

Chapter 31

REGULATING OUTDOOR STORAGE OR DEPOSIT OF JUNK

ARTICLE I

Regulating Outdoor Storage or Deposit of Junk

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ARTICLE I
Regulating Outdoor Storage or Deposit of Junk

§31-1. Purpose and Intent.

The Town of Canton declares that abandoned junk, discarded or unregistered motor vehicles, discarded mobile homes or parts of mobile homes, and the storage or keeping of junk is detrimental to the safety, health and public welfare. This Board believes that such conditions are perils to safety, depreciate the value of neighboring properties, is a fire hazard, a source of fire and explosion, a hazard to property and persons, and a public nuisance.

§31-2. Definition.

Junk shall be defined as the outdoor storage or deposit of any of the following:

- A. Two or more vehicles not having a current registration and being motor vehicles no longer intended and/or in condition for legal use on the public highway regardless of the fact that such vehicles are held for the purpose of resale or for resale of used parts therefrom or for the purpose of reclaiming for use some or all of the materials therein. Such terms shall include waste materials from motor vehicles which, taken together, equal in bulk two or more such vehicles.
- B. One or more abandoned mobile homes or recreational vehicles or parts thereof.
- C. One or more inoperable appliances, including but not limited to washers, dryers, dishwashers, stoves, refrigerators, freezers and televisions.
- D. A combination of the above that totals two items.
- E. Any unsightly object, including but not limited to refuse, garbage, rubbish, rags or discarded household items and furniture, lumber or debris.
- F. Any combination of two of the above stored in a chaotic manner outside a structure which would impede firefighting ability of the local fire department and therefore, create a fire hazard.
- G. The storage of empty packing cases, barrels or boxes, pallets or similar combustible material outside the premises without a special permit from the Town Board of the Town of Canton.

§31-3. Administration and Enforcement.

- A. Where the Town Board finds that due to special circumstances of a particular case, a waiver of certain requirements as stated in Section 2 herein is justified, then a waiver may be granted. No waiver shall be granted, however, unless the Town Board finds and records in its minutes that:
1. Granting the waiver would be in keeping with the intent and spirit of this law, and is in the best interest of the community.
 2. There are special circumstances involved in the particular case.
 3. Denying the waiver would result in undue hardship to the applicant, provided that such hardship has not been self-imposed.
 4. The waiver is the minimum necessary to accomplish the purpose.
- B. The Town Board or any of its representatives and/or Code Enforcement Officer shall be granted access to the property at all reasonable hours to inspect the same for purposes of compliance with this law.
- C. The Town Board and the enforcement officer shall have all the necessary authority to enforce this Local Law.

§31-4. Penalties and Enforcement.

- A. Any owner, occupant, lessee, agent, tenant, person, partnership, firm, corporation or association, or other legal entity who shall neglect or refuse to remove junk or refuse to comply with the provisions of this local law or who shall resist or object to authorized efforts of the servants, officers, agents or members of the Town of Canton in the removal of any junk or junkyard materials or in the enforcement of this local law, shall be given thirty (30) days to comply. If there is no compliance, then they shall be guilty of an offense and shall be subject to the following penalties:
1. By a civil penalty not exceeding \$250.00 per week that said violation exists.
 2. Every such person or entity shall be determined guilty of separate offenses for each week, or each part of a week, in which he, they or it are in violation, disobedience, omission, neglect or refusal to comply with this Local Law.

- B. In the event that the person or entity found to be in violation of this local law neglects or refuses to comply with the order of the Town Board, its representative, enforcement officer or other agent within the time prescribed by said order, decision or notice, the Town Board may take the following steps:
1. The Town Board may make application to a Court of competent jurisdiction for an order determining that the individual or entity had created a public nuisance and directing that it be abated.
 2. Upon the Court making said determination, the Town Board shall cause the nuisance to be abated by Town employees or by a third party to be selected without the necessity of public bidding.
 3. All costs and expenses of abating the nuisance, including but not limited to the expense of the Town, its agents, enforcement officers, attorney fees and Court costs shall be levied and assessed against the land on which said nuisance is found and shall become a lien and a charge upon the real estate until such time as said amount is paid or otherwise satisfied or discharged, and shall be collected by the Town Clerk in the manner provided by law for the collection or delinquent taxes.
 4. In addition to the foregoing, the Town Board may also maintain an action or proceeding in the name of the Town in any Court of competent jurisdiction to compel compliance with, or restraint by injunction or other relief for a violation of this local law. This right shall be in addition to, and not in lieu of, the Town Board's enforcement rights herein set forth or under the laws of the State of New York.

§31-5. Enactment

This Law will only be acted upon when there is a written, filed and signed complain to the Code Enforcement Officer.

§31-6. Effective Date.

This Local Law shall take effect upon its filing with the New York State Secretary of State.