

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

☐ County ☐ City ☒ Town ☐ Village
(Select one:)

of Wayland

Local Law No. 5 of the year 20²⁰

A local law Regulating Junkyards and the Storage of Junk in the Town of Wayland,

(Insert Title)

Steuben County, New York

Be it enacted by the Town Board of the
(Name of Legislative Body)

☐ County ☐ City ☒ Town ☐ Village
(Select one:)

of Wayland

as follows:

See attached for the complete text of the Local Law.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 5 of 2020 of the ~~(County)(City)(Town)(Village)~~ of Wayland was duly passed by the Town Board on November 16, 2020, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. ~~(Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ and was deemed duly adopted (Elective Chief Executive Officer*) on _____ 2011, in accordance with the applicable provisions of law.~~

3. (Final adoption by referendum.)

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20____. (Elective Chief Executive Officer*)~~
Such local law was submitted to the people by reason of a ~~(mandatory)(permissive)~~ referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the ~~(general)(special)(annual)~~ election held on _____ 20____, in accordance with the applicable provisions of law.

4. ~~(Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.~~

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. ~~(City local law concerning Charter revision proposed by petition.)~~

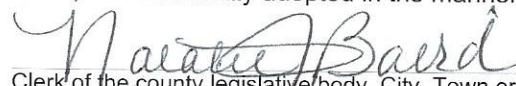
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the ~~(special)(general)~~ election held on _____ 20____, became operative.

6. ~~(County local law concerning adoption of Charter.)~~

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____ above.


Clerk of the county legislative body, City, Town or Village Clerk or
officer designated by local legislative body

Date: November 16, 2020

(Seal)

TOWN OF WAYLAND, NEW YORK
A LOCAL LAW REGULATING JUNKYARDS AND THE STORAGE OF JUNK IN THE TOWN OF
WAYLAND, STEUBEN COUNTY, NEW YORK

Local Law No. 5 of the year 2020

WHEREAS, the Town Board wishes to enact a new Local Law for the purpose of amending the existing Local Law 2 of the year 2008, entitled "A LOCAL LAW REGULATING JUNKYARDS AND THE STORAGE OF JUNK IN THE TOWN OF WAYLAND, STEUBEN COUNTY, NEW YORK"

NOW THEREFORE, be it enacted by the TOWN BOARD of the Town of Wayland as follows:

ARTICLE A: INTRODUCTION

Section 1. 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 Town Law.

Section 2. Title

This local law shall be known as, "A LOCAL LAW REGULATING JUNKYARDS AND THE STORAGE OF JUNK IN THE TOWN OF WAYLAND, STEUBEN COUNTY, NEW YORK"

Section 3. Purpose

By adoption of this junk law the Town of Wayland declares its intent to regulate and control the storage and 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 can be a public nuisance. Such materials may be highly flammable and sometimes be explosive. Junk and particularly junked vehicles can constitute attractive nuisances to children and certain adults. The presents of junk and junkyards are unsightly and tend to detract from the value of surrounding properties.

Section 4. Exclusions

The following are excluded from the provisions of this local law:

1. Utility trailers, boats, and boat trailers, provided that they are properly registered with the State of New York within 12 months of the effective date of this local law.
2. Motorcycles and recreational vehicles, provided that they are properly registered with the State of New York within 18 months of the effective date of this local law.
3. Farm equipment in usable condition.
4. Camping trailers and recreational vehicles, provided that they are properly registered with the State of New York within 18 months of the effective date of this local law.

In addition to the exceptions listed above, the presence on any tax parcel of only one motor vehicle meeting the definition of junk as set forth in this local law shall not be deemed a violation of this local law provided that (1) said motor vehicle is registered within 12 months of the effective date of this local law, and (2) no other violations of this local law exist on the same premises.

ARTICLE B: DEFINITIONS

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

ABANDONED VEHICLE: Any automotive vehicle or trailer, which is without currently valid license plate(s) that is left to remain outside of a completely enclosed building in the same lot or part of a lot for more than thirty (30) days.

CLUTTER, LITTER and DEBRIS: Ordinary household or commercial trash such as paper, barrels, cartons, boxes, crates, furniture, rugs, clothing, rags, mattresses, blankets, tires, lumber, brick, stone or other building materials no longer intended or in condition for ordinary use; and any and all tangible

personal property no longer intended or in condition for ordinary and customary use, including garbage.

CODE ENFORCEMENT OFFICER: Any person appointed by the Town Board to represent them in particular matters pertaining to its local laws.

GARAGE, PRIVATE: An accessory building which provides for the storage of motor vehicles or household items on the lot upon which it is erected, with no provision for repairing or servicing such vehicles for profit.

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

A. Two (2) or more un-housed motor vehicles that are either unlicensed, unregistered or un-inspected, or any combination thereof, with the following exceptions:

1. Such vehicles stored at a licensed motor vehicle repair shop, but only if the vehicle is intended to be repaired thereat, and that is so repaired, in a period of sixty (60) days or less, after first being placed on the premises and subject to such reasonable aesthetic demands of the code enforcement officer.
2. Motor vehicles held for wholesale or retail sale by licensed motor vehicle auctioneers or sellers.
3. One un-housed motor vehicle that is unlicensed, unregistered or un-inspected or any combination thereof, is allowed on any premises, but only if the following requirements are met: The area around the vehicle shall be kept mowed and free of debris, and the vehicle shall not remain unregistered for more than 12 months.

B. One (1) or more mobile homes in a state of disrepair or an unusable condition.

C. One (1) or more abandoned or inoperable appliances, including, but not limited to, washers, dryers, dishwashers, stoves, refrigerators, freezers, and televisions.

D. Any accumulation of clutter, litter or debris, with the following exceptions:

1. Items collected or stored in a building with secure access against intrusion, or
2. Items such as firewood that are normally stored outside, or
3. Items specifically allowed by law to be kept on the premises of an operating business concern in a Commercial or Industrial District, or on an operating farm.

JUNKYARD: The outdoor storage or deposit of any of the following:

1. Three (3) or more junk motor vehicles,
2. Two (2) or more junk mobile homes,
3. Three (3) or more junk appliances,
4. Three (3) or more pieces of junk furniture
5. Any combination of the above that totals five (5) items.

Exclusions: The following conditions are hereby excluded from the definition of a junkyard.

1. Unlicensed vehicles in operating condition stored by or for the owner while the owner is (a) a full time student of the immediate family attending a school, college or university; or (b) a member of the United States Armed Forces; or (c) suffering from an injury or illness requiring hospitalization or confinement in a bed; but in no event shall the above exclusions be valid in excess of (1) year.
2. Repair shops, including vehicle repair shops, wrecker operations with or without on-site storage, and auto body shops (having less than six (6) vehicles that are unregistered, or uninsured, or uninspected).
3. Seasonal vehicles or machinery during their off season, if kept in an orderly manner.

MOTOR VEHICLE: All vehicles propelled or drawn by power other than muscular power originally intended for use on public highways, including but not limited to automobiles, buses, trailers, trucks, tractors, motor-homes, motorcycles and mini-bicycles. This term shall also include all-terrain vehicles and snowmobiles.

PERSON: Any individual, group of individuals, partnership, corporation, club, society, organization, firm or association of any kind.

TEMPORARY STORAGE: Vehicles collected and stored for less than sixty (60) days while en route to a scrap yard.

UNREGISTERED VEHICLE: Any vehicle for which the registration plates for the current year have not been issued and affixed thereto.

WASTE: Any material temporarily or permanently discarded or unwanted.

WRECKS: Vehicles in such condition that they cannot be repaired or which have remained unrepaired for thirty (30) days after the damage occurred or which, because of age and prior use, are unsuitable for use on the highway.

ARTICLE C: JUNKYARDS

Section 1. No lot in the Town of Wayland may hereafter be used as a junkyard. It shall be unlawful for any person, firm or corporation to maintain or to permit to be maintained or abandoned waste for a period in excess of sixty (60) days.

Section 2. Pre-existing Junkyards

Any legally established junkyard in existence when this law is enacted, shall comply with the following minimal standards:

1. All junk shall be stored behind fencing that is aesthetically appealing to obstruct the view of said junkyard from passersby and neighbors.
2. No materials shall be burned in a junk storage area of a junkyard except in compliance with the New York State Solid Waste Disposal Law (See 6 NYCRR Part 215) and all other applicable laws.
3. No junk or junkyard items shall be buried in a junk storage area or junkyard except in compliance with the New York State Solid Waste Disposal Law (See 6 NYCRR Part 360) and all other applicable laws.

ARTICLE D: JUNK REGULATIONS

No person shall, within the Town of Wayland, deposit, store, accumulate or abandon upon any real property, nor cause, consent or permit to be deposited, stored, accumulated or abandoned upon any real property owned or occupied as a tenant any junk, clutter, rubbish, garbage, litter, debris, refuse, or waste matter or material of any kind, or parts and components of vehicles. Any such condition shall not exist for a period longer than ten (10) days after receipt by such person of the notice prescribed by Article E, Section 1.

ARTICLE E: ADMINISTRATION AND ENFORCEMENT

Section 1. Notice

Upon violation of this local law, written notice shall be given to the occupant or owner of the property, or to the owner of the junk, clutter, rubbish, garbage, litter, debris, etc., or to all such persons, directing the violation to be corrected within ten (10) days after receipt of such notice.

The notice shall be served by personal service or by certified mail, return receipt requested, addressed to the last known address of the occupant or owner of the property. If such certified mail is refused or returned, service shall be made by mailing a copy of the notice by first class mail, return receipt requested, to the address of the occupant or property owner in a post office or official depository under the exclusive care and custody of the United States Postal Service within the State of New York.

Section 2. Waivers

Where the Town Board finds that due to special circumstances of a particular case, a waiver of certain requirements is justified, then a waiver may be granted. No waiver shall be granted, however, unless the Board finds, and records in its minutes, that:

1. Granting the waiver would be in keeping with the intent and spirit of this law, and is in the best interests of the community; and
2. There are special circumstances involved in the particular case; and
3. Denying the waiver would result in undue hardship to the applicant, provided that such hardship has not been self-imposed; and

4. The waiver is the minimum necessary to accomplish the purpose; the Town Board shall establish waiver time limits on a case by case basis according to the special circumstances involved, which circumstances shall be documented by the Town Board.

Section 3. Enforcement

1. The Code Enforcement Officer shall, upon request of the Town Board, citizen's complaint, or sighting, make an inspection of any junk storage area or junkyard within the Town.
2. The Code Enforcement Officer shall make periodic inspections of the Town to ensure that all requirements of this local law are met.
3. The Code Enforcement Officer shall not enter the premises of any private property without the consent of the owner except as provided for in paragraph 4 of this section.
4. Failure by any person to comply with this local law shall be a violation of this local law and shall subject such person to the penalties set forth in section 4 of this article. In addition, in the event that such noncompliance continues for a period of greater than 30 days after service of the notice described in section 1 of this article, or in the event that the Town Board determines that there is a clear and imminent danger to the life, safety or health of any person or property, the Town Board may provide for the correction of such violation(s) either by Town of Wayland employees or by contract. If the Town Board provides for the correction of such violation(s) pursuant to this paragraph, all reasonable expenses incurred by the Town in correcting such violation(s) shall be reimbursed to the Town by the violator(s) as an additional penalty assessed against said violator(s), in addition to the penalties set forth in section 4 of this article.

Section 4. Penalties

1. Any person who violates any provision of this local law shall be guilty of a violation and subject to a fine of not less than \$50.00 nor more than \$500.00 for a first violation, and, for each subsequent violation within a five (5) year period, a fine of not less of \$50.00 nor more than \$1,000.00 or imprisonment for not more than 15 days, or both fine and imprisonment. Each week of continued violation shall constitute a separate violation.
2. In addition to the above provided penalty, the Town Board may also maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to:
 - a. Compel compliance with or restrain by injunction the violation of any article of this local law; and
 - b. Collect from the violator(s) any reasonable attorney's fees and other costs incurred by the Town to enforce this local law against said violator(s) and to address the corresponding violations through civil and/or criminal proceedings.
3. Any violation of this law occurring on the premises shall be deemed a violation of all owners of the premises as well as of all persons actually occupying the premises and all persons legally entitled to possession thereof.

ARTICLE F: 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 G: EFFECTIVE DATE

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