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TOWN OF CAIRO, NEW YORK
SALVAGE & JUNK YARDS

Section I

A Local Law regulating, controlling and licensing activities known as auto graveyards, salvage yards, junkyards, secondhand parts collection areas and the dumping, storage, and disposal of waste, discarded or abandoned materials of whatsoever composition.

Section II

Purpose:

The outdoor storage of abandoned, junked or discarded vehicles and the dumping, storage and disposal of waste or inoperative materials of whatsoever composition within the Town of Cairo is detrimental to the health, safety and general welfare of the community and constitutes a detriment to a clean, wholesome, safe and attractive environment that is important to the community. It is therefore necessary to control, regulate and license the outdoor storage of discarded vehicles and other materials. At the same time it is recognized that the maintenance of salvage and junk yards as hereinafter defined, is a useful and necessary business and ought to be encouraged when not in conflict with the express purpose of this section.

Section III

Definitions:

Salvage Yards, or Junkyards: shall mean any place of storage or deposit, whether in connection with another business or not, where three or more unregistered, disabled and inoperative motor vehicles, no longer intended or in condition for legal use on the public highways, are held for a period of sixty days, whether for the purpose of resale or used parts therefrom, or of any other discarded or inoperative materials whether composed of wood, paper, cloth, cardboard, plastics, metal, stone, cement, glass or otherwise, without first obtaining a license therefor as hereinafter provided

Section III (Continued)

Definitions:

Motor Vehicle: all vehicles propelled or drawn by power other than muscular power originally intended for use on public highways.

Person: an individual, association, partnership or corporation.

Enforcement officer: Town of Cairo Police Force

Section IV

Requirement for operation or maintenance:

No person shall operate, establish or maintain a salvage or junk yard until

1. has obtained a license to operate a salvage or junk yard business
2. has obtained a certificate or approval for the location of such salvage or junk yard.

Section V

Application for 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 Cairo. The application shall contain a description of the land to be included within the salvage or junk yard.

Section VI

A hearing on the application shall be held by the town board not less than two nor 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, to the address given in the application and shall be published once in the official town newspaper not less than seven days before the date of the hearing.

Section VII**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 salvage or 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 salvage or junk yard, to a record of convictions for any type of larceny or receiving of stolen goods and to any other matter within the purposes of this section.

Section VIII**Location 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 certificate of approval for the location of the salvage or junk yard. In passing upon same, it shall take into account, after proof of legal ownership or right to such use of the property for the license period by the applicant, the nature and development of the surrounding property, such as the proximity of churches, schools, hospitals, public buildings or other places of public gathering: and whether or not the proposed location can be reasonably protected from affecting the public health and safety by reason of offensive or unhealthy odors or smoke or of other causes.

Section IX**Aesthetic considerations:**

At the hearing regarding location of the salvage junk yard, 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

Section IX (Cont.)

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 salvage or junk yard or from which the salvage or junk yard may be seen the natural or artificial barriers protecting the salvage or junk yard from view, the proximity of the proposed salvage or junk yard to established residential and recreational areas or main access routes thereto, as well as reasonable availability or other suitable sites for the salvage or junk yard.

Section X**Grant or denial of application; appeal:**

After hearing the town board, shall, within two weeks, make a finding as to whether or not the application should be granted, giving notice of their finding to the applicant by mail, to the address given on the application. If approved, the license, including the certificate of approved location, shall be forthwith issued to remain in effect until the following

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 chapter are complied with during the license period, the salvage or 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. Then determination of the town board may be reviewed under article 78 of the civil practice law and rules.

Section XI**License fees:**

The annual license fee shall be \$25.00 dollars to be paid at the time the application is made and annually thereafter in the event of renewal. In event the application is not

Section XI (Cont.)**License fees continued:**

granted, the fee shall be returned to the applicant. The Town in addition to the license fee, may assess the applicant with the costs of advertising such application and such other reasonable costs incident to the hearing as are clearly attributable thereto and may make the license conditional upon payment of same.

Section XII**Fencing:**

Before use, a new or established salvage or junk yard shall be completely surrounded with a fence at least eight feet in height which substantially screens and with a suitable gate which shall be closed and locked except during the working hours of such salvage or junk yard or when the applicant or his agent shall be within. Such fence shall be erected not nearer than fifty feet from a public highway. All motor vehicles and parts hereof stored or deposited by the applicant shall be kept within the enclosure of the salvage or 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 and all burning of same within the vicinity of the salvage or junk yard shall be accomplished within the enclosure.

Where the topography, natural growth of timber or other considerations accomplish the purposes of this chapter 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 purposes of this chapter.

Section XIII**Established junk yards:**

For the purposes of this section of the location of salvage or junk yards already established shall be considered approved by the town board and the owner thereof

Section XIII

suitable for the issuance of a license. Within sixty days from the passage of this section, however, the owner shall furnish the town board the information as to location which is required in an application, together with the license fee, and the town board shall issue him a license valid until _____, ____ at which time the owner may apply for renewal as herein provided. Such owner shall comply with all other provisions of this section including the fencing requirements set forth in section XII. Notwithstanding any of the foregoing provisions no salvage or junk yard, or any part thereof shall be within five hundred feet of a church, school, hospital, public building or place of public assembly.

Section XIV

Violators of any of the portions of this section shall be guilty of an offense punishable by a fine not exceeding one hundred dollars, and each week that such a violation is carried on or continues, shall constitute a separate violation. The imposition of any penalty for any violation of this Ordinance shall not excuse the violation or permit it to continue. At the application of the above penalty or the prosecution of violation of the provisions of this Ordinance shall not be held to prevent the enforced removal of condition prohibited by this Ordinance or the taking of such action as may be authorized by Law.

In addition to the above provided penalties and punishment, the Town Board may also maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance or to restrain by injunction the violations of such ordinance.