

County of Saratoga
~~City~~ of Victory, New York
~~Town~~
Village

Local Law No. 4 of the year 19 78.

A local law relating to operation of junk yards in the Village of Victory,
Saratoga County, New York. (Insert title)

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

County of Saratoga
~~City~~ of Victory, New York as follows:
~~Town~~
Village

Section 1. Purpose of Local Law. The operation of the business of junk yards and the use of property as junk yards, including the dismantling of used automobiles, trucks and machinery, for the salvage of used parts, and the processing of scrap metal, and the dumping, storage and disposal of waste material, constitutes a hazard to public safety and health unless controlled. The purpose of this Local Law is to regulate the operation of junk yards and the use of property as junk yards to protect the life, health and property of the residents of the Village of Victory.

Section 2. Definitions. As used in this Local Law, the term "person" shall include an individual, a partnership, a corporation or any association of persons. The term "junk yard" shall include any property on which there is stored one or more unlicensed vehicles for dismantling, the dismantling or breaking up of automobiles for the salvage of parts thereof or processing the same for sale as scrap metal and the storage of vehicles and parts of vehicles, and the term "junk yard" shall also include the disposal of waste material of any kind. Provided, however, that one operable unlicensed vehicle stored on property shall not constitute a "junk yard". The term "vehicle" shall include passenger automobiles, trucks, trailers, buses, motor vehicles, bulldozers, machinery and equipment.

Section 3. Permit. No person shall engage in or conduct on real property within the Village of Victory either for himself or for or on behalf of any other person directly or indirectly as agent, employee or otherwise, 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 or otherwise, of bodies, engines, or parts of vehicles, or of any other second hand or used property of whatever material it is composed or any waste material whether composed of wood, paper, cloth, cardboard, plastics, metals, stone, cement or otherwise, without first obtaining a permit therefor as hereinafter provided.

Section 4. Application for Permit. Each applicant for a permit hereunder shall execute and file with the Village Clerk a written application on a form to be supplied by the Village Clerk, which shall state the name, age and residence address of the applicant, a description of the business or activity he intends to conduct; a description of the lands upon which the applicant intends to conduct such business or activity; the name and address of the owner or owners of the property upon which it is proposed to conduct such business or activity; and if the applicant is not the owner of the property, the nature of the right of the applicant to use the property described in the application for the business or activity proposed to be conducted thereon by the applicant. The Village Board may enter upon the property and inspect the property described in such application and may require from the applicant any additional information relating to the property or the business or activity proposed to be conducted thereon to enable the Village Board to determine whether the operation of the proposed business or activity on the property described in the application will be dangerous to the safety and welfare of the residents of the Village of Victory. The permit required under this Local Law shall be issued by the Village Clerk after the issuance thereof shall have been approved by resolution adopted by majority vote of the whole membership of the Village Board.

Section 5. The Permit. The fee for the permit is hereby fixed in the sum of fifty (\$50.00) dollars, which shall be paid by the applicant to the Village Clerk at the time the permit is issued.

The permit shall be effective from the date of its issuance until the 31st day of December of the year of such issuance and the applicant must file an application with the Village Clerk for the issuance of a permit for any year thereafter.

The permit shall be personal to the applicant and shall not be sold, assigned or transferred.

Section 6. Regulations. (a) The permittee must personally manage or be responsible for the management of the activity or business for which the permit is granted. (b) The permittee shall erect and maintain a tight board fence, other than slabs, six (6) feet in height completely around the area in which the business or activity is conducted adequate to prevent the entrance of children and others into the area in which such business or activity is conducted. When the area is not personally supervised by the permittee or his employees, any gate or door to provide access to the area shall be securely locked. (c) All materials handled or dealt in by the permittee shall be kept within the fenced area at all times. (d) The area permitted to be used by the permittee for such business or activity shall not be used as a dump area nor as a place for the burning or disposal of junk, trash or waste material. (e) The vehicles, parts and materials handled or dealt in by the permittee on the property permitted for such business or activity shall be dismantled by means other than burning and shall be piled or arranged in rows to permit adequate passage through the area. (f) The Village Board or any of its authorized representatives shall have access to the permittee's premises at all reasonable hours to inspect the area for compliance with this local law.

Section 7. The regulations provided by this Local Law shall apply to junk yards in operation at the time of the effective date of this Local Law as well as to junk yards which shall hereafter be established and permitted under and by the provisions of this Local Law.

Section 8. (a) The owner, lessee or occupant of the real property who conducts or permits any acts in violation of any of the provisions of this Local Law shall be deemed to have committed an offense against such Local Law and also shall be liable for any such violation or the penalty therefor. Each day such violation shall continue to be permitted to exist shall constitute a separate violation. (b) For every violation of any provision of this Local Law the person violating same shall be subject to a fine of not more than \$100.00, or imprisonment not exceeding 30 days, or by both such fine and imprisonment.

Section 9. Saving clause. If any clause, sentence, paragraph, section or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 10. Local Law. This Local Law shall take effect subject to the provisions of section twenty-seven, of the Municipal Home Rule Law, after filing same in the Office of the Secretary of State.

(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. 4 of 1978. County of Saratoga of the City of Victory, N.Y. was duly passed by the Board of Trustees (Name of Legislative Body) on 19 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 Saratoga City of Victory, N.Y. was duly passed by the Board of Trustees (Name of Legislative Body) on 19 and was approved 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 Saratoga City of Victory, N.Y. was duly passed by the Board of Trustees (Name of Legislative Body) on 19 and was approved by the Elective Chief Executive Officer * on 19. Such local law was submitted to the people by reason of a mandatory referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the special 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 Saratoga City of Victory, N.Y. was duly passed by the Board of Trustees (Name of Legislative Body) on 19 and was approved by the Elective Chief Executive Officer * on 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.

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 paragraph¹..... above.

Denise M. P...
Clerk of the County legislative body, City, Town or Village Clerk or officer designated by local legislative body
VILLAGE CLERK

Date: *July 12, 1978*

(Seal)

(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 SARATOGA

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.

Lawrence R. Hamilton
Lawrence R. Hamilton
VILLAGE ATTORNEY

Title
County of Saratoga
~~City~~ of Victory, New York
~~Town~~
Village

Date: *7/12/78*