

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 of Wayland
☒ Town
☐ Village

Local Law No. 2 of the year 20 08

A local law Regulating Junkyards and the Storage of Junk in the Town of Wayland, Steuben County,
(Insert Title)
New York.

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

- ☐ County
☐ City of Wayland as follows:
☒ Town
☐ Village

(Delete this line of text and enter text of local law here)

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"**

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

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. Purpose: Exclusions

The following are excluded from the provisions of this law:

1. Recreational vehicles, such as campers and motor homes,
2. Boats and boat trailers,
3. Farm equipment that is usable, not broken and abandoned,
4. Utility trailers,
5. Motorcycles, and
6. Seasonally registered vehicles.

ARTICLE B: DEFINITIONS

For the purpose of this law, the following words and phrases shall have meaning 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.

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 are 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 enforcement officer, and

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 required is met: The area around the vehicle shall be kept mowed and free of debris.
- B. One (1) or more junk mobile homes.
- C. One (1) or more abandoned or inoperable appliances including, but not limited to washers, dryers, dishwashers, stove refrigerators, freezers and televisions.
- D. Any accumulation of clutter, litter or debris, with the following exceptions:
1. Items collected or stored in a building and access is secure 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) 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 un-inspected).
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 un-repaired 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 junkyard except in compliance with the New York State Solid Waste Disposal Law (See NYCRR Part 215)
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 NYCRR Part 360)

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 an 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 both such persons, directing the violation 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 law are met.
3. The Code Enforcement Officer shall not enter the premises of any private property without the consent of the owner.

Section 4. Penalties

1. Any person who shall violate any of the provisions of this local law shall be guilty of an offence and subject to a mandatory fine of two hundred fifty dollars (\$250) for each offence. Each week the offence continues shall constitute an additional and separate offence subject to another \$250 fine.

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. To collect from the violator(s) any attorney's fees needed by the Town to enforce this local law against the violations in both the civil and criminal proceedings allowed for in this section.
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.

(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. 2 of 20 08 of the ~~(County)(City)(Town)(Village)~~ Town Board of Wayland was duly passed by the (Name of Legislative Body) on 8-11 - 20 08, in accordance with the applicable provisions of law.

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 (Name of Legislative Body) on _____ 20 _____, and was (approved)(not approved) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20 _____, 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 (Name of Legislative Body) on _____ 20 _____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20 _____. 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 (Name of Legislative Body) on _____ 20 _____, and was (approved)(not approved) (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 _____
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 _____
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 _____ 1 _____, above.

(Seal)

Beverly Robinson - Town Clerk
Clerk of the county legislative body, City, Town or Village Clerk or
officer designated by local legislative body Beverly Robinson
Date: 8-11-2008

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other
authorized attorney of locality.)
STATE OF NEW YORK
COUNTY OF STEUBEN

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been
had or taken for the enactment of the local law annexed hereto.

Patrick F. McAllister
Signature
Patrick F. McAllister, Attorney for the Town of Wayland
Title

~~County~~
~~City~~ of Wayland
~~Town~~
~~Village~~

Date: 8-11-2008