

Chapter 120

JUNKYARDS

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[HISTORY: Adopted by the Board of Trustees of the Village of Alden 5-18-2006 as L.L. No. 7-2006.]

GENERAL REFERENCES

Building construction and fire prevention -- See Ch. 78.
License and permits -- See Ch. 125.
Unlicensed vehicles -- See Ch. 203
Zoning -- See Ch. 210.
Fees -- See Ch. A220.

§ 120-1. Title.

This chapter shall be known as the "Junkyards Law of the Village of Alden."

§ 120-2. Purpose.

The purpose of this chapter is to promote the health, safety, protection and general welfare of the inhabitants of the Village of Alden, in the following manner:

- A. By the regulation of junkyards and the requirement that all junkyards be properly licensed in the Village of Alden by the Board of Trustees.

- B. By the use of standards and regulations for the operation, establishment, and maintenance of junkyards.

§ 120-3. Definitions and word usage.

- A. Word usage. When not inconsistent with the context, words used in the present tense include the future tense. Plural and singular connotations are interchangeable. The word "person" includes a firm, partnership or corporation as well as an individual, whether tenant, owner, lessee, licensee, agent, heir or assignee. The word "shall" is always mandatory. The word "used" includes the term "designed or intended to be used."
- B. Definitions. For the purposes of this chapter, the following words shall have the meanings ascribed to them in this section:

JUNK – Old iron, steel, brass, copper, tin, lead, metals of any kind or other base metals; old cordage, ropes, rags; fibers, or fabrics; old rubber; old and/or used bottles or other glass; refuse; packaging materials; cardboard boxes; old carton boxes; papers; wrecked, damaged, rusting, and/or non-operational automobile(s) or other vehicle(s) or machinery or parts thereof; used or second hand building materials; two (2) or more white goods, including but not limited to, washers, dryers, stoves, ovens, freezers, air conditioners, furnaces, water tanks/heaters, refrigerators; wood and/or wood products; tree stumps; three (3) or more inoperable bicycles; inoperable mowers; inoperable snow blowers; ceramics; wastepaper and other waste or discarded material which might be prepared to be used again in some form; and any or all of the foregoing whether for sale or not; and motor vehicles, no longer used as such, to be used for scrap metal or stripping of parts; but “junk” shall not include materials or objects accumulated by a person as by-products, waste, or scraps from the operation of his or her own business or materials or objects held and used by a manufacturer as an integral part of his or her own manufacturing process.

JUNKYARD – An area, lot, parcel or place used as storage, whether in connection with another business or not, where junk, waste, discarded or salvaged materials are bought, sold, exchanged, sorted, baled, packed, disassembled, handled or abandoned, including auto wrecking or dismantling yards, house wrecking yards, used lumber yards and places or yards for use of salvaged steel materials and equipment. This also includes premises where two or more abandoned, unused, unregistered,

unlicensed or junk motor vehicle or any portion, section or part thereof are stored, except as permitted and regulated by Chapter 203 of this Code.

MOTOR VEHICLE -- As defined in Chapter 203 of this Code.

PERSON – Any individual, corporation, partnership, association, agency or any other legal entity.

VILLAGE BOARD – The duly elected Board of Trustees of the Village of Alden.

§ 120-4. Location.

Junkyards shall only be located in the Village of Alden as set forth in Chapter 210 of this Code.

§ 120-5. License required.

No person shall operate, establish or maintain a junkyard in the Village of Alden without first obtaining a license as hereinafter provided nor shall any person, firm, corporation, organization and/or entity collect, store or keep on any land or in any yard or open space in the Village of Alden any items described in § 120-3(B).

§ 120-6. Application for license.

Application for a junkyard license shall be made to the Village Board of Trustees on a form provided by the Village of Alden and shall be accompanied by a filing fee¹ as set by the Village Board.

§ 120-7. Planning Board review.

All applications for a junkyard license shall be reviewed by the Village Planning Board, which shall report its recommendations to the Village Board. The Planning Board shall review the application at their next regular meeting, at least ten (10) days prior to which the application for the license was received by the Village Clerk.

¹ Editor's Note: See Ch. A220, Fees.

§ 120-8. Village Board review and public hearing.

Within thirty (30) days after receipt of the Village of Alden Planning Board's recommendations, the Village Board shall conduct a public hearing on the application. All property owners within five hundred (500) feet of the proposed site shall be notified of the hearing by regular mail. Publication of the hearing shall be made in the official newspaper of the Village of Alden no less than seven (7) days before the date of the hearing.

§ 120-9. Decision.

- A. Within thirty (30) days of the public hearing on the application, the Village of Alden shall render a decision on the application and notify the applicant by regular mail. In making its decision, the Village Board shall consider the following:
- (1) The applicant's ability to comply with fencing and any other local regulations.
 - (2) Proof of legal ownership or the right to the use of the site, the nature of the development of the surrounding property and whether or not the proposed location poses a serious threat to public health and safety.
 - (3) Aesthetic considerations, including but not limited to the type of road servicing the junkyard and the natural and/or artificial barriers screening the junkyard from public view.
 - (4) The nature and development of surrounding property.

§ 120-10. Issuance of license; renewal; revocation.

- A. Upon approval of the application and payment of the applicable fee², a license shall be issued and will remain in effect for one (1) year from the date of issuance. Said license is non-transferable.
- B. The license may be renewed each year upon payment of the applicable fee³ without a public hearing, provided that all provisions of this chapter are complied with and the junkyard does not become a public nuisance.

² Editor's Note: See Ch. A220, Fees.

³ Editor's Note: See Ch. A220, Fees.

- C. Where any of these requirements of this chapter are not met, the license may be revoked by the Village Board after a public hearing. Upon revocation of a license, the Village Board shall require the removal of all junk on the premises.

§ 120-11. Standards.

The following are standards for the operation, establishment and maintenance of a junkyard:

- A. All junkyards shall be so located so that no part thereof shall be within five hundred (500) feet of a church or school.
- B. All junkyards shall be completely surrounded by a fence at least eight (8) feet but no more than ten (10) feet in height, which substantially screens the enclosed area, and with suitable gates that can be closed and locked. Such fence shall be a minimum of ten (10) feet from a public street or right-of-way, and a minimum of five (5) feet from any property line. In addition to security, such fence, including any landscaping, shall also provide a visual screen or buffer sufficient to conceal all junk and operations from public view.
- C. Fencing and landscaping shall be maintained in a neat and orderly appearance at all times.
- D. Fencing, screening, natural buffers and landscaping shall not be placed so as to obstruct the view of motor vehicle operators on adjacent public streets.
- E. Fire lanes offering adequate access to building and storage areas shall be provided and maintained as required in the New York State Uniform Fire Prevention and Building Code.
- F. All junk shall be piled or arranged in neat rows to permit easy and clear passage through the area.
- G. No junk shall be stacked or stored in such a manner that any of the contents are visible from a public street.
- H. All automobiles, parts or other material described herein shall be kept within the fencing enclosure except as necessary for removal or transportation of the same.
- I. The licensee shall personally manage the activity for which the license is granted.

- J. Gates shall be kept locked in a secure manner whenever a junkyard is not supervised by the licensee or his/her employees.
- K. No junkyard shall be used as a dump area nor as a place for storage, burning or disposal of trash or garbage.

§ 120-12. Penalties for offenses.

- A. Any person who violates any provision of this chapter shall be guilty of a violation and be subject to a fine of two hundred fifty dollars (\$250.00) and/or imprisonment not to exceed fifteen (15) days. The imposition of any penalty for a violation of this chapter shall not excuse the violation nor permit it to continue.
- B. The continuation of an offense under this chapter shall constitute, for each day the offense continues, a separate and distinct violation hereunder.

§ 120-13. Enforcement.

This chapter shall be enforced by the Code Enforcement Officer