

LOCAL LAW NO. 2 OF 1991
REVISED FEB. 2015

TITLE: A LOCAL LAW REGULATING JUNK YARDS AND
THE STORAGE OF JUNK IN THE TOWN OF
SPARTA, LIVINGSTON COUNTY, NEW YORK

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF SPARTA,
LIVINGSTON COUNTY, NEW YORK, AS FOLLOWS:

ARTICLE A: INTRODUCTION

Section 1. Authority

This law is adopted pursuant to the authority granted to the Town in section 10 of the municipal home rule law and in section 130 (15) of Town Law.

Section 2. Title

This local law shall be known as, “A LOCAL LAW REGULATING JUNK YARDS AND THE STORAGE OF JUNK IN THE TOWN OF SPARTA, LIVINGSTON COUNTY, NEW YORK.”

Section 3. Purpose of the Junk Storage Law

By adoption of this junk law the Town of Sparta declares its intent to regulate and control the storage and keeping of junk, and to regulate junkyards whether operated for commercial profit or otherwise. The Town Board hereby declares that a clean, wholesome, and attractive environment is of vital importance to the continued general welfare of its citizens, and that junk and junkyards can constitute a hazard to property and persons and can be a public nuisance. Such materials may be highly flammable and sometimes the explosive. Junk and particularly junked vehicles can constitute attractive nuisances to children and certain adults. The presence of junk and junkyards is unsightly and tends to detract from the value of surrounding properties unless properly screened from view.

Section 4. Prior Existing Junkyard Law.

This local law shall replace and supersede the prior existing junkyard law of the Town of Sparta.

Article B: Definitions

For the purpose of this law, the following words and phrases shall have meaning ascribed to them in this article.

Enforcement Officer:

Any person appointed by the Town Board to represent them in particular matters pertaining to its local law.

Junk:

Junk is defined as the following.

- A. Wastepaper, rags, metal, glass, wood products, machinery, two or more appliances, equipment, vehicles or parts thereof, or any combination of the above, with the following exceptions:
 - 1) Items collected or stored in a building(s) on the premises which building's access are secure against intrusion, or
 - 2) Items such as firewood that are normally stored outside by the general populace of the town and are solely for domestic use or consumption in the principal dwelling on the premises, or
 - 3) Items specifically allowed by the zoning law to be kept on the premises of an operating business concern in a Business or Industrial District, or on an operating farm in an Agricultural District, or
- B. Two (2) or more unhoused motor vehicles that are either unlicensed, unregistered or uninspected, or any combination thereof, with the following exceptions:
 - 1) Such vehicles stored at a licensed motor vehicle repair shop but only for those vehicles intended to be repaired There at, and that are so repaired in a period of sixty (60) days or less, subject to such reasonable aesthetic demands of the enforcement officer, and

- 2) Motor vehicles held for wholesale or retail sale by licensed motor vehicle auctioneers or sellers.

Junk Yard:

Any parcel of land located in the Town of Sparta used for the collecting, or dismantling or storage or salvaging of junk, or upon which junk is otherwise situated.

Person:

Any individual, firm, partnership, association, corporation, company, or organization of any kind.

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Article C: Junk Regulations

No junk shall be located so as to be visible from public roads

Article D: Junkyard Regulations

Section 1. Location

No junk storage area shall be located within:

- A. 500 feet of any adjoining property line.
- B. 500 feet of any public park, church, educational facility, nursing home, public building or other place of public gathering.
- C. 500 feet of any stream, lake, pond, wetland, or other body of water, or such greater distance as any other law, rule or regulation requires.
- D. 500 feet from the right-of-way of any public highway.

Section 2. Fencing

There must be erected and maintained a twelve (12) foot high fence inclosing the entire junkyard and a secured locking gate, adequate to prohibit the entrance of children and others into the area of the activity or business, and to contain within such fence the materials dealt with by the operator of the junkyard. Fencing requirements may be waived where topography or other natural conditions effectively prohibit the entrance of children and others. As long as all other terms of this law are otherwise complied with.

Section 3. Screening

Where a junkyard is or would be visible from a public highway or from neighboring properties the fence provided in Section 2 above, shall be of wood or other materials sufficient to totally screen the junkyard from view. Such screening may be permitted by adequate planting of evergreen trees or shrubbery.

Section 4. Burning

No materials shall be burned in a junkyard except in compliance with the New York State solid waste disposal law (see NYCRR Part 215).

Section 5. Burying

No junkyard items shall be buried in a junkyard except in compliance with the New York State Solid Waste Disposal Law (see NYCRR part 360).

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Section 6. Approved Junkyard Items

No junkyard items shall be stored in any junk storage area other than those items specified on a junkyard approved by the Town Board pursuant to this law.

Article E: Junkyard Permit

Section 1. Permit Required

- A. No person shall establish or maintain a junkyard or store junk on any premises within the Town of Sparta unless a permit has first been issued for such junkyard pursuant to this law.
- B. No person owning, having any right to, or any interest in any real property within the Town of Sparta shall license, rent, lease, or otherwise permit the use of real property or any part thereof for a junkyard unless a permit has first been issued for such junkyard pursuant to this law.
- C. All permits shall be issued for a period of one (1) year, after which time a renewal shall be required.

Section 2. Temporary Permit for Prior Existing Junkyard.

Any person maintaining a junkyard prior to the effective date of this law within the Town of Sparta shall apply for a permit within sixty (60) days of the adoption of this local law. If the junk storage area does not meet the requirements of article D herein; a temporary permit shall be granted for a period not to exceed one (1) year, during which time the junk storage area shall be arranged to comply with said requirements. If at the end of such period, the junk storage area has not been arranged to comply with said requirements, such person shall cease and desist from maintaining a junkyard and all junk shall be removed from the premises.

Article F. Application Procedure

Section 1. Application

The applicant for a junkyard permit shall obtain application forms from the Town Clerk. The completed forms along with one (1) copy of the proposed site plan, and the appropriate fees, shall be returned to the clerk. The clerk shall submit the application materials to the Town Board.

Section 2. Site Plan Contents

The site plan shall be drawn to scale, indicating all dimensions, and show:

- A. All existing and proposed structures, including fences.
- B. All property lines including the names of owner(s) adjacent property.
- C. All streams, lakes, wetlands, floodplains and other water bodies.
- D. All wells and sanitary facilities.
- E. All roads and easements.
- F. All existing and proposed junk storage areas.
- G. All existing and proposed access-ways, parking and loading areas.

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Section 3. Environmental Impact Statement

An Environmental Assessment form (EAF) shall be completed and submitted with all applications pursuant to the provisions of the State Environmental Quality Review Act, 6

NYCRR Part 617. If the EAF indicates that the proposed activity may be significant environmental consequences, the Town Board shall require that a draft environmental impact statement (DEIS) be submitted with the application. The application shall not be considered completed until the DEIS has been accepted by the Town Board.

Section 4. Application fee and costs

An application fee of Five Hundred Dollars (\$500.00) shall accompany all applications. In addition all fees of engineers and other experts retained by the Town concerning said application shall be paid in full by the applicant at such terms, as the Town requires.

Section 5. Public Hearing

The Town Board shall fix a time within forty-five (45) days of the date a completed application is received for a public hearing. At the Town's expense, notice of the hearing shall be made in the official Town Newspaper at least ten (10) days prior to the date thereof. Also within said ten (10) days the applicant at his cost by certified or registered mail must notify every owner of real property within a radius of one (1) mile of the date, time, place, and purpose of said hearing. Due proof of such mailing must be submitted to the Town Board at or before said hearing. At the hearing the Town Board shall hear the applicant and all other persons wishing to be heard on the application for a junkyard permit.

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Section 6. Town Board Action

Within forty-five (45) days of said hearing the Town Board shall render a decision to approve subject to conditions, or disapprove the application for a junkyard permit. The forty-five day period may be extended by mutual consent of the applicant and the Town Board. All findings of the Town Board shall be entered into the official minutes of the town. The written decision of the Town Board shall immediately be filed in the office of the Town Clerk and the applicant shall be notified of the decision and the reasons for such decision by certified mail with five (5) days of the decision of the Town Board. Upon approval of the site plan and application, and payment of the fees and reimbursable costs due the Town, the Town Board shall endorse its approval upon a copy of the final site plan and application.

Section 7. Issuance of Permit

- A. If the applicant is approved by the Town Board and all fees and reimbursable costs due to the town have been paid to the town by the applicant, a junkyard permit shall be issued by the clerk.
- B. If the application is approved with conditions by the Town Board the clerk shall issue a junkyard permit upon notification by the Enforcement Officer that said conditions have been complied with.

Article G: General Considerations

Section 1. Aesthetic Considerations

In granting or denying a permit, the Town Board shall take the following aesthetic factors into consideration.

- A. Type of road servicing the junkyard or from which the junkyard can be seen.
- B. Natural or artificial barriers protecting the junkyard from view.
- C. Proximity of the site to established residential or recreational areas or main access routes thereto.

Section 2. Location Considerations

In granting or denying a permit, the Town Board shall take the following location factors into consideration:

- A. The nature and development of the surrounding property, such as the proximity of the public parks, churches, educational facilities, nursing homes, public buildings, or places of public gathering.
- B. Whether or not the proposed location can be reasonably protected from affecting the public health and safety by reason of the offensive or unhealthy noise, odors or smoke, or of other causes.
- C. The proximity of streams, lakes, wetlands, floodplains, ground water supplies, and public water supplies.
- D. Local drainage patterns.

- E. Long range comprehensive plans for the Town.
- F. Proximity of the site to established residential or recreational areas.
- G. Availability of other suitable sites for the junkyard.

Article H. Administration and Enforcement

Section 1. Waivers

Whereas the Town Board finds that due to special circumstances of the particular case, a waiver of certain requirements as stated in article D. herein is justified, then a waiver may be granted. No waiver shall be granted, however, unless the Town Board finds, and records in its minutes that:

- A. Granting the waiver would be keeping with the intent and spirit of this law, and is in the best interests of the community.
- B. There are special circumstances involved in the particular case.
- C. Denying the waiver would result in undue hardship to the applicant, provided that such hardship has not been self-imposed.
- D. The waiver is the minimum necessary to accomplish the purpose.

Section 2. Enforcement Officer

- A. The Enforcement Officer shall upon request of the Town Board, make inspections of the premises of any junkyard for which application for a permit has been made, or any other existing junkyard within the town, and shall report to the Town Board on the conditions of such junkyard.
- B. The Enforcement Officer shall make periodic inspections of the town to insure that all existing junkyards have permits and that the requirements of this law are met. Any observed violations shall be reported to the Town Board.

- C. The Enforcement Officer shall not enter the premises of any private property without the consent of the owner. It shall be the responsibility of the applicant to arrange for all required inspections of the premises prior to permit issuance or renewal. Once a permit is issued, as a condition of all permits, the junkyard owner or operator shall have deemed to have consented to allow the Enforcement Officer to enter onto the premises and inspect the junkyard at all times, with or without notice. The frequency thereof to be no more than twice (2 times) per month unless a violation is noted.

Section 3. Revocation of Permit

The Town Board may revoke a junkyard permit upon reasonable cause should the applicant fail to comply with any provisions of this law. Before a permit may be revoked, a public hearing shall be held by the Town Board. Notice of the hearing shall be made in the official newspaper at least five (5) days prior to the date thereof. The permit holder shall be notified of the hearing by certified mail at least five (5) days prior to the hearing. At the hearing the Town Board shall hear the permit holder and all other persons wishing to be heard on the revocation of the junkyard permit. Should the Town Board decide to revoke a permit the reasons for such revocation shall be stated in the Town Board minutes. The permit holder shall be immediately notified of the revocation by certified mail.

Section 4. Penalties and Remedies

- A. Any person who shall violate any of the provisions of this local law shall be guilty of an offense and subject to a mandatory fine of Two Hundred Fifty Dollars (\$250.00) for each offense and up to fifteen (15) days in jail. Every such person shall be deemed guilty of a separate offense for each week such violation, disobedience, omission, neglect or refusal shall continue.
- B. In addition to the above provided penalties, the Town Board may also maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to:
1. Compel compliance with or restrain by injunction the violation of any article of this local law.
 2. Collect from violator(s) all costs of the Town to enforce compliance with this law, including but not limited to all costs of clean-up incurred by the Town, ad all attorney's fees and disbursements incurred by the Town in both Civil and Criminal Proceedings.
- C. Any violation of this law occurring on any premises shall be deemed a

violation of all owners of the premises as well as of all persons actually occupying the premises and all persons legally entitled to possession thereof.

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- D. The Enforcement Officer shall have all powers necessary to enforce this local law.
1. Issuing a Notice of Violation to the owners and/or occupants of the property. Said Notice of Violation shall set forth the property address, the alleged violations of this local law, a statement of what must be done to cure the violation, the date by which the violation must be cured, and the penalties that can be imposed if the violation is not remedied in such time.
 2. At the direction of the Town Board and in consultation with the Town Attorney, pursuing all such criminal and civil proceedings to enforce this local law. In this regard he shall have the power to issue appearance tickets in criminal proceedings.

Article I: Sever-ability

If any clause, sentence, paragraph, section or article of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or article thereof directly involved in the controversy in which such judgment shall have been rendered.

Article J: Effective Date

This law shall be effective upon filing with the Secretary of the State.

