

Ordinances Regulating Junkyards and Salvage Yards in the
Town of Crown Point.

- Section 1 Definitions
- Section 2 License Required
- Section 3 Application for license and certificate of approved location.
- Section 4 Hearing
- Section 5 Grant or Denial of Application
- Section 6 License Provisions
- Section 7 Regulations
- Section 8 Violation
- Section 9 Saving Clause
- Section 10 Effective Date

Legislative Intent:

By the adoption of this ordinance, the Town Board of the Town of Crown Point declares its intent in so doing to regulate, control and license junkyards and salvage yards. The presence of such junkyards and salvage yards is unsightly and tends to depreciate not only the property on which it is located, but also the property of other persons in the neighborhood and the Town of Crown Point generally. Said Town Board hereby declares that such can constitute a hazard to property and persons and a public nuisance. Such materials may be highly inflammable and sometimes explosive. Gasoline tanks on old automobiles often contain in some quantity combustible gasoline, the engine and other parts of such automobiles are frequently covered with grease and oil which is also inflammable. The tires, plastic seats, tops and other elements of such auto are also inflammable. Batteries and other matter potentially harmful to humans. These autos frequently contain sharp metal or glass edges or points upon which human could receive serious cuts and abrasions.

Section 1 Definitions

As used in this ordinance, the terms:

Persons- Shall mean pasindividual, an association, a corporation.

Motor Vehicle- Shall mean passenger auto, truck, tractor truck, bus, motorcycle,

Owner of Private Property- Includes the legal ownwr contract purchaser, a tenant, lessee, occupant, undertenant, receiver or assignee of premises or property located within the Town of Crown Point.

Junkyard- Shall mean any place of storage or deposit, whether in connection with another business or not, where five (5) or more unregistered, old, or second-hand motor vehicles, no longer intended or in condition to be used for the purpose they were originally intended.

Salvage Yard- Shall mean consisting of the storage of second-hand or used materials whether composed of wood, paper, cloth, cardboard, plastics, metals, stone or cement or otherwise. Involving an area consisting of 400 Square Feet, and individuals requiring increased footage will be subject to review by Town Board.
License Required

Section 2

No person shall engage in or conduct on real property within the Town of Crown Point, New York; either for himself or on behalf of any other person directly or indirectly as agent or employee, any junkyard or salvage yard at wholesale or retail, which involves collection, storage, burning, dumping disassembly, dismantling, or salvaging for sale or parts of autos, without first obtaining a license therefor, and without first having obtained a certificate of approval for location of such junkyard or salvage yard.

This ordinance distinguishes completely from such uses when conducted entirely within a completely enclosed building and suchas distinguished from garage and home sales of used items and establishments for the sale, purchase or storage of used cars in operable condition, salvaged machinery, used furniture and household equipment and the processing of used, discarded or salvaged materials as part of manufacturing operation.

A license shall not be required by a State Licensed new or used dealer, licensed repair shop and or body shop, subject however, to the requirements that any part of said business that involves dismantling of cars must be fenced in accordance with the requirements of this ordinance.

Application for license and certificate of approved location.

A. Each applicant for a license shall execute, under oath, an application to be supplied to him by the town clerk, which shall contain the following information: that the applicant is over 18 years of age, whether he has ever been convicted of a felony or misdemeanor and such other facts or evidence as are deemed necessary to establish that he is a person fit and capable of properly conducting the business for which the license is sought.

B. At the time of making the application the applicant shall submit to and file with the Town Clerk a map or plan of the real property upon which he intends to conduct a junkyard or salvage yard for which he is making application. The location of the fence required, as well as the location of any buildings, streets and or highways abutting or passing through such land.

C. In the application, the applicant shall agree that if granted the license applied for, he will set forth and that upon his failure to do so such license shall be revoked.

D. Before license is granted the applicant must acquire a Surety Bond in the Amount one Thousand dollars (1000.00) guaranteeing compliance with the provisions of this ordinance.

E. Within sixty days after this law becomes effective each owner of an existing junkyard shall apply for a license, included this application the information on location requirements for a new junkyard, and the license fee. Such applicants shall comply with all provisions of this law.

Section 4

Hearing

A. A public hearing on the application shall be held within the Town of Crown Point not less than Two (2) nor more than four (4) weeks from the date of the receipt of the application. 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 newspaper which publication shall not be less than seven (7) days before the date of the hearing.

B. 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 A JUNKYARD OR salvage yard such as described herein. In considering such application, the Board shall take into account suitability of the applicant with reference to his ability to comply with the fencing requirements and other regulations in this ordinance. Any record of convictions for any type of larceny or receiving of stolen goods and any other matters within the purpose of this ordinance will be reviewed.

C. 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 location of the junkyard or salvage yard proposed. The Board shall take into account, after proof of legal ownership or right to the use of the property for the license period by the applicant, the nature and development of surrounding property such as the proximity of churches; schools; public buildings or other places of public gatherings; 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. If the proposed location is within five hundred (500) feet of a church, school, public building or place of assembly a license shall not be granted.

D. At the hearing regarding location of the proposed junkyard or salvage 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 general welfare of the citizens of the Town by considering whether or not the proposed location can be reasonably protected from having unfavorable effect on surrounding property.

The Town Board may consider the type of road serving the junkyard or salvage yard, the natural or artificial barriers protecting the proximity of the proposed junkyard or salvage yard to establish residential areas or main access routes thereto, as well as the reasonable availability of other suitable sites for the proposed junkyard or salvage yard described above.

Section 5

Grant or Denial of application

After hearing the Town Board shall within two (2) weeks make a finding as to whether or not the application shall be granted giving notice of their findings 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 June 30- less than a year will be prorated. Approval shall be personal to the applicant and not assignable. Licenses shall be renewed thereafter upon payment of annual fee without hearing, provided all provisions of this ordinance are complied with during the license period, the junkyard or salvage yard does not become a public nuisance and the applicant is not convicted of any type of larceny or the receiving of stolen goods.

Section 6

License provisions

- A. The fee for the license is hereby fixed in the sum of fifty dollars (\$50.00) and is renewable and payable annually, to the Town Clerk of Crown Point. The sum covers not only the cost of issuing the license itself but also the cost of making the necessary inspection of premises to ascertain compliance with the regulations hereinafter prescribed.
- B. Such license shall be placed and at all times displayed in a conspicuous place at licensee's junkyard or salvage yard for which it is issued.
- C. Such license shall be effective from the date of its issuance until the 30th day of June of the year of such issuance after which an application for renewal must be made yearly if licensee desires to continue such junkyard or salvage yard.
- D. Such license is personal with the licensee. It does not go with the title of the land nor may it be sold, assigned, transferred or disposed of.

E. Such license may be revoked by the Town Board after a public hearing thereon at which the licensee shall have the opportunity to be heard. Upon revocation of the license the Town Board may require the removal of autos, parts and materials left.

F. The Town Building inspector or other appointed officer shall check the application for compliance with the requirements of the local ordinance and any other applicable regulations affecting such an installation. The Town Building Inspector or other duly appointed officer shall, after such investigation, transmit the application to the Town Clerk together with his written findings.

Section 7

Regulations

A. The licensee must personally manage or be responsible for the management of the junkyard or salvage yard for which the license is granted.

B. The Commercial licensee must maintain an office and a sufficient number of employees on the premises to assure the proper and safe conduct of such junkyard or salvage yard to minimize the fire hazard and to prevent improper trespass by children and others.

C. The licensee must erect and maintain an eight foot high fence. If such area abuts a residential area or public street or highway, such fence shall be fifty (50) feet from the boundary line thereof. All materials dealt in by the licensee shall be kept within the fence at all times.

D. The fencing requirements may be reduced by the Town Board upon granting the license to the extent that the Board finds that natural barriers will fully accomplish the purpose of fencing.

Section 8

Violation

A violation of any provision of this ordinance shall be punishable by a fine of not more than five hundred dollars (\$500.00) or by imprisonment for not more than thirty (30) days or by both such fine and imprisonment. The continuation of an offense against the provisions of this ordinance shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.

Section 9

Saving Clause

If any clause, sentence or paragraph, sections or part of this ordinance shall be adjudged by any court of competent jurisdiction to invalid such judgement shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to clause, sentence, paragraph, section or part thereof directly involved in the controversy in which judgement shall be rendered.

Section 10

Effective Date

This ordinance shall take effect within ten (10) days after publication and posting or immediately upon personal service.

BY ORDER OF THE TOWN BOARD OF THE
TOWN OF CROWN POINT, ESSEX COUNTY,
STATE OF NEW YORK

DATED: April 3, 1991