

TOWN OF BRISTOL

ONTARIO COUNTY, NEW YORK

ABANDONED VEHICLE AND JUNKYARD LOCAL LAW - #2-2000<sup>6</sup>

**ARTICLE I. Title.**

**Section 10.** This Local Law shall be known as the "Abandoned Vehicle and Junkyard Local Law of the Town of Bristol, Ontario County, New York".

**ARTICLE II. Purpose.**

**Section 20.** The purpose of this Local Law shall be to promote and preserve the safety, welfare, health and good order of the community by providing proper regulations for the operations of Junkyards currently in existence and the exposure of dangerous and unsightly vehicles to the public view. No new Junkyards shall be allowed within the Town of Bristol.

**ARTICLE III. Definitions.**

**Section 30.**

**Abandoned Vehicles.** Any automotive vehicle, or trailer, which is without a currently valid license plate or plates, that is left to remain outside of a completely enclosed building in the same lot or part of a lot for more than four (4) consecutive days without the permission of the owner of the premises.

**Front Yard.** Shall mean the open space between the road or highway adjacent to the premises upon which the Junkyard is located and the principal structure on the premises. In the event that the Junkyard is located on a corner lot, the front yard shall be measured from both roads or highways.

**Junkyard.** Shall mean any place of storage or deposit, whether in connection with another business or not, where two (2) or more unregistered, motor vehicles, no longer intended or in condition for legal use on the public highways are held, whether for the purpose of resale of used parts therefrom, for the purpose of reclaiming for use some or all of the materials therein, whether metal, glass, fabric, or otherwise, for the purpose of disposing of the same or for any other purpose; such term shall include any place of storage or deposit for any such purposes of used parts or waste materials from motor vehicles which, taken together, equal in bulk two (2) or more such vehicles, provided, however, the term "Junkyard" shall not be construed to mean an establishment having facilities for processing iron, steel, or nonferrous scrap.

The term "Junkyard" shall also be defined as any land or premises where waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, cleaned, packed, disassembled or handled but does not include lumber yards.

The term "Junkyard" shall not include licensed establishments operated for the sale or purpose of used automobiles, trucks, tractors, or other engine operated equipment in operating condition.

**Person.** Shall mean an individual, group of individuals, partnership, limited liability company, corporation, club, society institution, organization, firm or association of any kind.

**ARTICLE IV. Junkyards.**

**Section 40.**

No lot in any district may hereafter be used, nor any structure erected, reconstructed, altered or moved in any district for use as a Junkyard.

Nothing in this section shall prohibit the erection of any structure to enclose a Junkyard or any part thereof which was in existence as of the date of the adoption of this Local Law, provided that such structure must comply with all applicable requirements set forth in the *Zoning Ordinance of the Town of Bristol*.

**Section 41. Abandoned Vehicles.**

It shall be unlawful for any person, firm or corporation to maintain or to permit to be maintained any abandoned vehicle(s) in the Town of Bristol. Owners or occupants of property on which there is an abandoned vehicle will be given notice by mail by the Code Enforcement Officer of the Town of Bristol to remove the abandoned vehicle or vehicles from their property within ten (10) days from the date the notice is sent to such owner or occupant. If said abandoned vehicle(s) are not removed from the premises by the time required in the notice, the Town of Bristol shall have the right to enter upon the premises and to remove and dispose of the abandoned vehicle(s). The expense of such removal and disposition shall be a lawful charge against the owner or occupant.

**Section 42.**

No Junkyard shall be allowed to be enlarged or expanded and the permitted use of a Junkyard shall cease if at any time the Junkyard operations are terminated or ceased for a period of twelve (12) consecutive months, or the owner/operator of the Junkyard shall fail to obtain a renewal permit as required by this Local Law.

The owner or operator of a Junkyard shall place in the front yard of the premises upon which the Junkyard is operated, a wood screening fence, or its equivalent, 8 feet in height, such fence to be located not less than 90 feet from the centerline of the highway, and shall continue along the side lot lines at least 25 feet or until a natural screening is met. No abandoned vehicle or vehicles are to be closer than ten (10) feet of the adjoining property line or outside of any fence or screening.

**ARTICLE V. Permits.**

**Section 50.**

The application for an annual Permit Renewal shall be filed with the Town Clerk of the Town of Bristol and shall be accompanied with the application fee as from time to time established by resolution by the Town Board.

The application for an Annual Permit Renewal shall be made on printed forms to be furnished by the Town Clerk of the Town of Bristol. Where there have been no changes in the operation of the Junkyard, and all matters set forth are deemed the same, the requirements of this section shall be complied with in full if the applicant makes a verified statement that there have been no changes in such matters.

Each Annual Permit shall expire on the 30<sup>th</sup> day of April following the issuance thereof.

Before the first day of May, every person legally owning or operating a Junkyard within the Town of Bristol shall apply for and obtain an Annual Renewal Permit.

## **ARTICLE VI. Inspection and Revocation.**

### **Section 60.**

Before any Annual Renewal Permit will be issued as required under this Local Law by the Town Clerk, the Code Enforcement Officer shall make an inspection of the Junkyard premises to determine that all of the requirements of this Local Law have been complied with. Said inspection, satisfactory to the Code Enforcement Officer, shall be made before any renewal permit may be issued pursuant to the terms of this Local Law. The Code Enforcement Officer shall have the right at any reasonable time to enter any Junkyard to inspect the same for the purpose of determining that the requirements of this Local Law are being complied with by the owner/operator.

If upon inspection by the Code Enforcement Officer, it shall be determined that any person has violated provisions of this Local Law, the Code Enforcement Officer shall have the power to revoke or suspend any Junkyard permit and order the cessation of operations upon the issuance of a written violation notice. This violation notice shall contain a ten (10) day notice and shall be signed by the Code Enforcement Officer with a copy served to the owner/operator and a copy filed with the Town Clerk of the Town of Bristol. Such order shall contain a list of those violations not corrected or removed as required. The owner/operator shall have the right to a Public Hearing regarding the revocation, suspension or order upon written notice to the Zoning Board of Appeals as provided in Article VII.

## **ARTICLE VII. Variances and Appeals.**

### **Section 70.**

Any person aggrieved by the granting or refusal of any renewal permit, or by the order, decision or determination of the Code Enforcement Officer, may appeal to the Zoning Board of Appeals of the Town of Bristol within thirty (30) days from the date of action or determination by the Code Enforcement Officer. The notice of appeal shall be in writing and shall be filed with the Zoning Board of Appeals and served personally upon the Town Clerk and the Code Enforcement Officer. Such notice of appeal shall specify the order of suspension or revocation, ruling decision or determination made, and, if the appeals involves the granting of a variance or modification of any of the provisions of this Local Law, such notice of appeal shall specify that a variance or modification is requested and the nature of the same. Any such appeal shall be taken, heard and determined in accordance with the provision of the Town Law and the rules and regulations of the Zoning Board of Appeals. Where the appeal is for a variance, the applicant shall file with the appeal a copy of all papers, all documents, plans, maps and information required by this Local Law. The notice of appeal shall be accompanied by the fee as from time to time established by resolution by the Town Board.

When, in the judgment of the Zoning Board of Appeals of the Town of Bristol, the public convenience, welfare and safety will be substantially served, the Zoning Board of Appeals may, after due notice and Public Hearing and subject to appropriate conditions and safeguards, grant variances and modifications to the provisions of this Local Law in harmony with the general purposes and intent of this Local Law.

**ARTICLE VIII. Penalties.**

**Section 80.**

Any person who, having been served with a notice or ordered to remove any violations allowed by this Local Law, and fails to comply within the time fixed under provisions here, shall be guilty of a misdemeanor punishable by a fine not to exceed \$1,000 and/or imprisonment for not more than one (1) year, or both such fine and imprisonment.

Every day such violation of this Local Law continues may be held to constitute a separate offense.

**Section 81.**

Whenever a violation of this Local Law is not removed by the owner/operator within the time prescribed after service of the notice, the Town of Bristol may proceed to correct and/or remove the violation by injunction or other legal process. In such event, the cost incurred by the Town of Bristol shall be borne by the owner/operator of the premises and also become a public charge against the land. If the owner/operator interferes in any way with, or causes delay to the taking of corrective action by the Town, the Town of Bristol may commence a proceeding or action in the Supreme Court to restrain such interference or delay.

**ARTICLE IX. Validity.**

**Section 90.**

The validity of any section or provision of this Local Law shall not be invalidated by the invalidity of any other section, provision, or part thereof.

**Section 100.**

The remedies and enforcement procedures set forth in this Local Law shall be deemed cumulative with other remedies for the enforcement of the provisions contained herein in the Local Law, Ordinances and Regulations of the Town of Bristol and in any other State or Local Law, Ordinance or Regulation.

**ARTICLE XI. Repeal of Prior Ordinance.**

**Section 110.**

This Ordinance entitled "Junkyard Ordinance of the Town of Bristol adopted on December 27, 1973 and April 14, 1980 is hereby repealed upon the passage and adoption of this Ordinance.

**ARTICLE XII. Effective Date.**

**Section 120.**

This Local Law shall be effective immediately upon its passage, publication, filing and posting of notice of adoption, as prescribed by law.

11/2006