

Chapter 59

VEHICLES, ABANDONED

- § 59-1. Purpose.
- § 59-2. Definitions.
- § 59-3. Prohibitions.
- § 59-4. Notice of violation; abatement by village.
- § 59-5. Restoration permits.
- § 59-6. Amnesty period.
- § 59-7. Additional rules and regulations.
- § 59-8. Penalties for offenses.

[HISTORY: Adopted by the Board of Trustees of the Village of Port Dickinson ?6-15-65 as Local Law No. 1-1965; amended in its entirety 7-11-72 as Local Law ?No. 1-1972. Section 59-8 amended during codification. Other amendments noted where applicable.]

GENERAL REFERENCES

Property maintenance — See Ch. 45. Vehicles and traffic — See Ch. 60.

§ 59-1. Purpose.

The seriousness of the matter of the outdoor storage of abandoned, junked, discarded or inoperative motor vehicles upon privately owned properties within the village increases with the passage of time. It is a source of vexation and annoyance, not only to the members of the traveling public, but to the owners and occupants of adjoining lands. The outdoor storage of such vehicles upon private lands is unsightly. It constitutes an attractive nuisance to children and a peril to their safety in case of fire or explosion whenever gasoline is left in the fuel tanks of such vehicles. It depreciates the values of neighboring properties. The preservation of peace and good order, the suppression of vice, the benefit of trade, the preservation of public health, the protection of property and the prevention and extinguishment of fires and explosions compel the Board of Trustees of the Village of Port Dickinson to legislate upon this subject matter. It is hereby declared that the adoption of this chapter has for its purpose the effective termination of such obnoxious practice.

§ 59-2. Definitions.

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

MOTOR VEHICLE — All vehicles propelled or drawn by power, other than muscular power, originally intended for use on public highways, private roads or trails, or across open terrain, which said definition shall include but not be limited to: trailers, detachable truck bodies and campers, pumps, tanks or any other device used in connection with a motor vehicle as hereinbefore defined.

OPENLY STORED — Storage other than in a completely enclosed structure such as a garage, which such structure shall be constructed completely of wood, brick, masonry blocks or metal.

§ 59-3. Prohibitions.

It shall be unlawful and a violation of this chapter for any person, firm or corporation, either as owner, occupant, lessee, agent, tenant or otherwise, to openly store or deposit, or cause or permit to be stored or deposited, any old, unregistered or secondhand motor vehicle no longer intended or in condition for legal use on the public highway, or parts or waste material from such motor vehicles, upon any private or public land or premises within the corporate limits of the Village of Port Dickinson.

§ 59-4. Notice of violation; abatement by village.

In the event of a violation of the provisions of § 59-3 of this chapter, the Village Clerk shall serve or cause to be served, either personally or by mail, a written notice upon the owner, occupant, lessee, agent, tenant or person having charge of the land where such violation occurs to comply with the provisions of this chapter. If the person so served fails or refuses to comply with the provisions of this chapter within ten (10) days after the service of such notice, the Village of Port Dickinson shall cause such motor vehicle or parts thereof prohibited by § 59-3 of this chapter to be removed and destroyed and such nuisance to be suppressed. The cost incurred by the village in causing the removal and destruction of any such motor vehicle, motor vehicles or parts thereof shall be assessed against the land where the violation occurs, shall constitute a lien thereon and shall be collected as provided by law.

§ 59-5. Restoration permits.

- A. Upon written application and the deposit of thirty dollars (\$30.), the village Enforcement Officer may, in his discretion, issue a permit for the open storage of one (1) motor vehicle otherwise prohibited by this chapter, pending the making of such repairs as are necessary to place this vehicle in condition for legal operation for use on the public highway or for such use as it was originally intended.
- B. The application shall:
 - (1) Include a representation and agreement by the applicant that the applicant intends within the permit period to make all such necessary repairs and that if such repairs have not been made by the end of the permit period that the applicant will terminate the open storage of such motor vehicle within the Village of Port Dickinson.
 - (2) State whether the applicant is the owner of said vehicle or, if not, the name and address of the owner, together with a complete description of the vehicle, the repairs to be effected and whether the applicant will make the repairs himself or, if not, the person or persons who will make such repairs.
 - (3) Set forth the place where the vehicle is presently stored, the place where the repairs will be made and the name and address of the owner of such property or the tenant in possession.
 - (4) Contain a license to the village to enter the premises where the vehicle is stored for the purpose of inspecting the same, for removing the vehicle from said premises and for destroying the same following the expiration of the permit. Such license shall be irrevocable for a period of ninety (90) days from the expiration of the permit.
- C. A five dollar (\$5.) fee shall be charged for the permit and the applicant shall deposit with the village thirty dollars (\$30.), which deposit shall be refunded if within the period the vehicle shall

cease to be a motor vehicle prohibited by the provisions of this chapter or shall cease to be openly stored within the Village of Port Dickinson at the owner's expense, but if neither condition is complied with, such thirty dollar (\$30.) deposit shall be forfeited to the Village of Port Dickinson.

- D. A separate permit shall be required for each vehicle and shall only be valid as to that vehicle and as to that particular place of storage designated in the application. All permits shall be issued for not in excess of sixty (60) days and may be extended only once up to fifteen (15) days.
- E. Vehicles in violation of this chapter after the expiration of the permit herein provided for shall be removed and destroyed by the village pursuant to the provisions of § 59-4 of this chapter.

§ 59-6. Amnesty period.

- A. No legal action shall be taken against any person, firm or corporation with regard to any violation of this chapter prior to this amendment, which violation exists on the date of the enactment of this amendment to this chapter; provided, however, that such person, firm, or corporation terminates all violations either by removal, repair or permit, as herein provided, within thirty (30) days of the effective date of this amendment.
- B. The provisions of this amnesty clause shall not be interpreted as making legal for any other purpose the storage of any vehicle or to create any nonconforming use or to create any break in time with regard to the length of time that the storage of any vehicle has been illegally stored.

§ 59-7. Additional rules and regulations.

An enforcement officer and or the Village Board of Trustees may make reasonable rulings and may issue reasonable regulations for the furtherance of this chapter.

§ 59-8. Penalties for offenses.¹

- A. Any person committing an offense against any provision of this chapter shall, upon conviction, be guilty of a violation pursuant to the Penal Law of the State of New York, punishable by a fine not exceeding two hundred fifty dollars (\$250.) or by imprisonment for a term not exceeding fifteen (15) days, or by both such fine and imprisonment.
- B. In addition to the above provided penalties, the Village Board of Trustees may also maintain 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.

¹ Editor's Note: Amended during codification; see Ch. 1, General Provisions, Article II.