

(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 Springwater  
~~Town~~  
~~Village~~

Local Law No. 1 of the year 1999

A local law providing for Licensing and Regulating Junkyards  
(Insert Title)

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

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

Section 1) This chapter shall be known as the "Local Law Providing for Licensing and Regulating Junkyards".

Section 2) Legislative Intent

The unregulated accumulation of scrapped or discarded automobiles or other vehicles and other junk is a hazard to the health, safety and welfare of the residents, visitors and guests in the Town of Springwater, necessitating the regulation, restraint and elimination thereof.

Section 3) Definitions

As used in this chapter, the following terms shall have the meanings indicated:

INOPERATIVE MOTOR VEHICLE - An automobile or other vehicle no longer intended for legal use on a public highway. Lack of a current New York State inspection sticker shall constitute prima facie evidence that a motor vehicle is inoperative.

JUNK - Any discarded material or article, including, but not limited to scrap metal and inoperative motor vehicles, accumulated by any person in lieu of disposal whether for the purpose of resale of used parts or components

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

Section 3) therefrom or for the purpose of reclaiming for  
Cont'd... reuse some or all of the materials therein.

JUNKYARD - Any lot, parcel or land used or intended to be used for the accumulation of junk. Storage of two (2) or more inoperative motor vehicles other than within a fully enclosed building shall constitute a junkyard.

Section 4) New Junkyards Prohibited

There shall be no new junkyards permitted in the Town of Springwater.

Section 5) Nuisances

Except as provided in this chapter, the maintenance or establishment of a junkyard is declared to be a public nuisance and offensive to the public health, welfare and safety of persons within the Town of Springwater.

Section 6) Prohibited Location of Junk

No person shall park any inoperative motor vehicle or place any other junk upon any street, road or other public place within the Town of Springwater.

Section 7) License Required

No person shall operate any junkyard until they have obtained a license to operate a junkyard from the Town Board. The owner or operator of any existing junkyard shall apply to the Town Board for a license to operate a junkyard no later than ninety (90) days from the effective date of this section. Any person who fails to apply for a license by the deadline shall cease operations and remove all junk from the premises no later than one hundred eighty (180) days from the effective date of this section.

Section 8) Issuance of License

Application for a license under this chapter shall be made in writing to the Town Board and filed with the Town Clerk. The application shall be signed by the applicant and shall provide the following information:

A. The name, residence address and telephone number of the applicant and the owner of the premises.

B. The exact address and location of the place where the junkyard is operating and a survey and site plan giving the precise location of all fencing, buildings and the general drainage pattern of the land.

C. If a State Pollution Discharge Elimination System permit is required from the New York State Department of Environmental Conservation, a copy of the permit must be attached to the application.

D. If applicable, a copy of the applicant's currently valid Junk Dealer's license under Article 6 of the New York State General Business Law must be attached to the permit.

E. A statement as to whether or not the applicant has been convicted of any crime, misdemeanor or violation of Article 6 of the New York State General Business Law.

F. Such other information as the Town Board may reasonably require to effectuate the purposes of this chapter.

Section 9 - Fencing

A junkyard shall be completely surrounded with a fence at least eight (8) feet in height which substantially screens the junkyard from public view and which has a suitable gate which shall be closed and locked except during the working hours of the junkyard or when the applicant or its agent shall be within.

**Section 10 -Violations and Penalties**

Violators of any of the provisions of this chapter shall be guilty of an offense punishable by a fine not exceeding one hundred dollars (\$100.00). Each day such violation shall continue or be permitted to exist shall constitute a separate violation. In addition, the Town Board may maintain an action or proceeding in a court of competent jurisdiction to compel compliance with or to restrain by injunction any violation of this chapter.

**Section 11 -Separability**

Should any section, paragraph, sentence, clause or phrase of this local law be declared unconstitutional or unjust for any reason by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

**Section 12 -Inconsistency**

All resolutions, ordinances or local laws or portions thereof of the Town of Springwater not consistent with this ordinance in whole or in part shall be repealed.

**Section 13 -Effective Date**

This local law shall take effect immediately upon filing with the Secretary of State.