

TOWN OF TICONDEROGA
COUNTY OF ESSEX, STATE OF NEW YORK
Local Law No. 6 of the Year 2003
A LOCAL LAW REGULATING JUNKYARDS

Be it Enacted by the Town Board of the Town of Ticonderoga, as follows:

Section 1. Legislative Intent.

A clean, wholesome, attractive environment is declared to be of importance to the health and safety of the inhabitants of the Town of Ticonderoga. It is further declared that unregulated junkyards have the potential to adversely affect the health, safety and welfare of the citizens of the Town, necessitating the regulation thereof.

Section 2. Definitions.

As used in this Local Law, the following terms shall have the meanings indicated:

“Junkyard”: Any place of storage or deposit, whether in connection with another business or not, where three **(3) 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 material therein, whether metal, glass, fabric or otherwise, for the purpose of disposing of the same, or for any other purpose. Such term shall also include any open lot or area for the dismantling, storage or sale as parts, scrap or salvage of used or wrecked motor vehicles, machinery, scrap metals, wastepaper, rags, used or salvaged building materials, or other discarded materials. For purposes of this Local Law, a motor vehicle is not in a condition for legal use on public highways if major parts of the vehicle are not found thereon, including but not limited to, the engine, seats, seatbelts, steering parts, wheels, gas tank, brakes, bumpers, or windshield, or any other parts that are required to make a motor vehicle legal for use on public highways.

“Pre-existing Junkyard”: A Junkyard in existence on the effective date of this Local Law.

“Motor Vehicle”: A vehicle propelled or drawn by power other than muscular power originally intended for use on public highways.

Section 3. Location, Special Use Permit, License.

A Junkyard, as defined under this Local Law, May only be located in an Industrial District established under the Town’s Zoning law, and only on parcels of land of five (5) acres or more. No Junkyard shall be located within five hundred (500) feet of a church, school, hospital, public building or place of public assembly. No person or entity shall operate, establish or maintain a Junkyard unless a special use permit and license have been obtained pursuant to the provisions of this Local Law.

Section 4. Application for Special Use Permit.

A. Applications for a special use permit for a Junkyard shall be submitted to the Town Planning Board Clerk for consideration by the Town Planning Board.

B. Applications shall set forth the name, occupation and residence address of the applicant, the location of the proposed Junkyard, the area of the land involved and its classification under the Town Zoning Ordinance, the details and specifications of the fencing and other screening devices to be utilized by the applicant, and all other matters required by the Town Site Plan Review Law’s provisions regarding special use permits, Town Law section 274-a, any other applicable Law, and the Planning Board.

C. In considering such applications, the Planning Board shall take into account the applicable provisions of this Local Law, the Town’s Site Plan Review Law, Town Law section 274-a, and any other

applicable Law, the classification and character of nearby property, the type of road servicing the applicant's property, the proximity of the proposed Junkyard to established residential and recreational areas or main access roads, the natural or artificial barriers that would protect the proposed Junkyard from view, and the reasonable availability of other suitable sites for the proposed Junkyard.

Section 5. Pre-Existing Junkyards.

A. Pre-existing Junkyards shall be approved by the **Town Planning Board for a special use permit** upon the submission of a special use permit application provided to such **within six months after a copy of this Law is provided to such owner by the Building Inspector**, or by another Town employee, official or consultant at the direction of the Town Board, and the Planning Board finding that such Junkyard is a Pre-existing Junkyard.

B. Should any owner of a Pre-existing Junkyard fail to make the above referenced application within such six month time period, or if the application is so made but the Planning Board finds that the Junkyard is not a Pre-existing Junkyard, such Junkyard shall not have Pre-existing status and shall be subject **to all provisions** of this Local Law.

C. Within one year after a copy of this Law is provided to the owner of a Pre-existing Junkyard by the Building Inspector, or by another Town employee, official or consultant at the direction of the Town Board, such Pre-existing Junkyards shall be fully in compliance with every provision of this Local Law.

Section 6. License.

A. Upon the approval by the Town Planning Board of a special use permit for a Junkyard, the applicant must obtain a license from the Town Clerk before commencing Junkyard operations. The applicant must provide the Town Clerk with the special use permit approval certified by the Planning Board Clerk and a license fee of \$500 (Five Hundred Dollars). Upon receipt of same, the Town Clerk shall issue a Junkyard license to the applicant which shall expire on the following June 30.

B. Special use permits and licenses for Junkyards shall be personal to the applicant and not assignable.

C. The Town Clerk shall issue a renewal license for a Junkyard upon receipt of certification from the Town Building Inspector that the Junkyard is in compliance with the provisions of this Local Law and other applicable Laws, and a license renewal fee of \$500 (Five Hundred Dollars).

Section 7. Fencing.

A. New Junkyards, and **Pre-existing Junkyards** within one year after a copy of this Law is provided to the Junkyard owner by the Building Inspector, or by another Town employee, official or consultant at the direction of the Town Board, shall be completely surrounded with a fence which substantially screens the Junkyard. The fence shall;

- (I) include a **suitable gate** which shall be closed and locked except during working hours,
- (ii) consist of a **uniform opaque** material,
- (iii) be painted in such a **color that it will blend** in with the surroundings,
- (iv) be uniform in height and at least eight **(8) feet tall**,
- (v) not have advertising matter of any kind attached to it or painted on it, and
- (vi) not be closer than ten **(10) feet from a public highway** right of way

B. Natural features on the applicant's property may be used to accomplish the **fencing requirements** of this Local Law, in whole or in part.

C. All Junkyard materials shall be kept within the Junkyard fence, except as is necessary for the transportation of the same in the reasonable course of the business, and shall not be piled or stacked to a height above the fence or screening device. All activities associated with the Junkyard shall take place within the fence.

Section 8. Open Burning.

No waste material shall be burned in a Junkyard unless a permit for such burning has been issued by the New York State Department of Environmental Conservation and any other governmental entity with jurisdiction.

Section 9. Private Storage of Motor Vehicles.

Owners of private property in the Town may store or maintain no more than two (2) **unregistered**, old or secondhand motor vehicles, which motor vehicles are in the process of being refurbished for legal use on public highways, upon the owner's property upon the following conditions:

A. Such motor vehicles are screened with an opaque fence, or a well maintained motor vehicle cover made of a thick waterproof and weather-resistant cloth. A plastic tarp or other like plastic covering shall not be deemed an appropriate means of screening or covering motor vehicles.

B. Such motor vehicles are kept in such a condition so as to prevent the leaking, spillage, or other discharge from such motor vehicle of any anti-freeze coolants, oil or other petroleum products, or any other substance, whether in solid, liquid, or gaseous form.

Section 10. Administration and Enforcement.

The Town of Ticonderoga Building Inspector shall be responsible for the administration and enforcement of this Law and shall act upon any written complaint, or his observation, of an alleged or possible violation of this Local Law. The Building Inspector, and police officers, may issue appearance tickets as specified in section 11 hereof. The Building Inspector may also request the Town Board to take action under section 12 and/or section 13 hereof, and the Town Board may take action on its own initiative under section 12 and/or section 13 hereof.

Section 11. Penalties.

The Building inspector, or any person defined as a "police officer" pursuant to the New York State Criminal Procedure Law, is authorized to issue an appearance ticket, in compliance with the provisions of the Criminal Procedure Law, to any person who is violating any provision of this Law, requiring such person to appear before a Town Justice. Such a violation shall constitute a violation punishable by a fine not exceeding Two Hundred Fifty Dollars (**\$250**). Subsequent violations of this Law by the same person(s) shall constitute a misdemeanor punishable by a fine not exceeding One Thousand Dollars (**\$1,000**), or by imprisonment in the Essex County Jail for not more than one year, or by both such fine and imprisonment. Each day's continued violation of this Law shall constitute a separate additional misdemeanor.

Section 12. Injunctive and Other Relief.

The Town Board may authorize an action or proceeding to be brought in the name of the Town seeking injunctive and other relief with regard to an alleged violation of any provision of this Local Law.

Section 13. Town Board Hearing and Order.

A. Upon finding that a violation of this Law may exist that is, or may become, dangerous or unsafe to the public, the Town Board may direct that notice be given to the owner of the property upon which the alleged violation exists. The notice shall set forth that a public hearing will be held, and that if it is determined by the Town Board at such hearing that such a violation does exist, the owner will be required to remedy the violation, failing which the Town may act to remedy the violation and charge the owner for the costs of same.

B. Such notice shall be personally delivered to the property owner, or sent to the property owner by registered mail addressed to the owner's last known address as shown on the Town's latest real property tax assessment roll or on the last recorded deed for the property, in such number of days in advance of the hearing date as is reasonable under the circumstances.

C. Upon the conclusion of the public hearing, if the Town Board finds that there exists a

violation of this Law upon the subject property that is, or may become, dangerous or unsafe to the public, the Town Board shall issue an order directing the property owner to remedy the violation within a specified number of days that is reasonable under the circumstances, and stating that if the property owner fails to remedy the violation within the specified number of days, the Town may act to remedy the violation and charge the owner for the costs of same.

D. If the property owner fails to remedy the violation within the specified number of days, and the Town acts to remedy the violation, the Town may personally deliver, or mail in the manner specified above, a bill to the property owner for the costs of remedying the violation.

E. If the property owner does not pay the Town the full amount set forth in such bill within thirty (30) days after the delivery or mailing of same, the Town Board may cause to be recorded in the Town Clerk's Office a sworn statement by the Building Inspector showing the costs for the remedial work, the date(s) on which the work was performed and the location of the property on which the remedial work was conducted. The recording of such sworn statement shall constitute a lien on the property which shall remain in full force and effect until full payment has been made. Said amount shall be collected in the manner fixed by law for the collection of taxes. In the event that said amount is not paid in full on or before the date the tax bill upon which it appears is last due without penalty, said amount shall be subject to the same delinquent penalty as the delinquent penalty for Town real property taxes. Sworn statements recorded in accordance with the provisions hereof shall be full notice to every person concerned that said amount of the statement constitutes a charge against the property designated thereon and that the same is due and collectible as provided by law.

Section 14. Effect.

This Local Law shall not be construed to affect or supersede the Town's Zoning Ordinance. This Local Law shall not be construed to affect or supersede the applicability or requirements of any other State law for which an applicant may need approvals, including without limitation, any applicable Adirondack Park Agency requirements, any Environmental Quality Review Act (SEQRA), or any other State agency requirements. As allowed by General Municipal Law Section 136(12), this Local Law is intended to be in place of the powers granted to the Town of Ticonderoga pursuant to the remaining provisions of General Municipal Law Section 136.

Section 15. Severability.

If any provisions of this Local Law are held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, the remaining provisions of this Local Law shall remain in effect.

Section 16. Effective Date.

This Local Law shall take effect upon filing with the New York State Secretary of State.