

Chapter 86

JUNKYARDS

[HISTORY: Adopted by the Town Board of the Town of Skaneateles 12-10-1985 by L.L. No. 5-1985. Amendments noted where applicable.]

§ 86-1. Findings and purpose.

A clean, wholesome, attractive and safe environment is declared to be of importance to the inhabitants of the Town of Skaneateles. The unrestrained accumulation of junk motor vehicles is a hazard to the health, safety and welfare of the citizens of the Town, necessitating the regulation and restraint thereof. The regulation, control and licensing of junkyards is in the public interest. The operation of a junkyard can constitute a hazard to property and persons and a public nuisance. Materials found in junkyards are sometimes flammable and dangerous and may present an attractive nuisance to children. The Town Board of the Town of Skaneateles declares that the intent of this chapter is to allow for the disposal of junk, including but not limited to secondhand motor vehicles and all parts thereof, in a safe, controlled and attractive manner.

§ 86-2. Definitions.

For the purposes of this chapter, the following definitions are provided:

ENFORCEMENT OFFICER — Such person as may be designated by the Town Board, from time to time, by resolution, or his deputy or, if none is so designated, the Zoning Enforcement Officer.

JUNK — Old, secondhand or dilapidated materials no longer fit for their intended purpose, whether metal, aluminum, glass, fabric, wood, stone, cement, plastic, paper, cardboard or any synthetic material, including but not limited to motor vehicles, as defined herein, motor vehicles parts, engines, bulldozers, cranes and other construction equipment, airplanes, boats, appliances, furniture, tools and other farm machinery and other large equipment.

JUNKYARD — A place of storage or deposit, whether in connection with another business or not, where motor vehicles, engines, bulldozers, cranes and other construction equipment, airplanes, boats, major household appliances, furniture, farm machinery or other large equipment, or the parts thereof, are held, whether for the purpose of resale of used parts therefrom, 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. By the open storage or deposit of any two such items, or of the parts thereof, such that the recombination of such parts would be substantially similar to two such items, a rebuttable presumption is created that such open storage or deposit is a "junkyard." The presumption may be rebutted by such evidence as a currently valid motor vehicle registration, together with proof of insurance coverage, and a current

inspection with respect to motor vehicles or, with respect to such other items, evidence demonstrating current fitness for the original intended purpose, as well as evidence that such storage or deposit is of a temporary nature; provided, however, that the term "junkyard" 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 remelting purposes only.

MOTOR VEHICLE — All vehicles propelled or drawn by power, other than muscular power, including but not limited to automobiles, trucks, tractor-trucks, trailers, buses, motorcycles, tractors and snowmobiles.

PERSON — An individual, corporation, partnership, firm, group or association.

§ 86-3. License requirements.

- A. No person shall operate a junkyard on real property within the Town of Skaneateles, either for himself or for and on behalf of any other person, for profit or otherwise, at wholesale or retail, which involves the collection, storage, burning, dumping, disassembling, dismantling, salvaging, sorting or otherwise handling or arranging for the sale, resale, storage or disposal of junk, without first obtaining a license therefor as hereinafter provided.
- B. Each applicant for a license to operate a junkyard under this chapter shall execute, under oath, the application therefor supplied to him by the Town, which application shall contain at least the following information:
 - (1) The name and address of the applicant.
 - (2) That the applicant is over 18 years of age.
 - (3) Whether the applicant has ever been convicted of a felony or misdemeanor, and, if so, the full details thereof.
 - (4) Such other facts or evidence as are deemed necessary by the Town Board to establish that the applicant is a person fit and capable of properly conducting the activity or business for which the license is sought.
 - (5) A description of the exact type of business the applicant intends to conduct and the nature of the materials that he intends to handle.
 - (6) The name and address of the owner or owners of the land and the nature of the right of occupancy of the applicant to the use of such lands.
 - (7) For corporations, a separate application must be furnished by each corporate officer. For partnerships, a separate application must be furnished by each partner.
- C. With the application, the applicant shall submit a map of the real property on which he intends to conduct the activity or business for which he is making application for a license hereunder. Such map shall include the location of the fence required hereunder, as well as the location of any buildings on such land and the location of

any streets or highways abutting or passing through such land and the location of any water, sewer or gas mains or laterals available thereto, as well as the general drainage pattern of such land.

- D. A hearing before the Town Board shall be held to consider the application. 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 the official newspaper of the Town not less than seven days prior to the date of the hearing. In considering the application, the Town Board shall take into account the suitability of the applicant, with reference to his ability to comply with all requirements and regulations concerning the proposed junkyard, any record of convictions for any type of larceny or for the receiving of stolen goods and any other relevant matter within the purposes of this section.
- E. After the hearing, the Town Board shall make a finding as to whether or not the application should be granted. If approved, the license shall be issued to remain in effect until the following April 1. Licenses shall be renewed thereafter upon payment of the annual license fee without a hearing, provided that the Enforcement Officer shall find, upon inspection, that all provisions of this chapter are being complied with, that the junkyard has not become a public nuisance under the common law and that the applicant has not been convicted of any type of larceny or of the receiving of stolen goods.

§ 86-4. License fee; conditions of license.

- A. The fee for the license is hereby fixed in the sum of \$50, which sum may, from time to time, be modified by resolution of the Town Board.
- B. Licenses shall be effective from the date of issuance until the next succeeding first day of April, after which a new application for a license must be furnished to the Town as of March 1 for a decision by April 1.
- C. Such license shall be placed and at all times displayed in a conspicuous place at the licensee's place of activity or business for which it is issued.
- D. Such license is personal with the licensee. It may not be sold, assigned, transferred or disposed of.
- E. Such license may be revoked by the Town Board after a public hearing therefor, at which the licensee shall have an opportunity to be heard. Upon revocation of the license, the Town Board may require the removal of any junk left on the premises.
- F. A person operating a junkyard on the effective date of this chapter within the Town of Skaneateles must apply for a license therefor within 30 days thereafter. If the Enforcement Officer shall find that the place where he conducts such activity or business then complies with the requirements a person must meet to secure a license in the first instance, he shall be issued a license therefor if he meets the other requirements contained herein. If the Enforcement Officer shall find that the place where he conducts such activity or business does not then comply with the requirements to secure a license in the first instance, he may be granted a temporary

license not to exceed one year, during which period he must conform the place to the requirements necessary to secure a license in the first instance. If, at the end of such temporary license period, the Enforcement Officer shall find that the person has not conformed his place of such activity or business, he shall forthwith cease and desist engaging in or conducting the same and shall remove any junk from the premises. An adverse decision by the Enforcement Officer must be appealed to the Town Board which shall thereafter hold a hearing to consider the applicant's request for a license.

§ 86-5. Junkyard regulations.

- A. The licensee must personally manage or be responsible for the management of the activity or business for which the license is granted.
- B. The licensee must maintain an office and a sufficient number of employees on the premises to assure proper and safe conduct, to minimize the risk of fire hazard and to prevent trespass upon the premises by children and others.
- C. The licensee must erect and maintain a solid eight-foot-high fence of metal, wood or other materials to screen the view of the premises from the outside and adequate to prevent the entrance of children and others into the area of the activity or business. The fence must be kept in good and sightly condition and contain a suitable gate, which shall be closed and locked, except during the working hours of the junkyard or when the licensee or his agent shall be within. The fence shall be erected not nearer than 50 feet from a public highway. All junk shall be kept within the enclosure of the junkyard, except when removal shall be necessary for the transportation of same in the reasonable course of business. All wrecking or other work on such junk shall be accomplished within the enclosure.
- D. No junkyard may be maintained or operated within 500 feet of a church, school, hospital, public building or place of public assembly, except that this provision shall not apply to junkyards in existence prior to enactment of this chapter.
- E. The junk dealt in by the licensee shall be disassembled or dismantled by means other than by burning. It shall be piled or arranged in neat rows so as to permit easy, clear passage through the area.
- F. The junkyard shall be subject to the fire prevention regulations as provided in this code and the statutes of the State of New York.
- G. Suitable sanitary facilities, connected to approved public sewers or septic tanks, shall be available for the use and convenience of the employees of the licensee, as well as the general public visiting the area.
- H. The Enforcement Officer, members of the Town Board and other appropriate Town officials shall be granted access to the area of the activity or business of the licensee at all reasonable hours to inspect same for compliance herewith.
- I. Access to and from the junkyard shall be designed so as to have a minimal impact upon the traffic patterns of adjacent and surrounding thoroughfares.

- J. The junkyard shall be operated in such a manner and at such times so as to prevent the creation of a common law nuisance to surrounding residents and businesses.
- K. The junkyard must be in compliance with the zoning and other requirements of the Town and state.

§ 86-6. Penalties for offenses.

Any person, firm or corporation which violates any provision of this chapter shall be guilty of an offense against this chapter and shall be subject to a fine for the first week's continuation of such violation, or any portion of that week, of not more than \$250 or imprisonment for not more than 15 days, or both. In addition thereto, any person, firm or corporation which violates any of the provisions of this chapter or which shall omit, neglect or refuse to do any act required by this chapter shall, severally, for each and every such violation, forfeit and pay a civil penalty not to exceed \$100 per day for each day of continued violation in excess of one week. The imposition of penalties for any violation of this chapter shall not excuse the violation or permit it to continue. The application of the above penalty or penalties for any violation of this chapter shall not preclude the closing of the junkyard and the enforced removal of conditions prohibited by this chapter. The expenses of the Town in enforcing the closure and removal of materials from the premises, including legal fees, may be chargeable, in addition to the aforesaid criminal and civil penalties, to the offender and may be recovered in a civil court of appropriate jurisdiction.