Local Law # 3 of the Year 2006
Of The Town of Morristown

Local Junk Storage Law

Revision July 11, 2006

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Be it enacted by the Town Council of the Town of Morristown as follows:

ARTICLE A: INTRODUCTION

Section 1. Authority

This local law is adopted pursuant to the authority granted the municipality in Section 10 of the Municipal Home Rule Law and in Section 130(6) of the Town Law.

Section 2. Title

This local law shall be known as "A local law regulating Junk storage in the Town of Morristown."

Section 3. Purpose

The Town Council hereby declares that a clean, wholesome, and attractive environment is of vital importance to the continued general welfare of its citizens, and that regulation of the deposit, accumulation, or maintenance of junk regardless of quantity is hereby prohibited anywhere within sight of persons lawfully traveling the public highways or within sight of neighboring residences. By adoption of this law the municipality 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 generally.

Section 4. Applicability

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

Section 5. Definitions

Enforcement Officer: The person(s) appointed by the governing board to enforce the provisions of this law.

Garbage: All putrescible animal and vegetable waste resulting from growing, processing, marketing and preparation of food items, including container in which packaged.

Junk: Worn out or discarded material of little or no value including, but not limited or, a junk appliance, junk furniture, junk mobile home, junk motor vehicle or garbage, rubbish, debris ***and more than one junk vehicle.***

Junk Appliance: Any household appliance, including but not limited to, a stove, washing machine, dryer, dishwasher, freezer refrigerator, air conditioner, water heater, or television, which is stored outside of any residence or structure.

Junk Furniture: Abandoned, discarded, or irreparably damaged furniture including, but not limited to, sofas, lounge chairs, mattresses, bed frames, desks, tables, chairs, and chests of drawers.

Junk Mobile Home: Any moveable or portable dwelling unit designed and constructed to be towed on its own chassis, comprised of frame and wheels, connected to utilities, and designed and constructed without a permanent foundation for year-round living, excluding travel trailers and recreational vehicles and which meets all of the following conditions:

(1) it is unoccupied and in its present condition does not meet the requirements of the New York State Uniform Fire Prevention and Building Code for residential occupancy: and
(2) it is either stored, abandoned, wrecked, discarded, dismantled, or partly dismantled.

Junk Motor Vehicle: Any motor vehicle, or used parts or waste materials from motor vehicles which, taken together, equal in bulk one or more such vehicles, which is abandoned, wrecked, stored, discarded, dismantled, or partly dismantled.
The fact that such motor vehicle is not in condition to be removed under its own power and the fact that such motor vehicle has remained unused for six (6) months shall be presumptive evidence that such motor vehicle is a junk motor vehicle unless refuted by verifiable and credible proof.

Motor Vehicle: All vehicles propelled or drawn by power other than muscular power originally intended for use on public highways, including but not limited to automobile, bus, trailer, truck, tractor, motor home, motorcycle, and mini-bicycle. This term shall also include an all-terrain vehicle or snowmobile, watercraft, construction equipment, and truck campers, camper trailers, campers, travel trailers, pop-up trailers, tent trailers and overnight trailers. This definition of Junk Motor Vehicles does not apply to unlicensed vehicles used by farm operations in a county adopted, State certified, agricultural district. This provision shall supersede any conflicting provision of this local law.

Outdoor Storage: The placing, maintaining or keeping of junk, rubbish, clutter, litter or debris in a place other than a structure with a roof and fully enclosed on all sides.

Person: An individual, partnership, association, corporation, or entity of any other kind.

Rubbish, Clutter, Litter and Debris: Ordinary household or commercial trash such as paper and paper products, barrels, cartons, boxes, cardboard, cans glass, metals, machinery, plastics, rubber, crates, furniture, rugs clothing, rags, mattresses, blankets, cigarettes, tires, lumber, brick, stone and other building materials no longer intended or in

condition for ordinary use: and any and all tangible personal property no longer intended or in condition for ordinary and customary use.

ARTICLE B: PROHIBITED ACTS

The deposit, accumulation, or storage of junk, regardless of quantity, is hereby prohibited within sight of persons traveling the public highways or within sight of neighboring residences. The provisions of this law shall also be applicable to conditions existing at the time of enactment.

ARTICLE C: EXCLUSIONS

Article B 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.
(2) Lawn or yard or garden ornaments and implements.
(3) Lawn and patio furniture.
(4) Farm machinery.
(5) Operable garden and yard machinery and apparatus used on the premises.
(6) Standing fences.
(7) Hoses and sprinklers used for watering lawns or gardens.
(8) Storage or placement and 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 municipality.
(9) Construction materials and equipment used for the construction or renovation of a building on the premises for which a building permit has been issued.
(10) Businesses that are licensed motor vehicle repair shops/sales and/or businesses with a DBA registered with the County Clerk and a sales tax ID number that are related to motor vehicles repair/ sales be allowed up to ten (10) motor vehicles as defined by this law. This exclusion does not apply to motor vehicle dismantlers.
(11) Businesses in general with a DBA registered with the County Clerk and a sales tax ID number may have a combination of storage trailers/cargo containers up to a total of five (5) for business use.
(12) Unlicensed vehicle(s) owned or registered to a member of the U.S. Armed Forces while on deployment.

ARTICLE D: APPEALS

(1) Any person aggrieved by this law may appeal to the Town Board (should a Zoning Board of Appeals be established, to the ZBA) for an interpretation or a variance from the provisions of this law.
(2) In making its determination on variances, the Town Board/ Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and

welfare of the neighborhood or community by such grant. In making such determination the board shall also consider:

a. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the variance;
b. Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than a variance;
c. Whether the requested variance is substantial;
d. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood; and
e. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the variance.

(3) The Town Board/ Zoning Board of Appeals shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
(4) All fees for appeals shall be as established by Town Board resolution.

ARTICLE E: ADMINISTRATION AND ENFORCEMENT

Section 1. Enforcement Officer

This law may be enforced by the Town Code Enforcement Officer or by any individual duly appointed by the Town Board. Said persons shall have the authority to enforce the provisions of this chapter and to inspect premises within the municipality as necessary for said enforcement. The enforcement officer shall make periodic inspections of the municipality to ensure that the requirements of this law are met.

Section 2. Complaints

Any person may file a complaint with the enforcement officer that a violation of this law 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.

Section 3. Notice to Comply

The written notice to comply should contain the following information:

(1) The name of the owner or occupant to whom the notice shall be addressed.
(2) The location of the premises involved in the violation.
(3) A statement of the facts which it is alleged violates this law.
(4) A demand that the junk be removed or placed so as to be in compliance with the law within forty five (45) days after the service or mailing of the notice.
(5) A statement that a failure to comply with the demand may result in prosecution.
(6) A copy of the law.

Section 4. Penalties and Remedies

The enforcement officer is hereby authorized pursuant to Criminal Procedure Law 150.20(3) to issue an appearance ticket to any person whom the enforcement officer has reason to believe has violated this law, and shall cause such person to appear before the municipal justice.

Any person who shall violate any of the provisions of this law shall be guilty of a violation and subject to the following: (1) a minimum fine of $100.00 and not to exceed $350.00 or imprisonment for a period not to exceed fifteen (15) days, or both; or (2) a penalty of $350.00 to be recovered by the municipality in a 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.

The removal of any nuisance by the municipality's agents shall not operate to excuse such owner, tenant or occupant from properly maintaining the premises as required by this law. Such owner, tenant or occupant shall, in addition to the remedies provided herein, be subject to any other penalties provided for by this law. ***Said owner, tenant or occupant shall be responsible to reimburse the Town for any and all costs necessarily incurred.***

ARTICLE F: MISCELLANEOUS

Section 1. Severability

If any clause, sentence, paragraph, section or article of this 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.

Section 2. Repeal of Prior Existing Junk/Junkyard Law

The following local law is hereby repealed: Town of Morristown Junk/Junkyard Law No. 2 of the year 2006.

Section 3. Effective Date

This local law shall become effective upon the date it is filed in the Office of the New York Secretary of State.