

1992 - 2
Local Law
Vehicles, Abandoned and Junked

Chapter 100

Sec. 100.1 Title.

This chapter shall be known and may be cited as the Abandoned, Junked or Inoperative Motor Vehicle Law.”

Sec 100.2 Purpose

The accumulation, storage and abandonment of unusable motor vehicles and component parts thereof, farm vehicles and implements, machinery, or other discarded materials and the outdoor storage of abandoned, junked, or inoperative vehicles on public and privately owned property within the Village of Addison, Steuben County, New York, is detrimental to the health, safety and general welfare of the community. The existence of an abandoned, junked or inoperable motor vehicle does not provide a wholesome, safe and attractive environment for residents of the Village and tends to depreciate neighborhood property values and is an infringement on the enjoyment of their properties and homes by neighboring residents. The purpose of this local law is to prohibit the placement, storage, or abandonment of junked motor vehicles or part thereof and of vehicles which because of mechanical defect, are inoperable and unsightly and which may constitute a potential nuisance to the children of the community. Control of the outdoor storage or abandonment of junked vehicles and junk including parts of said vehicles on privately owned property, as well as on publicly owned property in the Village of Addison is therefore regulated for the preservation of the health, safety, and general welfare of the community. Therefore, the Village of Addison adopts this law and reserves the right to prosecute criminally and/or bring a civil action against said violator.

Sec. 100.3 EXCEPTIONS

A lawfully licensed, bona fide business operation which can demonstrate a bona-fide business reason for using abandoned, junked or inoperable motor vehicles in said business shall have 120 days from the effective date of this local law in which to bring the business into compliance with all aspects of this local law.

Sec. 100.4 DEFINITIONS.

For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

Abandoned, Junked or Inoperable motor vehicle

1. Any motor vehicle, as defined in this section, which does not have lawfully affixed thereto both an unexpired license plate or plates and a current motor vehicle inspection certificate, or the condition of which is wrecked, dismantled, partially dismantled, inoperative, abandoned, discarded or which is not

intended or in any condition for legal use upon the public highway. This includes any vehicle, or portion thereof, which cannot operate under its own mechanical power.

2. Any motor vehicle being held or used for the purpose of resale of used parts therefrom or for the purposes of resale of used parts therefrom or for the purpose of reclaiming for use some or all of the materials therein for the purpose of disposing of the same.

3. The fact that a 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 an abandoned, junked or inoperative motor vehicle.

4. The fact that a motor vehicle may be licensed or registered with the State of New York but does not display a current license plate shall be presumptive evidence that such motor vehicle is unlicensed.

MOTOR VEHICLE - Any vehicle which is self-propelled and designed to travel along the ground and shall include, but not be limited to, automobiles, buses, motorbikes, motorcycles, motor scooters, trucks, farm vehicles, go carts, golf carts, campers and trailers.

OFFICER IN CHARGE - the officer in charge of the police department in the Village of Addison.

PERSON - Any person, firm, partnership, association, corporation, company or organization of any kind.

PRIVATE PROPERTY - Any real property within the Village which is privately owned and which is not public property, as defined in this section.

PUBLIC PROPERTY - Any street or highway which shall include the entire width between the boundary lines of every way, publicly maintained for the purposes of vehicular travel, and shall also mean any other publicly owned property or facility.

REMOVAL - The taking away of the subject vehicle so that it is no longer physically present within the corporate limits of the Village of Addison, Steuben County, New York. This, however, shall not apply to any vehicles removed by the Police Department.

VILLAGE - The Village of Addison.

Sec. 100.5 ABANDONMENT PROHIBITED

No person shall park, store, leave or permit the parking, storing or leaving of any abandoned, junked or inoperable motor vehicle, whether attended to or not, upon any public or private property within the Village for a period in excess of seventy-two (72) hours. The presence of an abandoned, junked or inoperable motor vehicle or parts thereof on private or public property is hereby declared a public nuisance, which may be abated as such in accordance with the provisions of this local law. Said violation may be prosecuted criminally pursuant to Chapter 200 and/or may be handled pursuant to the notice and hearing requirements of chapter 100.

Sec. 100.6 RESPONSIBILITY FOR REMOVAL.

Upon proper notice and opportunity to be heard, the owner of the abandoned, wrecked, dismantled or

inoperative vehicle an the owner or occupant of the private property on which the same is located, or either or all of them, shall be responsible for its removal from the Addison Village limits. In the event of the removal and disposition by the Village, the owner or occupant of the property where the same is located shall be liable for the expense incurred.

Sec 100.7 PROCEDURE FOR REMOVAL NOTICE.

Any officer of the Police Department of the Village may give notice of demand for removal to the owner or occupant of the private property where it is located seven (7) business days before the time of compliance. Said demand for removal shall constitute sufficient notice when a copy of the same is posted in a conspicuous place upon the private property on which the vehicle is located and duplicate copies are sent by registered mail to the owner and occupant of the private property at their last known address.

Sec 100.8 CONTENTS OF REMOVAL NOTICE.

The notice shall contain the request for removal within the time specified within this chapter, an the notice shall advise that upon failure to comply with the notice to remove, the Village or its designee shall undertake such removal, with the cost of removal of be levied against the owner or occupant of the property. The notice shall also state the time period in which an individual may request a hearing as outlined in Sec. 100.9.

Sec 100.9 REQUEST FOR HEARING

The persons to whom the notices are directed, or their duly authorized agents, may file a written request for a hearing before the Village Trustee of the Village of Addison or its designee within the seven-day (7) period of compliance prescribed in Section 100.7 for the purpose of defending the charges by the Village. Failure to file said request will result in a waiver of that individuals right to a hearing.

Sec. 100.10 PROCEDURE FOR HEARING.

The hearing shall be held as soon as practicable after the filing of the request, an the persons to whom the notices are directed shall be advised of the time and place of said hearing at least five (5) days in advance thereof. At any such hearing the Village and the persons to whom the notices have been directed may introduce such witnesses and evidence as either party deems necessary.

Sec. 100.11 REMOVAL.

If the violation described in the notice is not remedied within the seven-day (7) period of compliance and no request for a hearing is timely filed and a hearing is had and the position of the Village is upheld, the officer in charge or his designee shall have the right to take possession of the junked motor vehicle and remove it from the premises. It shall be unlawful for any person to interfere with, hinder or refuse to allow such person or persons to enter upon private property for the purpose of removing a motor vehicle under the provisions of this chapter.

Sec. 100.12 NOTICE OF IMPOUNDMENT.

Within forty-eight (48) hours of the removal of such vehicle, the Officer in Charge shall give notice to

the registered owner of the vehicle, if known, and also to the owner or occupant of the private property from which the vehicle was removed that said vehicle or vehicles have been impounded and stored for violation of this chapter. The notice shall give the location where the vehicles are stored and the costs incurred by the Village for removal.

Sec. 100.13 DISPOSITION OF IMPOUNDED VEHICLES; PUBLIC SALE NOTICE.

Upon removal of a vehicle, the Village shall, after ten (10) days, cause it to be appraised. If the vehicle is appraised at seventy-five dollars (\$75.00) or less, the Officer in Charge shall execute an affidavit so attesting and describing the vehicle, including the license plates, if any, and stating the location and appraised value of the vehicle. The Officer in Charge, after complying with the above, may summarily dispose of the vehicle and execute a certificate of sale. If the vehicle is appraised at over seventy-five (\$75.00), the Officer in Charge shall give notice of public sale not less than ten (10) days before the date of the proposed sale.

Sec. 100.14 CONTENTS OF PUBLIC SALE NOTICE.

The notice of sale state:

- A. The Sale is of abandoned property in the possession of the Village.
- B. A description of the vehicle, including make, model, license and other information which will accurately identify the vehicle.
- C. The terms of the sale.
- D. The date, time and place of the sale.

Sec. 100.15 PUBLIC SALE.

The vehicle shall be sold to the highest and best bidder. At the time of payment of the purchase price, the Officer in Charge shall execute a certificate of sale in duplicate, the original of which is to be given to the purchaser and the copy thereof to be filed with the Clerk of the Village. Should the resale for any reason be invalid, the Villages' liability shall be limited to the return of the purchase price.

Sec. 100.16 REDEMPTION OF IMPOUNDED VEHICLES.

The owner of any vehicle seized under the provisions of this chapter may redeem such vehicle at any time after its removal but prior to the sale or destruction thereof, upon proof of ownership and payment to the Officer in Charge of such sum as he may determine and fix for the actual and reasonable expense of removal and any preliminary sale advertising expenses, not to exceed fifty dollars (\$50.00) plus five dollars (\$5.00) per day for storage of each vehicle removed.

Sec. 100.17 LIABILITY OF OWNER OR OCCUPANT OF PROPERTY

Upon the failure of the owner or occupant of property on which the abandoned vehicle had been removed by the Village to pay the unrecovered expenses incurred by the Village in such removal, a lien shall be placed upon the property for the amount of such expenses.

CHAPTER 200

Sec. 200.1 ISSUANCE OF APPEARANCE TICKET

Any Officer of the Village Police Department, in their discretion may issue an appearance ticket for said violation in addition to or in place of the issuance of a notice as outlined in Sec. 100.7. The appearance ticket shall be served upon the occupant of the land where the junked, abandoned or inoperable motor vehicle exists or in case there is no such occupancy, then upon the owner of the property or his agent notifying them of the existence of such violation.

Sec. 200.2 PROSECUTION

The Village Attorney shall have the authority to prosecute any violation of any of the elements of local law in accordance with the New York State Criminal Procedure Law.

Sec. 200.3 PENALTIES FOR VIOLATIONS

A. Any person, upon conviction for violation of any of the provisions of this local law, shall be punished by a fine of not more than two hundred fifty dollars (\$250.00) or by imprisonment for not more than fifteen (15) days or both. Each act and violation of any of the provisions hereof shall be deemed a separate offense. The continuation of an offense against the provisions of this local law, after conviction, shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.

B. In addition to or as an alternative to the above-provided penalties, the Board of Trustees may also maintain in an action or proceeding in the name of the Village in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of this chapter.