

COLONIE LAND USE LAW
ADOPTED 1-4-07 by LOCAL LAW #1 of 2007

ARTICLE XX - CHAPTER 190-20

Junkyards

A. License required.

No person shall engage in or conduct on real property within the Town of Colonie 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 of secondhand bodies, engines or parts of vehicles or of any other secondhand or used vehicle property of whatever material it is composed without first obtaining an annual junkyard license therefore as hereinafter provided.

B. Application for license.

- (1) Each person applying for a junkyard license shall execute an application under oath, which application shall be supplied by the Town of Colonie Building Department and contain the following information:
 - (a) Identity of applicant.
 - [1] If an individual, that the applicant is at least eighteen (18) years of age and the residential and business address of such applicant.
 - [2] If other than an individual, the office address of the association, partnership or corporation, a copy of the certificate of incorporation, partnership, DBA or association and the names and addresses of all directors, officers, partners or principals.
 - (b) Whether any of the individuals listed as applicant have ever been convicted of a felony or misdemeanor and such other facts or evidence as is deemed necessary to establish that such individuals are fit and capable of properly conducting the activity or business for which the license is sought.
 - (c) A detailed description of the business activities to be conducted and the nature of the materials involved in the intended business activity.
 - (d) The number of employees intended to be employed.
 - (e) The name and address of the owner or owners of the land.

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- (f) The nature of the right of occupancy of the applicant to the use of such land.
- (2) The applicant shall agree that if granted the junkyard license applied for, the applicant will conduct the activity or business pursuant to the regulations hereinafter set forth and any additional conditions which may be imposed upon such license, as provided, and that upon the applicant's failure to do so such junkyard license may be revoked forthwith.

C. License fee; display of license; term; transferability; revocation.

- (1) The fee for a junkyard license shall be established by the Town Board and paid by the applicant therefor, which sum shall cover not only the cost of issuing the license itself but also the cost of making the necessary inspections of the premises to ascertain compliance with the license conditions and regulations hereinafter prescribed.
- (2) A junkyard license shall be placed and at all times displayed in a conspicuous place upon the licensed premises.
- (3) A junkyard license shall be effective from July 1 until June 30 of the next succeeding year, or for the remaining portion thereof when such license is issued after July 1. An application for such license must be made annually and submitted by June 1 in each year that the applicant desires to conduct or continue a vehicle wrecking or junkyard activity or business.
- (4) A junkyard license is personal to the licensee. It does not go with the title to the land nor may it be sold, assigned, transferred or otherwise disposed of.
- (5) A junkyard license may be revoked by the Town of Colonie Junkyard Review Committee for violating any provision of this chapter after public hearing thereon at which the licensee shall have reasonable notice and an opportunity to be heard. Upon revocation of a license, the Town of Colonie Junkyard Review Committee may require the termination of such activities upon the subject premises and removal of all such vehicles, parts and other materials thereon.

D. Regulations.

- (1) The licensee must personally manage or be responsible for the management of the activity or business for which the license is granted.

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- (2) An office and a sufficient number of employees must be maintained on the premises to assure the proper and safe conduct of such activity or business, to minimize the fire hazard there from and to prevent improper trespass thereon by children and others.
- (3) A wire fence of close mesh or one made of wood or of other material, adequate to prohibit the entrance of children and others into the area of the activity or business and to contain within such fence the materials dealt in by the licensee, must be erected and maintained, and if such area abuts a residential area or public street or highway such fence shall be set back from the boundary line thereof. All the materials dealt in by the licensee shall be kept within such fence at all times.
- (4) Inside and adjacent to and contiguous with such fence or elsewhere, a strip of land adequate in width shall be kept free of all dry grass or other growth or other combustible material so as to provide a fire lane(s) or line around the whole area where the activity or business of the licensee is being conducted.
- (5) The vehicles, parts and materials dealt in by the licensee shall not be set on fire. They shall be piled or arranged in stable and neat rows so as to permit easy, safe and clear passage through the area.
- (6) There shall be maintained upon the licensed premises an adequate number of fire extinguishers of approved design and capacity. Each such fire extinguisher shall be hung or mounted in a conspicuous place, clearly marked and available for use.
- (7) When the area is not supervised by the licensee or his employees, the fence shall be locked at a secure gate in a secure manner.
- (8) Suitable sanitary facilities shall be available, connected to approved public sewers or septic tanks, for the use and convenience of the employees of the licensee as well as the general public visiting the area.
- (9) The area of the licensee's activity or business shall not be used as a place for the burning and disposal of junk or trash.
- (10) The Town Police, the Town Building Department or the Town Junkyard Review Committee or any of its representatives shall be granted access to the licensed premises at all reasonable hours to inspect the same for compliance herewith.
- (11) The licensee shall comply with all conditions and limitations which may be imposed on such license by the Town Junkyard Review Committee for the operation of such business or activity.

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E. Permit Approval.

- (1) Application for Junkyard License. The applicant shall submit and file an application for permit approval with the Building Department, along with the current fee established for the same by resolution of the Town Board and shall submit a map or plan of the real property to be used for such junkyard activity or business, to include the following:
 - (a) The area of real property to be used for junkyard purposes.
 - (b) The location of any buildings upon the proposed junkyard premises.
 - (c) The location of any streets or highways abutting or passing through such junkyard premises.
 - (d) The location of any water, sewer or gas mains or laterals available thereto.
 - (e) The location of any below-ground or aboveground storage tanks.
 - (f) The general drainage pattern of the proposed junkyard premises.
 - (g) Other such information as required by the Building Department.
- (2) Once the Building Department has determined that the application is complete, it shall issue its approval, denial or approval with conditions issued to the applicant.
- (3) Applicant must then follow licensing requirements.

F. Junkyard Review Committee.

- (1) The Junkyard Review Committee may issue advisory opinions upon request and shall conduct public hearings regarding license revocation as provided in this article and on all applications for annual licenses hereunder prior to the issuance of such licenses by the Building Department and shall have the authority to modify any regulations contained in this local law and/or additionally impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property, including but not limited to the following considerations:
 - (a) The height and setback of the fence required
 - (b) The width and location of the fire lane(s) required
 - (c) The number and type of fire extinguishers required
 - (d) The regulations and standards contained in:
 - [1] National Fire Protection Association (NFPA) Standard Numbers 1, 10, 30, 51, 51B, 704 and 1231.

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[2] 6 NYCRR Part 360-13 and 14.

[3] 9 NYCRR Part 1164.11.

- (e) The identification and posting of hazardous materials stored upon premises.
 - (f) The height of stacked or stored vehicles.
 - (g) The buffering of contiguous residential and business zones.
 - (h) Any other conditions which the Committee may deem relevant to the public health, safety and welfare.
- (2) Meetings of such Committee shall be open to the public to the extent provided in Article 7 of the Public Officers Law. Such Committee shall keep a record of its proceedings, showing the vote of each member upon every question or, if absent or failing to vote, indicating such fact, and shall also keep a record of its examinations, conditions and limitations imposed and other official actions.
- (3) Any person or persons jointly or severally aggrieved by any decision of the Junkyard Review Committee may apply to a court of competent jurisdiction for review by a proceeding under Article 78 of the New York State Civil Practice Law and Rules.

G. Administration and enforcement.

The provisions of this article shall be primarily administered and enforced by the Building Department, which shall have the power to make necessary inspections.