

(Please Use this Form for Filing your Local Law with the Secretary of State)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County  
City of Delaware  
Town  
Village  
Local Law No. Four of the year 19 82

A local law JUNKYARD LAW  
(Insert title)

Be it enacted by the Town Board of the  
(Name of Legislative Body)

County  
City of Delaware as follows:  
Town  
Village

(If additional space is needed, please attach sheets of the same size as this and number each)

TOWN OF DELAWARE  
SULLIVAN COUNTY, NEW YORK

LOCAL LAW NO. 3 - 1982

"JUNKYARD LAW"

Be It Enacted By The Town of Delaware, Sullivan County, New York, As Follows:

Section One: Title - This is a Law regulating the establishment and operation of junkyards in the Town of Delaware, Sullivan County, New York. It may be referred to as the "Town of Delaware Junkyard Law."

Section Two: Purpose - This Law is enacted for the purpose of establishing minimum health and safety standards for junkyards in the Town of Delaware as well as controlling the location of the same so as to limit problems of incompatibility with other activities.

Section Three: Jurisdiction and Scope - This Law shall apply to all junkyards now existing or hereafter proposed in the Town of Delaware. No junkyard shall be created except in conformance with the standards herein and all junkyards shall be required to conform with said standards or be removed at the owner's expense.

Section Four: Definitions - The terms listed below shall be interpreted and are hereby defined as follows:

4.1 Automobile Sales Lot - The use of any building, land area or other premise for the display and sale of new or used automobiles of operable condition, panel trucks or vans, trailers, or recreation vehicles and including any warranty repair work and other repair service conducted as an accessory use. No business or facility generating less than 50% of its gross sales from the actual sale of new or used automobiles (excluding parts, repairs, etc.) shall be considered an automobile sales lot.

4.2 Junkyard - An area of land, with or without buildings, used for the storage, outside a completely enclosed building, of used and discarded materials, including but not limited to waste paper, rags, metal, glass, building materials, house furnishings, machines, vehicles, or parts thereof, with or without the dismantling, processing, salvage, sale or other use or disposition of the same.

The outside storage or deposit on a lot of three or more inoperable vehicles which do not have current licenses issued by the New York State Department of Motor Vehicles, shall be considered a junkyard. Agricultural vehicles such as tractors, mowers, etc. which are utilized as part of an active farming operation and contractors' construction equipment shall be exempt from this interpretation. Automobile sales lots managed by licensed automobile dealers and storage areas for recognized antique automobiles or other operable special purpose vehicles shall also be exempt.

Section Five: Standards - Junkyards shall conform with the following standards:

5.1 - Any junkyard located adjacent to a Federal Aid Highway shall comply with all regulations of the Federal Highway Administration and provide evidence of the same to the Town of Delaware.

5.2 - No junkyard created after the effective date of this Law shall be located closer than five-hundred (500) feet to an existing public right-of-way or five-hundred (500) feet to any adjoining property.

5.3 - New junkyards shall comply in all respects with the provisions of the Town of Delaware Zoning Ordinance and be considered "Uses Subject to Plan Approval by the Planning Board" under said Ordinance. Junkyards shall, moreover, be permitted only in Rural (RU) Districts.

5.4 - All new and existing junkyards must erect and maintain a six (6) foot fence adequate to discourage the entrance of children or others into the area and to contain within such fence materials dealt in by the owner or operator. If an existing junkyard is located adjacent to a public street or residential area the fence shall be twenty-five (25) feet from the boundary line thereof and be adequate to screen all portions of the junkyard from view from the public street or from residential areas. All fencing must be approved by the Planning Board and produce a screen through which one generally cannot see. Various materials including evergreen screening may be used. The Town Board shall be responsible for taking measures (including securing injunctive relief) to ensure maintenance of fencing.

5.5 - The area used for a junkyard shall not be used as a dump area or as a place for the burning and disposal of trash.

5.6 - No junkyard or portion of a junkyard shall be located on a slope exceeding 12% in grade or

located above or below the level of the junkyard).

5.7 - Existing non-conforming junkyards shall, within a period of one year following the effective date of this Law, be removed or brought into compliance with Sections 5.1, 5.4 and 5.5. Existing junkyards, shall not be expanded except in conformance with the complete provisions of Section five and in no case will any change in an existing junkyard, which would lessen its conformity with these regulations, be permitted.

Section Six: Procedures - Any person or persons proposing to establish or expand a junkyard in the Town of Delaware, shall prepare site plans of the same to be submitted to the Planning Board under the Site Plan Review procedures of the Zoning Ordinance. Plans shall be prepared by a Professional Engineer at a scale of 1" = 100' or larger. They shall be in sufficient detail to document compliance in every respect with the standards of this Law.

Existing junkyards shall be identified and notified of any non-conformities with this Law, within sixty (60) days of the effective day of this Law. The Town of Delaware Building Inspector shall be responsible for this procedure and shall, additionally, inform all owners of existing non-conforming junkyards of the action which must be taken to comply with this Law, the time available to take those actions, and the consequences of violations.

The Town Board may establish and from time to time revise a fee schedule for junkyard plan submissions.

Section Seven: Variations - Variations to the standards contained herein may be approved by the Town Board upon recommendation of the Town Planning Board and/or Building Inspector in order to accommodate unusual site conditions.

Section Eight: Violations - Any person who violates any provision of this Law shall be deemed to have committed an offense against this Law and also shall be liable for said violation.

Any person, firm or corporation violating this Law shall be subject to a civil penalty enforceable and collectible by the Town in the amount of \$100.00 for each offense; such penalty shall be collectible by and in the name of the Town.

Each day of continued violation after notice thereof shall constitute a separate violation and offense.

In addition to the above provided penalties, 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 any portion of this Law.

Section Nine: Validity - The invalidity of any provision of this Law shall not invalidate any other part.

Section Ten: Enactment - Be It Enacted this 11th day of November, 1982 by the Town Board of the Town of Delaware, to be effective immediately.



ATTEST: *Frederick H. ...* SEAL  
TOWN CLERK

Craig Stewart

Henry Engert

Anne R. Gorr

Carl E. Rosenberger

BOARD OF TRUSTEES Town Board

(Complete the certification in the paragraph which applies to the filing of this local law and strike out the matter therein which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 3 of 1982  
of the ~~County~~ ~~City~~ ~~Town~~ ~~Village~~ of Delaware was duly passed by the Town Board  
(Name of Legislative Body)  
on November 11 1982 in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval or no disapproval by Elective Chief Executive Officer,\* or repassage after disapproval.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19\_\_\_\_\_  
County  
of the ~~City~~ ~~Town~~ ~~Village~~ of \_\_\_\_\_ was duly passed by the \_\_\_\_\_  
(Name of Legislative Body)  
on \_\_\_\_\_ 19\_\_\_\_\_. ~~not disapproved~~  
and was approved ~~repassed after disapproval~~ by the \_\_\_\_\_  
Elective Chief Executive Officer \*  
and was deemed duly adopted on \_\_\_\_\_ 19\_\_\_\_\_, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19\_\_\_\_\_  
County  
of the ~~City~~ ~~Town~~ ~~Village~~ of \_\_\_\_\_ was duly passed by the \_\_\_\_\_  
(Name of Legislative Body)  
on \_\_\_\_\_ 19\_\_\_\_\_. ~~not disapproved~~  
and was approved ~~repassed after disapproval~~ by the \_\_\_\_\_  
Elective Chief Executive Officer \*  
on \_\_\_\_\_ 19\_\_\_\_\_. Such local law was submitted to the people by reason of a  
~~mandatory~~ ~~permissive~~ referendum, and received the affirmative vote of a majority of the qualified electors voting  
~~general~~  
thereon at the ~~special~~ ~~annual~~ election held on \_\_\_\_\_ 19\_\_\_\_\_, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum, and final adoption because no valid petition filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19\_\_\_\_\_  
County  
of the ~~City~~ ~~Town~~ ~~Village~~ of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_  
(Name of Legislative Body)  
\_\_\_\_\_ 19\_\_\_\_\_. ~~not disapproved~~  
and was approved ~~repassed after disapproval~~ by the \_\_\_\_\_ on \_\_\_\_\_  
Elective Chief Executive Officer \*  
\_\_\_\_\_ 19\_\_\_\_\_. Such local law being subject to a permissive referendum and no valid petition requesting such referendum having been filed, said local law was deemed duly adopted on \_\_\_\_\_ 19\_\_\_\_\_, in accordance with the applicable provisions of law.

\*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village or the supervisor of a town, where such officer is vested with power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. .... of 19..... of the City of..... having been submitted to referendum pursuant to the provisions of § 36 § 37 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the special general election held on ..... 19 ..... became operative.

6. (County local law concerning adoption of Charter.)

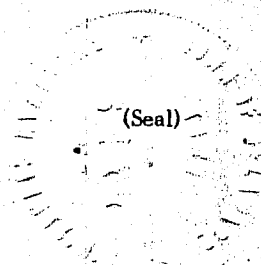
I hereby certify that the local law annexed hereto, designated as Local Law No. .... of 19..... of the County of ....., State of New York, having been submitted to the Electors at the General Election of November ....., 19 ....., pursuant to subdivisions 5 and 7 of Section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph ..... above.

*Frederick Hermann*  
Clerk of the County legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: November 13, 1952



(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK  
COUNTY OF Sullivan

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

*Michael S. M. Seady*  
Signature  
Attorney for the Town  
Title

Date: 12/13/82

County  
City of Delaware  
Town  
Village