

Town of Granby Recycle/Dismantler Ordinance

Section 1. *Legislative Intent*

By the adoption of this ordinance, the Town Board of the Town of Granby, Oswego County, New York, declares its intent 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 resale, and the dumping, storing, and disposal of waste, second-hand or used materials of whatever composition. Said Town Board hereby declares that such activities or businesses can constitute public nuisance and a hazard to property and persons. 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 metal or glass edges or points upon which a human could receive serious cuts and abrasions. These autos can 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 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 passenger auto, truck, tractor-truck, trailer, bus, motorcycle, or other vehicle, however propelled, as well as tractors, bulldozers, machinery, and equipment.

Section 3. *License Required*

No person shall engage in or conduct on real property within the Town of Granby, County of Oswego, New York, either for himself or for and 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 handling or arranging for sale, resale, storage, or disposal or otherwise of bodies, engines, or parts of autos, 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 license therefore as hereinafter provided.

Section 4. *Presumption*

For the purpose of this ordinance, and for the purpose of proof upon the trial of any action, proceeding, or other legal remedy pursued, there shall be a presumption that any person not a duly licensed auto dealer who shall have on his premises two or more unregistered autos not being held for resale as used-car transportation shall be engaged in an activity or business or operating a second-hand junk and auto parts business. For the purposes of this ordinance, any person who shall have on his real property within the Town of Granby, County of Oswego, New York, two or more autos as defined in Section 2, shall be required to comply with all the terms and provisions of this ordinance, and shall within the provisions and terms as set out herein for license requirement.

Section 5. *Application for License*

Each applicant for a license hereunder shall submit an application therefore which shall contain the following information:

1. That the applicant is over twenty-one (21) years of age.
2. That he is a citizen of the United States.
3. Whether he has ever been convicted of a misdemeanor.
4. 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.
5. A description of the exact type of business he intends to conduct.
6. The nature of the materials he intends to handle.
7. The number of employees he intends to engage.
8. 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.
9. Such other and further information as the Town Board shall determine necessary to properly consider the application.

At the time of making the application, the applicant shall submit to and file with the Town Clerk a map or plan of the real property upon which he intends to conduct the activity or business for which he is making application for a license hereunder with the area of such real property which it is proposed to use for such purpose, the location of the fence required hereunder indicated thereon as well as the location of any buildings on such land, the location of any streets or highways abutting or passing through such land, and the location of any water, sewer, or gas mains or laterals available thereto, as well as the drainage pattern of such land.

In the application, the applicant shall agree that, if granted the license applied for, he will conduct the activity or business pursuant to the regulations hereinafter set forth and that upon his failure to do so, such license may be revoked forthwith.

A person presently engaged in or conducting an activity or business such as described herein, on real property within the Town of Granby, County of Oswego, New York, must apply for a license therefore within thirty (30) days of the adoption of this ordinance. If the place where he conducts such activity or business presently complies with the requirements, a person must meet to secure a license in the first instance, he shall be issued a license therefore if he meets the other requirements contained herein. If the place where he conducts such activity or business does not presently comply with the requirements, a person must meet to secure a license in the first instance, he may be granted a temporary license for one (1) year, during which year he must arrange the place where he 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 year such person has not so arranged his place of such activity or business, he shall forthwith cease and desist engaging in or conducting the same and shall remove from such place any autos, parts, or other materials of the nature described herein.

If the person conducting such activity or business is not the sole owner thereof, he shall state such fact at the time he applies for his temporary license and the Town Clerk at the time of issuing such temporary license shall

send the owners or each of them a notice of the issuance of such temporary license to such person together with a copy of this ordinance.

Section 6. *The License*

The fee for license shall be in the sum of \$15.00 and in the event the license be denied or refused, the Town Clerk shall return the sum of \$10.00 to the applicant with \$5.00 being retained as fee for processing the application.

Such license shall be granted by a majority vote of the Town Board of the Town of Granby, County of Oswego, New York. Any application made to the Town Clerk shall be presented to the Town Board by said Town Clerk at the next regular meeting of the Town Board for consideration and action. The Town Board shall have the right to table action on the application until the next regular meeting of the Town Board in order that they may view the premises, investigate the background of the applicant, and such other investigation as they shall feel necessary upon the consideration of the application. The Town Board shall not delay action on the application from the time of its presentation to the Town Board by the Town Clerk as hereinbefore set out, longer than the time from said meeting until the next regular meeting of the Town Board, but in no event for more than sixty (60) days from the date upon which application is made to said Town Board.

Such license shall be kept at all times at the Licensee's place of activity or business, for which the license is issued and shall be available at all times to any member of the Town Board, the Constable, members of the Oswego County Sheriff's Office, members of the New York State Police, and any person or persons appointed by the Town Board to inspect such licensed premises.

Such license shall be effective from the date of its issuance for twelve (12) consecutive calendar months, and a new application for a license must be submitted to the Town Clerk not less than thirty (30) days prior to the expiration date of the current license if Licensee desires to continue such activity or business.

Such license is personal with the Licensee. It does not go with the title of the land, nor may it be sold, assigned, transferred, or disposed of.

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 a license, the Town Board may require the removal of autos, parts, and materials left as above provided in the case of an applicant for a temporary license who fails to qualify for a license.

Section 7. *Regulations*

- (a) The Licensee must personally manage or be responsible for the management of the activity or business for which the license is granted.
- (b) The Licensee must maintain an office and a sufficient number of employees on the premises to assure the proper and safe conduct of such activity or business, to minimize the fire hazard therefrom and to prevent improper trespass thereon by children and others.
- (c) Inside and adjacent to and contiguous with any fence, if required by permit regulations, a strip of land at least twenty feet (20') in width shall be kept free of all dry grass or other growth or any other combustible material so as to provide a fire lane or line around the whole area where the activity or business of the Licensee is being conducted.
- (d) The Licensee shall be required to keep one fire extinguisher as described on the licensed premises and the limitation of square foot area requirement is hereby repealed.

- (e) The regulations contained are hereby repealed and the following regulations duly enacted: The autos, parts, and materials dealt in by the Licensee shall not be pooled or stored within an area closer than one hundred (100) yards from any adjacent public highway right-of-way, unless specific privilege be granted in the license afforded, conditioned upon the Licensee erecting and maintaining between such public highway and the licensed area a solid board fence, or its equal, at least six feet (6') in height.
- (f) The area of the Licensee's activity or business shall not be used as a dump area, nor as a place for the burning and disposal of junk or trash.
- (g) The Town Board, the Constable, members of the Oswego County Sheriff's Office, members of the New York State Police, and any person or persons appointed by the Town Board, shall be granted access to the area of the activity or business of the Licensee at all reasonable hours to inspect the same for compliance herewith.

Section 8. *Violation of Ordinance an Offense: Penalties Therefore*

- (a) The owner or Licensee of any such place of business who commits or permits any acts in violation of any of the provisions of this ordinance shall be deemed to have committed an offense against such ordinance, and also shall be liable for any such violation or the penalty therefore. Each day such violation shall continue or be permitted to exist shall constitute a separate violation.
- (b) For every violation of any provision of this ordinance, the person violating the same shall be subject to a fine of not more than \$100.00 or imprisonment not exceeding thirty (30) days, or by both such fine and imprisonment.
- (c) Conviction for any above-mentioned violation shall constitute and effect immediate forfeiture of the license.
- (d) Any person violating this ordinance shall be subject to a civil penalty enforceable and collectable by the Town in the amount of \$100.00 for each such offense. Such penalty shall be collectable by and in the name of the town for each day that such violation shall continue.
- (e) 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 9. *Repeal*

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

Section 10. *Saving Clause*

If any clause, sentence, paragraph, section, or part of this ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder therefore, 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 11. *Effective Date*

This ordinance shall take effect ten (10) days after publication and posting, or immediately upon personal service as provided by Section 133 of the Town Law.

AS AMENDED DECEMBER 11, 1963 AND JULY 10, 1973