**Chapter 115**

**Junk**

**General References**

Solid Waste – See Ch. **135.**

Zoning – See Ch. **160.**

ARTICLE I

**Junk Dealers**

**[Adopted 5-18-1982]**

**§ 115-1. Legislative intent.**

By the adoption of this article the Town Board of the Town of Catskill declares its intent in so doing to be to regulate, control and license the activities or businesses known as “auto graveyards,” “junkyards,” “secondhand parts collection areas,” “the processing of used metals for resale and the dumping, storage and disposal of waste,” “secondhand or used materials” of whatever composition. Said Town Board hereby declares that such activities or businesses can constitute a hazard to property and persons and a public nuisance. Such materials may be highly inflammable and sometimes explosive. Gasoline tanks and old autos often contain in some quantity of combustible gasoline; the engine and other parts of such autos are frequently covered with grease and oil which is also inflammable. The tire, plastic seats, tops and other elements of such autos are also inflammable. Batteries and other elements of such autos can contain sharp metal or glass edges or points upon which a human could receive serious cuts and abrasions. These autos can constitute attractive nuisances to children and certain adults. The presence of such junkyards even in areas zoned for business or industry is unsightly and tends to detract from the value of surrounding land and property unless such areas are properly maintained and operated.

**§ 115-2. Definitions.**

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

AUTO – A passenger auto, truck, tractor-truck, trailer, bus, motorcycle or other vehicle, however propelled, as well as tractors, bulldozers, machinery and equipment.

PERSON – Any individual, an association, a partnership or a corporation.

**§ 115-3. License required.**

1. No person shall engage in or conduct on real property within the Town of Catskill either for himself or for and on behalf of any other person, directly or indirectly as agent, employee or otherwise, any activity or business, either for profit or otherwise, at wholesale or retail, which involves the collection, storage, burning, dumping, disassembling, dismantling, salvaging, sorting or otherwise handling or arranging for sale, storage or disposal or otherwise of bodies, engines or parts of autos, or of any other secondhand or used property of whatever material it is composed or any waste material, whether composed of wood, paper, cloth, cardboard, plastics, metals, stone, cement, or otherwise without first obtaining a license therefor as hereinafter provided.
2. Any place where there is located two or more unregistered, old or secondhand motor vehicles, no longer intended or in condition for legal use on the public highways and held, whether for the purpose of resale or used parts therefrom, for the purpose of reclaiming for use some or all of the materials therein, for the purpose of disposing of the same or for any other purpose, or the storage or deposit for any such purposes of used parts or waste materials from motor vehicles, which, taken together, equal in bulk two motor vehicles shall constitute real property for the conduct of secondhand junk and auto parts. “Motor vehicles” shall mean all vehicles propelled or drawn by power other than muscular power originally intended for use on the public highway.

**§ 115-4.** **Application for license.**

1. Each applicant for a license hereunder shall execute under oath an application therefor to be supplied to him by the Town Clerk, which shall contain the following information: that the applicant is over 18 years of age, that he is a citizen of the Unted States, whether he has ever been convicted of a felony or misdemeanor and such other facts or evidence as is deemed necessary to establish that he is a person fit and capable of properly conducting the activity or business for which the license is sought; a description of the exact type of business he intends to conduct; the nature of the materials he intends to handle; the number of employees he intends to engage; and the name and address of the owner or owners of the land and the nature of the right of occupancy of the application to the use of such land.
2. The applicant shall submit and file, with the application and plan, a schedule of expected compliance with the requirements set forth in § 115-11 stating when the office will be established, when the fence is to be completed and when sanitary facilities will be available.
3. At the time of making the application, the applicant shall submit to and file with the Town Clerk a map or plan of the real property upon which he intends to conduct the activity or business for which he is making application for a license hereunder with the area of such real property which it is proposed to use for such purposes, the location of the fence required hereunder indicated thereon as well as the location of any buildings on such land and the location of any streets or highways abutting or passing through such land and the location of any water, sewer or gas mains or laterals available thereto as well as the general drainage pattern of such land.
4. In the application the applicant shall agree that if granted the license applied for he will conduct the activity or business pursuant to the regulations set forth in § 115-11 of this article and that upon his failure to do so such license may be revoked.

**§ 115-5. Hearing; notice.**

A hearing on the application shall be held by the Town of Catskill not less than two weeks nor more than six weeks from the date of the receipt of a complete application by the Town Clerk. Notice of the hearing shall be given to the applicant by mail, to the address given in the application, and shall be published once in the official newspaper of the Town of Catskill, not less than seven days before the date of the hearing.

**§ 115-6. License requirements.**

At the time and place set for hearing, the Town 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 secondhand junk and auto parts activities and business. In considering such application, it shall take into account the suitability of the applicant with reference to his or her ability to comply with the fencing requirements or other reasonable regulations concerning the proposed activity or business, to any record of convictions for any type of larceny or possession of stolen property and to any other matter within the purposes of this section.

**§ 115-7. Location requirements.**

At the time and place set for hearing, the Town Board shall hear the applicant and all other persons wishing to be heard on the application, taking 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, 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 causes.

**§ 115-8. Aesthetic considerations.**

At the hearing regarding location of the junkyard, the Town Board 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 Town Board may consider collectively the type of road servicing the activity or business or from which the activity or business may be seen, the natural or artificial barriers protecting the activity of business from view and the proximity of the activity of the business to established residential and recreational areas or main access routes thereto, as well as the reasonable availability of other suitable sites for the activity or business.

**§ 115-9.** **Grant or denial of application; appeal.**

After the hearing the Town Board shall, within four weeks, make a finding as to whether or not the application should be granted, giving notice of its finding to the applicant by mail. If approved, the license shall be issued to remain in effect until the following December 31. The determination of the Town Board may be reviewed by the applicant under Article 78 of the Civil Practice Law and Rules.

**§ 115-10. Issuance of license; fee; renewal.**

1. A temporary license shall be issued upon the original application, if granted by the Town Board, and shall be effective from the date of its issuance until four months after the date of issuance. If, after four months’ time, there has not been substantial compliance with the provisions of §115-11, no permanent license will be granted. If compliance has been effected by the licensee, the permanent license will be granted. Upon termination of the temporary license all materials on the premises associated with the activity or business shall be removed by the applicant. Removal shall be accomplished within four months of written notification from the Town of the termination of the temporary license.
2. The fee for the license is hereby fixed in the sum of $150, which sum covers not only the cost of issuing the licenses themselves, but also the cost of making the necessary inspections of the premises to ascertain compliance with the regulations hereinafter prescribed. **[Amended 5-4-1999 by L.L. No. 1-1999]**
3. Such license shall be effective from the date of its issuance until the 31st day of December of the year of such issuance after which a new application for license must be made yearly if the licensee desires to continue such activity or business. Licenses shall be renewed by an application for renewal upon payment of the annual license fee without hearing, provided that all provisions of this article are complied with during the license period, the activity or business does not become a public nuisance and the applicant is not convicted of any type of larceny or the possession of stolen property.
4. Such license is personal with the licensee. It does not go with the title of the land nor may it be sold, assigned, transferred or disposed of.
5. Such license may be revoked by the Town Board with a public hearing thereon at which the licensee shall have an opportunity to be heard. Upon revocation of a license, the Town Board may require the removal of autos, parts and materials left as above provided in the case of an application for a temporary license which fails to qualify for a license.
6. In the event that an applicant for a license as provided herein shall have been duly issued a valid and effective junk dealer’s license by the Supervisor of this town, pursuant to the provisions of Article 6 of the New York State General Business Law, then such applicant shall be entitled to and allowed a credit against the above provided license fee in the amount of $150, such junk dealer’s license fee actually paid by such applicant; otherwise, this article shall be fully binding upon and applicable to the holder of any such junk dealer’s license. **[Amended 5-4-1999 by L.L. No. 1-1999]**.

**§ 115-11. Regulations.**

1. The licensee must personally manage or be responsible for the management of the activity or business for which the license is granted.
2. The licensee must maintain an office and a sufficient number of employees on the premises to assure the proper and safe conduct of such activity or business, to minimize the fire hazard therefrom and to prevent improper trespass thereon by children and others.
3. Before use, the area of the activity or business shall be completely surrounded with a fence at least eight feet in height which substantially screens and is adequate to prohibit the entrance of children and others into the area of the activity or business and to contain within such fence the materials dealt in by the licensee, and with a suitable gate which shall be closed and locked at any time the area is not supervised by the licensee or his employees. Such fence shall be erected not nearer than 50 feet from a public highway or, if such area abuts a residential area, not nearer than 100 feet from the boundary line thereof. Where the topography, natural growth of timber or other considerations accomplish the purposes of this section in whole or in part, the fencing requirements may be reduced by the Town Board, provided that the natural barrier conforms with the purposes of this section.
4. Inside and adjacent to and contiguous with such fence, a strip of land at least 10 feet in width shall be kept free of all dry grass or other growth or other combustible material so as to provide a fire lane or line around the whole area where the activity or business of the licensee is being conducted.
5. The autos, parts and materials dealt in by the licensee shall be disassembled or dismantled by means other than by burning, except when it is done at a distance of 300 feet or more from any street or highway or adjacent property, and even in that event no burning of tires, tubes or other rubber substances shall be allowed or permitted. They shall be piled or arranged in neat rows so as to permit easy, clear passage through the area.
6. There shall be maintained at each such place of activity or business for which a license is issued at least one fire extinguisher of approved design and capacity for each 40,000 square feet of area. Each fire extinguisher shall be hung or mounted in a conspicuous place, clearly marked and available.
7. No such activity or business shall be licensed to operate if any part thereof shall be within 500 feet of a church, school, hospital, public building or place of public assembly.
8. Suitable sanitary facilities shall be available, connected to approved public sewers or septic tanks, for the use and convenience of the employees of the licensee as well as the general public visiting the area.
9. The area of the licensee’s activity or business shall not be used as a dump area nor as a place for the burning and disposal of junk or trash.
10. The Town Police, the Town Clerk or the Town Board or any of its representatives shall be granted access to the area of the activity or business of the licensee at all reasonable hours to inspect the same for compliance herewith.

**§ 115-12. Existing businesses.**

1. A person presently engaged in or conducting an activity or business such as described herein on real property within the Town of Catskill must, within 30 days after the effective date of this article, make an application to the Town Clerk of the Town of Catskill for a license and at the same time must file a map or plan of the real property upon which he is conducting such activity or business.
2. In the application such applicant shall agree that, if granted the license applied for, he will conduct the activity or business pursuant to the regulations set forth in this section and that upon his failure to do so such license may be revoked.
3. The special provisions provided in this section applicable to a person presently engaged in or conducting an activity or business as described hereinabove are personal and they may not be enjoyed by any person to whom the licensee may transfer such business or activity nor the land upon which it is situated by gift, sale, devise or otherwise, nor may such licensee make any substantial changes in the area or scope of such activity or business without complying with all the provisions of §§ 115-4 and 115-7 of this article.
4. The fee for the license in the case of a person presently engaged in or conducting an activity or business such as is described herein shall be $150 annually and all other provisions in relation to such license as are contained in § 115-5 hereof shall be applicable to such licensee. **[Amended 5-4-1999 by L.L. No. 1-1999]**
5. If the person conducting such activity or business is not the sole owner thereof, he shall state such fact at the time of making application to the Town Clerk as above provided, and the Town Clerk at the time of issuing a license to such person shall send the owners or each of them a notice of the issuance of such license to such person together with a copy of this article.
6. Persons issued a license pursuant to this section shall operate their activity or business pursuant to the following regulations:
7. The autos, parts and materials dealt in by the licensee shall be disassembled, or dismantled by means other than by burning, except when it is done at a distance of 300 feet or more from any street or highway or adjacent property, and even in that event no burning of tires, tubes or other rubber substances shall be allowed or permitted. They shall be piled or arranged in neat rows so as to permit easy, clear passage through the area.
8. Inside and adjacent to and contiguous with the boundary lines of adjoining properties owned by others, a strip of land at least 10 feet in width shall be kept free of all dry grass or other growth, or other combustible materials, so as to provide a fire lane or line around the whole area where the activity or business of the licensee is being conducted.
9. All materials handled or dealt in by the licensee shall be kept at a distance of not less than 25 feet from the edge of any public street or highway on which it abuts.
10. The area of the licensee’s activity or business shall not be used as a dump area or a place of the burning and disposal of junk or trash.

**§ 115-13.** **Penalties for offenses.**

1. The owner or licensee of any such place of business who commits or permits any acts in violation of any of the provisions of this article shall be deemed to have committed an offense against this article, and also shall be liable for any such violation or the penalty therefor. Each day such violation shall continue or be permitted to exist shall constitute a separate violation.
2. For every violation of any provisions of this article, the person violating the same shall be subject to a fine of not more than $250 or imprisonment not exceeding 15 days, or by both such fine and imprisonment **[Amended 5-4-1999 by L.L. No. 1-1999]**
3. Conviction for any above-mentioned violation shall constitute and effect an immediate forfeiture of this license.
4. Any person violating this article shall be subject to a civil penalty enforceable and collectable by the Town in the amount of $250 for each offense. Such penalty shall be collectable by and in the name of the town for each day that such violation shall continue.
5. In addition to the above-provided penalties and punishment, the 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 to restrain by injunction the violations of this article.
6. If a fine is imposed and is not paid within 30 days or such other time period established by a court of competent jurisdiction, then the following mailing of the notice described herein, the unpaid fines shall be doubled and shall he assessed by the Town as a lien against the fine debtor’s real property in the Town and added to the current tax roll by the Town as an unpaid charge attributable to the real property. Prior to assessing this lien for unpaid fines, the Town shall mail a notice to the fine debtor at his/her last known address by certified mail, return receipt requested, and regular first-class mail stating that unless the fines are paid within 15 days of the notice date, they will be assessed and collected as an unpaid charge attributable to the real property. **[Added 6-2-2015 by L.L. No. 4-2015]**

**§ 115-14. Nonconforming uses.**

A nonconforming use is a use of premises within the Town of Catskill under an existing and effective license issued pursuant to any prior Town of Catskill ordinance licensing and regulating dealers in secondhand junk and auto parts activities and businesses which, as of the effective date of this article and continuously for 60 days prior thereto, is and was that of a junkyard inconsistent with the provisions of this article. Such nonconforming use may be maintained, restored, reconstructed or altered, notwithstanding the provisions of this article, so long as the nonconforming use is not extended in its degree of nonconformity. Whenever the nonconforming use has been discontinued for a period of six months, such use shall not thereafter be reestablished.

ARTICLE II

**Storage**

**[Adopted 7-5-26 by L.L. No. 4-2006[[1]](#footnote-1)]**

**§ 115-15. Title; purpose.**

1. This article shall be known as “A Local Law Regulating Junk Material Storage in the Town of Catskill, New York.”
2. The Catskill Town Board hereby finds that the deposit, accumulation, maintenance, storage or presence of junk material, as defined in § 115-18 herein, on private property creates a public and private nuisance and is harmful to the public health, safety and welfare. Such junk material presents a source of serious injury, particularly to children, seriously harms the aesthetic qualities of the Town and tends to depreciate the value of properties in the neighborhood and in the Town. By adoption of this article, the Town Bard declares its intent to preserve and promote a reasonable quality of environment and aesthetics and to prohibit actions and conduct that tend to depreciate not only the property on which it is located but also the property of other persons in the neighborhood and the community in general.

**§ 115-16. Authority.**

By the authority of the resolution of the Town Board of the Town of Catskill, adopted on July 5, 2006, pursuant to the police power vested in and granted to the Town of Catskill under Section 10 of the New York State Municipal Home Rule Law, Article 9 of the Town Law of the State of New York, and Article IX of the New York State Constitution, the Town Board of the Town of Catskill is authorized and empowered to regulate the storage of junk material, as defined in § 115-18 herein, to protect the general health, safety and well-being of persons and property in the Town.

**§ 115-17. Applicability; conflicting provisions.**

The provisions of this article shall apply in addition to the provisions of any other local law or ordinance adopted by the Town. Where there is a conflict, the more restrictive provision shall apply.

**§ 115-18. Definitions.**

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

DMV – The New York State Department of Motor Vehicles.

ENFORCEMENT OFFICER – The person(s) appointed by the Town Board to enforce the provisions of this article.

GARBAGE – All animal and vegetable waste resulting from the growing, processing, marketing and preparation of food items, including the container in which packaged.

JUNK APPLIANCE – Any abandoned, wrecked, discarded, dismantled or partly dismantled household appliance, including but not limited to stoves, washing machines, dryers, dishwashers, freezers, refrigerators, air conditioners, water heaters, computers or televisions, that is stored or placed outside of any residence or structure.

JUNK FURNITURE – Any abandoned, wrecked, discarded, dismantled or partly dismantled furniture, including but not limited to sofas, mattresses, bed frames, desks, tables, lawn furniture, chairs and chests of drawers, that is stored or placed outside of any residence or structure.

JUNK MATERIAL – Any abandoned, wrecked, discarded, dismantled or partly dismantled material, including but not limited to a junk appliance, junk furniture, a junk vehicle, or garbage, rubbish, clutter and debris.

JUNK VEHICLE

1. Any vehicle, or used parts or waste materials from vehicles, that is:
2. Uninspected or unregistered; or
3. Abandoned, wrecked, discarded, dismantled or partly dismantled; or
4. Not in condition for legal use upon the public highways.
5. The fact that a vehicle does not display a current vehicle registration, inspection sticker or license plate shall be rebuttably presumptive evidence that such vehicle is not in any condition for legal use upon the highways and is a junk vehicle, unless rebutted by verifiable and credible proof.
6. The fact that such vehicle has remained unused for more than six months and not in condition to be removed under its own power shall be rebuttably presumptive evidence that such vehicle is a junk vehicle, unless rebutted by verifiable and credible proof.

RUBBISH, CLUTTER, LITTER AND DEBRIS – Household or commercial trash, including, but not limited to, paper and paper products, barrels, cartons, boxes, cardboard, cans, glass, metals, machinery, plastics, rubber, crates, furniture, rags, mattresses, blankets, cigarettes, tires, lumber, brick, stone and other building materials, no longer intended or in condition for customary use, and any and all tangible personal property no longer intended or in condition for customary use.

UNINSPECTED VEHICLE – A vehicle that has not been currently inspected for the State of New York or does not bear an appropriate or valid inspection sticker by regulating agencies of any state or other governmental entity.

UNREGISTERED VEHICLE – A vehicle that has not been currently registered for the State of New York or does not bear an appropriate or valid registration sticker by regulating agencies of any state or other governmental entity.

VEHICLE – A device or conveyance used for the purpose of carrying or transporting passengers or goods or equipment or any combination of the above purposes, including but not limited to automobiles, buses, trailers, trucks, tractors, motor homes, mobile homes, campers, motorcycles, mini bikes, recreational vehicles, boats, all-terrain vehicles or snowmobiles.

**§ 115-19. Prohibited acts.**

1. Subject to the exceptions contained in § 115-20 herein, no person shall within the Town of Catskill deposit, store, accumulate, place or abandon upon any real property, nor cause, consent, or commit to be deposited, stored, placed or abandoned upon any real property owned by such person, any junk material outside of an enclosed structure, building or container.
2. It shall be unlawful for any person to use a bus, mobile home, truck, truck trailer, horse trailer, semi trailer, tank truck, or similar vehicles or units for storage of junk material. Exceptions shall be made for the temporary use of such vehicles or units for construction purposes for periods of less than 90 days or when actively used in connection with active farming or agricultural operations.

**§ 115-20. Exclusions.**

Section 115-19 shall not apply to the storage or placement on the premises of the following material:

1. Wood intended for consumption in a wood-burning stove, furnace or fireplace located in a building on the premises, in compliance with the New York State Fire Code.
2. Operable farm, garden and yard machinery and apparatus used on the premises.
3. Standing fences.
4. Hoses and sprinklers used for watering lawns or gardens.
5. The storage, placement or accumulation of materials in connection with a commercial operation duly conducted on the premises where such storage, placement and accumulation is expressly permitted by the laws of the Town.
6. Construction materials and equipment used for the construction or renovation of a building on the premises for which a building permit has been issued and remains current.

**§ 115-21. Enforcement.**

1. This article shall be enforced by the Enforcement Officer. Said person(s) shall have the authority to enforce the provisions of this article and to inspect premises within the Town as necessary for said enforcement.
2. The Enforcement Officer is hereby authorized, pursuant to Criminal Procedure Law § 150.20, Subdivision 3, to issue an appearance ticket to any person who the Enforcement Officer has reason to believe has violated this article, and shall cause such person to appear before the Municipal Justice.

**§ 115-22. Complaints.**

Any person may file a complaint with the Enforcement Officer that a violation of this article may have taken place. The Enforcement Officer shall properly record and investigate any such complaint. The Enforcement Officer may also investigate any alleged violation that he or she has reason to believe has occurred or is occurring. Following an investigation of the property, the Enforcement Officer may prepare and serve a notice of violation as set forth in § 115-23 herein.

**§ 115-23. Notice of violation.**

1. Upon an initial determination that a prohibited act under § 115-19 herein has occurred, the Enforcement Officer shall send a written notice of violation to the record owner of the property, notifying the owner and directing corrective action within five days after receipt of such notice. The notice of violation shall be sent by certified mail, return receipt requested. Possession by the Enforcement Officer of the United States postal receipt indicating delivery of the notice to the addressee, whether the receipt is signed by the addressee or by a third party, shall constitute conclusive proof of the receipt by the addressee of said notice. The five-day compliance period shall commence on the date of delivery of the notice as indicated on the postal receipt. The notice may also be personally served on the addressee, in which event the five-day compliance period shall commence on the date of the personal service of the notice.
2. If the notice of violation cannot be either personally served or delivered by certified mail to the record owner because the record owner cannot with due diligence be ascertained or is not locatable, then the notice may be served by publication. The notice shall be published in the official newspaper of the Town, in each of two successive weeks. If there is a building situated on the property, the notice shall also be posted on the front door of the structure. The five-day compliance period shall commence on the date of the second publication of the notice.
3. The notice of violation shall contain the following information:
4. The name of the record owner to whom the notice shall be addressed;
5. The location of the premises involved in the violation;
6. The statement of the facts which it is alleged violate the article;
7. A demand that the junk material be removed or placed so as to come into compliance with this article within the five-day compliance period;
8. A statement that a failure to comply with the demand may result in issuance of an appearance ticket, prosecution, or other action by the Town as authorized by § 115-24 of this article;
9. A copy of the article.
10. The notice of violation shall advise the record owner that if the junk material is not removed within the five-day compliance period, the Town may proceed with the administrative removal and disposition of said junk material pursuant to § 115-25 herein and shall cause the costs of such removal and disposition to be charged against the owner and/or the subject property.

**§ 115-24. Penalties for offenses.**

1. An offense of this article shall be punishable as a violation and subject to the following; each week’s continued violation shall constitute a separate additional violation:
2. In addition or as an alternative to the above penalty, the Town may commence an administrative removal proceeding pursuant to § 115-25 herein.
3. In addition or as an alternative to the above-provided procedures and penalties, the Town Board may maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of this article.
4. If a fine is imposed and is not paid within 30 days or such other time period established by a court of competent jurisdiction, then following mailing of the notice described herein, the unpaid fines shall be doubled and shall be assessed by the Town as a lien against the fine debtors’ real property in the Town and added to the current tax roll by the Town as an unpaid charge attributable to the real property. Prior to assessing this lien for unpaid fines, the Town shall mail a notice to the fine debtor at his/her last known address by certified mail, return receipt requested, and regular first-class mail stating that unless the fines are paid within 15 days of the notice date, they will be assessed and collected as an unpaid charge attributable to the real property. **[Added 6-2-2015 by L.L. No. 4-2015]**

**§ 115-25. Public hearing; removal by town; costs; acquisition of title; sale or disposal.**

1. Upon the failure of an owner with notice to correct violation within the time period provided by such notice, the Town Board may hold a public hearing to determine whether the violation constitutes a public nuisance requiring abatement by the Town. The public hearing shall be held upon notice posted conspicuously on the subject property. The notice shall also be sent to the last known address of the property owner, as it appears on the current assessment records of the Town, by certified mail, return receipt requested, or served on the owner by personal service. The notice shall be published in the official newspaper of the Town. Publishing, posting and service of such notice shall not be less than 15 calendar days, exclusive of the date of service, prior to the date of the public hearing. The notice shall:
2. Identify the premises as it appears on the current assessment roll;
3. Contain a statement of the conditions on the property deemed upon inspection to constitute a public nuisance;
4. Contain a demand that the condition or conditions constituting the public nuisance be immediately abated or removed before the date of the hearing specified in the notice;
5. Contain a statement that a failure or refusal to comply within the period specified may result in a duly authorized officer, agent or employee of the Town entering upon the property and abating or removing the public nuisance; and
6. Contain a statement that the cost and expense of such abatement or removal shall be the responsibility of the owner and, without limitation on the Town’s potential remedies to recoup its expenses, such cost shall be assessed against the described property and shall constitute a lien thereon to be collected as provided by law.
7. Where the Town Board finds, based on substantial evidence in the public hearing record, that a violation or violations amount to a public nuisance requiring abatement by the Town, the Town Board may cause the abatement or removal of the public nuisance. The abatement or removal may be performed by the Town or by its designee or agent, including a private contractor lawfully engaged and authorized by the Town. The Town Board shall ascertain the cost of the removal and assess such expense against the record owner of the property. The expense so assessed shall constitute a lien on real property on which it is levied until paid or otherwise satisfied or discharged and shall be collected in the same manner and at the same time as other Town charges.
8. The removal of any nuisance by the Town shall not operate to excuse such owner from properly maintaining the premises as required by this article. Such owner shall, in addition to the remedies provided herein, be subject to any other penalties provided by this article.
9. Acquisition of title to junk vehicles by Town after a public hearing. In addition to and subsequent to Subsections A through C of § 115-25, the following applies to junk vehicles:
10. If a junk vehicle has no current registration, inspection sticker or license plate and is of a wholesale value, taking into consideration the condition of the vehicle, of $1,250 or less, ownership shall immediately vest in the Town; provided, however, that a Town shall not be required to obtain title to a junk vehicle that is subject to the provisions of this subsection if the vehicle will be sold or otherwise disposed of as rubbish, clutter, litter, or debris, dismantled for use other than as a motor vehicle, or otherwise destroyed.
11. Except for junk vehicles governed by Subsection D(1), the Town shall make an inquiry concerning the last owner of such vehicle as follows:
12. Junk vehicle with license plates affixed: to the jurisdiction that issued such license plates;
13. Junk vehicle with no license plates affixed: the DMV.
14. Except for junk vehicles governed by Subsection D(1), the Town shall notify the last owner, if known that the junk vehicle in question has been recovered and that, if unclaimed, it will be sold at public auction after 10 days from the date such notice is given. If the agency described in Subsection D(2) also notifies the Town that a lien or mortgage exists, such notice shall also be sent to the lienholder or mortgagee. Any person claiming such junk vehicle shall be required to pay the costs of removal and storage of such vehicle and any other applicable charges or penalties provided by this article.
15. Except for junk vehicles governed by Subsection D(1), ownership, if unclaimed, shall vest in the Town 10 days from the date such notice is given or, if the last owner cannot be ascertained, when notice of such fact is received.
16. Acquisition of title.
17. The Town shall determine if a recovered, unclaimed junk vehicle is suitable for operation on the public highways. If so, the junk vehicle may be sold at public auction to the highest bidder or converted pursuant to Subsection D(9) below.
18. If the Town determines that junk vehicle is not suitable for operation on the public highways, it shall sell the vehicle to a vehicle dismantler or scrap processor registered or certified pursuant to § 415-a of the New York Vehicle and Traffic Law or to a vehicle dismantler or scrap processor who does not have a place of business in this state but who conforms to the laws and regulations of the state in which he has a place of business.
19. Notwithstanding the provisions of this Subsection D, a vehicle without a vehicle identification number plate shall be sold only to a vehicle dismantler or a scrap processor registered or certified pursuant to § 415-a of the New York Vehicle and Traffic Law or to a vehicle dismantler or scrap processor who does not have a place of business in this state but who conforms to the laws and regulations of the state in which he has a place of business.
20. The Town may convert to its own use those junk vehicles not affected by Subsection D(1) of this section or may, by sale or gift, transfer title to any of such vehicles to any other municipal corporation for use by its law enforcement agency; provided, however that the total number of vehicles converted and/or transferred in any calendar year may not exceed 1% of the Town’s unclaimed junk vehicles not affected by Subsection D(1) of this section or two such vehicles, whichever is greater.
21. Any proceeds from the sale of a vehicle less any expenses incurred by the Town and other applicable charges and penalties as provided by this article shall be held by the Town, without interest, for the benefit of the owner of such vehicle for a period of one year. If not claimed within such one-year period, such proceeds shall be paid into the general fund of the Town.

**§ 115-26. Severability.**

If any clause, sentence, paragraph, section, article, chapter or part of this article now or through supplementation shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section, article, chapter or part thereof directly involved in the controversy in which such judgment shall have been rendered.

**§ 115-27. When effective.**

This article shall take effect 20 days after it is filed as provided in § 27 of the Municipal Home Rule Law.

**§ 115-28. Repeal of prior junk storage law.**

The following local law is hereby repealed and replaced with this law: Town of Catskill Code, Chapter 115, Junk, Article II, Storage, adopted 5-4-2004 by L.L. No. 1-2004.

1. **Editor’s Note: This local law also repealed former Art. II, Storage. See § 115-28.** [↑](#footnote-ref-1)