

TOWN OF MEREDITH

LOCAL LAW NO. 1 OF THE YEAR 1995

**A Local Law regulating the placement
and storage of junk**

**Be it enacted by the Town Board of the
Town of Meredith as follows:**

ARTICLE A: TITLE, PURPOSE, AUTHORITY

Section 1. Title

This local law shall be known as the "Town of Meredith Junk Storage Law."

Section 2. Purpose

By adoption of this law the Town of Meredith declares its intent to regulate and control the storage or 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 be a public nuisance. 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 value of surrounding properties unless properly screened from view.

Section 3. Authority

This law is adopted pursuant to the authority granted the Town in Section 10 of the Municipal Home Rule Law and in Section 130 (15) of the Town Law.

ARTICLE B: DEFINITIONS

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

Junk -

The outdoor storage or deposit of any of the following shall constitute junk.

1. Two (2) or more junk vehicles as further described herein.
2. One (1) or more abandoned mobile homes or trailers, or two (2) or more abandoned all terrain vehicles or snowmobiles (as defined in the New York State Vehicle and Traffic Law).
3. Two (2) or more inoperable appliances

including, but not limited to, lawn and garden machines, washers, dryers, dishwashers, stoves, refrigerators, freezers and televisions.

4. Two (2) or more inoperable pieces of equipment.
5. Collection and storage of any second hand or used material which, taken together, equal in bulk volume five hundred (500) cubic feet or more.

Junkyard -

The outdoor storage or deposit of any of the following:

1. Two (2) or more junk vehicles as further defined herein.
2. One (1) or more abandoned mobile homes or trailers, or two (2) or more abandoned all terrain vehicles or snowmobiles (as defined in the New York State Vehicle and Traffic Law).
3. Two (2) or more inoperable appliances including, but not limited to, lawn and garden machines, washers, dryers, dishwashers, stoves, refrigerators, freezers and televisions.
4. Two (2) or more inoperable pieces of equipment.
5. Collection and storage of any second hand or used material which, taken together, equal in bulk volume five hundred (500) cubic feet or more.

Nothing herein contained shall be deemed to prevent farmers, loggers, or contractors from storing and/or maintaining on their own premises, motor vehicles, machinery and equipment now used by them in their business. Also nothing herein contained shall be deemed to prevent the conduct of a New York State licensed new and/or used car business or a bona fide garage business and the parking of not to exceed fifteen (15) vehicles in the process of or waiting for repairs.

Junk Storage Area -

The area of any parcel of land intended to be used for the placement or storage of junkyard items.

Junk Vehicles -

Any motor vehicle, whether automobile, bus, trailer, truck, tractor, mobile home, motorcycle, motor bicycle, mini bicycle or snowmobile or any other contraption originally intended for travel on the public highways, which is abandoned, stored, left or located by its owner or any other person or is permitted or condoned to be abandoned, stored, left or located by its owner or any other person on public or private premises in the Town of Meredith, outside of a junkyard which has a permit to operate in the Town of Meredith, which vehicle:

1. Is not registered by the State of New York for operation on public highways and which has not been registered during the preceding six (6) months;
2. Is not currently registered and not in a condition for legal use on the public highways. A vehicle which is in condition to pass the requirements for the New York State motor vehicle inspection sticker shall be deemed in condition for legal use on public highways;
3. Is no longer intended to be used on the public highways, the condition of the vehicle and circumstances surrounding its storage or abandonment being admissible for purposes of determining such intent; or
4. Is being held or used for the purpose of resale of used parts therefrom or for the purpose of reclaiming for use some or all of the materials therein or for the purpose of disposing of the same.

Enforcement Officer -

Any person appointed by the Town Board to represent them in particular matters pertaining to this Local Law.

Person -

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

ARTICLE C: JUNK REGULATIONS

No junk, as defined herein, shall be located so as to be visible from public roads or from neighboring properties.

ARTICLE D: JUNKYARD REGULATIONS

Section 1. Location

No junk storage shall be located within:

- A. Two hundred (200) feet of any adjoining property line;
- B. Two hundred (200) feet of any public park, church, educational facility, nursing home, public building or other place of public gathering;
- C. Two hundred (200) feet of any stream, lake, pond, wetland or other body of water; or
- D. Two hundred (200) feet from the right-of-way of any public highway.

Section 2. Screening

A. Existing Junkyards

Where a junkyard is visible from a public highway or from neighboring properties an eight (8) foot high fence shall be erected of wood or other materials as approved by the Town Board sufficient to totally screen the junkyard from view. As an alternative, the Town Board may permit such screening by adequate planting of evergreen trees or shrubbery.

B. New Junkyards

Before use, a new junkyard shall be completely surrounded with a fence at least eight (8) feet in height which substantially screens and with a suitable gate which shall be closed and locked except during the working hours of such junkyard or when the applicant or his agent shall be within.

Where the junkyard is not visible from a public highway or from neighboring properties, and where the topography, natural growth of timber or other

considerations accomplish the purposes of this Local Law in whole or in part, the fencing requirements hereunder may be reduced by the Town Board, provided, however, that such natural barrier accomplishes and is consistent with the purposes and objectives of this Local Law.

Section 3. Burning

No materials shall be burned on a junkyard site except in compliance with the New York State Outdoor Burning Law (see 6 NYCRR 215).

Section 4. Burying

No junkyard items shall be buried in a junkyard except in compliance with the New York State Solid Waste Disposal Law (see 6 NYCRR 360).

Section 5. Approved Junkyard Items

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

ARTICLE E: JUNKYARD PERMIT

Section 1. Permit Required

No person shall establish or maintain a junkyard, as defined herein, without first obtaining a junkyard permit from the Town of Meredith. All permits shall be issued for a period of one (1) year, after which time renewal shall be required. All existing permits shall expire on April 1 annually.

Section 2. Existing Junkyards, Temporary Permit

Any person presently maintaining a junkyard, as defined herein, on real property within the Town of Meredith must apply for a permit within sixty (60) days of the adoption of this Local Law. If the place where such activity is conducted does not meet the requirements of ARTICLE D herein, a temporary permit may be granted for a period not to exceed one (1) year, during which time the place shall be arranged to comply with said requirements. If at the end of such period the place has not been arranged so as to comply with said requirements, such person shall cease and desist from maintaining a junkyard and all junk shall be removed by the landowner within sixty (60) days. If after sixty (60) days the junk is not removed, the Town reserves the right to

have the junk removed and disposed of and all costs of such removal and disposal shall be borne by the landowner.

ARTICLE F: APPLICATION PROCEDURE

Section 1. Application Form

The applicant for a junkyard permit or permit renewal shall obtain application forms from the Town Clerk. The completed forms, along with one copy of the proposed or existing site plan, and the appropriate fees, shall be returned to the Clerk. The Town Clerk shall submit the application materials to the Town Board for their review.

Section 2. Environmental Assessment

An Environmental Assessment Form (EAF) shall be completed and submitted with all applications pursuant to the provisions of the State Environmental Quality Review Act (see 6 NYCRR 617). If the EAF indicates that the proposed activity may have 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 complete until the DEIS has been accepted by the Town Board. No EAF will be required for permit renewal unless the renewal increases the size or changes the character of the junkyard.

Section 3. Application Fee

A non-refundable application fee of twenty-five dollars (\$25.00) shall accompany all applications for initial permits or renewal affecting the size or character of the junkyard. Routine annual renewal applications shall be accompanied by a twenty-five dollar (\$25.00) non-refundable fee.

Section 4. Public Hearing

The Town Board shall hold a public hearing within forty-five (45) days of the date a complete application is received 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. 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. A permit shall be renewable annually without a public hearing upon payment of the annual fees unless the renewal increases the size or changes the character of the junkyard.

Section 5. Approval or Disapproval

Within forty-five (45) days of said hearing, the Town Board shall render a decision to approve, approve with conditions, or to disapprove the application for a junkyard permit. The forty-five (45) day period may be extended by mutual consent of the applicant and the Town Board. If the application is disapproved, the reasons for such disapproval shall be entered into the Town Board minutes. The applicant shall be notified of the decisions and the reasons for such decision by certified mail within five (5) days of the decision of the Town Board.

Section 6. Issuance of Permit

If the application is approved by the Town Board, a Junkyard Permit shall be issued by the Town Clerk. Approval shall be personal to the applicant and not assignable.

If the application is approved with conditions by the Town Board, the Town Clerk shall issue a Junkyard Permit upon notification by the Enforcement Officer that said conditions have been complied with.

ARTICLE G: GENERAL CONSIDERATIONS

In reviewing, granting or denying a permit, the Town Board shall take the following aesthetic and locational factors into consideration:

Section 1. Aesthetic Considerations

- a. Type of road serving the junkyard or from which the junkyard can be seen.
- b. Natural or artificial barriers protecting the junkyard from view.

Section 2. Locational Considerations

- a. The nature and development of surrounding property, such as the proximity of 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 offensive or unhealthy noise, odors of smoke, or of other causes.

- c. The proximity of streams, lakes, wetlands, flood plains, groundwater 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 E: ADMINISTRATION AND ENFORCEMENT

Section 1. Requirements for Operation

- a. The permittee must personally own the land or be responsible for the management of the activity or business for which the permit is granted.
- b. Such permit shall be displayed conspicuously at all times at the permittee's place of activity or business for which it is issued.
- c. The permittee must assure the proper and safe conduct of such activity or business, to minimize the fire hazard therefrom and to prevent trespass thereon. All junkyard operations shall be accomplished within the junk storage area.
- d. The Enforcement Officer, or the Town Board, or any of its representatives shall be granted access to the area of business of the applicant at all reasonable hours to inspect the same for compliance herewith.

Section 2. Enforcement Officer

- a. The Enforcement Officer shall make inspections of the premises of any junkyard for which application for permit has been made and shall inspect at least annually, 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 ensure that all existing junkyards have permits and that the requirements of this law are met.
- 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.

Section 3. Revocation of Permit

The Town Board may revoke a Junkyard Permit upon reasonable cause should the applicant fail to comply with any provision 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. Upon revocation, all operations shall stop and the owner will have sixty (60) days to remove all junk. If after sixty (60) days the junk is not removed, the town reserves the right to have the junk removed and disposed of and all costs of such removal and disposal shall be borne by the landowner.

Section 4. Penalties

Any person who shall violate any of the provisions of this Local Law shall be guilty of an offense and subject to a fine of not less than fifty dollars (\$50.00) and not more than two hundred fifty dollars (\$250.00) or by penalty of not less than fifty dollars (\$50.00) and not more than two hundred and fifty dollars (\$250.00) to be recovered by the town in a civil action. Every such person shall be deemed guilty of a separate offense for each week such violation, disobedience, omission, neglect or refusal shall continue.

Section 5. Failure to Comply

In addition to 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 compel compliance with or restrain by injunction the violation of any article of this Local Law.

ARTICLE I: PREVIOUS LAWS

This law shall supersede and revoke any previous ordinance

or local law of the Town of Meredith regulating Auto Wrecking and/or Junkyards.

ARTICLE J: SEVERABILITY

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 K: EFFECTIVE DATE

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