

NEW YORK STATE DEPARTMENT OF STATE
BUREAU OF STATE RECORDS
162 Washington Avenue
Albany, NY 12231-0001

DATE: 10/1/93

OCT - 6 1993

Webmaster COPY 2-73

MUNICIPALITY		
Town of Halcott		
LOCAL LAW(S) NO.	YEAR	FILING DATE
1 thru 3	1993	10/1/93

Local Law Acknowledgment

The above-referenced material was received
and filed by this office as indicated.

GARY A. ROSA
ATTORNEY AT LAW
MAIN STREET
MARGARETVILLE NY 12455

Additional local law filing forms will be
forwarded upon request.

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

Town ofHalcott.....

Village

Local Law No.3..... of the year 19 93.....

A local law...regulating,..controlling..and..licensing..activities..known..as..auto..
graveyards, salvage yards,(insert title) junk yards, and secondhand.

Be it enacted by theTown, Board.....
(Name of Legislative Body)

County

City

Town ofHalcott.....

Village

SECTION I

A Local Law regulating, controlling and licensing activities known as auto
graveyards, salvage yards, junk yards, and secondhand.

SECTION II

PURPOSE:

The outdoor storage of abandoned, junked or discarded vehicles within the
Town of Halcott is detrimental to the health, safety and general welfare of
the community and constitutes a detriment to a clean, wholesome, safe and
attractive environment that is important to the community. It is therefore
necessary to control, regulate and license the outdoor storage of discarded
vehicles.

SECTION III

DEFINITIONS:

Salvage Yards, or Junk Yards: shall mean any place of storage or
deposit, whether in connection with another business or not, where three or
more unregistered, disabled and inoperative motor vehicles, no longer intended
or in condition for legal use on the public highways, are held for a period of
sixty days, whether for the purpose of resale or used parts therefrom without
first obtaining a license therefor as hereinafter provided.

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

Person: an individual, association, partnership or corporation.

Enforcement Officer: Town of Halcott Building Inspector.

SECTION IV

APPLICATION FOR LICENSE AND CERTIFICATE OF APPROVAL:

Application for the license and the certificate of approved location
shall be made in writing to the town board of the Town of Halcott. The
application shall contain a description and site plan of the land to be
included within the salvage or junk yard.

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

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

- A. all existing and proposed structures, including fences;
- B. all property lines including the names of owners of 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 accessways, and parking and loading areas.

A completed Environmental Assessment Form (EAF) shall be submitted with all applications pursuant to 6 NYCRR Part 617 of the State Environmental Quality Review Act. If, when acting as Lead Agent in accordance with said act, the Town Board determines that the proposed action may have a significant effect on the environment (in accordance with Section 617.11 of said act), then it shall require the preparation of a Draft Environmental Impact Statement in accordance with the provisions of 6 NYCRR Part 617.

SECTION V

A hearing on the application shall be held by the town board within 45 days from the date of the receipt of the application by the town board. Notice of the hearing shall be given to the applicant by mail, to the address given in the application and shall be published once in the official town newspaper not less than seven days before the date of the hearing.

SECTION VI

LICENSE REQUIREMENTS:

At the time and place set for hearing, the town board shall hear the applicant and all other persons wishing to be heard on the application for a license to operate, establish or maintain the salvage or 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 salvage or junk yard, to a record of convictions for any type of larceny or receiving of stolen goods and to any other matter within the purposes of this section.

SECTION VII

LOCATION REQUIREMENTS:

At the time and place set for hearing, the town board shall hear the applicant and all other persons wishing to be heard on the application for certificate of approval for the location of the salvage or 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 the 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. Salvage yards and junk yards containing more than five vehicles shall not be located within 500' of existing property lines.

SECTION VIII

AESTHETIC CONSIDERATIONS:

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

SECTION IX

GRANT OR DENIAL OF APPLICATION; APPEAL:

After hearing the town board, shall, within 45 days, make a finding as to whether or not the application should be granted, giving notice of their finding to the applicant by mail, 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 salvage or 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. Then determination of the town board may be reviewed under article 78 of the civil practice law and rules.

SECTION X

LICENSE FEES:

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

SECTION XI

FENCING:

Before use, a new or established salvage or 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 salvage or junk yard or when the application 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 hereof stored or deposited by the applicant shall be kept within the enclosure of the salvage or junk yard except as removal shall be necessary for the transportation of same in the reasonable course of business. All wrecking or other work on such motor vehicles and parts and all burning of same within the vicinity of the salvage or junk yard shall be accomplished within the enclosure. Notwithstanding the provisions herein, all burning and burying shall be in compliance with New York State Law.

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

ESTABLISHED JUNK YARDS:

For the purposes of this section of the location of salvage or junk yards already established shall be considered approved by the town board and the owner thereof suitable for the issuance of a licence. Within sixty days from the passage of this section, however, the owner shall furnish the town board the information as to location which is required in an application, together with the license fee, and the town board shall issue him a license valid until April 1, 1993 at which time the 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 SECTION XI. Notwithstanding any of the foregoing provisions no salvage or junk yard, or any part thereof shall be within five hundred feet of a church, school, hospital, public building or place of public assembly.

SECTION XIII

Violators of any of the portions of this section shall be guilty of an offense punishable by a fine not exceeding one hundred dollars, and each week that such a violation is carried on or continues, shall constitute a separate violation. The imposition of any penalty for any violation of this Ordinance shall not excuse the violation or permit it to continue. At the application of the above penalty or the prosecution of violation of the provisions of this Ordinance shall not be held to prevent the enforced removal of condition prohibited by this Ordinance or the taking of such action as may be authorized by Law.

In addition to the above provided penalties and punishment, the Town Board may also maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance or to restrain by injunction the violations of such ordinance.

SECTION XIV

EXEMPTIONS:

The noncommercial storage of not more than five autos which are not visible from adjacent property lines or road rights of way are exempted from compliance with these regulations.

(Complete the certification in the paragraph which applies to the filing of this local law and strike out the matter therein which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 3 of 19 93....
of the ~~County~~
~~City~~
~~Town~~ of ~~Halcott~~ was duly passed by the ~~...Town Board~~
~~Village~~
(Name of Legislative Body)

onJune..18..... 1993 in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval or no disapproval by Elective Chief Executive Officer,* or repassage after disapproval.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19.....
County
City
of the ~~Town~~ of was duly passed by the
Village
not disapproved
on 19 and was approved by the
repassed after disapproval Elective Chief Executive Officer*

and was deemed duly adopted on 19, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19,
County
City
of the ~~Town~~ of was duly passed by the
Village
not disapproved
on 19 and was approved by the
repassed after disapproval Elective Chief Executive Officer*

on 19 Such local law was submitted to the people by reason of a mandatory referendum, and received the affirmative vote of a majority of the qualified electors voting general thereon at the special election held on 19, in accordance with the applicable annual provisions of law.

4. (Subject to permissive referendum, and final adoption because no valid petition filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19,
County
City
of the ~~Town~~ of was duly passed by the
Village
not disapproved
on 19 and was approved by the
repassed after disapproval Elective Chief Executive Officer*

on 19 Such local law being subject to a permissive referendum and no valid petition requesting such referendum having been filed, said local law was deemed duly adopted

on 19, in accordance with the applicable provisions of law.

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village or the supervisor of a town where such officer is vested with power to approve or veto local laws or ordinances.

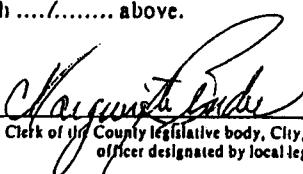
5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19 of the City of having been submitted to referendum pursuant to the provisions of §36 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the ~~special~~ general election held on 19..... became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19 of the County of State of New York, having been submitted to the Electors at the General Election of November 19..... pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit ~~and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election~~, became operative. (If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph above.



Clerk of the County legislative body, City, Town or Village Clerk or
officer designated by local legislative body

Date: 9/28/93

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK
COUNTY OFGREENE.....

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

.....
Signature

.....
Attorney for Town

Title

Date: 9/28/93

County
City
Town ofHalcott
Village