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

County
~~City~~ of Candor
Town
Village

Local Law No. 7 of the year 19⁹⁰

A local law .. Automobile Junk Yard
(Insert title)

Be it enacted by the Board of Councilmen of the
(Name of Legislative Body)

~~County~~
~~City~~ of Candor as follows:
Town
Village

AUTOMOBILE JUNK YARD LOCAL LAW

Be it enacted by the Board of Councilmen of the Town of Candor, County of Tioga and State of New York as follows:

SECTION 1. FINDING. A clean, wholesome, attractive environment is hereby declared to be of importance to the health safety and general welfare of the inhabitants of the Town of Candor and to the orderly development and improvement of the Town. It is hereby found that the unrestrained accumulation of junk motor vehicles constitutes a hazard to such environment, to such development, and to such general welfare of the inhabitants. Accordingly, such accumulation is hereby regulated as follows:

SECTION 2. DEFINITIONS. As used in this Local Law the following terms and phrases shall have the following meanings respectively:

"Motor vehicle" - any vehicle propelled or drawn by power, other than muscular power, originally intended for use on a public highway.

"Junk car" - any unregistered, old, or secondhand motor vehicle no longer intended or in condition for legal use on the public highways.

"Automobile junk yard" -or- "Junk yard" - any place or storage or deposit, whether in connection with another business or not, where two or more junk cars are held, whether for the purpose of reclaiming for use some or all of the material therein, whether metal, glass, fabric, or otherwise, for the purpose of disposing of the same or for any other purpose; such term shall include any place of storage or deposit for any purposes of used parts or waste materials from motor vehicles which, taken together, equal in bulk two or more junk cars.

"Established junk yard" - an automobile junk yard already in existence on the effective date of this ordinance.

"New junk yard" - an automobile junk yard proposed to be established after the effective date of this Local Law.

(If additional space is needed, please attach sheets of the same size as this and number each)

"Person" - an individual, joint venture, partnership, association, or corporation.

SECTION 3. ESTABLISHED, OPERATION AND MAINTENANCE OF AUTOMOBILE JUNK YARDS. No person shall establish, operate or maintain an automobile junk yard within the Town of Candor until he has obtained a license to do so and if a new junk yard, a certificate of approval of the location which complies with the requirements of this Local Law.

SECTION 4. REQUIREMENTS.

(a) The location of an established junk yard shall be deemed approved and the operator thereof deemed suitable for the issuance of a license.

(b) The location of new junk yard must be approved by the Town Board. In consideration such location the Board may take into consideration the nature and development of surrounding property such as the proximity of churches, schools, hospitals, public buildings and places of public gatherings, and whether the proposed location will have an unfavorable effect on the clean, wholesome and attractive environment of the Town. In this connection the 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 barriers protecting the junk yard from view, the proximity of the proposed junk yard to established residential and recreational areas or main access routes thereto, and also the reasonable availability of other suitable sites for the junk yard. In any event no new junk yard may be located within 500 feet of a church, school, hospital, convalescent home, public building, or place of public assembly.

(c) No new junk yard may be considered or established unless the applicant presents with his application the consent of the owners, not including himself, of all real property located within a radius of 1200 feet of the proposed junk yard.

(d) Every junk yard must be fenced or screened, either by fencing which must be maintained in good repair and neat appearance, or by shrubbery or by natural topography, from view from any bounding highway or from any adjacent dwelling, or business establishment of any kind. Where by reason of topography, such as side hill location, a complete screening from such view is not feasible the Town Board may make such modifications to this requirement as, in its judgment, are reasonable and consistent with the purposes of this Local Law. Any such fencing or other screening must be located 50 feet from the center of any bounding highway and not less than 25 feet from the nearest boundary thereof.

(e) Inside and adjacent to the screens and where there is no screening, inside and adjacent to the boundary of the junk, there must be maintained a fire lane of at least 10 feet in width which shall be kept free from combustible material and within which no structures will be permitted and no materials may be stored.

(f) All junk cars, parts, materials must be stored and all handling and wrecking operations must be conducted, within the junk yard, behind any screens and within the fire lanes, except as entry and exit and required in the ordinary course of business.

(g) No operations involving the emission of noise shall be conducted in any automobile junk yard before 8:00 o'clock in the morning or after 9:00 o'clock in the evening.

(h) An operator of an existing junk yard who proposes to discontinue such operation rather than secure a license hereunder may propose to the Town Board a plan to bury all junk cars in his possession or deposit them in a location where they will not be visible from any public highway or from any residence or business establishment. If such plan is approved by the Town Board, and in fact executed, such operator shall be excused from securing a license hereunder provided that he does not engage in any further automobile junk yard operations.

SECTION 5. INSPECTION. The Town Board may cause any automobile junk yard, whether or not licensed, and the site of any proposed new automobile junk yard to be inspected at any time.

SECTION 6. LICENSE AND CERTIFICATE OF APPROVAL OF LOCATION.

(a) Operations of existing junk yards must apply to the Town Clerk within two months from the effective date of this license to operate such junk yard. The application must be in writing on a form provided by the Town, must include a sketch of the junk yard showing its location and boundaries, must describe the screening, existing or proposed, identify the owner of the premises, and, if applicant is not the owner, show that he has a right to use the premises as an automobile junk yard.

(b) Persons proposing to establish a new junk yard must apply to the Town Clerk for a license to establish and operate such junk yard and also for a certificate of approval of the proposed location. The application must be in writing on a form furnished by the Town, must contain the same information set forth in subparagraph (a) immediately above, must also list any convictions of the proposed operator for larceny, receiving stolen goods or offenses or crimes of similar nature and must be accompanied by the consent of adjoining owners required under subparagraph (c) of Section 4.

(c) All applications for a license must be accompanied by the required fee. If a license is not granted the fee will be returned to the applicant.

(d) The Town Clerk shall refer each application for a license to the Town Board at its next regular meeting. In case of an established junk yard, if the Board is satisfied from the application that the applicant has met the requirements of this Local Law, it shall direct the Town Clerk to issue the license. If it appears that the applicant has not yet met the requirements of this Local Law but is able and willing to do so, the Board may direct that the license be issued but be conditioned upon full compliance with the requirements of this Local Law within a specified period of time. In such event, if such compliance is not made, the Board may revoke the license.

(e) In the case of a new junk yard the Town Board shall conduct a public hearing on the application. such hearing shall be held not more than one month after the Board meeting at which the application is presented. Notice thereof stating the time and place of hearing shall be published in the official newspaper of the Town at least seven days before the date of the hearing and shall be mailed to the applicant at the address shown on his application at least seven days before the hearing. At the hearing, the Town Board shall hear the applicant and shall other persons wishing to be heard on the application. In considering the application it shall take into account the suitability of the applicant with reference to his ability to comply with the screening and other requirements of this ordinance, 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

ordinance. Within one month after the hearing the Board shall determine whether the application will be granted and shall notify the applicant if this determination by mail. If the determination is favorable, the Town Clerk shall issue the license and certificate of approval of location. Such license shall be deemed conditional for a period of six months, however. If at the end of such period the operator has not fully complied with the ordinance, the Board may revoke the license.

(f) No license issued hereunder, including a renewal license, shall be assigned to any other persons except with the consent of the Town Board.

SECTION 7. TERM OF LICENSE. The original license shall be issued for a period ending December 31 of the year in which it is issued. Each renewal shall be issued for a period beginning January 1, and ending December 31.

SECTION 8. RENEWAL LICENSE. Not less than 30 days prior to the expiration of a license each licensed operator shall apply in writing to the Town Clerk for a renewal license. Such application shall be referred by the Clerk to the Town Board at its next regular meeting. If the Board is satisfied that the licensee has complied with the requirements of this Local Law it shall direct that the renewal license be issued. If it has reason to believe that the licensee has not complied with all the requirements of this Local Law it shall establish a date, time and place of hearing, upon the application and notify the licensee thereof by mail at least five days before the hearing. Such hearing shall be held, if feasible, prior to the expiration of the license year. If it is held after the expiration of such year the term of the previous license shall be deemed extended until the hearing has been held and the determination on the application made. Such determination must be made within one month from the date of the hearing.

SECTION 9. LICENSED FEE AND EXPENSES. The fee for both an original license, including certificate of approval of location, and for a renewal license shall be \$100.00. In addition, the applicant shall pay the cost of advertising any required public hearing and any other expenses attributable to the hearing.

SECTION 10. ZONING ORDINANCE. If the Town of Candor shall subsequently enact a Zoning Ordinance, then, in addition to the foregoing requirements, an applicant for a license for a new junk yard shall submit with his application a certificate of the Board of Appeals or other appropriate officer or agent of the Town confirming that the proposed location of such junk yard is not in violation of the provisions of such Zoning Ordinance.

SECTION 11. PENALTIES.

(a) Any person who shall violate any part of this Local Law shall be guilty of an offense and upon conviction shall be punishable by a fine not exceeding \$100.00 or by imprisonment not exceeding 15 days, or both. Such conviction shall constitute grounds for revocation of the operator's license, if any, by the Town Board. Each day's failure to comply with the provisions of this Local Law shall constitute a separate offense. In addition the Town Board may enforce this Local Law by injunction.

(b) Upon failure to secure a license hereunder, or upon denial of a license or a renewal license by the Town Board, it shall be the duty of the operator immediately to cease operation of the junk yard and to remove from the premises all junk cars and other material there stored or held in violation of this Local Law and to dispose of them in accordance and in compliance with other applicable Local Laws of the Town of Candor and/or Statutes of the State of New York. Upon his failure to do so

within such time as the Town Board may direct, the Town Board may cause such junk cars and other materials to be removed from the premises and charge the cost of such removal to the operator.

SECTION 12. ENFORCEMENT OFFICER.

A. The Town Board may at any time appoint an enforcement officer, and fix his compensation. His duties shall include the inspection from time to time of licensed junk yards, investigations of proposed junk yards, investigation of alleged unlicensed junk yards, the filing of complaints with respect to violations of this Local Law, and such other duties relevant to this Local Law as the Town Board may from time to time prescribe.

B. The Enforcement Officer shall have the power to issue an appearance ticket pursuant to Section 150.20 of the Criminal Procedure Law, to serve a Summons, to serve and issue any orders or process in the administration of the provisions of this Local Law. In addition, any police officer or inspector authorized by the municipality to assist in enforcement of this Local Law may serve any process, including an appearance ticket, a uniform appearance ticket and simplified information related to any proceeding either criminal or civil in nature undertaken in the enforcement of the provisions of this Local Law.

SECTION 13. EFFECTIVE DATE. This Local Law shall take effect immediately upon filing with the Secretary of State.