

## **ARTICLE 36-100: JUNK DEALERS**

### **Section 36-101. Definitions**

(a) The term "Junk Dealer" as used in this ordinance shall mean any person, either principal or agent, who owns, operates, or maintains a "Junk Yard" as hereafter defined.

(b) The term "Junk Yard" shall mean any place of storage or deposit, whether in connection with another business or not, where old iron, glass, furniture, or other waste or discarded material and including two or more unregistered old or second-hand motor vehicles no longer intended or 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 terms shall include any place of storage or deposit for any such purpose of such used parts or waste materials from motor vehicles which, taken together equal in bulk two or more such vehicles, provided however that the term "Junk Yard" 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 or remelting purposes only.

(c) The term "Dealer in Second-hand Articles" as used in this ordinance shall mean and include any person, either principal or agent, who regularly shall either buy or sell or both, second-hand or used articles other than junk as heretofore defined.

(d) The term "Person" as used in this ordinance shall mean and include one or more persons of either sex, natural persons, corporations, partnerships, associations, joint stock companies, societies, and all other entities of any kind capable of being sued.

### **Section 36-105.**

It shall be unlawful for any person within the corporate limits of the Town of Busti to act as junk dealer or dealer in second-hand articles as herein defined without first having obtained and paid for and having in force and effect a license therefor.

### **Section 36-110.**

Any person desiring to procure a license as herein provided shall file with the Town Clerk a written application upon a blank form prepared by the Town Clerk and furnished by the Town and said application shall contain the following information which must be verified under oath:

(a) Name, age, and residence address of applicant.

(b) Address of proposed business

(c) Map drawn to scale, showing the size of the property, location of buildings on the property, and proposed storage area for junk and second-hand articles.

(d) Convictions of applicant for any crime or offense.

(e) Name, age, and address and record of conviction for any crime or offense of any proposed employees or managing agent of applicant.

(f) A statement as to whether the applicant has ever been denied a license, by the State of New York or any political sub-division or board thereof.

### **Section 36-115. License**

Upon the filing of the application as provided in the preceding section, the Town Clerk shall, upon his approval of such application, issue to the applicant a license as provided in Section 36-105, signed by the Town Clerk.

(a) No license shall be refused to a person whom the said Town Clerk finds to be one of good character, except for a specific reason and for the protection of the public safety, health, morals, or general welfare.

(b) A license shall not be assignable.

(c) All licenses shall automatically expire on June thirtieth of each year.

(d) No license shall be granted to a person under twenty-one (21) years of age.

(e) No applicant to whom a license has been refused or who has had a license which has been revoked shall make further application until a period of at least one year shall have elapsed since the last previous rejection or revocation unless he can show that the reason for such rejection no longer exists.

(f) Every license shall be prominently displayed at the place where such business is being carried on within the Town of Busti.

### **Section 36-120. License Fee**

The license fee to junk dealers and dealers in second-hand articles shall be as follows:

(a) Junk dealers, one year, ten dollars (\$10.00).

(b) Dealers in second-hand articles, one year, five dollars (\$5.00).

### **Section 36-125. Revocation of License**

(a) The Town Board may at any time by resolution for a violation of this or any other ordinance or law revoke any license granted hereunder and when a license shall be revoked no refund of any unearned portion of the license fee shall be made.

(b) Notice of such revocation and the reason or reasons therefor, in writing, shall be served by the supervisor upon the person named in the application or by mailing the same to the address given in the application and a copy of such notice shall be filed with the Town Clerk.

### **Section 36-130. Regulations**

(a) A licensed junk dealer shall:

(1) not conduct his business on land of less than forty (40) acres, except dealers presently licensed under the laws of the State of New York.

(2) not keep, store, or maintain any article of junk as herein defined within three hundred (300) feet of any house occupied as a residence at the time of the granting of the license hereunder, except for a house so occupied on the premises of the licensee.

(3) not keep or permit to be kept any junk within hundred (300) feet of any public highway.

(4) keep a painted fence or hedge or shrubs or row of trees around as much of the area occupied by junk as shall be necessary to deflect the view of any person standing on a highway within five hundred (500) feet of each corner of the property on any road it may bound.

(5) not burn any junk or other articles within five hundred (500) feet of any building used as a residence.

(6) not keep or store upon said premises any gasoline in excess of fifty (50) gallons unless kept in a tank buried beneath the surface of the ground.

(b) A licensed dealer in second-hand articles shall:

(1) not keep or permit to be kept any of such articles for sale anywhere other than in an enclosed building except:

(i) cars which are being offered for sale by a used car dealer in a regular used car lot or by the proprietor of a garage or service station;

(ii) merchandise displayed outdoors during the business hours by second-hand dealers, If such merchandise is put in an enclosed building after business hours each day;

(iii) persons duly licensed as junk dealers under the provisions of this ordinance.

(2) not falsely or fraudulently misrepresent-the quantity or quality of any article offered for sale.

(3) not create or maintain any booth or stand or place any barrels, boxes, crates, or other obstruction upon any street or public place for the purpose of selling or exposing for sale any of such second-hand merchandise.

### **Section 36-135. Records**

It shall be the duty of the Town Clerk to keep a record of all applications and of all licenses granted under the provisions of this ordinance, giving:

- (a) the number and date of each license;
- (b) the name and residence of each person licensed;
- (c) the amount of the license fee paid; and
- (d) the date of revocation of all licenses revoked.

**Section 36-140. Penalties**

Any person violating any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof be punishable by a fine not to exceed fifty dollars (\$50.00) for each offense, or by imprisonment in the County Jail for not more than thirty (30) days for each offense, or by both such fine and imprisonment, and upon failure to pay such fine, to be imprisoned at the County Jail until such fine be paid, not to exceed one day for each dollar of the fine imposed. Each day that a violation hereunder occurs shall constitute a separate and distinct offense.

ADOPTED 6/10/58

AMENDED 8/1/66