

Chapter 73

JUNKYARDS

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[HISTORY: Adopted by the Board of Trustees of the Village of Champlain 8-26-1985 as L.L. No. 2-1985. Sections 73-2 and 73-12 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

GENERAL REFERENCES

Zoning — See Ch. 119.

§ 73-1. Legislative intent.

A clean, wholesome, attractive environment is declared to be of importance to the health and safety of the inhabitants and the safeguarding of their material rights against unwarrantable invasion, and, in addition, such an environment is deemed essential to the maintenance and continued development of the economy of the village and the general welfare of its citizens. It is further declared that the unrestrained accumulation of junk motor vehicles is a hazard to such health, safety and welfare of citizens of the village necessitating the regulation and restraint and elimination thereof. At the same time, it is recognized that the maintenance of junkyards, as hereinafter defined, is a useful and necessary business and ought to be encouraged when not in conflict with the express purposes of this chapter.

§ 73-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

JUNKYARD — Any place of storage or deposit, whether in connection with another business or not, where two or more unregistered, old or secondhand motor vehicles no longer 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 or more such vehicles; provided, however, that the term "junkyard" shall not be construed to mean an establishment having facilities for processing iron, steel or nonferrous

scrap and whose principal product is scrap iron, steel or nonferrous scrap for sale for remelting purposes only.¹

MOTOR VEHICLE — All vehicles propelled or drawn by power, other than muscular power, originally intended for use on public highways.

MUNICIPALITY — The Village of Champlain, New York.

§ 73-3. License and certificate of approval required.

No person shall operate, establish or maintain a junkyard until he or she has obtained a license to operate a junkyard business and has obtained a certificate of approval for the location of such junkyard.

§ 73-4. Application for license and certificate of approval.

Application for the license and the certificate of approved location shall be made, in writing, to the Village Board of Trustees of the municipality. The application shall contain a description of the land to be included within the junkyard.

§ 73-5. Hearing; notice.

- A. A hearing on the application shall be held within the municipality not less than two nor more than four weeks from the date of the receipt of the application by the legislative body.
- B. Notice of the hearing shall be given to the applicant by mail, postage prepaid, to the address given in the application and shall be published once in a newspaper having a circulation within the municipality, which publication shall not be less than seven days before the date of the hearing.
- C. At the time and place set for hearing, the governing board shall hear the applicant and all other persons wishing to be heard on the application for a license to operate, establish or maintain the junkyard. In considering such application, it shall take into account the suitability of the applicant with reference to his ability to comply with the fencing requirements or other reasonable regulations concerning the proposed junkyard, to any record of convictions for any type of larceny or receiving of stolen goods and to any other matter within the purposes of this chapter.

§ 73-6. Location requirements.

At the time and place set for the hearing, the governing board shall hear the applicant and all other persons wishing to be heard on the application for certificate of approval for the location of the junkyard. In passing upon the same, it shall take into account, after proof of legal ownership or right to such use of the property for the license period by the applicant, the nature and development of surrounding property, such as the proximity of churches,

1. Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

schools, hospitals, public buildings or other places of public gathering, and whether or not the proposed location can be reasonably protected from affecting the public health and safety by reason of offensive or unhealthy odors or smoke or other reasons.

§ 73-7. Aesthetic considerations.

At the hearing regarding location of the junkyard, the Village Board of Trustees may also take into account the clean, wholesome and attractive environment which has been declared to be of vital importance to the continued general welfare of its citizens by considering whether or not the proposed location can be reasonably protected from having an unfavorable effect thereon. In this connection, the Village Board of Trustees may consider collectively the type of road servicing the junkyard or from which the junkyard may be seen, the natural or artificial barriers protecting the junkyard from view, the proximity of the proposed junkyard to established residential and recreational areas or main access routes thereto, as well as the reasonable availability of other suitable sites for the junkyard.

§ 73-8. Issuance of license and certificate; term; renewal.

After hearing, the Village Board of Trustees shall, within two weeks, make a finding as to whether or not the application should be granted, giving notice of its finding to the applicant by mail, postage prepaid, to the address given on the application. If approved, the license, including the certificate of approved location, shall be forthwith issued, to remain in effect until the following April 1. Approval shall be personal to the applicant and not assignable. Licenses shall be renewed thereafter upon payment of the annual license fee without hearing, provided that all provisions of this chapter are complied with during the license period that the junkyard does not become a public nuisance under the common law and that the applicant is not convicted of any type of larceny or the receiving of stolen goods. The determination of the Village Board of Trustees may be reviewed under Article 78 of the Civil Practice Law and Rules.

§ 73-9. Fees; costs.

The annual license fee shall be \$25 to be paid at the time the application is made and annually thereafter in the event of renewal. In the event that the application is not granted, the fee shall be returned to the applicant. The municipality in addition to the license fee, may assess the applicant with the costs of advertising such application and such other reasonable costs incident to the hearing as are clearly attributable thereto and may make the license conditional upon payment of the same.

§ 73-10. Fences.

- A. Before use, a new junkyard shall be completely surrounded with a fence at least eight feet in height which substantially screens and with a suitable gate which shall be closed and locked except during the working hours of such junkyard or when the applicant or his agent shall be within. Such fence shall be erected not nearer than 50 feet to a public highway. All motor vehicles and parts thereof stored or deposited by the applicant shall be kept within the enclosure of the junkyard, except as removal shall be necessary for

the transportation of the same in the reasonable course of the business. All wrecking or other work on such motor vehicles and parts and all burning of the same within the vicinity of the junkyard shall be accomplished within the enclosure.

- B. Where the topography, natural growth of timber or other considerations accomplish the purposes of this chapter in whole or in part, the fencing requirements hereunder may be reduced by the Board of Trustees body upon granting the license; provided, however, that such natural barrier conforms to the purposes of this chapter.

§ 73-11. Proximity to certain uses.

Notwithstanding any of the foregoing provisions of this chapter, no junkyard hereafter established shall be licensed to operate if such yard or any part thereof shall be within 500 feet of a church, school, hospital, public building or place of public assembly.

§ 73-12. Penalties for offenses.²

Violators of any portions of this chapter shall be guilty of an offense, punishable by a fine not exceeding \$250 or imprisonment for a term not exceeding 15 days, or both. Each week that such violation is carried on or continues shall constitute a separate violation.

2. Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

Chapter 75
LITTERING

§ 75-1. Deposit on public and private property.

§ 75-2. Penalties for offenses.

[HISTORY: Adopted by the Board of Trustees of the Village of Champlain 7-10-1961. Section 75-2 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

GENERAL REFERENCES

Outdoor burning — See Ch. 35.

§ 75-1. Deposit on public and private property.

No person, firm or corporation shall leave, deposit, place or dispose of any paper, rubbish, food, trash, garbage or any other object on any street, sidewalk, public property, public place or on property not owned by such person, firm or corporation without the consent of the owner thereof, within the Village of Champlain, except in public dumping grounds, places and receptacles designated for such purpose or purposes by the village; nor shall any person, firm or corporation litter any street, sidewalk, public property, public place or property not owned by such person, firm or corporation, within the Village of Champlain by placing, depositing, throwing, leaving or disposing thereon any paper, rubbish, food, trash, garbage or any other object.

§ 75-2. Penalties for offenses.¹

Any person, firm or corporation violating any of the provisions of this chapter shall, upon conviction thereof, be punished by a fine of not to exceed \$250 or by imprisonment for a term not to exceed 15 days, or both, for each violation thereof.

¹ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

Chapter 76

LOITERING

§ 76-1. Definitions.

§ 76-2. Loitering prohibited.

§ 76-3. Discretion of police officer.

§ 76-4. Responsibilities of parents and guardians.

§ 76-5. Notice of violation by minor.

§ 76-6. Presumption of parental knowledge.

[**HISTORY: Adopted by the Board of Trustees of the Village of Champlain 12-12-1994 as L.L. No. 8-1994.¹ Amendments noted where applicable.**]

§ 76-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

LOITERING — Remaining idle in essentially one location, including the concepts of spending time idly, loafing or walking about aimlessly, and also including the colloquial expression "hanging around."

PARENT OR GUARDIAN — Any adult person having care of custody of a minor, whether by reason of blood relationship, the order of any court or otherwise.

PUBLIC PLACE — Any place to which the public has access, including any street, highway, road, alley or sidewalk. It shall also include the front or the neighborhood of any store, shop, restaurant, tavern or other place of business, and public grounds, areas and parks, as well as parking lots or other vacant private property not owned by or under the control of the person charged with violating this law, or, in the case of a minor, not owned by or under the control of his parent or guardian.

§ 76-2. Loitering prohibited.

No person shall loiter in a public place in such manner as to:

- A. Create or cause to be created a danger of a breach of the peace.
- B. Create or cause to be created any disturbance or annoyance to the comfort and repose of any person.
- C. Obstruct the free passage of pedestrians or vehicles.
- D. Obstruct, molest or interfere with any person lawfully in any public place, as defined in § 76-2 above. This subsection shall include the making of unsolicited remarks of any offensive, disgusting or insulting nature or which are calculated to annoy or disturb the person to whom or in whose hearing they are made.

1. Editor's Note: This local law superseded former Chapter 76, Loitering, adopted 5-22-1989 as L.L. No. 2-1989.

§ 76-3. Discretion of police officer.

Whenever any police officer shall, in the exercise of reasonable judgment, decide that the presence of any person in any public place is causing or is likely to cause any of the conditions enumerated in § 76-3 above, he may, if he deems it necessary for the preservation of the public peace and safety, order that person to leave that place. Any person who shall refuse to leave after being ordered to do so by a police officer shall be guilty of a violation of this chapter.

§ 76-4. Responsibilities of parents and guardians.

No parent or guardian of a minor under the age of 16 years shall knowingly permit that minor to loiter in violation of this chapter.

§ 76-5. Notice of violation by minor.

Whenever any minor under the age of 16 years is charged with a violation of this chapter, his parent or guardian shall be notified of this fact by the Chief of Police or any other person designated by him to give such notice.²

§ 76-6. Presumption of parental knowledge.

If at any time within 30 days following the giving of notice as provided in § 76-5 above the minor to whom such notice relates again violates this chapter, it shall be presumed in the absence of evidence to the contrary that the minor did so with the knowledge and permission of his parent or guardian.

2. Editor's Note: The Village Police Department was dissolved 5-8-2006 by L.L. No. 2-2006.

Chapter 78
MONUMENTS

§ 78-1. Injury to monuments prohibited.

§ 78-2. Penalties for offenses.

[HISTORY: Adopted by the Board of Trustees of the Village of Champlain 1-27-1964. Section 78-2 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

GENERAL REFERENCES

Annexations — See Ch. A124.

§ 78-1. Injury to monuments prohibited.

No person shall remove, move, damage, deface or alter any cement monument set in the ground and marking the corporation boundaries of the Village of Champlain, whether such monuments are set on publicly or privately owned property.

§ 78-2. Penalties for offenses.¹

Any person violating any of the provisions of this chapter shall, upon conviction thereof, be punished by a fine not to exceed \$250 \$250 or imprisonment for a term not to exceed 15 days, or both, for each violation thereof.

¹ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

