

TOWN OF MORIAH

A local law regulating Junk Yards in the Town of Moriah, outside the limits of the incorporated Village of Port Henry

Be it enacted by the Town Board of the Town of Moriah as follows:

SECTION 1. Definitions

As used in this ordinance, the terms:

Person- Shall mean an individual, an association, a partnership, a corporation.

Auto - Shall mean passenger auto, truck, tractor-truck, trailer, bus, motorcycle, or other vehicle, however propelled, as well as tractors, bulldozers, machinery and equipment.

Junk Yard - Shall mean any place of storage or deposit whether in connection with another business or not, where two (2) or more unregistered, old, or second-hand 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 therefrom, or for any other purpose.

SECTION 2. License Required

No person shall engage in or conduct on real property within the Town of Moriah, New York, either for himself or for and on behalf of any other person directly or indirectly as agent, employee or otherwise, any junk yard or any activity or business either for profit or otherwise, at wholesale or retail, which involves collection, storage, burning, dumping, disassembly, dismantling, salvaging, sorting or otherwise handling or arranging for sale, resale, storage or disposal of bodies, engines or parts of autos, or of any other second-hand or used property of whatever material it is composed of or any waste material whether composed of wood, paper, cloth, cardboard, plastics, metals, stone, cement or otherwise without first obtaining a license therefor, and without first having obtained a certificate of approval for the location of such junk yard or activity or business as hereinafter provided.

A license shall not be required by a State licensed new or used car dealer, subject however, to the requirement that any part of a new or used car dealer's business that involves dismantling of cars must be fenced in accordance with the requirements of this ordinance.

A license shall not be required by farmers or contractors for an iron pile. These iron piles must be fenced in or out of public view from town, county and state highways.

SECTION 3. Application for license and certificate of approved location:

A. Each applicant for a license and certificate of approved location shall execute under oath an application therefor, to be supplied to him by the Town Clerk, and shall submit such application to the Town Board.

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 junk yard or activity or business for which he is making application for a license and certificate of approved location hereunder with the area of such real property which it is proposed to use for such purpose, the location of the fence required hereunder indicated thereon, 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.

C. In the application, the applicant shall agree that if granted the license applied for, he will conduct the activity or business pursuant to the regulations hereinafter set forth and that upon his failure to do so such license may be revoked forthwith.

D. Before license is granted the applicant must acquire a Surety Bond in the amount of Five Hundred Dollars (\$500.00) guaranteeing compliance with the provisions of this ordinance.

SECTION 4. Hearing

A. A public hearing on the application shall be held within

the Town of Moriah 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, postage prepaid, 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 junk yard or activity or business such as described herein. In considering such application, the Board shall take into account the suitability of the applicant with reference to his ability to comply with the fencing requirements and other regulations herein contained, to any record of convictions for any type of larceny or receiving of stolen goods and to any other matter within the purposes of this ordinance.

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 application for certificate of approval of the location of the junk yard or activity or business contemplated herein. In passing upon same, the Board shall take into account, after proof of legal ownership or right to 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 junk yard or activity or business as contemplated herein, 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 the citizens of the Town 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 serving the junk yard or activity or business or from which the junk yard or activity or business may be seen, the natural or artificial barriers protecting the junk yard or activity or business from view, the proximity of the proposed junk yard or activity or business to established residential and residential areas or main access routes thereto, as well as the reasonable availability of other suitable sites for the proposed junk yard or activity or business described herein.

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 finding to the applicant by mail, postage prepaid, 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 30th. 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 ordinance are complied with during the license period, the junk yard or activity or business 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. Existing junk yards or activity or business

For the purpose of this ordinance the location of a junk yard or activity or business described herein already established shall be considered approved by the Town Board where located and the owner thereof deemed suitable for the issuance of a license; however, within thirty (30) days from the adoption of this ordinance such owner shall

comply with all regulations of this ordinance including fencing requirements and such owner shall further furnish the Town Board the information as to location, which is required in an application, together with a license fee, and the Town Board shall issue him a license valid until the next June 30th, at which time such owner may apply for renewal as herein provided.

SECTION 7. License Provisions

A. The fee for the license is hereby fixed in the sum of Twenty-five Dollars (\$25.00) and is renewable and payable annually, which 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 the licensee's junk yard or place of activity or business 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 junk yard or activity or business.

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 duly 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 8. Regulations

A. The licensee must personally manage or be responsible for the management of the junk yard or 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 the proper and safe conduct of such junkyard or activity or business to minimize the fire hazard therefrom and to prevent improper trespass thereon by children and others.

C. The licensee must erect and maintain an eight foot high fence which screens the junk yard, business or activity from view and is adequate to prohibit the entrance of children and others into the area of the junk yard or activity or business and to contain within such fence the materials dealt in by the licensee, and 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 such fence at all times.

D. When the area is not supervised by the licensee or his employees, the fence shall be locked in a secure gate in a secure manner.

E. The area of the licensee's junk yard or activity or business shall not be used as a dump area nor as a place for the burning and disposal of junk or trash.

SECTION 9. Violation

A violation of any provision of this ordinance shall be punishable by a fine of not more than One Hundred Dollars (\$100.00) or by imprisonment for not more than thirty (30) days or by both such fine and imprisonment.

SECTION 10. Saving Clause

If any clause, sentence, paragraph, section or part of this ordinance 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 part thereof directly involved in the controversy in which such judgment shall be rendered.

SECTION 11. Effective Date

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

STATE OF NEW YORK)
COUNTY OF ESSEX) SS.:

MAE WILLIAMS, Town Clerk of the Town of Moriah, Essex County, New York, do hereby certify that I have compared the foregoing with the Junk Yards Ordinance adopted at a meeting of the Town Board of the Town of Moriah held on the 18th day of September, 1973, at which hearing a quorum was present and that the same is a correct transcript therefrom and of the whole original thereof and all amendments thereto to date.

This ordinance shall take effect at noon on the 5th day of October, 1973, by order of the Town Board of the Town of Moriah.

Witness my hand and the corporate
seal of the said Town of Moriah
on the 5th day of October, 1973

Mae Williams
MAE WILLIAMS