

LOCAL LAW NO. 5 FOR THE YEAR 2022

A Local Law establishing a six-month moratorium on the application or permit for and/or the construction, development, or installation of Junkyards and/or Junk Storage in the Town of Potsdam.

ENACTED BY THE TOWN BOARD OF POTSDAM, NEW YORK AS FOLLOWS:

Section 1. Title

This law shall be known as the “Town of Potsdam Junkyard and Junk Storage Moratorium.”

Section 2. Purpose and Intent

The Potsdam Town Board recognizes that there is increasing problems with junk around the township and its accumulation could cause undesirable impacts to neighboring properties and/or the Town. This law establishes a six-month moratorium on the implementation of Junkyards or Junk Storage facilities in order to provide the Board time to engage in the necessary studies, meetings, hearings, environmental review, and other appropriate and necessary actions regarding oversight of Junkyards and Junk Storage. The Board recognizes the need to evaluate the impacts of these systems and, if necessary, revise the Town’s Zoning Law to address any determined issues.

Section 3. Authority

This Moratorium is enacted pursuant to Article IX, Section 2 (c)(ii)(6), (10) of the New York State Constitution, Section 10 of the Municipal Home Rule Law, and the statutory powers vested in the Town to regulate and control land use and to protect the health, safety, and welfare of its residents under the New York State Town Law.

Section 4. Definitions

Junkyards and Junk Storage as identified in Chapter 194 of the Potsdam Town Code.

Section 5. Enactment and Scope of Control

The Board hereby declares a six-month moratorium on the application or permit for and/or the construction, development, or installation of any and all Junkyards and/or Junk Storage.

For the period of six months immediately following the effective date of this Local law, the Town Board, the Planning Board, the Zoning Board of Appeals, the Building Department, and the Code Officer shall not permit or approve any application for the installation of any Junkyards or Junk Storage systems. This Moratorium shall apply to all currently pending and future applications for the installation of Junkyards or Junk Storage systems.

Section 6. Enforcement and Penalties

The Code Enforcement Officer of the Town, or such other individual as designated by the Town Board, shall enforce this Local Law. It shall be the duty of the enforcement individual to advise the Town Board of all matters pertaining to the enforcement of this Local Law and to keep all records necessary and appropriate to such enforcement.

Compliance with this Local Law may be compelled, and violations restrained by order or by injunction of a court of competent jurisdiction in an action brought on behalf of the Town by the Board. In the event the Board is required to take legal action to enforce this Law, the violator will be responsible for any and all costs incurred by the Town relative thereto, including reasonable attorney's fees, filing fees, and such other amounts to be determined and assessed by the court.

Section 7. Supersession

All local laws, ordinances, or parts of local laws and ordinances of the Town that are in conflict with the provisions of this Local Law are hereby suspended to the extent necessary to give this Local Law full force and effect during the effective period of the Moratorium.

Section 8. Severability of Provisions

Should any section or provision of this Local Law be declared null, void, voidable, or invalid, such finding shall not affect the validity of the remaining portions of this Local Law.

Section 9. Effective Date

This Local Law shall take effect immediately upon filing with the Secretary of State.

ADOPTED: NOVEMBER 10, 2022