

**1970 JUNK YARD ORDINANCE OF
THE TOWN OF LAFAYETTE
ONONDAGA COUNTY, NEW YORK
(AS AMENDED, FEBRUARY 26, 2007, AUGUST 14, 2000, SEPTEMBER 9, 1994,
AUGUST 9, 1993, JUNE 13, 1983, APRIL 11, 1983,
FEBRUARY 22, 1982)**

RESOLVED, and be it Ordained by the LaFayette Town Board of the Town of LaFayette, New York as follows:

SECTION 1. INTENT: A clean, wholesome, and attractive environment is important to the health and safety of the inhabitants of the community. Unrestrained accumulation of junk and junked motor vehicles is a hazard to such health, safety and welfare, necessitating the regulation, restraint, and elimination thereof. However, the maintenance of junk yards as herein defined is a useful and necessary business to be encouraged when not in conflict with the purposes of this ordinance.

SECTION 2. DEFINITIONS: As used in this ordinance:

- (a) "Junk" means an accumulation of old, wrecked or worn out materials or products, either discarded or for fill, salvage or resale.
- (b) "Junked motor vehicle" means:
 - (1) Any motor vehicle, as defined in the Vehicle and Traffic Law of the State of New York, that is (Amended 9/12/94)
 - (i) Unlicensed, old, wrecked, stored, discarded, dismantled or partly dismantled and not in condition for legal use upon the public highway; or (Amended 8/14/00)
 - (ii) Being held or used for the purposes of resale of used parts therefrom or for the purpose of reclaiming for use some or all of the materials therein for the purpose of disposing of the same; or
 - (iii) In such condition as to cost more to repair and place in operating condition than its reasonable market value at that time before such repair.
 - (2) With respect to any motor vehicle not required to be licensed or not usually used on public highways, the fact that such motor vehicle has remained unused for more than eight (8) months and is not in condition to be removed under its own power shall be presumptive evidence that such motor vehicle is a junked motor vehicle.
 - (3) Exceptions:
 - (i) Any motor vehicle for use in connection with a farm or for maintenance of the property, not intended for use on public highways, which upon the request of the Zoning Officer, starts and operates under its own power, i.e. self-propulsion;
 - (ii) Any motor vehicle used on a seasonal basis intended for use on public highways, which upon the request of the

Zoning Officer, starts and operates under its own power, i.e. self-propulsion and which is licensed and registered for at least four (4) consecutive months during a twelve (12) month period, such proof of licensing and registering being presented to the Zoning Officer upon request.

(iii) Any motor vehicle manufactured more than twenty-five (25) years prior to the current calendar year, and any other model, year and type of vehicle which has unique characteristics, and which is determined by a nationally recognized motor vehicle publication of the values of classic or antique motor vehicles, to be of historical, classic or exhibition value, in excess of \$4,000.00, such proof of age and value being provided to the Zoning Officer upon request. (As amended September 12, 1994).

(c) “Junk Yard” means an establishment or place of business which is maintained, operated, or used for storing, keeping, buying or selling junk or junked motor vehicles.

SECTION 3. Junk and Junked Motor Vehicles Prohibited Except in Licensed Junk Yard:

No person shall deposit, accumulate or maintain any junk or one or more junked motor vehicles in the Town of LaFayette visible from any property line, for a period in excess of thirty (30) days, except in an approved and licensed junk yard. No person shall operate, establish, or maintain a junk yard until he has obtained (1) approval and specific permit from the Board of Appeals for the location of such junk yard and (2) a license from the Town Board to operate a junk yard business.

SECTION 4. Application for License:

Upon approval and issuance of a specific permit by the Board of Appeals to locate a junk yard upon specified premises, written application for a junk yard license shall be made to the Town Board, setting forth the legal description of the property, the nature of the proposed use, and the conditions attached to such specific permit by the Board of Appeals.

SECTION 5.

A hearing on the application shall be held within the Town of LaFayette not less than two or more than four weeks 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 the Syracuse-Herald Journal not less than seven days before the date of the hearing.

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, it shall take into account the suitability of the applicant with reference to his ability to comply with the fencing

requirements or other reasonable regulations concerning the proposed junk yard, any record of convictions for any type of larceny or receiving of stolen goods, and other matters within the purposes of this ordinance.

SECTION 7. Aesthetic Considerations:

At the hearing, 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 its citizens 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 servicing the junk yard or from which the junk yard may be seen, the natural or artificial barriers protecting the junk yard from view, the proximity of the proposed junk yard to established residential and recreational areas or main access routes, as well as the reasonable availability of other suitable sites for the junk yard. No junk yard hereafter established shall be licensed to operate if such yard or any part thereof shall be within five hundred feet of a church, school, hospital, public building, or place of public assembly.

SECTION 8. Grant or Denial of Application; Appeal:

Within two weeks after the hearing the Town Board shall grant or deny the application, giving written notice thereof to the applicant. If approved, the license shall forthwith be issued to remain in effect until the following April first. 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 does not become a public nuisance under the common law, and the applicant is not convicted of any type of larceny or the receiving of stolen goods. The determination of the Town Board may be reviewed under article seventy-eight of the civil practice law and rules.

SECTION 9. License Fees:

An annual license fee shall be twenty-five dollars (\$25.00) to be paid at the time the application is made and annually thereafter in the event of renewal. In the event the application is not granted, the fee shall be returned to the applicant. In addition to the license fee, the Town Board may assess the applicant with the costs of advertising and holding the hearing.

SECTION 10. Regulations:

Before use, a junk yard shall be enclosed with a fence providing effective protection and screening of the junk yard. The fence shall have 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 is on the premises. The fence shall be erected not closer than fifty feet to a public highway. All junk shall be kept within the enclosure of the junk yard. All wrecking or other work on junk shall be performed within the junk yard and shall be confined to normal weekday business hours. Junk shall not be stacked or piled so as to be visible from public highways or neighboring properties.

SECTION 11. Established Junk Yards:

Operators of established junk yards in operation on the effective date of this ordinance shall be entitled to the issuance of a license upon submission to the Town Board within sixty days thereafter of the legal description of the property, a description of the nature of the junk yard use, the owner's agreement to comply with the regulations contained in Section 10, and payment of the annual twenty-five dollar (\$25.00) license fee.

SECTION 12: Enforcement, Penalties:

1. The Zoning Officer of the Town of LaFayette shall be responsible for the administration and enforcement of this ordinance. The Zoning Officer shall investigate complaints and make inspections and upon becoming aware of an apparent violation of any provision of this ordinance, shall serve a notice of violation upon the violator and/or the record owner of the premises upon which the violation occurs. The notice of violation shall be served personally or by registered or certified mail, and shall specify a reasonable period of time for remedying the violation. (Amended 2/26/07) In addition, the Zoning Officer shall have authority to issue appearance tickets to the extent authorized by state and local law. Appearance tickets shall in all cases be served by personal service upon the violator and/or the record owner of the premises upon which the violation occurs. The Zoning Officer shall maintain complete records of all notices of violation and appearance tickets served and the status of their correction, and submit monthly reports of such matters to the Town Board.
2. If a violation for which a notice of violation has been served is not ceased within the specified reasonable time, the Town Board may institute such further action as may be necessary to terminate the violation, including but not limited to any means of method provided for in Section 135 of Town Law. In addition to other remedies available: (Amended 2/26/07)
 - A. A violation of any provision of this Ordinance shall constitute a misdemeanor punishable by a fine of not more than five hundred dollars (\$500.00).
 - B. Each week's failure to comply shall constitute a separate violation.
 - C. The Town shall have the power to impose for each violation a civil penalty of not more than five hundred dollars (\$500.00), plus court and proceeding costs and reasonable attorneys' fees incurred by the Town in enforcing this Ordinance, as amended. (Amended 8/9/1993).
3. Where appropriate, and in addition to any other remedies, fines or penalties otherwise available, violations of this Ordinance may be remedied directly by the Town of LaFayette upon failure of the property owner to remedy

stated violation(s) within fourteen (14) days after receipt of the written notice from the Codes Enforcement Officer. The actual costs of said remedial action, including any and all tipping fees and an overhead charge of 20% shall be billed to the owner of the property at which the violation(s) occurred. Prior to the imposition of said costs and within ten (10) days after the Town's remedial action, the property owner may request a hearing before the Town Board regarding the costs. Should said costs remain unpaid for a period of ninety (90) days following receipt of the bill from the Town or following the Town Board hearing and a decision adverse to the person charged, if such hearing is requested, these costs shall be added to and become and form a part of the real property taxes next to be assessed and levied upon such lot or land and shall bear interest at the same rate as taxes and shall be collected and entered by the same officer and in the same manner as taxes levied and assessed against such property." (Amended 2/26/2007)

SECTION 13. Repeal of Prior Ordinances:

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 14. Savings Clause:

The invalidity of any section or provision of this ordinance shall not invalidate any other section, provisions or part thereof.

SECTION 15. Effective Date:

This ordinance shall take effect ten (10) days after publication and posting according to law.