

(Use this form to file a local law with the Secretary of State.)

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

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED
JUL 21 2003

MISCELLANEOUS
& STATE RECORDS

~~County~~
~~City~~ of Saugerties
~~Town~~
~~Village~~

Local Law No. 2 of the year ~~19~~ 2003

A local law Amending Local Law # 3 of the Year 1989 entitled "Zoning Law, Town of Saugerties
(Insert Title)
as it pertains to Junk Yards.

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

~~County~~
~~City~~ of Saugerties as follows:
~~Town~~
~~Village~~

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

(Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 2 of ~~19~~ 2003 of the ~~(County)(City)(Town)(Village)~~ of Saugerties was duly passed by the Town Board on July 16 ~~19~~ 03, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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

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

(Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ 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 thereon at the (general)(special)(annual) election held on _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

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

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

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 the 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 section (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 1, above.



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

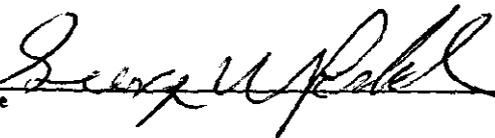
(Seal)

Date: July 16, 2003

(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 Ulster

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.



Signature

Attorney for the Town
Title

County
~~City~~
Town of Saugerties
Village

Date: July 16, 2003

Local Law Number 2 for the Year 2003

A local law amending the Zoning Law of The Town of Saugerties pertaining to the regulation of accessory junkyards.

Be it enacted by the Town Board of the. Town of Saugerties as follows:

Section 1. Article 4, Section 4.2 of the Zoning Law of the Town of Saugerties is hereby amended to add a new subsection 4.2.13 entitled "Commercial Accessory Use Vehicle Junkyard" and Article 10 subsection 10.2 shall have additional definitions to read as follows:

§4.2.13 Commercial Accessory Use Vehicle Junkyard

§4.2.13.1 Findings, Purposes and Considerations

The Town of Saugerties declares its intent to regulate and control the storage, keeping and disposal of junk vehicles and waste within the Town of Saugerties. The Town Board hereby declares that a clean, wholesome and attractive environment is of vital importance to the continued general welfare of its citizens and that junk and junkyards can constitute a hazard to property and persons and can be a public nuisance. Junk and more particularly junk vehicles can constitute attractive nuisances to children and adults.

The Town of Saugerties further declares its intent to protect the rural character of the Town while encouraging growth and development; to ensure that junk and junkyards have a pleasing and orderly appearance; insure that waste which accumulates at junkyards and elsewhere which provides habitat for rodents and stray animals is removed; insure that junkyards are maintained and operated free of hazards; and insure that areas surrounding junkyards do not impair pedestrian safety and pedestrian access is maintained at all times. Further the Town of Saugerties recognizes that in some circumstances junk vehicles on the premise become necessary as an accessory use to a businesses primary purpose. It is this consideration that is addressed in this section.

The law is intended to protect and promote the public welfare. It is enacted for the purpose of promoting the health, safety, and general welfare of the community, including the protection and preservation of the property of the town and its inhabitants, and of peace and good order, the benefit of trade and all other matter related thereto.

§4.2.13.2 Where a Commercial Accessory Use Vehicle Junkyard is authorized

A vehicle junkyard as an accessory use to a vehicle service facility ~~limited to~~ New York registered repair station or body shop or a towing facility is permitted by right where vehicle service facilities are legally located subject to the following requirements:

- a. The size of the accessory use vehicle junkyard shall not exceed 10,000 square feet or 25% of the total size of the lot which ever is smaller. Only one accessory use junkyard is permitted per parcel or per business location.

- b. The Accessory use vehicle junkyard shall be surrounded with a six-foot high fence which substantially screens the accessory use vehicle junkyard or as an alternative the building inspector may permit screening by plantings or natural vegetation containing evergreens. The building inspector may waive this requirement where topography or other natural conditions provide effective screening.
- c. Vehicles shall not be stacked one upon the other within the accessory use vehicle junkyard. Vehicles shall be kept in the upright position.
- d. All vehicles not in condition for legal and intended use must be stored within the confines of the accessory use vehicle junkyard.
- e. The accessory use vehicle junkyard must comply with all applicable State and Federal laws pertaining to the storage, handling, and disposal of hazardous or toxic material.
- f. Only junk vehicles, vehicles awaiting repair or being held awaiting disposition may be stored within an accessory use vehicle junkyard. No salvage operations may take place in the accessory use junkyard.
- g. The accessory use vehicle junkyard must have a valid operating permit issued by the building inspector.
- h. Vehicle repair facilities operating under Section 4.2.2 "home occupation" of the Town of Saugerties Zoning law are limited to two junk vehicles and they must be screened from the view of adjoining properties.

§4.2.13.3 Permit Required

- a. No person shall establish or maintain an accessory use vehicle junkyard within the Town of Saugerties without first obtaining a permit.
- b. No person or entity having right to, interest in, or control of any real property in the Town of Saugerties shall allow the use of that property as an accessory use vehicle junkyard unless a valid accessory use vehicle junkyard permit is in place.
- c. The fee for an accessory use vehicle junkyard permit shall be in the amount of \$25.00 which has been established by the Town Board of the Town of Saugerties from time to time by resolution and shall accompany the application.
- d. The accessory use vehicle junkyard permit shall be kept upon the permitted premises.
- e. An accessory use vehicle junkyard permit shall be issued for a period of one year after which time a renewal shall be required.
- f. An accessory use vehicle junkyard permit is personal to the permittee and may not be transferred, sold, assigned or otherwise disposed of.

§4.2.13.4 Application Requirements for an Accessory Use Vehicle Junkyard.

The application shall contain the following information:

- a. Identity of the person making the application.
- b. Identity of the business to which the junkyard will be an accessory.
- c. A description of the business activities and type of vehicles to be stored.
- d. Name and address of the owners of the land.
- e. A copy of proof to occupy the land. (deed, lease, or rental agreement)
- f. A map or plan of the property and surrounding property to be used as an accessory use vehicle junkyard.
- g. The map or plan shall include the following information:
 - 1) The area to be used as an accessory use vehicle junkyard.
 - 2) The location of streets and highways abutting or passing through the property.
 - 3) The location of water lines, sewer lines, drainage tiles, and wells on or near the property.
 - 4) The general drainage pattern of the property.
 - 5) All existing and proposed structures including fences.
 - 6) Dimensions of the property.

§4.2.13.5 Permitting Considerations

The Building Inspector shall consider these factors when determining whether to grant or deny an accessory use vehicle junkyard permit:

- a. The effectiveness of the current and proposed screening
- b. Whether the proposed accessory use vehicle junkyard can be operated in the proposed location and reasonably protect public health and safety.
- c. The proximity of streams, lakes, wetlands, flood plains, ground water supplies and public water supplies.
- d. The applicant meeting all the terms and conditions of this law.

§4.2.13.6 Issuance of Permit

The Building Inspector will review the application for an accessory use vehicle junkyard within 30 days of submission. If the applicant meets the criteria of this law, the permit shall be issued. If the applicant does not meet the criteria, the Building Inspector shall deny the applicant an accessory use vehicle junkyard permit and notify the applicant in writing the reasons for such denial.

§4.2.13.7 Waivers

Where the Building Inspector finds that due to special circumstances, a waiver of certain requirements is justified, then a waiver may be granted. No waiver will be granted unless the building inspector has on record with the application facts that prove:

- a) Granting the waiver is in keeping with the intent and spirit of this law.
- b) There are special circumstances involved with this application.
- c) Denying the waiver would cause undue hardship to the applicant, provided such hardship has not been self imposed; and
- d) The waiver is the minimum necessary to alleviate the undue hardship.

§4.2.13.8 Enforcement

The Building Inspector or Code Enforcement officer shall make inspections of the premises of any accessory use vehicle junkyard before a permit is issued or renewed or when there is reason to believe a violation of the terms of the permit has occurred. No enforcement officer shall enter the premises of any private property without the consent of the owner. It shall be grounds for denial of or revocation of an accessory use vehicle junkyard permit when an enforcement officer is denied reasonable access to the facility. It is the applicant's responsibility to arrange for the required inspections prior to a permit being issued or renewed.

4.2.13.9 Revocation of Permit

The Building Inspector may revoke an accessory use vehicle junkyard permit upon reasonable cause should the applicant fail to comply with any provision of this law. Before a permit is revoked the applicant must be given 30 days to correct the violation, except when public safety or health is endangered. An applicant whose permit has been denied or revoked may appeal within 30 days of being notified of the denial or revocation to the Town Zoning Board for a hearing before the Town Zoning Board. If the Town Zoning Board votes in favor of the applicant, the Zoning Board will direct the Building Inspector to issue or reinstate the permit. The Town Zoning Board will schedule a hearing within 30 days of the request.

§4.2.13.10 Cease and Desist Activity; Temporary Activity

Within sixty days of the effective date of this law any person presently operating a vehicle junkyard without a junkyard permit issued pursuant to General Municipal Law §136 in conjunction with a vehicle service facility must apply for an accessory use vehicle junkyard permit. An existing business that does not meet the requirements of this law will be given 18 months after the effective date to comply. During this 18-month period a temporary permit will be issued. At the end of the 18 month period beginning with the effective date of this law, all persons having a temporary permit and not having obtained an accessory use vehicle junkyard permit shall immediately cease and desist junk yard operations and shall remove from the premises all junk vehicles and other material which constitute junkyard activity.

§4.2.13.11 Penalties For Violations

A violation of any provision of this law shall be a Class B Misdemeanor. Each day of continued violation shall constitute a separate additional violation. If more than one provision is violated, each provision shall be considered a separate misdemeanor. The Court may impose a fine or imprisonment or both.

Section 2. Repealer:

All local laws or parts of local laws inconsistent or conflicting with the provisions of this local law are hereby repealed insofar as they affect this local law; provided, however, that the repeal shall be only to the extent of the inconsistency and conflict, and in all other respects this local law shall be in addition to other local laws regulating and governing the subject matter covered hereby,

Section 3. Severability:

If any section or provisions or parts thereof in this local law shall be adjudged invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity of This local law as a whole or of any other provision thereof.

Section 4 When Effective:

This Local Law shall take effect immediately upon adoption and its filing in the office of the Secretary of State.

§10.2 Definitions

Accessory Use Vehicle Junkyard. A use of land or of a building or portion thereof, customarily incidental and subordinate to the principal use of the land or building for vehicles awaiting repairs or being held awaiting disposition.

Building Inspector. The head of the TOWN of SAUGERTIES building department or his appointed representatives.

Class B Misdemeanor. Means an offense, other than a "traffic infraction", for which a sentence to a term of imprisonment in excess of fifteen (15) days may be imposed, but for which a sentence term of imprisonment in excess of three (3) months cannot be imposed. A sentence to pay a fine for a Class B Misdemeanor shall be a sentence to pay an amount fixed by the Court, not to exceed Five Hundred (\$500.00) Dollars.

Code Enforcement Officer. Any Town or government employee charged with enforcing the Codes and laws of the Town of Saugerties

Junk. Items no longer in condition for their intended use and suitable only for recycling or dismantling

Junk Vehicles. Vehicles no longer suitable for their intended purpose or vehicles damaged or not legally able to be registered anymore.

Junkyard Outdoor facility for storing dismantling or recycling of junk.

- Vehicles. Mechanical means of conveyance or transport meeting any of the following:
- a) Motorized equipment designed to operate on public roads.
 - b) Towed equipment designed to operate on public roads.
 - c) Mobile homes.
 - d) Any conveyance designed to transport people.
 - e) Any conveyance designed to transport material.
- Vehicle Junkyard. Outdoor facility for storing, dismantling, or recycling of junk vehicles. Same as Municipal Law Section 136
- Waste. Trash, refuse, rubbish, items or material not suitable for reuse or recycling. Material to be discarded.