

TOWN OF MINERVA

TOWN HALL
5 MORSE MEMORIAL HIGHWAY
MINERVA, NY 12851

JUNK STORAGE LAW

ADOPTED

MAY 1, 2003

Minerva Town Board

EFFECTIVE DATE JULY 1, 2003

ZONING COMMISSION

ARTICLE A: AUTHORITY, TITLE, PURPOSE, PRIOR EXISTING LAW OR ORDINANCE

SECTION 1: Authority

This law is adopted pursuant to the authority granted the **Town of Minerva** in Section 10 of the Municipal Home Rule Law and in [Section 130(15) of Town Law/Section 4-412(1) of Village Law.]

SECTION 2: Title

This local law shall be known as the “**Town of Minerva Junk Storage Law.**”

SECTION 3: Purpose of the Junk Storage Law

By adoption of this law the **Town of Minerva** declares its intent to regulate and control the storage or 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 health and safety as well as the 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 explosive. Junk and particularly junked vehicles can constitute attractive nuisances to children and certain adults. The presence of junk and junkyards is unsightly and tends to detract from the value of surrounding properties unless properly screened from view.

SECTION 4: Prior Existing Junkyard Law or Ordinance

The local law shall replace and supersede the prior existing Junkyard Ordinance of the Town of Minerva dated October 3, 1968.

ARTICLE B: DEFINITIONS

The words used in this law shall be defined as follows:

ANTIQUUE MOTOR VEHICLE: A motor vehicle, but not a reproduction thereof, manufactured more than twenty-five (25) years prior to the current year, which has been maintained in or restored or will be maintained in or restored to a condition which is substantially in conformance with the manufacturer’s specifications.

CLASSIC MOTOR VEHICLE: A motor vehicle, but not a reproduction thereof, manufactured more than ten (10) years prior to the current year and which because of discontinued production and limited availability, it is considered to be a model or make of significant value to collectors or exhibitors and which has been maintained in or restored to a condition which is substantially in conformity with the manufacturer’s specification and appearance.

CLUTTER, LITTER, DEBRIS: Ordinary household or store trash such as paper, barrels, cartons, boxes, crates, furniture, rugs, clothing, rags, mattresses, blankets, tires, lumber and 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.

ENFORCEMENT OFFICER: Any person appointed by the Town of Minerva to enforce the provisions of this law.

JUNK: One of more of the following items: junk appliance, junk equipment, junk furniture, junk mobile home, junk vehicle or clutter, litter and debris.

JUNK APPLIANCE: Any stove, washing machine, dryer, freezer, refrigerator, air conditioner, television or other household device or equipment abandoned, discarded or wholly or partially dismantled.

JUNK EQUIPMENT: Motorized equipment not required to be licensed including but not limited to construction equipment, forestry equipment and farm equipment that is not in condition to be removed under its own power shall be presumptive evident that such equipment is junk unless refuted by verifiable and credible proof.

JUNK FURNITURE: Abandoned, discarded or irreparably damaged pieces of indoor furniture including but not limited to, sofas, lounge chairs, mattresses, bed frames, desks, tables, chairs, chest of drawers and like items.

JUNK MOBILE HOME: Any enclosed dwelling unit built upon a chassis, motor vehicle or trailer used or designed to be used for either permanent or temporary living and/or sleeping purposes including motor homes, truck campers, camping trailers, campers, travel trailer, pop-up trailers, tent trailers and overnight trailers which has been abandoned as a dwelling unit or which is no longer habitable under the New York State Uniform Fire Prevention and Building Code.

JUNK STORAGE AREA: The areas of any parcel of land or water used or intended to be used for the placement, storage or deposit of junk.

JUNK VEHICLE: Any motor vehicle, or used parts or waste materials from motor vehicles which taken together, equal in bulk one or more such vehicles which meet all the following conditions:

1. It is unregistered.
2. It is either abandoned, wrecked, stored, discarded, dismantled or partially dismantled.
3. It is not in condition for legal use upon the public highways.

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

1. Five (5) or more junk vehicles;

2. Two (2) or more junk mobile homes;
3. Five (5) or more junk appliances;
4. Five (5) or more pieces of junk furniture;
5. Five (5) or more pieces of junk equipment;
6. Any combination of the above that totals five (5) items;

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 auto, bus, trailer, truck, tractor, motor home, motorcycle, all terrain vehicle or snowmobile.

PERSON: Any individual, firm, partnership, association, corporation, company, or organization of any kind.

ARTICLE C: JUNK REGULATIONS

No junk shall be located so as to be visible from public roads.

SECTION 1: EXCEPTION:

Except to the extent that a health, safety or fire hazard is found to exist, or if the storage of such items would constitute a nuisance, the accumulation of items defined as junk or other material shall not be in violation of this Local Law if such material is contained within a completely enclosed structure or in a structure that prevents the material from being seen from public highways or neighboring residences. In the case of biodegradable trash that the accumulation is not conspicuous from public highways or neighboring residences.

SECTION 2: STORAGE OF ONE (1) MOTOR VEHICLE:

One (1) unregistered motor vehicle may be openly stored on the owner's property provided that the vehicle meets the following conditions:

1. Has the outward appearance of being a whole vehicle (i.e. roof, doors, fenders, hood, trunk, window glass are intact);
2. Is stored in a normal upright position (may be on blocks with wheels removed);
3. Does not have obvious severe body damage from being wrecked.

SECTION 3: TEMPORARY STORAGE OF MORE THAN ONE (1) UNREGISTERED VEHICLE:

Permits will be issued by the Town of Minerva upon submission of an application form and payment of the required fee for the following conditions:

1. Vehicle in operating condition stored by or for the owner while the owner is in a situation that prevents the vehicle from being used
– 4 years – \$20.00.
2. The vehicle in need of repair before it can be driven and/or registered
– 6 months – \$20.00 – renewable.
3. The vehicle is an antique or classic being restored
1 (1) year – \$20.00 – renewable.
4. The vehicle is for sale six (6) months for \$20.00 – renewable once.

SECTION 4: OFF ROAD USE MOTOR VEHICLES

Motor vehicles designed for use on public highways that do not meet the State of New York requirements to be used on such highways but are actively used on private lands for agricultural or recreational purposes shall not be in violation of this Local Law so long as they are operational and are not obviously abandoned.

SECTION 5: COMMERCIAL VEHICLES AND EQUIPMENT

Vehicles and equipment actively used in a business or displayed for sale because they are no longer actively used may be stored on business property without restriction. Vehicles and equipment no longer actively used or not displayed for sale must be stored in such a manner that they are not conspicuous from public highways.

ARTICLE D: JUNKYARD PERMITS

SECTION 1: Permit Required

1. No person shall establish or maintain a junkyard within the Town of Minerva unless a permit has been issued for such junkyard pursuant to this Local Law.
2. No person owning, having any right to, or any interest in any real property within the Town of Minerva shall license, rent, lease, or otherwise permit the use of such real property or any part thereof for a junkyard unless a permit has been issued for such junkyard pursuant to this Local Law.
3. All permits shall be issued for a period of two (2) years after which time renewal shall be required.

SECTION 2: Temporary Permit for Prior Existing Junkyard

Any person maintaining a junkyard prior to the *effective date* of this law within the Town of Minerva shall apply for a permit within sixty (60) days of the adoption of this Local Law. If the junkyard area does not meet the requirements of **Article G** herein, a temporary permit shall be granted for a period not to exceed one (1) year, during which time the junkyard area shall be arranged to comply with said requirement. If at the end of such period the junkyard area has not been arranged to comply with said requirement, such person shall cease and desist from maintaining a junkyard and all junk shall be removed from the premises.

ARTICLE E: APPLICATION PROCEDURE

SECTION 1: Application

The applicant for a junkyard permit shall obtain application forms from the Town of Minerva Town Hall. The completed form along with a copy of the APA (Adirondack Park Agency) Permit to Operate a Junkyard, five (5) copies of the proposed site plan and the application fee shall be returned to the Town Clerk. The Town Clerk shall submit the application materials to the Town Board.

SECTION 2: Site Plan Contents

The Site Plan shall be drawn to scale or indicating all dimensions and show:

1. Existing and proposed structures, including fences;
2. Property lines including the names of owners of adjacent property;
3. Streams, lakes, ponds, wetlands, flood plains, and other water bodies as defined by the APA;
4. Drainage patterns on the site;
5. Wells and sanitary facilities;
6. Road easements;
7. Existing and proposed junk storage areas;
8. Existing and proposed accessways, parking and loading areas.
9. Show North Arrow on the scale bar.

SECTION 3: Environmental Impact Statement

An Environmental Assessment Form (EAF) shall be completed and submitted with all applications pursuant to the provisions of the State Environmental Quality Review Act, 6 NYCRR Part 617. If the EAF indicates that the proposed activity may have significant environmental consequences, the Town of Minerva Board shall require that a Draft Environmental Impact Statement (DEIS) be submitted with the application. The application shall not be considered complete until the DEIS has been accepted by the Town of Minerva Board.

SECTION 4: Application Fee

An application fee of one-hundred dollars (\$100.00) shall accompany all applications.

SECTION 5: Public Hearing

The Town of Minerva Board shall fix a time within forty-five (45) days of the date a complete application is received for a public hearing. Notice of the hearing shall be made in the official newspaper at least five (5) days prior to the date thereof. At the hearing the Town of Minerva Board shall hear the applicant and all other persons wishing to be heard on the application for a junkyard permit.

SECTION 6: Town of Minerva Board Action

Within forty-five (45) days of said hearing the Town of Minerva Board shall render a decision to approve, approve subject to conditions and possible requirement of a performance/maintenance bond at the discretion of the Town Board, or disapprove the application for a junkyard permit. The forty-five (45) day period may be extended by mutual consent of the applicant and the Town of Minerva Board. All findings of the Board shall be entered into the official minutes of the Town of Minerva. The decision of the Board shall be immediately filed in the office of the Town Clerk and the applicant shall be notified of the decision of the Board. Upon approval of the site plan and application, and payment of the fees and reimbursable costs due to the Town of Minerva, the Board shall endorse its approval upon a copy of the final site plan and application.

SECTION 7: Issuance of Permit

1. If the application is approved by the Town of Minerva Board, a junkyard permit shall be issued by the Town Clerk.
2. If the application is approved with conditions by the Town of Minerva Board, the Town Clerk shall issue a junkyard permit upon notification by the Enforcement Officer that said conditions have been complied with.

ARTICLE F: GENERAL CONSIDERATIONS

SECTION I: Aesthetic Considerations

In granting or denying a permit, the Town of Minerva Board shall take the following aesthetic factors into consideration:

1. Type of road servicing the junkyard or from which road the junkyard can be seen;
2. Natural or artificial barriers protecting the junkyard from view;
3. Proximity of the site to established residential or recreational areas or main access routes thereto;

SECTION 2: Location Considerations

In granting or denying a permit, the Town of Minerva Board shall take the following location factors into consideration:

1. The nature and development of surrounding property, such as the proximity of public parks, churches, educational facilities, nursing homes, public buildings or places of public gathering;
2. Whether or not the proposed location can be reasonably protected from affecting the public health and safety by reason of offensive noise, odors or smoke, or of other causes;
3. The proximity of streams, lakes, ponds, wetland, flood plains, groundwater supplies, and public water supplies;
4. Local drainage patterns;
5. Long-range comprehensive plans for the Town of Minerva;
6. Proximity of the site to established residential or recreational areas;
7. Availability of other suitable sites for the junkyard.

ARTICLE G: JUNKYARD SPECIFICATIONS

SECTION 1: Location

1. **No junkyard area shall be located within:**
 - (a) Two-hundred feet (200') of any adjoining property line;
 - (b) Four-hundred feet (400') of any public park, church, educational facility, nursing home, public building or other place of public gathering;
 - (c) Two-hundred feet (200') of any stream, lake, pond, wetland or other body of water – as defined by the APA (Adirondack Park Agency); or
 - (d) Two-hundred, twenty-five feet (225') from the center of any road.
2. **No site shall be approved for use as a junkyard if the topography of the surrounding property is such that land within three-hundred (300') feet of the junkyard site has an elevation higher than any point on the junkyard site.**

SECTION 2: Fencing & Screening

1. There must be erected and maintained an eight-foot-high (8') fence adequate to prohibit the entrance of children and others into the area of the activity of business and to contain within such fence the materials dealt with by the operator of the junkyard. All the materials dealt with by the operator of the

junkyard shall be kept within such fence at all times. Whenever the junkyard is not open for business, or temporarily not supervised, this fence, and any gate thereto, shall be secured or locked to prevent entry. Fencing requirements may be waived where topography or other natural conditions effectively prohibits the entrance of children and others.

2. Where a junkyard is or would be visible from a public highway or from neighboring properties the fence provided in paragraph 1 (above) shall be of a design approved by the Board and sufficient to totally screen the junkyard from view. As an alternative, the Town Board may by waiver or variance, permit such screening by adequate planting of evergreen trees or shrubbery.

SECTION 3: Fire Protection

Inside and adjacent to any screening and adjacent to the boundary of the junk there must be maintained at least a fifteen-foot (15') wide fire lane which shall be kept open and free of any materials. Storage areas not more than forty feet (40') wide shall be separated by fifteen foot (15') wide fire lanes.

SECTION 4: Burning

The junkyard shall not be used as a dump area by the public and there will be no burning of automobiles or other materials except in connection with the periodic crushing and removal of automobiles or other materials from such yards in compliance with the New York State outdoor burning law (see NYCRR Part 215).

SECTION 5: Burying

No junkyard items shall be buried in a junkyard except in compliance with the New York State Solid Waste Disposal Law (see NYCRR Part 360).

SECTION 6: Approved Junkyard Items

The Board may specify in the junkyard permit which types of junk may be stored or deposited in the junkyard. No junkyard items shall be stored in any area other than those items specified on a junkyard permit by the Town of Minerva Board pursuant to this law.

ARTICLE H:

ADMINISTRATION AND ENFORCEMENT

SECTION 1: Waivers

Where the Town of Minerva Board finds that due to special circumstances of the particular case, a waiver of certain requirements of this law are 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 interest of the community;
2. There are special circumstances involved in the particular case;

3. Denying the waiver would result in undue hardship to the applicant, provided that such hardship has not been self-imposed;
4. The waiver is the minimum necessary to accomplish the purpose.

SECTION 2: Complaints

Whenever an alleged violation of this law occurs, any person may file a complaint with the enforcement officer that a violation of this law may have taken place or is taking place. All complaints shall be in writing and shall specify the property on which the alleged violation has occurred. The enforcement officer shall properly record and investigate any such complaint. The enforcement officer may also investigate any alleged violation that he or she has reason to believe has occurred or is occurring.

SECTION 3: Notice to Alleged Violator

Following an investigation of the property, the enforcement officer shall file a written report of the violations observed with the Town Board. The enforcement officer shall prepare a written notice which shall contained the following:

1. The name of the owner or occupant to whom the notice shall be addressed.
2. The location (address and Parcel Code Number) of the premises involved in the violation.
3. A statement of the facts which it is alleged violate this law.
4. A demand that the junk be removed or placed so as to be in compliance with this law within thirty (30) days of the service or mailing of the notice.
5. A statement that a failure to comply with the demand may result in prosecution.
6. A copy of this law.

Written notice shall be served by personal service of a copy of the notice or by certified mail, return receipt requested, addressed to the last known address of the property owner. If said certified mail is refused or returned, service upon the property owner shall be made by mailing a copy of the notice by first class mail to the address of the 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 4: Extension

Upon application of the owner or occupant showing reasonable cause the Town of Minerva Board may grant an extension for the owner or occupant to comply with the demands.

SECTION 5: Enforcement

If, after the expiration of thirty (30) days from the date of mailing the notice provided in Section 3 above, or after the completion of any extension period allowed in Section 4 above, the owner or occupant shall fail to comply with the requirements of this law, the enforcement officer acting under the direction of the Town Board may institute enforcement procedures as follows:

1. The enforcement officer is hereby authorized pursuant to Criminal Procedure Law Section 150.20 (3) to issue an appearance ticket to any person whom the enforcement officer has reason to believe has violated this law, and shall cause such person to appear before the Town Justice.
2. The Town reserves the right to seek a court order to have the junk removed and disposed of. All costs of such removal and disposal shall be borne by the landowner.

SECTION 6: Periodic Inspections of Junkyards

1. The Enforcement Officer shall make periodic inspections of the Town of Minerva to ensure that all existing junkyards have permits and that the requirements of the Law are met. Any observed violations shall be reported to the Board.
2. The Enforcement Officer shall not enter the premises of any private property without the consent of the owner. It shall be the responsibility of the applicant to arrange for all required inspections of the premises prior to permit issuance or renewal.

SECTION 7: Revocation of Permit

The Town of Minerva Board may revoke a junkyard permit upon reasonable cause should the applicant fail to comply with any provision of this Law. Before a permit may be revoked, a public hearing shall be held by the Board. Notice of the hearing shall be made in the official newspaper at least five (5) days prior to the date thereof. The permit holder shall be notified of the hearing by certified mail at least five (5) days prior to the hearing. At the hearing the Board shall hear the permit holder and all other persons wishing to be heard on the revocation of the junkyard permit. Should the Board decide to revoke a permit, the reasons for such revocation shall be stated in the board minutes. The permit holder shall be immediately notified of the revocation by certified mail.

SECTION 8: Penalties

1. Any person who shall violate any of the provisions of this Local Law shall be guilty of an offense and subject to a fine not more than two-hundred, fifty dollars (\$250) to be recovered by the Town of Minerva in a civil action. Every such person shall be deemed guilty of a separate offense for each week such violation, disobedience, omission, neglect or refusal shall continue.

2. In addition to the above provided penalties, the Town Board may also maintain an action or proceeding in the name of the Town of Minerva in a court of competent jurisdiction to compel compliance with or restrain by injunction the violation of any article of this Local Law.

ARTICLE SEVERABILITY

I:

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 EFFECTIVE DATE

J:

This law shall take effect July 1, 2003.