

# LOCAL LAW 5 OF 2017

Passed August 23, 2017

Local Law 5 of 2017 adds regulations regarding the storage of abandoned, junked, or inoperative motor vehicles on residential parcels. It allows Code Enforcement to tow vehicles without notice under certain circumstances, but in most cases vehicles cannot be towed by the Town without a conviction for violating this law.

## NEW LAW

### **§210-54 Definitions.**

#### **ABANDONED, JUNKED, OR INOPERATIVE MOTOR VEHICLE**

- A.** A vehicle, as defined in §159 of the New York State Vehicle and Traffic Law, that is:
  - (1)** Unlicensed, wrecked, stored, discarded, dismantled, or partly dismantled or which is not in a condition suitable for legal use upon a public highway; or
  - (2)** Being held or used for the purposes of resale of used parts therefrom, for the purpose of reclaiming some or all of the materials therein, or for the purpose of disposing of the same.
- B.** A vehicle shall be presumed to be abandoned, junked, or inoperative if:
  - (1)** It is a vehicle not required to be licensed or registered, or not usually used on public highways, and it is in a condition wherein it cannot be moved or removed under its own power; or
  - (2)** It is a vehicle that may be licensed or registered but does not display a current license or registration.

### **§210-55 Storage of Abandoned, Junked, or Inoperative Motor Vehicles.**

- A.** It is prohibited to store, deposit, or cause, suffer, or permit to be stored or deposited, an abandoned, junked, or inoperative motor vehicle on a parcel which has a zoning classification of residential.
- B.** Notwithstanding the provisions of subsection A, this subsection shall not apply to:
  - (1)** Vehicles stored within a garage or other enclosed structure; or
  - (2)** An unlicensed, but not disabled or inoperable motor vehicle stored or deposited on a residential parcel for not more than 30 days in total.
- C.** A person who violates the provisions of this section shall be guilty of a violation and shall be punished as follows:
  - (1)** For a conviction of a first offense, a fine of not less than \$100 and not more than \$250;
  - (2)** For a conviction of a second or subsequent offense, a fine of not less than \$500 and not more than \$1,000.
- D.** In addition to the sanctions specified in subsection C, if a person convicted of an offense under this section does not remove the offending vehicle or alter it such that it is no longer abandoned, junked, or inoperative within 7 days of such conviction, a Code

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Enforcement Officer may cause the vehicle to be removed without further notice pursuant to the procedures specified in §210-55.1. Such removal shall be at the owner's sole expense.

### **§210-55.1 Removal of Abandoned, Junked, or Inoperative Motor Vehicles.**

- A. A Code Enforcement Officer may cause the removal of an abandoned, junked, or inoperative motor vehicle without notice:
  - (1) Pursuant to §210-55(D);
  - (2) If with due diligence the owner thereof, or the owner, occupant, or tenant of the location where the vehicle is stored cannot be located for service of notice pursuant to §210-55.2; or
  - (3) If the vehicle presents an imminent danger to public health or safety.
- B. The Town Board shall designate a private contractor to effectuate vehicle removals pursuant to this section.
- C. The owner of an abandoned, junked, or inoperative motor vehicle removed pursuant to this section shall be fully responsible to pay all costs associated with said removal. To the extent that the Town incurs any costs associated with removal, the same may be collected in a civil action in the name of the Town or in the same manner as general Town taxes. In such a case, the amount collected shall include any legal fees incurred by the Town.

### **§210-55.2 Service of Notice.**

Service of any notice of a violation of §210-55 shall be made by personal service or by regular mail upon the owner of the abandoned, junked, or inoperative motor vehicle or the owner's executors, legal representatives, or agents, and/or the owner, occupant, or tenant of the location where the vehicle is stored, or their executors, legal representatives, or agents.