

1 of 1976

A Local Law To Regulate Outdoor Storage Of Junked Motor Vehicles

adopted:

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF WELLSVILLE AS FOLLOWS:

Section 1. PURPOSE

The outdoor storage of junked motor vehicles on privately owned property within the Village of Wellsville is detrimental to the health, safety and general welfare of the community; it constitutes an attractive nuisance to children and in many ways imperils their safety. Such Storage also endangers the person and property of all members of the community, since fuel tanks still containing gasoline or gasoline fumes may easily explode; the junks are replete with broken glass, sharp torn metal edges and points and generally are stored or abandoned with batteries containing harmful acids. These are but a few of the obvious sources of danger found on such vehicles. Such storage, moreover, is unsightly; depreciates not only the property on which it is located, but also the property of others in the neighborhood and the Village generally and certainly constitutes a blight on the Village's landscape. The control of the outdoor storage of junked motor vehicles on privately owned property within the Village of Wellsville is, therefore, regulated for the preservation of the health, safety and general welfare of the community. The intent of this local law is to establish a legal procedure for the removal of these junked cars where they are found in the Village in violation of this local law.

Section 2. DEFINITIONS

Motor Vehicle - Every vehicle originally designed and intended to be operated, drawn or driven or capable of being operated, drawn or driven upon a public highway by any power other than muscular power.

Owner of Motor Vehicle - A person, firm or corporation having the property in or title to a motor vehicle, including a person entitled to the use of and possession of a vehicle subject to a security interest in another person and also including any lessee or bailee of a motor vehicle having the use thereof under lease or otherwise.

Owner of Private Property - A person, firm or corporation being the owner, contractor, purchaser, tenant, lessee, occupant, undertenant, receiver or assignee of private premises or private property located within the Village of Wellsville.

Premises or Property - Includes all parcels of privately owned real property located within the Village of Wellsville whether occupied or vacant irrespective of size or topography.

Junked Motor Vehicle - Any motor vehicle that:

a. Is unlicensed or uninspected or stored or discarded or abandoned or dismantled or partly dismantled, which is no longer intended or in condition for legal use upon the public highway.

b. Is being held or used for the purpose of resale of used parts therefrom or for the purpose of reclaiming for use some or all of the materials therein or for the purpose of disposing of the same.

With respect to any motor vehicle not required to be licensed or motor vehicle not usually used on public highways, the fact that such motor vehicle has remained unused for more than six months and is not in condition to be moved under its own power shall be presumptive evidence that such motor vehicle is a junked motor vehicle.

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

Enforcement Officer - Shall be the building inspector of the Village unless the Village Board by resolution designates

some other Village officer as enforcement officer or by resolution establishes the position of enforcement officer for the Village and appoints some qualified person thereto.

SECTION 3. OUTDOOR STORAGE OF JUNKED MOTOR VEHICLES ON PRIVATE PROPERTY PROHIBITED.

It shall be unlawful for any person, firm or corporation either as owner, occupant, lessee, agent, tenant or otherwise of property within the Village of Wellsville to store or deposit or cause to suffer or permit to be stored or deposited a junked motor vehicle or part or piece thereof on any private property within the Village of Wellsville unless:

a. Such motor vehicle is stored or deposited in a completely enclosed building.

b. Such motor vehicle is under repair, reconstruction or refurbishing by the owners thereof who must actually be residing upon the premises. Not more than one such vehicle shall be permitted at any one time on any premises. Such motor vehicle must be so maintained and protected as to not create any safety hazard or nuisance to surrounding property owners and shall not remain on the premises for more than six months.

c. Such motor vehicle is temporarily stored on the premises of a duly authorized motor vehicle service station or body repair shop within the Village or is the inventory of part of the inventory of a new or used motor vehicle dealer located in compliance with the laws and ordinances of the Village of Wellsville.

SECTION 4. NOTICE AND REMOVAL

The enforcement officer, upon detecting a violation of this local law, shall serve written notice, either personally or by mail, upon the owner, occupant or person having charge of such private property, ordering the removal therefrom of the junked motor vehicle or vehicles within ten (10) days from the date said notice is given. The enforcement officer may determine ownership of any parcel of land in the Village of Wellsville from the current assessment roll of the village, and may serve written notice upon the owner thereof by mailing such notice to said owner at the address listed on the current assessment roll. In the event the

said junked motor vehicle or vehicles are not removed from the premises within the time required in the notice, the Village of Wellsville upon application to a court of competent jurisdiction and upon such notice the said Court may require, shall have the right to enter upon the premises and to remove and dispose of the junked motor vehicle or vehicles. The expense of such removal and disposal shall be a lawful charge against the owner and occupant of the premises and may be collected, if necessary, in a civil action instituted in the name of the Village or in accordance with the provisions of Section 5 of this local law.

SECTION 5. PENALTIES FOR VIOLATION.

A violation of this local law or any provision or part thereof by any person, firm or corporation is hereby declared to be an offense, punishable by a fine not to exceed Two Hundred Fifty Dollars (\$250.00), or by imprisonment not to exceed six (6) months or both. A violation of this local law shall also subject the violator to a civil penalty of the greater of Fifth Dollars (\$50.00) per separate violation, or the villages costs of inspection, service of notices, removal, towing and permanently disposing of such vehicles. Any person, firm or corporation who shall resist or obstruct the duly authorized agents, servants, officers and employees of the Village of Wellsville in the removal and disposal of a motor vehicle as provided in this local law and subject to the fines and penalties provided herein. Each day's continued violation shall constitute a separate and additional offense. For the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this local law, or any provisions or parts thereof, shall be deemed misdemeanors, and for such purpose only all provisions of law relating to misdemeanors shall apply to such violation.

No provision of this local law shall be construed to limit the right of the Village of Wellsville to enforce this local law by means of an injunction or restraining order.

SECTION 6. PROCEDURE

Notwithstanding any other provision of this local law the Village of Wellsville may serve such notices, and do such

other and further things as are set forth in Section 4 hereof, and may at the same time, or at any other time, without prior notice, proceed under Section 5 hereof, concerning the imposition of penalties.

SECTION 7. SAVINGS CLAUSE

The invalidity of any clause, sentence, paragraph or provision of this local law shall not invalidate any other clause, sentence, paragraph or part hereof.

SECTION 8. WHEN EFFECTIVE

This local law shall take effect immediately.