

Local Law # 1 of 2019

Abandoned and Unregistered Vehicles

The Town Board of the Town of Maryland, Otsego County, State of New York, does hereby enact the following local law:

Section I: Purpose

The outdoor storage of abandoned, junked, discarded, and / or unregistered motor vehicles upon privately owned properties within the Hamlets of the Town of Maryland is dangerous, unsightly, and a detriment to the preservation of public health, the protection of property, and the safety and welfare of the residents of the Hamlets of the Town of Maryland. The outdoor storage of abandoned, junked, discarded, and / or unregistered motor vehicles upon privately owned properties within the Hamlets of the Town of Maryland constitutes an attractive nuisance to children and a peril to their safety. Such storage constitutes a threat to the safety and welfare of the residents of the Hamlets of the Town of Maryland since fuel tanks frequently contain gasoline and fumes and may be subject to explosion in case of fire, and the engines and other mechanical parts may contain noxious chemicals. Such storage depreciates the value of neighboring properties and is unsightly and discourages the orderly,

progressive development of the Hamlets of the Town of Maryland. The control of the outdoor storage of abandoned, junked, discard, and unregistered motor vehicles upon privately owned properties within the Hamlets of the Town of Maryland is therefore regulated for the preservation of the public health, safety, and welfare of the residents of the Hamlets.

Section II: Definitions

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

ABANDONED: The intent of the owner of a motor vehicle not to use the motor vehicle on the public highways, **or said vehicle has been so dismantled or parts removed that such vehicle(s) may be incapable of operation or use.** The intent of the owner of a motor vehicle may be determined by the physical condition of the motor vehicle, the statements of the owner of the motor vehicle, the length of time since the motor vehicle was last used on the public highway and whether the motor vehicle is licensed or unregistered. With respect to a motor vehicle not customarily used on the public highway or a motor vehicle that is actively being restored, repaired, refurbished, or remodeled by the owner as a hobby vehicle, the intent of the owner may be determined by the physical condition of the motor vehicle, the length of time since it was last used for the purposes intended and the statements of the owner.

DISCARDED: Any motor vehicle which the owner thereof does not intend to recover possession thereof, or any motor vehicle to which ownership cannot be reasonably determined with due inquiry.

HAMLETS OF THE TOWN OF MARYLAND: The geographically designated Hamlets of Schenevus, Maryland, and Elk Creek within the Town of Maryland.

JUNKED: Any motor vehicle in such condition as to cost more to repair in order to place such motor vehicle in operating condition than the value of the motor vehicle at any given time.

MOTOR VEHICLE: As defined in section 125 of the Vehicle and Traffic Law of the State of New York.

OUTDOOR STORAGE: Abandoned, junked, discarded, and unregistered motor vehicles that are not contained within a garage, barn, or building or concealed from public view by a solid fence or wall not less than the height of said abandoned, junked, discarded, and unregistered motor vehicles.

OWNER OF A MOTOR VEHICLE: A person having property in or title to a motor vehicle. The term includes a person entitled to the use and possession of a vehicle subject to a security interest in another person, and also includes any lessee or bailee of a motor vehicle having the

use thereof under lessee or bailee.

OWNER OF PRIVATE PROPERTY: Includes the legal owner, contract purchaser, a tenant, lessee, occupant, undertenant, receiver, or assignee of premises or property located within the Hamlets of the Town of Maryland.

PREMISES: Includes all parcels of real property situated in the Hamlets of the Town of Maryland, whether occupied or vacant, irrespective of size or topography.

UNREGISTERED MOTOR VEHICLES: Any motor vehicle which has not been licensed with the proper authorities for a period of at least 30 days from the expiration of the last valid licensing, with the exception of those motor vehicles in the possession of authorized used car dealers or garagemen for the purpose of sale or repair.

Section III: Prohibition of Outdoor Storage on Private Lands

It shall be unlawful for any person, firm, or corporation, either as owner, occupant, lessee, agent, tenant or otherwise of any private property within the Hamlets of the Town of Maryland, to store or deposit or cause or permit to be stored or deposited an abandoned, junked, discarded, or unregistered motor vehicles upon any private land within the corporate limits of the Hamlets of the Town of Maryland.

Exceptions for special use vehicles.

A. The Town Board, in enacting this section, recognizes that circumstances may exist when it is impossible for owners of hobby or historic vehicles and owners of seasonally used vehicles to comply with the prohibitions set forth above. Therefore, the Town Board does hereby establish a procedure whereby the owners of certain unregistered motor vehicles are permitted unenclosed storage of their vehicles where circumstances do not permit fully enclosed storage. It is not the intent of the Board that this section shall be used to avoid the prohibitions of this Local Law.

B. For purposes of this section, a "hobby vehicle" shall be defined as any unregistered motor vehicle which is actively being restored, repaired, refurbished or remodeled by the owner. A seasonally used vehicle shall be any unregistered fully operational motor vehicle, car or truck which is used or stored on premises for a certain period of time each year. Automobiles which are actively being used to provide parts for hobby vehicles shall be deemed "hobby vehicles" under the terms of this section.

C. Hobby and seasonally used vehicles may be allowed by permit when the owners have complied with the requirements of this section. This section shall not apply to any junked or abandoned motor vehicle that is incapable of operation or use and is not being used to provide parts for a hobby vehicle. Such junked or abandoned motor vehicle shall be governed by this Local Law.

D. Owners of hobby or seasonal motor vehicles may satisfy the requirements of this section by filing applications with the Zoning Enforcement Office for special vehicle permits. Upon approval, such special vehicle permits will allow owners to store vehicles, unenclosed, subject to the following requirements:

- (1) The applicant must affirm that the vehicle he is registering is being restored or that restoration will imminently commence or is providing parts for a hobby vehicle or is a fully operational seasonal vehicle that will not be operated on any public highway during the time it is so registered with the town and is not a junked or abandoned vehicle.**
- (2) The applicant shall list the make, model, vehicle identification number and year of any vehicle so registered, along with the name and address of the owner of record. A copy of the current title, expired registration or other legal documentation of ownership shall be affixed to such application. The applicant shall indicate whether the vehicle is hobby or seasonal. Special rules for seasonal vehicles, such as "winter rats": owner shall indicate months of the year when vehicle will be used and may apply for permit valid for six months.**
- (3) Upon approval by the Zoning Enforcement Officer and payment of the annual fee, the owner shall be issued a renewable special vehicle permit. No hobby vehicle may be so registered for more than five consecutive years.**
- (4) Any fraudulent statements or misrepresentations by the applicant on the application will cancel the special permit. The Zoning Enforcement Officer shall notify the owner of record that his permit has been revoked and shall so state in writing why the permit has been revoked. Further, any special permit may be revoked by Zoning Enforcement Officer with 30 days notice to the owner if, in the**

judgment of the Zoning Enforcement Officer, the applicant is not complying with the terms of this section.

(5) The permit must be surrendered upon registration of vehicle with the New York State Department of Motor Vehicles.

(6) The permit must be available for inspection by the Zoning Enforcement Officer of the town.

(7) Hobby vehicles must be covered with an opaque plastic, canvas or cloth tarpaulin. Seasonal vehicles must be covered with an opaque plastic, canvas or cloth tarpaulin when not in use.

(8) Hazards, hobby vehicles. All vehicles deemed "hobby vehicles" under this section must drain flammable and hazardous liquids from the vehicle and dispose of them properly. In addition, the vehicle must be kept free of broken glass and other dangerous materials so that it does not pose a hazard or threat to public health and safety. Failure by the applicant to so maintain vehicle may result in revocation of the special vehicle permit.

(9) Under no circumstances may a seasonal vehicle, while registered with the Town of Maryland, be operated on any public road, street, highway or right-of-way. Such action is grounds for revocation of the special vehicle permit.

(10) A nonrefundable fee must accompany each application, and fees shall be amended upon resolution of the Town Board.

Section IV: Enforcement and Notice.

This Local Law shall be enforced by the Zoning Enforcement Officer.

The Zoning Enforcement Officer shall have the authority to make, adopt and promulgate such written forms as he may deem necessary for the proper enforcement and administration of this Local Law and to secure the intent thereof. Such forms shall not be in conflict with the provisions of this Local Law or any other Local Law of the Town of Maryland, nor shall they have the effect of waiving any provisions of this Local Law or any other Local Law.

The Zoning Enforcement Officer shall have the right to enter upon, examine and inspect, or cause to be entered, examined and inspected, any property during the Hours of 8AM and 9PM for the purpose of carrying out his duties and to determine compliance by request and with provisions of this Local Law. A written report of each such examination and inspection shall be prepared on an appropriate form and kept on file by the Zoning Enforcement Officer and filed with the Town Board within one week of the examination.

Whenever, in the opinion of the Zoning Enforcement Officer, after property examination and inspection, there exists a violation of any provision of this Local Law, a Notice of Violation will be issued to the person owning, operating, occupying or maintaining the premises, including a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee or any other person or entity in control of the premises directing compliance with this Local Law.

In the event the **Zoning Enforcement Officer** cannot determine the owner or address of the owner of the parcel of land within the Hamlets of the Town of Maryland, the **Zoning Enforcement Officer** may serve written notice by publishing said written notice in the official newspaper(s) of the Town of Maryland for two consecutive weeks. The notice shall be in substantially the following form:

"To the owner, occupant, or person having charge of land within the Hamlets of the Town of Maryland known as _____

"Notice is hereby given that an abandoned, junked, discarded, or unregistered motor vehicle has been stored or deposited on the above-described property in the Hamlets of the Town of Maryland. This motor vehicle must be removed within 10 days from the date of this notice. In the event this notice is served upon you by publication, the motor vehicle must be removed within 24 days from the first date of publication of this notice.

"In case you fail or refuse to comply with this notice on or before the expiration of the said 10 days from the date of this notice, or before the expiration of the said 24 days from the date of this notice in the event it is served upon you by publication, you are hereby summoned to appear before the Town Justice of the

*Town of Maryland on _____
to show cause why the Town of Maryland, acting
through its duly authorized agents,
servants, officers, and employees, should not enter
upon your land and remove said motor
vehicle and cause it to be destroyed. In the event the
Town Justice of the Town of
Maryland orders the aforementioned motor vehicle to
be removed and destroyed, the
expense incurred by the Town of Maryland will be
assessed against the above-described
property and shall constitute a lien thereon and be
collected as provide by law.*

"Dated: _____"

"Zoning Enforcement Officer"

**When, after proper notice of violation and final notice of
violation in the opinion of the Zoning Enforcement Officer,
after property examination and inspection, there exists a
continued violation of any provision of this Local Law, he may
issue an appearance ticket, returnable in the Town Court of
the Town of Maryland to the person owning, operating,
occupying or maintaining the premises, including a mortgagee
or vendee in possession, assignee of rents, receiver, executor,
trustee, lessee or any other person or entity in control of the
premises.**

Section V: Penalties

Any person found in violation of Section III of this law by the Town Justice of the Town of Maryland shall be subject to a fine of not less than \$50 nor more than \$250 or imprisonment for a term not to exceed 15 days, or both. Each week that such violation continues shall constitute a separate offense.

Section VI: Repeal of Prior Ordinances or Laws

All ordinances or laws inconsistent with the provisions of this law are hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency, and in all other respects, this law shall be in addition to other laws regulating and governing the subject matter covered by this law.

This law will take effect the day of passage and signing by the Town Board of the Town of Maryland.