

COUNTY OF SCHUYLER
TOWN OF READING
STATE OF NEW YORK
AN ORDINANCE LICENSING AND REGULATING
DEALERS IN SECOND HAND JUNK AND AUTO PARTS
ACTIVITIES AND BUSINESSES.

SECTION 1. Legislative Intent.

By the adoption of this ordinance the Town Board of the Town of Reading declares its intent in so doing to be to regulate, control and license the activities or businesses known as auto "graveyards", junk yards, second-hand parts' collection areas, the processing of used metals for re-sale and the dumping, storage and disposal of waste, second-hand or used materials of whatever composition. Said Town Board hereby declares that such activities or businesses can constitute a hazard to property and persons and a public nuisance. Such materials may be highly inflammable and sometimes explosive. Gasoline tanks on old autos often contain in some quantity combustible gasoline; the engine and other parts of such autos are frequently covered with grease and oil which is also inflammable. The tires, plastic seats, tops and other elements of such autos are also inflammable. Batteries and other elements of such autos can contain acids and other matter potentially harmful to humans. These autos frequently contain sharp metals or glass edges or points upon which a human could receive cuts and abrasions. These autos constitute attractive nuisances to children and certain adults. The presence of such junk yards even in areas zoned for business or industry is unsightly and tends to detract from value of the surrounding land and property unless such areas are properly maintained and operated.

SECTION 2. Definitions, as used in this ordinance:

- (A.) The term person shall mean an individual, an association, a partnership, or a corporation.
- (B.) The term "auto" shall mean a passenger auto, truck, tractor-truck, trailer, bus, motorcycle or other vehicle, however propelled, as well as tractors, bulldozers and similar farm or commercial machinery, and/or equipment, except such as may be in actual or seasonal use, or being kept for exchange of parts for the use of the actual occupants of the premises upon which the same are situate. Machinery includes any apparatus for farm, commercial or home use having a complex combination of mechanical parts.
- (C.) Auto graveyard: The term auto graveyard shall mean the real property of a person in possession of two (2) or more unlicensed and/or unused autos on his premises.

SECTION 3. License Required.

No person shall engage in or conduct on real property within the Town of Reading either for himself or for or on behalf of any other person directly or indirectly any activity or business either for profit or otherwise, at wholesale or retail, which involves the collection, storage, burning, dumping, disassembling, dismantling, salvaging, sorting or otherwise handling or arranging for sale, resale, storage or disposal of bodies, engines or parts of more than two autos, as hereinbefore defined, without first obtaining a license therefore as hereinafter provided.

SECTION 4. Application for License.

Each applicant for a license hereunder shall execute under oath an application therefore to be supplied by the Town Clerk, containing the following information: That the applicant is over 21 years of age and a citizen of the United States; whether he has ever been convicted of a felony or a misdemeanor, and such other facts or evidence as is 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; a description of the type of business which he intends to handle; the number of employees he intends to engage; the name and address of the owner or owners of the land and the nature of the right of occupancy of the applicant to the use of such land. There shall be attached to such application a map or plan of the real property upon which such business or activity is to be conducted, showing the area of such real property which is to be used for such purpose, as well as the location of any buildings on such property and the location of any highways and/or rights-of-way abutting or passing through such real property. Said applicant shall also agree that if the license applied for is granted he will conduct the activity or business pursuant to the regulations herein set forth and that upon his failure so to do license may be revoked.

A person presently engaged in or conducting an activity or business as herein described on real property within said Town of Reading must apply for a license therefor within thirty (30) days after the adoption of this ordinance. If the place where such business or activity is being conducted presently complies with the requirements therein set forth he shall be issued a license therefor. If such place of business does not presently comply with such requirements a temporary license or permit for sixty (60) days may be granted, during which time such place of business must be altered or changed so as to comply with the requirements aforesaid, and if at the end of such sixty (60) days' period said premises do not comply with such requirements he shall forthwith cease and desist from engaging in or conducting such business and shall remove from said premises any and all autos, parts or other materials of the nature described herein.

SECTION 5. The License.

(A.) As of January 1, 1991, the fee for the license of two (2) or more autos is hereby fixed at \$250.00, which sum shall accompany the application, and which sum shall cover the cost of issuing such license and the cost of making the necessary inspection of the premises to ascertain compliance with the prescribed regulations. Such license shall be displayed in a conspicuous place

at the licensed premises or be made available for inspection upon request.

In the event a temporary license is granted to an applicant and no bona fide license is issued the applicant due to his failure to comply with the requirements herein set forth, such fee shall be forfeited.

Such license shall be effective from the date of its issuance to the 31st day of December of the year of such issuance, after which an application for renewal of such license must be made annually if the Licensee continues such activity or business.

The license is personal with the Licensee and does not go with the title of the land; nor may it be sold, assigned, transferred or otherwise disposed of.

Such license may be revoked by the Town Board for cause after a public hearing thereon at which time the Licensee shall have an opportunity to be heard. Upon revocation of such license the Town Board may require the removal of all autos, parts and/or materials left as hereinbefore provided in the case of an applicant failing to qualify for a license.

In the event that an applicant for a license shall have previously been issued a valid and effective Junk Dealer's License by the Supervisor of the Town, pursuant to Article Six of the New York State General Business Law, such fact shall be stated in the application, and the applicant shall be entitled to and allowed a credit of Two Hundred Twenty-Five (\$225.00) Dollars against the above described license applicable to such applicant.

SECTION 6. Regulations.

- (A.) The Licensee shall personally manage or be responsible for the management of the activity or business for which the license is issued.
- (B.) In all of the aforesaid "auto graveyards", junk yards, and/or second-hand collection areas, all automobiles, tractors, bulldozers, machinery and/or equipment shall be lined up or stocked on their bottoms in a neat and orderly manner, not to exceed six (6) feet in height, at a distance of not less than two hundred (200) feet from the boundary limits of any and all highways or said junk shall be stored within a building or said auto graveyard shall be enclosed by an opaque fence not less than six (6) feet in height on the side adjacent to the highway and/or rights of way.
- (C.) The autos, parts and materials dealt in by the Licensee shall be disassembled or dismantled by means other than by burning (except by acetylene torch), except by written consent, permission and/or authority of the Schuyler County Fire Coordinator. Verbal notice of such intent to burn shall be given by the Licensee to the immediately adjoining property owners.
- (D.) Sanitary facilities upon the licensed premises must comply with the provisions of the New York State Sanitary Code.
- (E.) The area of the Licensee's activity or business shall not be used as a dump area nor as a place for burning of junk or trash except by written permission as aforesaid.
- (F.) The Town Clerk and/or any member of the Town Board or any of its representatives shall be granted access to the licensed premises at all reasonable hours for the purpose of inspection to determine compliance with the regulations herein set forth.
- (G.) Any person having twenty-five (25) or more autos shall have the responsibility of having a six (6) foot high opaque fence or three rows of living evergreen trees (acting immediately as a six (6) foot high opaque fence) surrounding such autos.

SECTION 7. Violation of Ordinance an Offense: Penalties Therefor.

- (A.) A violation of this ordinance is an offense punishable by a fine not to exceed Fifty (\$50.00) Dollars or imprisonment for a period of not to exceed six (6) months, or both. For the purpose of conferring jurisdiction upon Courts and judicial officers generally, violations of this ordinance shall be deemed misdemeanors, and for such purpose only all provisions of law relating to misdemeanors shall apply to such violation. Each day such violation shall continue or be permitted to exist shall constitute a separate violation.
- (B.) Conviction for any above mentioned violation shall constitute and effect an immediate forfeiture and cancellation of the license.
- (C.) Any person violating this ordinance shall be subject to a civil penalty enforceable and collectible by the Town of Reading in the amount of One Hundred (\$100.00) Dollars for each such offense. Such penalty shall be collectible by and in the name of the Town for each day that such violations shall continue.
- (D.) 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 with or to restrain by injunction the violation of such ordinance.

SECTION 8. Repeal.

All ordinances or regulations heretofore adopted which are in conflict with this ordinance are hereby repealed.

SECTION 9. Amendments.

The Town Board from time to time, on its own motion, or on petition, may amend, supplement, change, modify or repeal the provisions of this ordinance in accordance with the Town Law applicable thereto.

SECTION 10. Invalid Parts.

If any portion of this ordinance shall be declared invalid, it shall not affect the remaining provisions. If any act of the Legislature, or any rule of a State department having the effect of law, amends or supersedes any portion of this ordinance, this ordinance shall be deemed so amended or superseded without the necessity of the Town Board's adopting another ordinance so amending or superseding.

SECTION 11. Effective Date.

This ordinance as amended shall take effect immediately.