secretary of State.

Enacted: September 13, 1999