

Local Law 1 2001:
May 21, 2001

A local law amending Local Law No. 1 of 1979 of the Town of Portville Regulating, Controlling, and Licensing Activities, known as "Auto Graveyards and Junkyards"

Be it enacted by the Town Board of the Town of Portville as follows:

LOCAL LAW NO. 1 of 1979-Subdivision III defining "Auto" is amended as follows:

Auto shall mean a passenger auto, truck, tractor-trailer, commercial trailer, bus, motorcycle, and/or other vehicles.

LOCAL LAW NO. 1 of 1979-Subdivision IV "License Required" is hereby amended as follows:

Any person who shall permit the collection or storage outside of a building of two (2) or more unlicensed or inoperative autos, or the shell or body thereof, for a period of more than thirty (30) days, shall be considered as engaged in the operation of an auto graveyard and shall be required to obtain a license pursuant to the terms of this local law. An auto shall be considered inoperative if after five (5) days written notice from the Enforcement Officer, the owner of the auto or the owner of the land upon which said auto rests does not qualify for a New York State Motor Vehicle certificate and current New York State Registration. Qualification is the responsibility of the land owner and/or vehicle owner and must be provided by a third party licensed or registered inspector in writing to the Town Board and/or the Enforcement Officer.

LOCAL LAW NO. 1 of 1979-Subdivision V A, titled "Application for License; required information, approval," shall be amended as follows:

SUBDIVISION VA (3) shall read:

(3) A description of the exact type of activity of business he/she intends to conduct.

SUBDIVISION VA (4) shall read:

(4) The nature of the materials he/she intends to handle.

SUBDIVISION VA (5)

(5) The names and address of owner or owners of the land and the nature of the right of occupancy of the applicant to the use of the land.

SUBDIVISION VE shall read as follows:

A person presently engaged in or conducting the same and shall remove from such place any activity or a business, such as described herein, on real property within the Town of Portville must apply for a license within thirty (30) days of the adoption of this amendment to the local law. If the place where he/she conducts such activity or business presently complies with the requirements that a person must meet to secure a license in the first instance, he/she shall be issued a license thereof he/she meets the other requirements contained therein. If the place where he/she conducts such activity does not presently comply with the requirements that a person must meet to secure a license in the first instance, he/she may, at the discretion of the Town Board, be granted a temporary license for a period not to exceed thirty (30) days, during which period he/she must arrange the place where he/she conducts such activity or business so that it does then comply with the requirements a person must meet to secure a license in the first instance. If, at the end of such thirty (30) day period, such person has not so arranged his/her place of such activity or business he/she shall forthwith cease and desist engaging in or conducting the same and shall remove from such place all autos, parts, or other materials of the nature described herein.

SUBDIVISION VI (F) shall read as follows:

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. Upon revocation of the license, the Town Board will require the removal of autos, parts, and materials left as provided above in the case of an

applicant for a temporary license who fails to qualify for a license. Removal shall be completed within thirty (30) days.

SUBDIVISION VII, titled, "Requirements for Operation," shall be amended as follows:

SUBDIVISION VII (B) shall read as follows:

The licensee must erect and maintain a minimum eight foot (8') fence made of wood or metal with no visibility through as approved by the Town Board, adequate to contain, within such fence or enclosure the material dealt in by the licensee. Such fence or enclosure must be at least ten (10) feet from the right of way and twenty-five (25) feet from any sideline boundary lines or even with any existing structure of an existing licensee as may be determined by the Town Board after due consideration of adjoining property locations. Material behind the fence or enclosure shall not be visible from street level at a distance of three hundred (300) feet.

SUBDIVISION VII (C) shall be amended and read as follows:

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 no wider than fifty (50) feet with clear passage through the area of twenty-five (25) feet wide passage ways on both sides of rows.

SUBDIVISION VII, titled, "Penalties For Offenses is amended as follows:

SUBDIVISION VII (B) shall read as follows:

For every violation of any provision of this local law, the person violating the same shall be subject to a fine of not more than two hundred fifty (\$250) dollars for each such offense. Such fine shall be collectible by and in the name of the Town for each day that such violation shall continue. The licensee or the property owner or both shall be responsible for any and all cost incurred in the clean up process of said property.

SUBDIVISION VII (F) shall read as follows:

Real property shall consist of a minimum size of a five (5) acre lot.

SUBDIVISION VII (G) shall read as follows:

Minimum distance from any residential dwelling shall be a minimum distance of One Thousand feet (1000').