

**Town of Broadalbin  
Fulton County  
Broadalbin, NY 12025**

**TOWN CODE FOR JUNKYARDS, JUNK MOTOR VEHICLES, AND JUNK MOBILE HOMES**

This chapter is intended to regulate junk mobile homes, junk vehicles, and junkyards, whether operated for commercial profit or otherwise. The Town of Broadalbin Town Board hereby declares that a clean, safe, wholesome and attractive environment is of vital importance to the continued welfare of its citizens. Regulations of junk, junk vehicles and junkyards are necessary to protect the community from potential hazards to property and persons, to protect water resources and to preserve the aesthetic qualities of the Town. The presence of unregulated junkyards is unsightly and tends to depreciate not only the property on which it is located but also the property of other persons in the neighborhood and the community generally.

**CLASS A STORAGE PERMIT AREA**

Any place of outdoor storage or deposit that is suitably screened from view where more than one but less than nine junk motor vehicles are held, whether in connection with a business or not, whether for the purpose of resale or used parts therefrom, for the purpose of reclaiming for use some of all of the material therein, metal, glass, fabric, for the purpose of disposing of the same or for any purpose. This area may contain a maximum of eight junk motor vehicles and one mobile home, skirted and permanently sited, and used exclusively for storage if granted a special use permit by the Board of Appeals. If the area contains any of the junk as defined under the condition of junkyard, then the area shall be considered a junkyard regardless of the number permitted junk motor vehicles and /or junk mobile homes in storage.

**CLASS B STORAGE PERMIT AREA**

Any place of outdoor storage or deposit that is suitably screened from view where more than five but less than 21 junk motor vehicles are held, whether in connection with another business or not, whether for the purpose of resale or used parts therefrom, for the purpose of reclaiming for use some of all of the materials therein, metal, glass, fabric, for the purpose of disposing of the same for any purpose. This area may contain a maximum of 20 junk motor vehicles and one mobile home, skirted and permanently sited, and used exclusively for storage if granted a special use permit by the Board of Appeals.

**ENFORCEMENT OFFICER**

The Building Code Enforcement Officer, Zoning Enforcement Officer, constable or any person appointed by the Broadalbin Town Board to enforce the provisions of this chapter.

**FENCING**

A barrier intended to prevent escape or intrusion or mark a boundary. Such a barrier must be solid and may be made of a like material and be a uniform color. Fencing may not always qualify as screening. It must be aesthetically pleasing and non offensive.

**JUNK**

Any piece of equipment, material or quantity of objects that are retired from use and stored in an area visible or not visible to the public and to adjacent property owners to where the storage of such items is subject to corrosion, abuse, damage and weathering and subsequently enters a state of retrograde that is prone to the leakage of hazardous materials, either liquid, solid or gas also into the soil, air or water. A neglected item or stockpile of items that corrodes and becomes overgrown with

existing vegetation to which the storage of such items impairs the average aesthetics of the neighborhood and the Town of Broadalbin. Such neglected items include but are not limited to plastics, combustible containers, paper, cardboard, wood, wooden items, excelsior, tree limbs, yard trimmings, furniture, appliances, tires, metals, rocks, or stones, masonry, concrete, glass, electronic equipment, motorized and nonmotorized vehicles and machinery, metallic items, dirt, dead animals, ashes, leaves, oil-based materials, paint or other contained liquids.

#### **JUNK MOBILE HOME**

Singlewide, doublewide and camping trailers are included in this definition. Any enclosed dwelling built upon a chassis, motor vehicle, or trailer used or designed to be used for either permanent or temporary living and /or sleeping purposes, which meets the following conditions:

- A. The electrical service is disconnected or terminated; and
- B. It is abandoned as a dwelling until; or
- C. It is no longer habitable for residential occupancy;
- D. It is used for something other than its intended purpose, which is the housing of individuals and families. One mobile home, skirted and landscaped, will be allowed on each parcel for storage purposes or for special uses if granted a special use permit by the Town Board of Appeals.

#### **JUNK MOTOR VEHICLE**

Any motor vehicle which is normally operated on public highways will be considered a junk motor vehicle if it is unregistered and stored outside. Any motor vehicle which is normally not operated on public highways will be considered a junk motor vehicle if it is not in condition to be moved under its own power and will no longer function for the purpose for which it was designed.

#### **JUNK STORAGE AREA**

The area of any real property used or intended to be used for the placement, storage or deposit of junk motor vehicles.

#### **JUNKYARD**

Any place of storage or deposit, whether in connection with secondhand motor vehicles, no longer intended or in condition for legal use on the public highway, are held, whether for the purpose of resale of used parts therefrom , for the purpose of reclaiming for use some or all of the material 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 open lot or area for the dismantling, storage or sale as parts, scrap or salvage of used or wrecked motor vehicles, machinery, scrap metals, wastepaper, rags, used or salvaged building materials or other discarded materials.

#### **ENFORCEMENT OFFICER**

The Enforcement Officer may and upon request of the Broadalbin Town Board shall make any inspections of any storage permit area or junkyard for which an application for a permit has been made or a permit has been granted, and shall report to the Broadalbin Town Board on the conditions of such storage permit area or junkyard. The Enforcement Officer shall make periodic inspections of the Town of Broadalbin to ensure that all existing storage permit areas or junkyards have permits and that the requirements of this chapter are met. Any observed violations shall be reported to the Town Board.

## **REVOCAION OF PERMIT**

The Broadalbin Town Board may revoke a storage permit area or junkyard permit upon reasonable cause, should the applicant fail to comply with any provisions of this chapter or any condition of the permit. Before a permit may be revoked, a public hearing shall be held by the Town Board. Notice of the hearing shall be made in the official newspaper of the Town at least five days prior to the date thereof. The permit holder shall be notified of the hearing by written notice prior to the hearing.

Written notice shall be served on one of two ways:

1. By personal service of a copy of the notice at least ten days prior to the date of the hearing; or
2. By certified mail, return receipt requested, addressed to the last known address of the property owner or occupant. If said certified mail is refused or returned, service upon the property owner or occupant shall be made by mailing a copy of the notice by first class mail to the last known address of the property owner or occupant in a post office or official depository under the exclusive care and custody of the U.S. Postal Service within the State of New York. Notice served according to this subsection shall be served at least 15 days prior to the date of the hearing. Service shall be deemed complete upon depositing the notice in a post office or an official depository of the U.S. Postal Service within the State of New York.

At the hearing, the Town Board shall hear the permit holder and all other persons wishing to be heard on the revocation of the permit. Should the Town Board decide to revoke a permit, the reason or reasons for such revocation shall be stated in the Board minutes. The permit holder shall be immediately notified of the revocation by certified mail. Should any junkyard permit be revoked, the operator shall cease and desist from operating the storage area or junkyard. All junk items and materials shall be removed from the premises within 60 days of the effective date of the revocation.

## **OPERATING WITHOUT A PERMIT**

If the Enforcement Officer shall find that an alleged storage permit area or junkyard exists without the necessary permit, the Enforcement Officer is hereby authorized, pursuant to §150.20(3) of the Criminal Procedure Law of the State of New York, to issue an appearance ticket to any person whom the Enforcement Officer has reason to believe has violated this chapter, and shall cause such person to appear before the Town of Broadalbin Justice Court to answer such ticket.

## **PENALTIES FOR OFFENSES**

Any person who shall violate any of the provisions of this chapter shall be guilty of a violation and shall be subject to the following:

A fine amounting between \$350 and \$1,000 may be levied per week or part thereof, until such violation is removed from the Town; or

Imprisonment for a period not to exceed 30 days, or both.

Every person shall be deemed guilty of a separate violation for each week, or part thereof, such violation, disobedience, omission, neglect or refusal continues the Broadalbin Town Board may also maintain an action or proceeding in the name of the Town in a Court of competent jurisdiction to compel compliance with, or restrain by injunction any violation, of any provision of this chapter.