

At a regular meeting of the Town Board of the Town of Columbia held at the Town Board Office in the Town of Columbia, New York, on the 13th day of May, 1965

PRESENT: Supervisor, Henry Huxtable
Councilman, Kenneth Miller
Councilman, Roy Slaughter
Justice of the Peace, John S. Skinner
Justice of the Peace, Richard Naugle

AN ORDINANCE PROVIDING FOR THE LICENSING AND REGULATION OF JUNK DEALERS AND DEALERS IN SECOND--HAND ARTICLES IN THE TOWN OF COLUMBIA, NEW YORK

RESOLVED AND ORDAINED pursuant to the Article 9 of the Town Law of the State of New York, the following provisions and regulations are hereby adopted and shall be enforced in the Town of Columbia on or after the 20th day of August, 1965; concerning the licensing, regulating of junk dealers and dealers in second-hand articles:

Section 1: No person, partnership, association, firm or corporation shall engage in or conduct business as a dealer in or collector of junk, old, used or second-hand materials of any kind, including rags, cloth, rubber, old rope, old iron, brass, copper, tin, lead or other metals, old bottles, glass, bones, tinware, old clothes unfit for wearing, shoes, second-hand lumber, old or junked motor vehicles, without first having obtained a license therefore as herein provided.

Section 2: Each applicant for such license, shall submit to the Town Clerk on a form provided by him a duly verified written application showing (a) that he is a citizen of the United States, (b) that he has never been convicted of a felony or misdemeanor and information as to his experience, financial responsibility, equipment and nature and location of his place or proposed place of business. No license shall be granted to any person who is not a citizen of the United States - or who has been convicted of a felony, or who in the opinion of the Town Board is not a proper and fit person, capable of properly conducting the business for which the license is required. If the applicant possesses all the required qualifications, and upon approval of the Town Board, the Town Clerk shall upon payment by the applicant of the license fee hereinafter prescribed issue a license to such applicant.

Section 3: The fee for such a license is hereby fixed in the

sum of Twenty-Five Dollars (\$25.00). Such license shall be placed and at all times be displayed in a conspicuous place at the licensee's place of business. Such license shall be effective from the date of issuance until 31st day of December next succeeding unless sooner revoked, and shall not be transferable. Any applicant shall pose a sufficient surety bond with said application in the penal sum of Five-Hundred Dollars (\$500.00) for faithful performance of the conditions in said ordinance, said bond to be approved by the Town Attorney.

Section 4: Each such license shall be issued subject to compliance by the licensee with all the regulations of Article 6 of the General Business Law Section 1308 of the Penal Law and other Statutes now existing or which may hereafter be enacted affecting such business or the conduct thereof; subject also to compliance by the licensee with all rules, regulations or orders now existing or which may hereafter be made by the Town Board of the Town of Columbia, respecting such business or the conduct thereof and subject also, to compliance with the following additional requirements:

a. That all premises in the Town of Columbia, used in connection with the business of buying, selling and dealing in junk, rags, old rope, old iron, brass, copper, tin, lead or other old metals, old bottles, glass, bones, tinware, old clothes unfit for wearing, old shoes, second-hand lumber, or any establishment, which is used for sale or parts thereof, or any second-hand articles shall be either in an enclosed building or enclosed with a solid board fence at least six feet high to be erected and maintained under the direction and supervision of the Town Superintendent of Highways and kept in good repair and painted.

b. Such fence shall not be used for billboard purposes, nor for the display of advertisements of any kind.

c. No such licensee shall collect, or purchase any junk, metal or second-hand articles or articles of any kind from any person under the age of twenty-one years.

d. Each such licensee shall keep a book record of each article of junk, metal or second-hand materials purchased or collected by him, showing the time and place of collection or purchase and the name and address of the person from whom the same was collected or purchased and shall not dispose of any such article purchased or

collected until the expiration of five days from the date of purchase or collection.

e. Such licensee shall not collect or purchase junk metals or second-hand materials from any person between the hours of seven o'clock p.m. and seven o'clock a.m.

f. Each licensee shall permit his place of business, his record books and his vehicles and conveyances to be examined, or inspected at any time by the representative of the Town board. Each such place of business shall be conducted in such a manner so as not to annoy the occupants of adjoining premises either because of excessive noise, foul odors, unsanitary or unsightly condition of the premises, or as to constitute a nuisance.

Acceptance of such license shall constitute an agreement by the licensee to comply with all such requirements, order rules, and regulations and statutes.

Section 5: Every applicant under the aforesaid ordinance shall file with the Town Clerk an accurate survey by a licensed engineer showing those portions of the property to be occupied and used for the purposes for which the application for a license is made hereunder.

Section 6: Any false statement in an application or any violation of any of the provisions of this ordinance, or any of the statutes, rules, regulations or orders aforesaid shall constitute a revocation of such license.

Section 7: This ordinance shall not apply to property owners who have their own disabled automobiles upon their property as long as said property owner is not in the automobile junk dealing business; any property owner, person or corporation maintaining more than two (2) disabled automobiles on the premises are presumed to be operating a junk yard and are under the control of this ordinance.

Section 8: Any violation to remedy by injunction and/or revocation, a violation of this ordinance is hereby declared to be a misdemeanor, punishable by a fine not to exceed Fifty Dollars (\$50.00) or fifty days in jail for each offense. Each day such offense violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

Existing yards for those materials as setforth in Section 1

above at the time of passing of this mandated ordinance, shall have ninety (90) days from the effective date hereof in which to comply with the Sections of said amended ordinance.

On motion of Justice of the Peace, Richard Naugle, duly seconded by councilman, Kenneth Miller, the foregoing resolution and regulations were unanimously, duly adopted and enacted.

AYES: ALL

NOES: NONE

ROY SPONBURG
Town Clerk