

**ARTICLE 1**  
**AUTHORITY, PURPOSE AND APLICABILITY**

**Section 1.01**     **Authority and Title**

Pursuant to the authority conferred by Article 16 of the Town Law and Articles 2 and 3 of Municipal Home Rule Law of the State of New York, the Town Board of the Town of West Monroe hereby adopts and enacts the following law. This law shall be known as “The Town of West Monroe Junk Yard Law.”

**Section 1.02**     **Purpose and Applicability**

The purpose of this Junk Yard Law is to provide for orderly growth in accordance with a comprehensive plan; to lessen congestion in the streets; to secure safety from fire, flood and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; and to promote the health, safety, and general welfare of the public. This Junk Yard Law has been made with reasonable consideration, among other things, as to the character of each zone and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land. This law, and any amendment thereto, shall apply on its effective date to all uses which have not been substantially commenced, and structures which have not been substantially constructed, regardless of the status of permits or certificates of occupancy issued pursuant to the New York State Uniform Fire Prevention and Building Code.

**Section 1.03**     **Prior Laws Replaced and Superseded**

This law shall replace and supersede Article IX of Local Law No.1 of 2012, Town of West Monroe Zoning Law; and any other Local Law, Ordinance, Resolution, or Regulation heretofore adopted in conflict with this local law.

## ARTICLE II

### **SUBMISSION REQUIREMENTS, STANDARDS AND REGULATIONS FOR JUNKYARDS**

#### **Section 2.01      Purpose**

No person shall engage in or conduct, whether for profit or otherwise, on real property within the Town of West Monroe, either for himself or for and on behalf of any other person, directly or indirectly, as agent, employee or otherwise, at wholesale or retail, any land use which involves the collection, storage, burning, dumping, disassembling, dismantling, salvaging, sorting or otherwise, handling or arranging, for sale, resale, storage or disposal or otherwise, of junk or junk vehicles as defined in this law, without first obtaining a junkyard license. In order for the Planning Board to exercise its responsibility to review applications to locate, construct, alter, amend, modify, or maintain a junkyard and render a decision under this law, it is necessary that a submittal include certain basic information.

#### **Section 2.02      Submission Requirements for Junkyard License**

The Applicant for a junkyard license shall submit the appropriate application forms along with two copies of the proposed site plan, along with a copy of the Town Clerk's receipt showing payment of the appropriate fees, as provided in Article III.

1. Each applicant for a license hereunder shall execute, under oath, an application therefore, to be supplied to him by the town clerk, which shall contain the following information:
  - a. That the applicant is over twenty-one (21) years of age.
  - b. That he is a citizen of the United States.
  - c. Whether he has ever been convicted of a felony or misdemeanor and such other facts of evidence as are deemed necessary to establish that he is a person fit and capable of properly conducting the activity or business for which the license is sought.
  - d. A description of the exact type of activity or business he intends to conduct.
  - e. The nature of the materials he intends to handle.
  - f. The number of employees he intends to engage.
  - g. The name and address of the owner or owners of the land and the nature of the right of occupancy of the applicant to use of such land.
2. At the time of making the application, the applicant shall submit to and file two (2) site plans or maps of the real property upon which he intends to conduct the activity or business for which he is making application for a license, with the area of such real property which is proposed for such purpose; the location of the required fence or enclosure indicated thereon, as well as the location of any buildings on such land; the location of any streets or highways abutting or passing through such land; water, sewer or gas mains or laterals available thereto, as well as the general drainage pattern of such land; and such other general information as the Town Planning Board may from time to time require. .

**Section 2.03**      **Standards for Operating Junkyards**

In the application for a junkyard license the applicant shall agree that, if granted the license applied for, he will conduct the activity or business pursuant to the following regulations, and that upon his failure to do so, such license may be revoked forthwith:

1. The licensee must personally manage or be responsible for the management of the activity or business for which the license is granted.
2. The licensee must maintain an office and a sufficient number of employees on the premises to assure the proper and safe conduct of such activity or business, to minimize the fire hazard therefrom and to prevent improper trespass thereon by children and others.
3. The licensee shall maintain on the premises at all times, permanent books and records which shall set forth, from and after the effective date of this local law, the make, model and type of every automobile vehicle purchased; the appropriate serial number or motor registration number of the engine or body parts thereof; the date of purchase and the name of the person or persons from whom said vehicle was purchased or received; the address of the seller or transferor of said vehicle and, when sold, the date of said sale and the name of the person, firm or corporation, together with the address of said purchaser; and such other proper rules, regulations and requirements as from time to time may be required by the Town Board of the Town of West Monroe.
4. The licensee must erect on all boundary lines as may be determined by the Town Board not fronting on a public highway, a eight-foot wire fence of dose mesh or one made of wood or other material, such as a living hedge as approved by the Town Board, adequate to prevent the entrance of children and others into the area of the activity or business and to contain within such fence or enclosure the materials dealt in by the licensee.
5. The licensee must erect and maintain a tight board fence, 8 foot in height, made of wood or other material or a living hedge as may be determined after due consideration by the Town Board on all boundaries fronting on a public highway; and located at least 50 feet therefrom; adequate to prevent the entrance of children and others into the area of the activity or business, reasonably adequate to keep said junkyard from the public view, and to contain within such fence or enclosure the materials dealt in by the licensee. In addition to a gate approved by the Town Board which will be kept locked during hours the business is closed or the owner or a person authorized by the owner is not present. Inside, adjacent to and contiguous with such fence or enclosure, one (1) strip of land at least ten (10) feet in width shall be kept free of all dry grass, other growth or other combustible material, so as to provide a fire lane or line around the whole area where the activity or business of the licensee is being conducted.
6. The autos, parts and materials dealt in by the licensee shall be disassembled or dismantled by means other than burning. They shall be piled or arranged in neat rows so as to permit easy, clear passage through the area.
7. There shall be maintained at each such place of activity or business for which a license is issued at least one (1) fire extinguisher of approved design and capacity for each forty thousand (40,000) square feet of area. Each fire extinguisher shall be hung or mounted in a conspicuous place, clearly marked and available.
8. When the area is not supervised by the licensee or his employees, the fence or enclosure shall be locked at a secure gate in a secure manner.
9. The area of the licensee's activity or business shall not be used as a dump area or as a place for burning and disposal of junk or trash.
10. The enforcement officer or the Town Planning Board, or any of its representatives, shall be granted access to the area of the activity or business of the licensee at all reasonable hours to inspect the same for compliance herewith. The enforcement officer shall have all the necessary authority to enforce this local law.

11. The owner shall also at all times:
  - a. comply with all applicable provisions of any state or local statute, code, regulation, local law or ordinance governing the maintenance, use, or appearance of the building, structure or part thereof and the property of which it is a part;
  - b. keep all public areas of the building, grounds, facilities and appurtenances in a clean, safe and sanitary condition. In one and two family homes, these responsibilities can be delegated to the tenants if so indicated in a signed contract or lease.

#### **Section 2.04**      **Standards**

In considering a junkyard license application, the Planning Board shall take into account the suitability of the applicant with reference to any record of convictions for any type of larceny or receiving of stolen goods and to his ability to meet the requirements of this law. Additionally, the Planning Board shall take into account, after proof of legal ownership or right to such use of the property for the license period of the applicant, the nature and development of 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. The Planning 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 governing Board may consider collectively the type of road servicing the junkyard or from which the junkyard may be seen, the natural or artificial barriers protecting the junkyard from view, the proximity of or main access routes thereto, as well as the reasonable availability of other suitable sites for the junkyard.

#### **Section 2.05**      **Exceptions**

This Article shall not apply to farm machinery, including tractors, where such machinery is actively used, or where such machinery is being held or used for repair, restoration or resale. For purposes of this Section, the burden of proof shall be on the landowner or operator, to show that such machinery is being held or used for repair, restoration or resale by evidence showing business records or the like associated with such activity. "Actively used" shall mean machinery being used for its intended purposes within the immediate two years prior to its placement on the premises.

This Article also does not apply to persons who collect antique vehicles (twenty-five (25) years or older) and a person or persons who restore antique vehicles. However, the collection of unlicensed antique vehicles in number no greater than five (5) shall be permitted, providing that said vehicles are in a condition such that they could be licensed and used upon the public highway. Any person showing that he or she collects usable antique vehicles for business or hobby, shall be allowed one (1) vehicle for restoration purposes, providing that said restoration is completed within one (1) year from date of placement of vehicles to be restored on the premises.

**Section 2.06**      **Established Junkyards**

1. Junkyards already established shall be considered approved and deemed suitable for issuance of a license. Established junkyard operators shall apply for such license within sixty (60) days of the adoption of this local law. Such already established junkyards shall be considered a non-conforming use and allowed to continue operation. However, reasonable effort shall be made by said non-conforming operators to comply with this local law. A certificate signifying such non-conformity shall be issued with such license.
2. The enlargement of any non-conforming use referred to in the preceding paragraph through the increase in the use of real property for junkyard purposes other than in present use shall serve to terminate such nonconformity and the junkyard so expanded shall comply with regulations governing new junkyards before the renewal of said license.

**Section 2.07**      **License Renewal**

All junkyard licenses expire on March 31st and shall be annually renewed to continue in operation, unless otherwise affected by this law. Such license shall be placed and at all times displayed in a conspicuous place at the licensee's place of activity or business for which it is issued. Such license shall be effective from the date of its issuance until the 31<sup>st</sup> day of March of the next calendar year, after which a new application for license must be made yearly if the licensee desires to continue such activity or business. Such license is personal with the licensee. It does not go with the title of the land, nor may it be sold, assigned, transferred or disposed of. Such license may be revoked by the Town Board after a public hearing thereon at which the licensee shall have an opportunity to be heard. Revocation may occur due to failure to applicant to honor conditions of the license or the terms and conditions of this local law. Upon revocation of a license the Town Board may require the removal of autos, parts and materials.