

(Please Use this Form for Filing your Local Law with the Secretary of State)

Text of law should be given as amended. Do not use brackets for matter to be eliminated and do not use italics for new matter.

County
~~City~~ of Lewis
~~Town~~
~~Village~~
Local Law No. 1 of the year 19 67

"A local law amending Local Law No. 2 of the Year 1965, County of Lewis,
(Insert title)
being a Local Law providing for regulating and licensing motor vehicle
junkyards."

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

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

See Attached Sheet

LOCAL LAW NO. 1 OF THE YEAR 1967

COUNTY OF LEWIS

Introduced by Supervisor Irving J. Kraeger, as a member of the Board of Supervisors.

A Local Law amending Local Law No. 2 of the Year 1965, County of Lewis, being a Local Law providing for regulating and licensing motor vehicle junkyards.

BE IT ENACTED by the Board of Supervisors of the County of Lewis as follows:

Section 1. Local Law No. 2 of the Year 1965, County of Lewis entitled "A Local Law Providing for Regulating and Licensing Motor Vehicle Junkyards." is hereby amended to read as follows:

Section 1. Definitions. (a) The term "person" as used in this local law shall include an individual, society, club, firm, partnership, private corporation or association of persons, and the singular number shall include the plural number.

(b) The term "junk motor vehicle" as used in this local law shall include every vehicle or part or section of a vehicle manufactured, made, altered, or designed, to be operated by any power other than muscular power, whether in running condition or not or without a motor that is not properly and currently registered as a motor vehicle or does not display a proper and current registration plate.

(c) The term "motor vehicle junkyard" as used in this local law shall include any premises or real property, or part thereof, upon which there shall be kept, stored or parked three or more junk motor vehicles, whether for sale or not or otherwise. The term "motor vehicle junkyard" shall not apply to any premises or real property owned and operated by a bona fide new car dealer.

(d) The term "trees" as used in this local law shall include any type of pine, cedar, spruce or balsam only.

(e) The term "month" as used in this local law shall mean any period of 30 successive days.

Section 2. Restrictions. No person shall own, lease, rent, use, control, or be in possession of any motor vehicle junkyard unless the following be complied with:

(a) That all junk motor vehicles and motor vehicle junkyards, in or about a given premises or real property, be located a minimum distance of 25 feet from all public highways, to be measured from the nearest outer boundary or boundaries of the right of way or ways, now existing or hereafter changed.

(b) That all persons operating a motor vehicle junkyard shall fully and entirely shield said junk motor vehicles and motor vehicle junkyard from public view by either (1) erecting a sturdy and suitable fence of a minimum height of five feet, completely around said junk motor vehicles and motor vehicle

junkyard, which said fence must be properly kept up and maintained at all times, no part of which fence is to be located closer than a distance of 25 feet from any public highway, to be measured from the nearest outer boundary of the public right of way or ways, now existing or hereafter changed, or (2) housing said junk motor vehicles in a proper garage, barn, or other similar structure, or (3) planting and suitably maintaining a proper screen of trees which shall attain a minimum height of five feet within five years after planting, completely around said junk motor vehicles and motor vehicle junkyards, no part of which said screen of trees is to be located closer than a distance of 25 feet from any public highway, to be measured from the nearest outer boundary of the public right of way or ways, now existing or hereafter changed.

Section 3. Applications, Licenses and Regulations.

(a) The power to determine the form of the application and license and to issue licenses hereunder be and such power hereby is delegated to the Clerk of the County of Lewis and said Clerk is to have the responsibility of preparing and processing same.

(b) The power to determine and set forth rules and specifications as to what constitutes a "sturdy and suitable fence" and a "proper screen of trees" hereunder be and such power hereby is given and delegated to the Clerk of the County of Lewis and said Clerk is to have the responsibility of preparing same.

(c) The Clerk of the County of Lewis be and he hereby is authorized to issue licenses hereunder. Upon satisfactory fulfillment of the within requirements and upon payment of the fee hereinafter set forth there shall be issued to the applicant a motor vehicle junkyard license.

(d) All licenses shall expire on the 15th day of January of each year, with new licenses to be secured annually by all persons operating a motor vehicle junkyard.

(e) The fee for a motor vehicle junkyard license, to be paid for before issuance, shall be the sum of \$10.00, and apply to a full year or any part of a year.

(f) That prior to or upon the application for a license, the applicant shall furnish the Clerk of the County of Lewis with a certificate from or on behalf of the Sheriff of the County of Lewis stating that all legal requirements have been met.

Section 4. Penalties. (a) Any person violating any of the provisions of this local law shall be guilty of an offense, and upon conviction thereof, be punishable by a fine of not exceeding \$50.00 for each offense or by imprisonment in the county jail for a period of not to exceed thirty days or by both such fine and imprisonment; and upon failure to pay any such fine, to be imprisoned in the County Jail until such fine be paid, not to exceed one day for each dollar of the fine imposed.

(b) Each month or fraction thereof, in case a violation goes over a month, during which period a given person shall not comply with this local law shall constitute a separate offense.

Section 5. Revocation of Licenses. Any person who, or whose servants, agents, employees, or officers shall be con-

victed of a violation hereof may, in the discretion of the Clerk of the County of Lewis, have his motor vehicle junkyard license revoked for a period not to exceed one (1) year.

Section 6. Applicability. This local law shall relate only to the area of the County of Lewis outside any city, village or area of any town outside the village or villages therein during such time as such city, village or town is regulating or licensing motor vehicle junkyards.

Section 7. Constitutionality. If any part or parts of this local law are for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this local law.

Section 8. Effective Date. That this local law shall take effect June 1st, 1965.

Section 2. That this Local Law shall take effect immediately upon all proper legal requirements being met.

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

(Final adoption by local legislative body only.)

1. I hereby certify that the local law annexed hereto, designated as local law No. of 19

County
of the ~~City~~ of was duly passed by
~~Town~~ ~~Village~~ (Name of Legislative Body)

on 2, 19

in accordance with the applicable provisions of law.

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

2. I hereby certify that the local law annexed hereto, designated as local law No. of 19

County
of the ~~City~~ of was duly passed by
~~Town~~ ~~Village~~ (Name of Legislative Body)

on 19 and was approved by the
not disapproved repassed after disapproval Elective Chief Executive Officer

and was deemed duly adopted on 19, in accordance with the applicable provisions of law.

(Final adoption by referendum.)

3. I hereby certify that the local law annexed hereto, designated as local law No. of 19

County
of the ~~City~~ of was duly passed by the
~~Town~~ ~~Village~~ (Name of Legislative Body)

on 19 and was approved by the
not disapproved repassed after disapproval Elective Chief Executive Officer

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 general thereon at the special election held on 19, in accordance with the applicable provisions of law.

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

4. I hereby certify that the local law annexed hereto, designated as local law No. of 19

County
of the ~~City~~ of was duly passed by the on
~~Town~~ ~~Village~~ (Name of Legislative Body)

..... 19 and was approved by the on
not disapproved repassed after disapproval Elective Chief Executive Officer

..... 19 Such local law being subject to a permissive referendum and no valid petition requesting such referendum having been filed, said local law was deemed duly adopted on 19, in accordance with the applicable provisions of law.

*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 board of supervisors, the mayor of a city or village or the supervisor of a town, where such officer is vested with power to approve or veto local laws or ordinances.

(City local law concerning Charter revision proposed by petition.)

5. 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 § 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 the 19 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 (2) above.

Martha E. Kotel
Clerk of the Board of Supervisors, City, Town or Village Clerk or Officer designated by Local Legislative Body

Date: May 2, 1967

(Seal)

(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 ~~West~~

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.

B. B. Wolfe
.....
(Title of Officer) County Attorney
County
of ~~West~~

Dated: May 2, 1967