

# **Ordinance to License and Regulate Salvage Yards**

BE IT RESOLVED AND ORDAINED, by the Town Board of the Town of Columbus, Chenango County, New York State, pursuant to the provisions of Article 9 of the Town Law of the State of New York, and Article 6 of the General Municipal Law of the State of New York, as follows:

## **Section I. Purpose.**

It is the purpose and intent of this Ordinance to license and regulate the operation of salvage yards as hereinafter described and thereby to provide for the good health, safety and general welfare of the Town and its inhabitants, as required by the provisions of Article 6 of the General Municipal Law regulating junk yards in New York State.

## **Section II. Definitions.**

For the purposes of this section,

“junk yard” shall mean any place of storage or deposit, whether in connection with another business or not, where two or more unregistered, old, or secondhand motor vehicles, no longer intended or in condition for legal use on the public highways, are held, whether for the purpose of resale of used parts there from, for the purpose of reclaiming for use some or all of the materials thereof, 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 such purposes of used parts or waste materials from motor vehicles which, taken together, equal in bulk two or more such vehicles provided, however, the term junk yard shall not be construed to mean an establishment having facilities for processing iron, steel or nonferrous scrap and whose principal produce is scrap, iron, steel or nonferrous scrap for sale for re-melting purposes only.

“Municipality” as used in this section shall mean a city of less than one million in population, town or village.

“Motor Vehicle” shall mean all vehicles propelled or drawn by power other than muscular power originally intended for use on public highways.

## **Section III. Area.**

The regulations prescribed in this Ordinance shall apply to the whole territory constituting the Town of Columbus.

## **Section IV. Licensing.**

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 or approval for the location of such junk yard.

#### **Section V. License Applications.**

Each applicant for such license and certificate of approved location shall submit to the Town of Clerk on a form provided by said clerk, together with license fee, a duly verified written application showing:

(a) That he is a citizen of the United States;

(b) That he has never been convicted of a felony; or misdemeanor; and information as to his experience, financial responsibility, equipment and the nature and location of his place or proposed place of business together with information as to ownership of business and real estate involved. The application shall be referred to the Town Board for action thereon. The application shall also contain a description of the land to be included within the junk yard.

#### **Section VI. Hearing.**

A hearing on any new application shall be held by the Town Board of the Town of Columbus as required by and pursuant to the provisions of Section 136, Subdivisions 5, 6, 7, 8 and 9 of the General Municipal Law of New York State, and notice of said hearing shall be given as required therein. It is the intent of the Town Board of the Town of Columbus to adopt in full the said requirement of said General Municipal Law.

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#### **Section VII. License Fee.**

The annual license fee shall be \$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. In the event the application is not granted, the fee shall be returned to the applicant. In the event a public hearing is required in connection with an application, then the applicant shall be required to pay in addition to the application fee the cost of advertising such application and such other costs as are reasonable incident to the hearing. Such costs are to be paid by said applicant before the license is issued. The license issued shall be placed and at all times displayed in a conspicuous place at the licensee's place of business. Such license shall be affective from the date of issuance to the 31st day of March next succeeding unless sooner revoked and shall not be transferable.

#### **Section VIII. Fencing.**

Before use, a junk yard shall be completely surrounded with a fence at least eight feet in height which substantially screens and with a 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 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 the topography, natural growth of timber or other considerations accomplish the purposes of this Ordinance in whole or in part, the fencing requirements hereunder may be reduced by said Town Board of the Town of Columbus, upon granting the license, provided, however, that such natural barrier conforms with this Ordinance.

### **Section IX. Miscellaneous.**

A public hearing shall not be required as a precedent to the determination of whether or not a license should be issued for any junk yard established on the day this ordinance takes effect.

### **Section X. Renewal.**

Licenses shall be renewed upon application and upon payment of the annual license fee provided all provisions of this Ordinance are complied with during the license period and the junk yard does not become a nuisance and the applicant is not convicted of any type of larceny or the receiving of stolen goods.

### **Section XI. Restrictions.**

- (a) No junk yard shall be licensed to operate which is within 500 feet of a church, school, hospital or public building or a place of public assembly.
- (b) Each licensee shall keep and maintain a book record of each article purchased or collected by him, showing time and place of collection or purchase, and name and addresses of person from whom the same was collected or purchased and shall not dispose of any such article purchased or collected until the expiration of five (5) days from date of purchase or collection. Said book record shall be kept and maintained by licensee for on (1) year subsequent to date of purchase and/or sale of any item.
- (c) No licensee shall collect or purchase any junk, metal, second hand or used materials or second hand or used articles of any kind from any person who is actually or apparently under the age of twenty-one (21) years.
- (d) Each licensee shall permit his place of business, his records and his vehicles to be examined or inspected at any time by any peace officer designated by the Town Board.
- (e) Each such place of business shall be conducted in such a manner so as not to annoy or disturb the occupants or users of adjoining or nearby premises either by or because of noise, foul odors, smoke, unsanitary or unsightly condition of the premises, or so as to constitute a nuisance.
- (f) The disposal, dismantling, cutting up, or reduction of by fire, melting crushing by machine, hammer or mechanical means or burning of any waste materials, metals, parts, waste, substances, second hand or used automobiles, or parts or portions thereof or any other items or substances aforementioned is strictly prohibited on the premises of licensee at any time within a distance of two hundred fifty (250) feet of any structure, building, trailer, house, apartment or dwelling place.
- (g) Acceptance of such license after approval of Town Board shall constitute an agreement to comply with all requirements, orders, rules, regulations and statutes.

(h) Any false statement in an application or any violation of any provisions of this Ordinance or any of the statutes, rules, regulations or order aforesaid shall be grounds for the revocation of such license.

(i) Any such license may be revoked and cancelled by the Town Board, for cause, after due notice to the licensee or his agent or lawful representative, of the alleged violation or violations, and after such licensee has had an opportunity to be heard thereon.

(j) Each person keeping or operating a commercial yard in the Town for the breaking up, scrapping, wrecking, dismantling or disassembling of vehicles or machinery shall provide and keep clear of obstructions reasonable and suitable fire lanes for the passage of fire departments and their fire fighting or fire prevention equipment while entering in and upon such yard for the fighting or prevention of any fire or threatened fire.

## **Section XII. Inspection by Town.**

Any Town peace officer or other officer of the Town designated by the Town Board of the Town for such purpose shall make inspections of all commercial yards in the Town for the purpose of ascertaining that the provisions of this Ordinance are obeyed. Each person keeping or operating any commercial yard in the Town shall freely admit upon and about the yard any such constable, peace officer or officer for the purpose of making the inspection, provided the purpose of such entry is communicated to the person then in charge, or apparently in charge, of the yard, and such inspection is made at any reasonable time of the day or night. Deficiencies in the keeping or operating of the yard in violation of the provisions of this Ordinance may be called to the attention of the person in charge, or apparently in charge, of the yard at the time of the inspection with the request that the alleged deficiencies be remedied forthwith or within a reasonable time, as the circumstances appear to require; but the failure to call such alleged deficiencies to the attention of the person in charge, or apparently in charge, of the yard shall not constitute a defense or an excuse in any proceeding for a violation of any of the provisions of this Ordinance.

## **Section XIII. Penalties.**

Any person, partnership, association, firm or corporation violating any of the provisions of this Ordinance, or operating, conducting or engaging in the business of a junk yard or junk dealer, without a license or after the revocation of any license by the Town Board, shall be guilty of a misdemeanor and shall upon conviction be subject to a fine of not less than \$25.00 and not more than \$50.00 or to imprisonment for not less than ten (10) days and not more than six (6) months or both such fine and imprisonment. Each twenty-four (24) hours that such violation shall continue shall be deemed a separate violation and punishable accordingly. The fine, imprisonment and penalties shall not be exclusive and in case of a violation of any of the provisions of this Ordinance, the Town may, in addition, have available such other legal or equitable remedies as may otherwise be prescribed by law in the premises.

If any subdivision or provision of this Ordinance or the provisions of Section 136 of the General Municipal Law of the State of New York shall be decided by any court of competent jurisdiction to be unconstitutional or invalid, the same shall not affect the validity of this Ordinance as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

**Section XIV. Effective Date.**

This Ordinance shall take effect ten (10) days from the date of publication.