

(Please Use this Form for Filing your 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 TRUXTON
~~Town~~
~~Village~~

Local Law No. 1 of the year 1988

A local law REGARDING JUNK YARDS AND THE ACCUMULATION OF OLD MOTOR VEHICLES.
NO LONGER IN CONSIDITION (Insert title) FOR USE ON THE PUBLIC HIGHWAYS

Be it enacted by the TOWN BOARD of the
(Name of Legislative Body)

~~County~~
~~City~~ of TRUXTON as follows:
~~Town~~
~~Village~~

SECTION 1: INTENT

This law is adopted to protect the health, safety and welfare of the residents of the Town of Truxton, and to protect the value of real property, and to promote and perpetuate the attractive appearance of neighborhoods in the community by providing for the regulation of junk yards and the prohibition of the accumulation of certain motor vehicles not in condition for use on the public highways. While the accumulation of 2 or more junk cars may not be intended to create a junk yard for purposes of this Law, the accumulation of such vehicles shall be construed as being a junk yard.

SECTION 2: DEFINITIONS

A. Junk Yard - Any area of land, including buildings thereon which is used for the collecting, storage and or sale of waste paper, rags, scrap metal or discarded materials; or any place of storage of deposit whether in connection with another business or not, where two (2) or more unregistered, N.Y.S. uninspected, old or secondhand motor vehicles no longer intended or in condition for legal use on the highways are held, whether for the purpose of disposing of the same or for any other purpose.

B. Junk Car - An unregistered motor vehicle which is not inspected for legal use on the public highway of the State of New York.

SECTION 3. REQUIREMENTS FOR OPERATION AND MAINTENANCE

No person shall operate, establish or maintain a junk yard until he (1) has obtained a license to operate a junk yard business and (2) has obtained a certificate of approval for the location of such junk yard.

SECTION 4. APPLICATION OF LICENSE AND CERTIFICATE OF APPROVAL.

Application for the license and the certificate of approved location shall be made in writing to the Town Board of the Town of Truxton. The application shall contain a description of the land to be included within the junk yard.

(If additional space is needed, please attach sheets of the same size as this and number each)

SECTION 5. HEARING

A hearing on the application shall be held within the Town of Truxton by the Town Board no less than 30 days from the date of the receipt of the application by the Town Board. 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 a newspaper having a circulation within the Town, which publication shall not be less than seven (7) days before the date of the hearing. Notice shall also be mailed to the owners of lands adjacent to the property on which the junk yard is to be located.

SECTION 6. LICENSE REQUIREMENTS.

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 a license to operate, establish or maintain the junk yard. In considering such application, said Board shall take into account the suitability of the applicant with reference to his or her ability to comply with the fencing requirements or other reasonable regulations concerning the proposed junk yard, 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 section. Where application is made by a tenant, written permission supporting the application shall be submitted by the owner of the land to be used as a junk yard.

SECTION 7. ESTABLISHED JUNK YARDS

1. For the purposes of this Section the location of junk yards already established shall be considered approved by the Town Board of the Town of Truxton and the location thereof deemed suitable for the issuance of a license. Within sixty (60) days from the passage of this Local Law however, the owner shall furnish the Town Board the license fee and the Town Board shall issue him a license valid until the next December 31st, at which time such owner may apply for renewal as herein provided.

Such owner shall comply with all other provisions of the section for requirements of junk yards including the fencing requirements set forth in this law before a new license will be issued.

2. Non-conforming junk yards.

Notwithstanding the provisions of this Law, the operation and maintenance of a non-conforming junk yard shall not be permitted unless such use be permitted by this Section.

SECTION 8. FENCING

Before a license for a junk yard shall be issued, the yard shall be completely surrounded with a solid fence at least six (6) feet in height and with a suitable gate which shall be closed and locked except during the working hours of such junk yard or when the applicant or his agent shall be within. Such fence shall be erected not nearer than 25 feet from a public highway line. All motor vehicles and parts thereof stored or deposited by the applicant shall be kept within the enclosure of the junk yard except as removal shall be necessary for the transportation of same in the reasonable course of the business. All wrecking or other work on such motor vehicles and parts shall be accomplished within the enclosure. Owners of licensed motor vehicle repair shops as of October 12, 1988 shall be exempted from the fencing requirement.

Where the topography, natural growth of trees or shrubs or other considerations accomplish the purpose of this Section

in whole or in part, the fencing requirements hereunder may be reduced by the Town Board upon granting the license, provided, however, that such natural barrier conforms with the purpose of this Section.

SECTION 9. ENFORCEMENT

This Local Law shall be enforced by a person hereinafter called the Enforcement Officer, designated by the Town Board. No Building permit or certificate of occupancy shall be issued except in conformity with the provisions of this Local Law.

The Enforcement Officer is hereby authorized to issue appearance tickets of violations of this Local Law and in the event that the alleged violator should fail to appear on the return date, then the Enforcement Officer shall file an accusatory instrument with the Town Justice of the Peace and a warrant shall be issued for the arrest of the alleged violation.

SECTION 10. VIOLATIONS AND PENALTIES

Any person, firm, corporation violating any provisions of this Local Law shall be deemed guilty of an offense and upon conviction thereof shall be subject to a fine of not more than fifty (50) dollars, or to imprisonment for a period of not more than six (6) months, or to both such fine and imprisonment. Each week or part thereof that such violation continues shall be deemed to constitute a separate violation. In addition to other remedies, the Town of Truxton may institute any appropriate action or proceeding to prevent the unlawful, construction, alteration or use of any building or land in violation of the requirements of this Local Law.

(Complete the certification in the paragraph which applies to the filing of this local law and strike out the matter therein 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. ...1... of 19..88..
County
City
of the Town of Truxton was duly passed by the Town Board
Village
(Name of Legislative Body)
on November 9..... 19 88..... in accordance with the applicable provisions of law.

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

I hereby certify that the local law annexed hereto, designated as local law No. of 19.....
County
City
of the Town of was duly passed by the
Village
(Name of Legislative Body)
on 19 not disapproved
and was approved by the
repassed after disapproval Elective Chief Executive Officer*
and was deemed duly adopted on 19, 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 19
County
City
of the Town of was duly passed by the
Village
(Name of Legislative Body)
on 19 not disapproved
and was approved by the
repassed after disapproval Elective Chief Executive Officer*
on 19 Such local law was submitted to the people by reason of a
mandatory referendum, and received the affirmative vote of a majority of the qualified electors voting
permissive
general
thereon at the special election held on19, in accordance with the applicable
annual
provisions of law.

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

I hereby certify that the local law annexed hereto, designated as local law No. of 19
County
City
of the Town of was duly passed by the
Village
(Name of Legislative Body)
on 19 not disapproved
and was approved by the
repassed after disapproval Elective Chief Executive Officer*
on 19 Such local law being subject to a permissive referendum and no
valid petition requesting such referendum having been filed, said local law was deemed duly adopted
on19, 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 chairman of the county legislative body, the mayor of a city or village or the supervisor of a town where such officer is vested with power to approve or veto local laws or ordinances.

File

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~~County~~
~~City~~ of TRUXTON
Town
~~Village~~
Local Law No. 1 of the year 19 84

A local law PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF THE NEW YORK STATE
(insert title)
FIRE PREVENTION AND BUILDING CODE

Be it enacted by the TOWN BOARD of the
(Name of Legislative Body)

~~County~~
~~City~~ of TRUXTON, N.Y.
Town
~~Village~~ as follows:

Section 1. Applicability

This local law shall provide the basic method for administration and enforcement of the New York State Uniform Fire Prevention and Building Code in the ~~City, Town or Village~~ of TRUXTON and shall establish powers, duties, and responsibilities in connection therewith.

Section 2. Effective Date

This local law shall take effect on the 1st day of January 19 85

Section 3. Administration

The governing body shall designate an official inspection agency for the New York State Uniform Fire Prevention and Building Code within the ~~City, Town or Village~~ of TRUXTON

Section 4. Partial Invalidity

If any section of this local law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder thereof.

Section 5. Rules and Regulations

a) The ~~City, Town or Village~~ of TRUXTON shall promulgate rules and regulations to secure the intent and purposes of this ordinance and a proper enforcement of the laws, ordinances, rules and regulations governing building plans, specifications, construction, alteration or repairs.

b) The ~~City, Town or Village~~ of TRUXTON shall publish all rules and regulations at least 30 days prior to the effective date thereof in a newspaper of general circulation within the ~~City, Town or Village~~ of TRUXTON

(If additional space is needed, please attach sheets of the same size as this and number each)

Section 6. Duties of Inspector

a) Except as otherwise specifically provided by law, ordinance, rule or regulation, or except as herein otherwise provided, the inspector shall administer and inspect the provisions of laws, ordinances, rules and regulations applicable to the plans, specifications, or permits for the construction, alteration and repair of buildings and structures, and the installation and use of materials and equipment therein, and the location, use and occupancy thereof.

b) The inspector shall receive applications for the erection and alteration of buildings and structures or parts thereof and shall examine the premises for which such application has been received, plans approved, or such permits have been issued for the purpose of insuring compliance with the laws, ordinances, rules and regulations governing building construction or alteration.

c) The inspector shall issue in writing to the municipality all appropriate notices or orders to remove illegal or unsafe conditions, to require the necessary safeguards during construction and to insure compliance during the entire course of construction with the requirements of such laws, ordinances, rules and regulations, and such notices or orders which may be served upon the property owner or his agent personally by the
(City, Town ~~XXXXXX~~) of TRUXTON
or by sending by certified mail a copy of such order to the owner or his agent at the address set forth in the application for permission for the construction or alteration of such building, and by posting the same upon a conspicuous place of the premises to which the notice applies. He shall make all inspections which are necessary or proper for the carrying out of his duties.

d) Whenever the same may be appropriate to determine compliance with the provisions of applicable laws, ordinances, rules or regulations covering building construction or alteration, he may, in his discretion, accept and rely upon a written report of tests in the field by experienced, professional persons or by an accredited authoritative testing laboratories or service and inspection bureaus or agencies.

e) The official inspection agency may issue a certificate of occupancy where appropriate for a building constructed or altered in accordance with the provisions of the New York State Uniform Fire Prevention and Building Code which such certificate shall certify that the building conforms to the requirements of the State Uniform Code.

Section 7. Building Permits

a) No person, firm or corporation shall commence the erection, construction, alteration, enlargement, improvement, conversion, or change in the nature of the occupancy of any building or structure, or cause the same to be done, without first obtaining a separate building permit from the official inspection agency for each such building or structure; except that no building permit shall be required for the performance of ordinary repairs which are not structural in nature.

b) Application for a building permit shall be made to the official inspection agency on forms provided by them and shall contain the following information:

- (1) A description of the land on which the proposed work is to be done;
- (2) A statement of the use or occupancy of all parts of the land and the proposed building or structure;
- (3) The valuation of the proposed work;
- (4) The signature of the applicant or agent;
- (5) The full name and address of the owner and of the applicant, and the full names and addresses of their responsible officers if any of them are corporations, and the name and address of the owners authorized agent, if any;
- (6) A brief description of the nature of work;