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COUNTY OF LEWIS

Local Law No. 3 of the Year 2021

A LOCAL LAW AMENDING AND REPLACING LOCAL LAW NO. 10-2019 - THE COUNTY OF LEWIS JUNKYARD LAW

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

ARTICLE A. INTRODUCTION

Section 1. AUTHORITY

This law is adopted pursuant to the authority granted in the County in Articles 2 and 3 of the Municipal Home Rule Law.

Section 2. TITLE

This Local Law shall be known as the "County of Lewis Junkyard Law".

Section 3. PURPOSE OF THE JUNKYARD LAW

By adoption of this Law, the County of Lewis declares its intent to regulate and control the storage or keeping of junk, and to regulate junkyards whether operated for commercial profit or otherwise. The Lewis County Legislature hereby declares that a clean, wholesome, and attractive environment is of vital importance to the continued general welfare of its citizens, and that junk and junkyards can constitute a hazard to property and persons and can be a public nuisance. Such materials may be highly flammable, sometimes explosive, and harmful to the environment. Junk and particularly junked vehicles can constitute attractive nuisances to children and certain adults. The presence of junk and junkyards is unsightly and tends to detract from the value of surrounding properties unless properly screened from view.

ARTICLE B: DEFINITIONS

For purposes of this Law, the following words and phrases shall have the meaning ascribed to them in this Article.

Code Enforcement Officer: Any County Building Codes Department officer or any person proposed by and approved by the Lewis County Board of Legislators to represent the Junkyard

Review Board in particular matters pertaining to this Local Law.

Junk Items: Any vehicles, parts of vehicles or motors, appliances, parts of appliances, and scrap metals as hereinafter defined.

Junk Storage Area: The areas of any parcel of land or water used, or intended to be used for the placement or storage of junk items.

Junk Vehicle(s): Any motor vehicle whether automobile, bus, trailer, truck, tractor-trailer, motor home, motorcycle, bicycle, mini-bicycle, snowmobile, or any other device originally intended for travel on the public highways which meets any of the following conditions:

- 1) Is unlicensed,
- 2) Is either abandoned, wrecked, stored, discarded, dismantled, or partly dismantled; or
- 3) Is not in any condition for legal use upon the public highway.
- 4) With respect to any motor vehicle not required to be licensed, or any motor vehicle not usually used on public highways, the fact that such motor vehicle has remained unused for more than six (6) months and is not in condition to be removed under its own power shall be presumptive evidence that such motor vehicle is a junk vehicle.

Junk Appliance: A household appliance, including but not limited to, washing machine, dryer, dishwasher, stove, furnace, water heater, refrigerator, freezer, television, furniture, or computer that is stored outside of any residence or structure.

Scrap Junk: Any used, discarded, previously owned items such as ferrous metals, aluminum, brass, copper, lead chromium, tin, nickel or other alloys.

Junkyard: The outdoor storage or deposit of the following:

- 1) Three (3) or more junk vehicles; or
- 2) Three (3) or more junk appliances including, but not limited to washing machines, dryers, dishwashers, stoves, furnaces, refrigerators, freezers, televisions, computers; scrap parts of junk vehicles; and scrap metals; or
- 3) A combination of items in 1) or 2) above that total four (4) or more items.

Junkyard Review Board: The board appointed and designated by the County Legislature to administer this Law. Also referred to herein as "JRB". The JRB shall consist of five (5) members appointed by the County Board of Legislators in a manner that attempts to achieve representation from all areas of the county.

Person: A person, firm, partnership, association, corporation, company, or organization of any kind.

Right-of-Way Line: Line forming boundary of the right of way of a street, road, or highway as

dedicated by a deed of record. Where the width of the right-of-way is not established, the right-of-way line shall be considered to be twenty-five (25) feet from the center line of the road pavement.

Exempt Properties: This local law does not apply to Auto / Truck / Farm equipment dealers, registered auto repair stations/businesses, and active agricultural operations as defined under the NYS Agriculture and Markets Law.

ARTICLE C: JUNKYARD REGULATIONS

Section 1. LOCATION

No junk storage area shall be located within:

- A. Fifty (50) feet of any adjoining property line.
- B. Five hundred (500) feet of any public park, church, educational facility, nursing home, public building, or other place of public gathering.
- C. One hundred (100) feet of any stream, lake, pond, wetland, or other body of water.
- D. One hundred (100) feet from the right-of-way line of any public street, road, or highway.

Section 2. SCREENING

- A. Where a junkyard is or would be visible from a public highway or from neighboring properties, there shall be erected and maintained an eight (8) foot high opaque fence to screen the junk storage area. All junkyard items dealt with by the operation of the junkyard shall be kept within such screening at all times so that the junkyard items are not visible from the public highway or from neighboring properties. The applicant may secure waivers from any and all neighboring property owners with respect to requirement of the eight (8) foot high fence to screen. However, if the Junkyard is still visible from a public highway, the eight (8) foot high screening is still required.
- B. The fence provided for in this section shall be of wood or other materials as required by the Junkyard Review Board to totally screen the junk storage area from view. All fencing must be in place and approved by the JRB or its designee prior to issuance of a junkyard permit/license.
- C. As an alternative, the Junkyard Review Board may permit or require such other screening by adequate planting of evergreen trees and shrubbery. Until such natural fencing reaches the height and fullness to provide year-round opaque screening, the applicant will be required to have the man-made fencing in place. Once the natural fencing is approved, the man-made fencing may be removed. The following requirements shall apply in those cases where this alternative is permitted or required:

- 1) The applicant shall provide evidence that within four (4) years of the issuance of the initial license the proposed method of natural screening will provide a year-round

opaque screen of the junk storage area from public highways and from neighboring properties.

2) The screening shall be opaque, and remain opaque. If the screening is live, planted growth/shrubbery, the plant growth/shrubbery must attain a height of eight (8) feet within four (4) years of the issuance of the initial license, issued with man-made fencing requirements as hereinbefore set forth. If such requirement is not met within four (4) years, the applicant will be required to have the man-made fencing remain in place for renewal of the license, or as the JRB may otherwise require, pursuant to this Section.

3) Prior to the Junkyard Review Board approval of the license or of a license renewal, the junkyard owner shall be required to provide evidence of compliance with this section of the law. In addition, the junkyard owner shall be required to provide evidence that all dead trees and shrubbery constituting the screen have been replaced with flora of the same species as the approved screen. Such replacements shall be planted at a height sufficient to maintain an opaque screen. Replacements shall be planted prior to application for renewal and before issuance of a renewal license.

Section 3. BURNING

No materials shall be burned in a junkyard except in compliance with the New York State Outdoor Burning Law (see 6 NYCRR 215).

Section 4. BURYING

No junkyard items shall be buried in a junkyard except in compliance with the New York State Solid Waste Disposal Law (see 6 NYCRR 360).

Section 5. APPROVED JUNKYARD ITEMS

No junkyard items shall be stored in any junk storage area other than those items specified on a junkyard license approved by the Junkyard Review Board pursuant to this Law.

ARTICLE D: JUNKYARD LICENSE

Section 1. LICENSE REQUIRED

- A. No person shall establish or maintain a junkyard within the County of Lewis unless a license has first been issued for such junkyard pursuant to this Law.
- B. No person owning, having any right to, or any interest in any real property within the County of Lewis shall license, rent, lease, or otherwise permit the use of such real property or any part thereof to be used for a junkyard unless a license has first been issued for such junkyard pursuant to this Law.
- C. All licenses shall be issued for a period of four (4) years, after which time, renewal(s) shall be required.
- D. Any modification to an existing license requires a new application.

ARTICLE E: APPLICATION PROCEDURE

Section 1. APPLICATION

The applicant for a junkyard license shall obtain application from the County Code Enforcement Officer. The completed forms, along with one copy of the proposed site plan, and the appropriate fees, shall be returned to the County Clerk. The County Clerk shall notify and provide the application materials to the Code Enforcement Officer. The Code Enforcement Officer shall submit the application materials to the Junkyard Review Board.

Section 2. SITE PLAN CONTENTS

The site plan shall be drawn to scale or indicate all dimensions and show:

- A. All existing and proposed structures, including fences;
- B. All property lines including the names of owners of adjacent property;
- C. All streams, lakes, wetlands, floodplains, and other water bodies;
- D. All wells and sanitary facilities;
- E. All roads and easements;
- F. All existing and proposed junk storage areas;
- G. All existing and proposed access ways, and parking and loading areas.

Section 3. ENVIRONMENTAL IMPACT STATEMENT

An Environmental Assessment Form (EAF) shall be completed and submitted with all applications pursuant to the provisions of the State Environmental Quality Review Act (SEQRA) (see 6 NYCRR 617). If the EAF indicates that the proposed activity may have significant environmental consequences, the Junkyard Review Board shall require that a Draft Environmental Impact Statement (DEIS) be submitted with the application. The application shall not be considered complete until the DEIS has been accepted by the Junkyard Review Board.

Section 4. FEES

A. The application fee shall be in the minimum amount of ONE HUNDRED DOLLARS (\$100.00) and must accompany all applications. A license fee shall be in the amount of FIVE HUNDRED DOLLARS (\$500.00)), for a four-year license. Renewal fee is \$500.00 for additional four year license periods.

B. The Junkyard Review Board, upon notice to the County Board of Legislators, is, in its discretion, empowered to set a higher application fee and license fee, and may also set such other fees and charges as it shall determine appropriate. All fees shall be collected by the Lewis County Clerk for and on behalf of the Lewis County Junkyard Review Board.

Section 5. PUBLIC HEARING

The Junkyard Review Board shall conduct a public hearing within forty-five (45) days of the date a complete application is received by the Review Board. Notice of the hearing shall be made in the official newspaper of the County at least five (5) days prior to the date thereof. At the hearing, the Junkyard Review Board shall hear the applicant and all other persons wishing to be heard on the application for a junkyard license.

Section 6. JUNKYARD REVIEW BOARD ACTION

Within forty-five (45) days of said hearing, the Junkyard Review Board shall render a decision to approve, to approve with conditions, or to disapprove the application for a junkyard license. The forty-five (45) day period may be extended by mutual consent of the applicant and the Junkyard Review Board. All findings of the Junkyard Review Board shall be entered into the Junkyard Review Board minutes. The decision of the Junkyard Review Board shall immediately be filed in the office of the County Clerk. The applicant shall be notified of the decision and the reasons for such decision within ten (10) days of the decision of the Board. Upon approval of the site plan and application, and payment of all fees and reimbursable costs due the County, the Junkyard Review Board shall endorse its approval upon a copy of the final site plan and application.

Section 7. ISSUANCE OF LICENSE

- A. If the application is approved by the Junkyard Review Board, a Junkyard License shall be issued by the Enforcement Officer upon presentation of a paid receipt from the County Clerk with respect to payment of the license fee. No license shall be approved with a permit issued where proper fencing has not been completed.
- B. If the application is approved with conditions by the Junkyard Review Board, the Enforcement Officer shall issue a Junkyard License only upon completion of an on-site inspection verifying that the conditions itemized by the JRB have been met and are consistent with this law, and upon presentation of a paid receipt from the County Clerk with respect to payment of the license fee.
- C. If the application is approved with conditions, and if the Enforcement Officer determines that the conditions have not been met, the Enforcement Officer shall notify the applicant and JRB in writing with a description of how the conditions are not compliant, and confirming that the Enforcement Officer did not issue a license. The Notice to applicant and JRB shall include a provision that the applicant has up to the date of the next JRB regular meeting or sixty (60) days, whichever event first occurs, for the applicant to meet the conditions or have his/her application be deemed denied and in violation of this Law, if applicable, with the right of the JRB to pursue further legal action and proceedings for said violation. Notwithstanding the foregoing sentence, the JRB may, in its sole discretion, extend the period of time for compliance upon written request of the applicant for good cause shown for a maximum of ninety (90) days.

Section 8. LICENSE RENEWAL

Applications for renewal shall be approved by the Junkyard Review Board upon notification by the Code Enforcement Officer that the junkyard remains in compliance with this Law. Upon receipt of a copy of the Board's approval, and presentation of a paid receipt from the County Clerk with respect to payment of the renewal application and license fees, the Code Enforcement Officer shall issue the Junkyard License Renewal.

ARTICLE F: GENERAL CONSIDERATIONS

Section 1. AESTHETIC CONSIDERATIONS

In granting or denying a license, the Junkyard Review Board shall take the following aesthetic factors into consideration:

- A. Type of road servicing the junkyard or from which the junkyard can be seen.
- B. Natural or artificial barriers protecting the junkyard from view.
- C. Proximity of the site to established residential or recreational areas or main access routes thereto.

Section 2. LOCATIONAL CONSIDERATIONS

In granting or denying a license, the Junkyard Review Board shall take the following locational factors into consideration:

- A. The nature and development of surrounding property, such as the proximity of public parks, churches, educational facilities, nursing homes, public buildings, or places of public gathering.
- B. Whether or not the proposed location can be reasonably protected from affecting the public health and safety by reason of offensive or unhealthy noise, odors, smoke, or of other causes.
- C. The proximity of streams, lakes, wetlands, flood plains, groundwater supplies, and public water supplies.
- D. Local drainage patterns.
- E. Long range comprehensive plans for the County or local municipality.
- F. Proximity of the site to established residential or recreational areas.
- G. Availability of other suitable sites for the junkyard.

ARTICLE G. ADMINISTRATION AND ENFORCEMENT

Section 1. JRB MEETINGS, BY-LAWS, RULES AND REGULATIONS

A. Regular meetings of the JRB shall be held monthly during the months of May through October, and bi-monthly during the months of November through April, at a time and place designated by the JRB. If the JRB seeks to modify the frequency of regular meetings, it shall request any proposed change to the County Board of Legislators, who may amend the frequency of regular meetings as well as the number of members constituting the JRB by Resolution adoption.

B. Except for the number of members constituting the JRB and the frequency of regular meetings of the JRB, there is delegated to the JRB the power and authority to adopt, enact and amend any by-laws, rules, directives and regulations necessary or appropriate in furtherance of carrying out its duties and responsibilities under this Local Law.

C. The JRB shall amend its current by-laws to be consistent with this Local Law and any amendments or revisions thereto. The JRB shall forward a copy of its updated by-laws, rules and regulations to the Lewis County Clerk of the Board upon adoption.

Section 2. WAIVERS

Where a Junkyard Review Board finds that due to special circumstances of a particular case, a waiver of certain requirements as stated in Article C herein is justified, a waiver may be granted. No waiver shall be granted, however, unless the Junkyard Review Board finds and records in its minutes that:

- A. Granting the waiver would be in keeping with the intent and spirit of this law, does not violate the granting of a variance (which is the domain of the local Planning and/or Zoning Boards), and is in the best interest of the community.
- B. There are special circumstances in the particular application, which the JRB shall set forth in its decision to grant the waiver.
- C. Denial of a waiver would result in undue hardship to the applicant, provided that such hardship has not been self-imposed by the applicant and/or based upon circumstances known to the applicant.
- D. The waiver is the minimum necessary to accomplish the purpose, without violation of any local Planning or Zoning Board requirements.

Section 3. ENFORCEMENT OFFICER DUTIES AND RIGHTS

- A. The Enforcement Officer shall make inspections of any junkyard for which application for a license has been made, or any other readily or commonly observed existing property within the County which appears to constitute a junkyard as defined in this local law. The enforcement officer shall report to the Junkyard Review Board on the conditions of such junkyard.

- B. The Enforcement Officer shall conduct annual inspections of licensed junkyard properties in the County to ensure compliance with the law and the license issued for same. The Enforcement Officer shall attempt communication with the property owner/interested property in an effort to informally address the observed violations, and shall report all observations and attempts to informally remedy to the Junkyard Review Board together with the Enforcement Officer's recommendation(s) for compliance.
- C. The Enforcement Officer shall have the right to enter onto a property which is the subject of this Local Law as an invitee. It shall be the responsibility of an applicant or license holder to arrange for any additional access by the enforcement officer to inspect the premises prior to license issuance and during the licensing process, during a license renewal period, and for other reasonable periodic inspections, including but not limited to the annual inspection. By submission of an application for a license or renewal license, the applicant is deemed to have consented to the enforcement officer's access to his/her property to inspect the premises in the licensing process. In addition, if the JRB grants a license, the license holder is deemed to have consented to the enforcement officer's right of access to the property in order to conduct the annual inspection and for inspections pertaining to any reported complaints with respect to this Local Law.
- D. The Enforcement Officer shall investigate, attempt to informally remedy, and report to the Junkyard Review Board, with respect to properties to which the officer has received any written complaints of any alleged violation of this law, as well as to any commonly and readily observed properties within the County alleged to be in violation of this law.

Section 4. DIRECTIVES BY JUNKYARD REVIEW BOARD & REVOCATIONS

- A. If the Enforcement Officer reports a violation of this law to the Junkyard Review Board, and the Review Board determines that a violation is present, the Review Board shall direct the Enforcement Officer to issue a Notice of Violation(s) and Compliance Order to the property owner, tenant, and record lien holder, setting forth the following:
 - 1) address of the property;
 - 2) specific statements and particulars of the violation(s);
 - 3) a compliance order outlining specific steps or actions to be taken to remedy the violation(s) for the property to be in compliance with the law;
 - 4) statement setting forth that the steps or actions to remedy the violations shall commence within ten (10) days of service of the Notice, and shall be completed within thirty (30) days thereafter, unless otherwise extended by the Junkyard Review Board for good cause shown;
 - 5) issuance of an appearance ticket to the property owner/license holder, containing a date, time and location for the property owner/license holder to appear before the Junkyard Review Board to answer the alleged violations set forth in the Notice of Violation(s) and Compliance Order.

- B. The aforesaid Notice of Violation(s) and Compliance Order and Appearance Ticket shall be served:
- 1) by delivering a copy of the Notice & Order and Appearance Ticket by regular mail and by certified mail- return receipt requested directed to the property owner(s), his executor, administrator or agent's last known address as shown on the records of the receiver of taxes, and any other address which may be known to the enforcement officer as the owner's address. If regular mail is returned undeliverable and if certified mail -RRR is returned unsigned, the enforcement officer shall effect service by nail and mail posting of a copy of the documents on the property, and shall attempt personal service upon the property owner(s) with due diligence (at least three (3) separate attempts).
 - 2) In addition, service by certified mail and regular mail upon any other person having a vested interest in the property, such as a tenant, and lienholders as shown by the records of the receiver of taxes (for example, a mortgage lender) shall be undertaken.
- C. After a Notice of Violation and Compliance Order and Appearance Ticket have been issued, and close to the date that the matter is to appear before the JRB, the Enforcement Officer shall reinspect and/or observe the property so that the Enforcement Officer may report an update on the condition of the property to the Junkyard Review Board for further action and direction.
- D. Where there is an existing license, the Junkyard Review Board may revoke a Junkyard License upon reasonable cause, should the applicant/license holder fail to comply with any provision of this law. Before a license may be revoked, a public hearing shall be held by the Junkyard Review Board. Notice of the hearing shall be made in the official newspaper of the County at least five (5) days prior to the date thereof. Service of a copy of the Notice of the Hearing shall be mailed to the license holder/applicant by certified mail and regular mail at least fourteen (14) days prior to the hearing. At the hearing, the Junkyard Review Board shall hear the license holder and all other persons wishing to be heard on the revocation of the junkyard license. Should the Junkyard Review Board decide to revoke a license, the reasons for such revocation shall be stated in the Junkyard Review Board minutes. The license holder shall be notified of the revocation and the reasons for same, by certified mail and regular mail within ten (10) days of the completion of the hearing.

A copy of the Notices served upon an applicant or property owner as hereinabove set forth shall be filed in the office of the County Clerk of Lewis County.

Section 5. FAILURE TO COMPLY, ENFORCEMENT AND PENALTY OPTIONS

In the event of the failure or refusal of the property owner(s)/responsible person(s) so notified to comply with a Compliance Order or other directive of the Junkyard Review Board through its Enforcement Officer, either for noncompliance with the application and licensing process or for another violation of this Local Law, the Junkyard Review Board may recommend and direct that the matter be turned over to the County to initiate any and all of the following enforcement proceedings:

- A. Criminal Proceeding and Penalties: Any person who shall violate any provisions of this law may be subject to criminal prosecution, and if convicted of a criminal violation for failure to comply with this Local Law shall, for a first conviction thereof, be punished by a fine of not less than FIVE HUNDRED DOLLARS (\$500.00), or by imprisonment for not more than fifteen (15) days, or by both such fine and imprisonment; for a second such conviction within thirty-six (36) months thereafter, such person shall be punished by a fine of not less than ONE THOUSAND DOLLARS (\$1,000.00), or by imprisonment for not more than forty-five (45) days or by both such fine and imprisonment; upon a third or subsequent conviction within thirty-six (36) months after the first conviction, such person shall be punished by a fine of not less than TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00), or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment. Every such person shall be deemed guilty of a separate violation for each week such violation, disobedience, omission, neglect, or refusal shall continue. Any reference for legal assistance in connection with criminal enforcement or prosecution herein shall be made to the District Attorney of the County of Lewis, or by delegation from the District Attorney to County Attorney of Lewis County for prosecution.
- B. Civil Proceeding and Penalties: Any person who shall violate any of the provisions of this Local Law may be subject to a civil action to be found guilty of a violation of this law, and if so found, shall be subject to a civil penalty of not less than FIVE HUNDRED DOLLARS (\$500.00), to be recovered by the County in the civil action. Every such person shall be deemed guilty of a separate violation for each week such violation, disobedience, omission, neglect, or refusal shall continue. Any reference for legal assistance in connection with enforcement assistance or prosecution herein shall be made to the County Attorney of the County of Lewis.
- C. Order for Removal of Junk and Assessment of Expenses: In addition to the above proceedings and penalties, in the event of the refusal or neglect of the property owner so notified to comply with the directives and orders of the Junkyard Review Board as hereinabove set forth, the Lewis County Board of Legislators may take additional action in the name of the County, including but not limited to the removal of said Junk either by County employees or by contract, upon the following procedure:
- 1) The Enforcement Officer, in consultation with the County Attorney, shall gather all information from his/her investigation and the steps followed with the Junkyard Review Board as hereinabove set forth, and report in writing to the Board of Legislators his documentation of the procedures and steps taken, his findings and recommendations to the Board of Legislators as to whether removal of the Junk should be undertaken. In the report, the Enforcement Officer is to advise the Board of any known hazardous materials, and confirm that the NYS Department of Environmental Conservation ("NYS DEC") has been contacted for input on taking appropriate action if hazardous materials were found;
 - 2) The Enforcement Officer shall provide the property owner(s) with a copy of the Report and any other documents he/she provides to the Board of Legislators. In addition, the Enforcement Officer will provide the property owner(s) with Notice of the monthly Board of Legislators meeting when the Board will consider such report and take any action by Resolution.

- 3) The Board of Legislators shall, at a public meeting, consider such report and by resolution, determine:
 - i. If in its opinion such property is a junkyard under the provisions of this Law;
 - ii. If in its opinion the Enforcement Officer and Junkyard Review Board followed the steps and procedures outlined in this Law to provide the property owner with the ability to address the matter and remedy the matter with and before the Junkyard Review Board;
 - iii. Whether to order the removal of the Junk and assess expenses against the violator; and
 - iv. Direct that a notice of its decision be served upon the property owner(s) and any other persons with interest in the property by the methods set forth in Article G Section 3 above.
- 4) Notice of the Board's Decision shall be given as set forth in Article G, Section 3 (B) above, and contain the following:
 - i. a description of the property;
 - ii. a statement of the particulars in which the property is deemed to be a junkyard and in violation of this Local Law;
 - iii. an order outlining the manner in which the property is to be made compliant with the law, or its removal together with a date as to such steps are to be completed;
 - iv. a statement that in the event of neglect or failure to comply with the order of the Board of Legislators to comply with the Law or remove the Junk, the Board of Legislators is authorized to access the premises to provide for removal of the Junk, to assess all expenses thereof against the land on which it is located, and in addition, to institute a special proceeding to collect the costs of removal and enforcement, including legal expenses;
 - v. a date, time and place for a final hearing before the Board of Legislators in relation to such violations of this Local Law and the remedies the Board may order. Said hearing shall be scheduled not less than seven (7) business days from the date of service of the Notice.
 - vi. a copy of the Notice served shall be filed with the Lewis County Clerk.

ARTICLE H: REFUSAL TO COMPLY AND ASSESSMENT OF EXPENSES

- A. In the event of the refusal or neglect of the property owner so notified to comply with said order(s) of the Board of Legislators and after final hearing, the Board of Legislators shall provide for the removal of such Junk either by County or Town employees (or a combination of said employees as they may agree), or by private contract. Any private contract for removal of Junk in excess of \$20,000.00 shall be awarded through competitive bidding.
- B. All expenses incurred by the County in connection with the proceedings to remove the Junk, and all reasonable and necessary legal expenses incidental thereto, shall, at the option of the Board of Legislators, either:
 - (1) Be assessed against the land on which such Junk is located and shall be levied and collected in the same manner as provided in Section 270 of the County Law for the

levy and collection of a special ad valorem levy; or

(2) Be collected by commencement of a special proceeding against the owner(s) of said property in the Supreme Court, County of Lewis.

ARTICLE I: REMEDIES AT LAW

Notwithstanding the above administrative procedures, the County may maintain an appropriate action or proceeding in a court of competent jurisdiction for enforcement and to recover costs and expenses incurred by the Junkyard Review Board and County to remedy a violation and to compel compliance with the law, or to restrain by injunction the violation of any article of this Local Law.

The appropriate remedy for an applicant who disputes a finding and decision of the Junkyard Review Board or the Board of Legislators is an action brought in a court of competent jurisdiction at the applicant's sole cost and expense.

ARTICLE J: APPLICABILITY

This Local Law shall not apply to any city, village, or town during such time as such city, village, or town is regulating or licensing junkyards.

ARTICLE K: SEVERABILITY

If any clause, sentence, paragraph, section or article of this Local Law 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 or article thereof directly involved in the controversy in which such judgment shall have been rendered.

ARTICLE L: EFFECTIVE DATE

This Local Law shall be effective immediately upon all legal requirements being met.

ARTICLE M: PRIOR JUNKYARD LAWS

This Local Law replaces Local Law No. 10-2019, which amended and repealed all former Junkyard Laws (Local Law No. 3-2001, No. 3-2011, No. 7-2014, No. 2-2015, and No. 6-2017).

((Complete the certification in the paragraph that applies to the filing of this Local Law and strike out that which is not applicable))

1. (Final Adoption by Local Legislative Body Only.)

I hereby certify that the Local Law annexed hereto, designated as Local Law No. 3 of 2021, of the County of Lewis was duly passed by the Lewis County Board of Legislators on October 5, 2021, in accordance with the applicable provisions of law.

2. ~~(Passage by Local Legislative Body with Approval, No Disapproval or Repassage After Disapproval by the Elective Chief Executive Officer*).~~

~~I hereby certify that the Local Law annexed hereto, designated as Local Law No. _____ of 20____, of the County, City, Town, Village of _____ was duly passed by the _____ on _____, 20____, and was approved, not approved, repassed after disapproval, by the _____, and was deemed duly adopted on _____, 20____, in accordance with the applicable provisions of law.~~

3. ~~(Final Adoption by Referendum.)~~

~~I hereby certify that the Local Law annexed hereto, designated as Local Law No. _____ of 20____, of the County, City, Town, Village of _____ was duly passed by the _____ on _____, 20____, and was approved, not approved, repassed after disapproval, by the _____ on _____, 20____. 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 thereon at the general/special/annual election held on _____, 20____, in accordance with the applicable provisions of law.~~

4. ~~(Subject to a Permissive Referendum and Final Adoption Because No Valid Petition was Filed Requesting Referendum.)~~

~~I hereby certify that the Local Law annexed hereto, designated as Local Law No. _____ of 20____, of the County of Lewis was duly passed by the Lewis County Board of Legislators on _____, 20____, and was approved, not approved, repassed after disapproval, by the _____ on _____, 20____. Such Local Law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____, 20____, in accordance with the applicable provisions of law.~~

5. ~~(City Local Law Concerning Charter Revision Proposed by Petition.)~~

~~I hereby certify that the Local Law annexed hereto, designated as Local Law No. _____ of 20____, of the City of _____ having been submitted to referendum pursuant to the provisions of Section (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 _____, 20____, became operative.~~

* 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 county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto Local Laws or Ordinances.

6. (County Local Law Concerning Adoption of Charter.)

I hereby certify that the Local Law annexed hereto, designated as Local Law No. _____ of 20____, of the County of _____, State of New York, having been submitted to the electors at the General Election of November _____, 20____, pursuant to the subdivisions 5 and 7 of Section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, 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 1, above.

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 1, above.



Cassandra Moser

CASSANDRA MOSER, CLERK

LEWIS COUNTY BOARD OF LEGISLATORS

Dated: October 7, 2021

(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 LEWIS) ss:

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.

Joan E. McNichol

JOAN E. McNICHOL, ESQ.

LEWIS COUNTY ATTORNEY

Dated: October 7, 2021