

Chapter 107

VEHICLES, JUNK

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[HISTORY: Adopted by the Town Board of the Town of New Baltimore 6-11-85 as L.L. No. 2-1985. Amendments noted where applicable.]

§ 107-1. Title.

This chapter shall be known as the "Junk Vehicle Law of the Town of New Baltimore."

§ 107-2. Legislative intent.

A clean, wholesome, attractive environment is declared to be of importance to the health and safety of the inhabitants, and such an environment is deemed essential to the economy of the town and the general welfare of its citizens. The unrestrained accumulation of motor vehicles not in operating condition is a hazard to such health, safety and welfare of the citizens of the town, necessitating the regulation and restraint thereof.

§ 107-3. Definitions.

- A. As used in this chapter, the following terms shall have the meanings indicated:

COMMERCIAL GARAGE - Any business repairing motor vehicles or any part thereof.

ENFORCEMENT OFFICER - The Building Inspector of the town, unless the Town Board, by resolution, designates some other town officer as "enforcement officer" or, by resolution, establishes the position of "enforcement officer" for the town and appoints some qualified person thereto at a salary specified in such resolution.

JUNK VEHICLE - Any motor vehicle, whether automobile, bus, truck, tractor, mobile home, motorcycle, motor bicycle, minibicycle or snowmobile, or any other contraption originally intended for travel on the public highways, which is abandoned, stored, left or located by its owner or any other person on public or private property in the Town of New Baltimore.

- (1) Any motor vehicle which is not registered by the State of New York for operation on the public highways and which has not been registered for the preceding twelve (12) months or is not in a condition to meet the requirements for the New York State vehicle inspection sticker shall be defined as a "junk vehicle."
- (2) For the purposes of this chapter, a motor vehicle registered as a farm vehicle or which is operable and used by the owner on his own property for the transport of wood, snowplowing or similar uses shall not be considered a "junk vehicle."
- (3) For the purposes of this chapter, "abandoned," "stored" or "located" shall mean when the "junk vehicle" is visible from a public highway or a dwelling unit on a neighboring property.

LEGAL OCCUPANT - Any person who, singularly or together with other persons, is in possession of real property pursuant to an agreement with the owner thereof. The term shall include tenants, contract vendees and licensees.

OPEN STORAGE - Storage other than in a completely enclosed structure, such as a garage constructed of wood, brick or metal.

OWNER - A person owning real property in the town. A parcel of real property owned by more than one (1) person shall be considered as having each such person be an "owner."

PARCEL OF PROPERTY - Real property appearing on the tax rolls of the town as one (1) unit.

PERSON - Includes natural persons, corporations, copartnerships, unincorporated associations or any other organization of two (2) or more persons.

TOWN - The Town of New Baltimore and its officers and agents; also public and private areas within the town.

- B. The term "shall" is always mandatory. Words used in the singular shall include the plural and vice versa.

§ 107-4. Restriction on open storage.

Open storage of one (1) or more junk vehicles shall not be permitted on private or public property within the town, except as permitted by this chapter.

§ 107-5. Permit required; application; issuance.

- A. Any person wishing to store or locate a junk vehicle on a parcel of property must first obtain a permit from the town's enforcement officer allowing such storage.
- B. That permit may be granted after an application has been made showing:
- (1) The make, model and year of the vehicle.
 - (2) The name and address of the last registered owner and last registration plate number as issued by the appropriate Department of Motor Vehicles.
 - (3) The vehicle identification number.

- (4) The nature of the applicant's ownership or title to such vehicle.
- (5) The purpose(s) for which the junk vehicle(s) are being stored or located.

C. Purposes for which junk vehicles can be stored or located are as follows:

- (1) Antique or classic car restoration for vehicles twenty-five (25) or more years old. A permit will be issued on an annual basis, renewable for a year at a time.
- (2) Restoration. A permit will be issued for a one-year period, renewable for an additional one-year period. The renewal shall be granted only if the junk vehicle has been substantially improved since the issuance of the original permit. "Substantially improved" shall mean that the vehicle meets fifty percent (50%) of the standards for highway use, i.e., a license inspection sticker.
- (3) Removal of parts or components. A permit will be issued for a sixty-day period, renewable for one (1) sixty-day period only.
- (4) A permit for a commercial garage will be issued to an applicant who is registered with the New York State Department of Motor Vehicles as a motor vehicle repair shop and whose parcel of property upon which the junk vehicles are to be stored is in an area designated as a Commercial District pursuant to the Town Zoning Ordinance, or who has a special permit issued by the Town Zoning Board of Appeals to operate a motor vehicle repair shop in any other district, or who has a nonconforming use which predated the adoption of the Town Zoning Ordinance.
- (5) Permits shall not be granted under this chapter for dealers in secondhand junk and auto parts. Such dealers must comply with the Town ordinance licensing and regulating dealers in secondhand junk and auto parts activities and businesses.

§ 107-6. Abandonment or storage of vehicles.

Any owner or legal occupant of a parcel of property in the Town who shall abandon, store, locate, leave or allow or condone any other person to abandon, store, locate or leave a junk vehicle upon a parcel of property owned or occupied by him within said town, contrary to the provisions

hereof, shall be guilty of a violation hereof. Any person, whether as owner or driver of a vehicle or an operator of a towing vehicle or carrier, who shall abandon, store, locate or leave a junk vehicle upon a parcel of property in the Town of which he is not either the owner or legal occupant, without the written permission of the legal occupant, shall be guilty of a violation hereof.

§ 107-7. Penalties for offenses.

- A. A violation of this chapter shall be punishable by a fine of up to \$100 for each violation and by imprisonment for up to 30 days, or by both such fine and imprisonment. A violation of this chapter shall also subject the violator to a civil penalty of \$100 for each violation, less any criminal monetary fine which may have been imposed. Each junk vehicle abandoned, stored, left or located in violation of this chapter shall constitute a separate violation. Each week of a continuous violation shall constitute a separate and distinct violation.
- B. If a fine is imposed and is not paid within 30 days or such other time period established by the court, then following mailing of the notice described herein, the unpaid fines shall be assessed by the Town and added to the current tax roll by the Town as an unpaid charge attributable to the real property. Prior to assessing this charge for unpaid fines, the Town shall mail a notice to the fine debtor at his/her last known address by regular first-class mail stating that unless the fines are paid within 15 days of the notice date, they will be assessed and collected as an unpaid charge attributable to the real property. **[Added 11-13-2006 by L.L. No.3-2006]**

§ 107-8. Injunctive relief.

In addition to the penalties set forth above, the Town may commence an action in its own name against any person in any civil court of competent jurisdiction to seek an injunction to enforce compliance with this chapter. Such an action for injunctive relief may be independent of or a part of an action to collect the civil penalties as hereinabove provided.

§ 107-9. Removal.

In addition to any penalty or fine as provided in § 107-7 hereof or the remedy provided in § 107-8 hereof, any junk vehicle may be removed from the premises upon which it is located by the Town in the manner hereinafter provided:

- A. The enforcement officer, upon detecting a junk vehicle, shall serve written notice on the person owning the parcel of property on which the same is located, ordering such person to remove the same or cause the same to be removed therefrom within 30 days of the date of such service. Such notice shall contain a description of the parcel of property, a statement as to the location thereon of a junk vehicle and a reference to this chapter and to the fact that the location of such junk vehicle on such parcel of property is in violation of this chapter. If such parcel of property is owned by more than one person, personal service on any one of such owners shall suffice; however, as to any owner not personally served with such notice, or if no owner can be located upon whom to make personal service, the enforcement officer shall mail such notice to owners not personally served, or to the owner and to all owners if no owner was personally served, by registered mail to their or his last known address as shown on the latest completed assessment roll of the town. In addition, the enforcement officer shall post conspicuously a copy of such notice on the parcel of property upon which said junk vehicle is located.
- B. At the expiration of thirty (30) days after the service or mailing and posting of such notice, if such junk vehicle has not been removed, the enforcement officer shall report such fact to the Town Board in writing. Such report shall cite the violation, the notices given as required hereunder and the failure to comply therewith and may include or refer to photographs of such junk vehicle and of the parcel of property upon which it is located. Such report shall be entered in the official minutes of the Town Board by the Town Clerk, and any such photographs shall be filed in the Town Clerk's office. The Town Board shall thereafter hold a public hearing on ten (10) days' prior notice published in the official newspaper of the town and posted on the signboard of the town. Such notice of hearing shall include a statement that the purposes of the hearing are to give the person owning such junk vehicle an opportunity to be heard as to why the same has not been removed and also for the Town Board to receive proposals for the removal of such junk vehicles.
- C. After the hearing, the Town Board may contract for the removal of such junk vehicle. Any expense to the town in accomplishing the removal of such junk vehicle may be assessed by the Town Board on the real property from which said junk vehicle was removed, and the expense so assessed shall constitute a lien and charge upon the real property on which it is levied until paid or otherwise satisfied or discharged as other town charges.

- D. Any junk vehicle found to have been abandoned in the town in violation of § 1224 of the Vehicle and Traffic Law of the State of New York shall be removed and disposed of in the manner and as provided in said § 1224. The enforcement officer is authorized as the proper person to execute all notices and documents required to be given, mailed or filed with the Department of Motor Vehicles or any person.
- E. Any junk vehicle released to the town by its owner shall be disposed of at a public auction to the highest bidder, and the proceeds shall be added to the general fund of the town. Any junk vehicle released to the town by the owner or legal occupant of the parcel of property from which it is removed, who is not the owner of the junk vehicle, shall be disposed of by the procedure set forth in Subsections A, B, C and D hereof. In the event that the junk vehicle is released to the town by the owner or legal occupant of the parcel of property who is not the owner of the junk vehicle, there shall be no expense for the removal thereof chargeable to the person so releasing said junk vehicle.

§ 107-10. Authority to inspect.

The town's enforcement officer shall have and is hereby given the authority to go upon any parcel of real property in the town, public or private, exclusive of enclosed structures or buildings, at any time during daylight hours, to examine and inspect any vehicles or parts or components thereof to determine whether a violation of this chapter has been committed or to determine the condition of any vehicle or parts or components thereof. The officer shall notify the property owner, in writing, prior to entering on such property.

§ 107-11. Construal of provisions.

Nothing herein contained shall be interpreted as amending or abrogating the effect or provisions of the Zoning Ordinance or the Junkyard Ordinance of the Town of New Baltimore, or any amendments to such ordinances.