

## **ARTICLE XV VEHICLES, JUNKED and ABANDONED**

The Town Board of the Town of Amsterdam hereby finds that the storage or presence of abandoned, junked or inoperative motor vehicles or the repair of motor vehicles on private property, except at an junkyard in good standing, duly licensed repair shop or vehicle dealership, creates a public and private nuisance and is harmful to the public health, safety and welfare. Such vehicles present a source of serious injury, particularly to children, seriously harm the aesthetic qualities of the Town and tend to depreciate the value of properties in the neighborhoods of the Town. The Town Board finds that the problem can be diminished by permitting the storage and/or repair of such vehicles only within a garage or other enclosed structure and only under the restrictions as set forth in this chapter.

### **60. Definitions.**

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

#### **ABANDONED, JUNKED, OR INOPERATIVE MOTOR VEHICLE or MOTOR VEHICLE UNDER REPAIR**

##### **A.**

Any motor vehicle, as defined in the Vehicle and Traffic Law of the State of New York, that is:

##### **(1)**

Unlicensed, unregistered, uninsured, inoperable, old, wrecked, stored, discarded, dismantled or partly dismantled and/or which is not intended or in any condition for legal use upon the public roads/highway; or

##### **(2)**

Being held or used for the purpose of resale of used parts from the motor vehicle or for the purpose of reclaiming for

use some or all of the materials from the motor vehicle for the purpose of selling or transferring those materials; or

(3)

In such condition as to cost more to repair and place in operating condition than the reasonable market value of the vehicle prior to such repair; or

(4)

Left unattended for more than 96 hours on property of another if left without permission of the property owner.

**B.**

With respect to any motor vehicle not required to be licensed or not usually used on public highways, the fact that such motor vehicle has remained unused for more than three 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.

**C.**

The fact that a motor vehicle does not display a current motor vehicle registration or license plate in the name of a homeowner or tenant or the name of a member of his immediate family shall be presumptive evidence that such motor vehicle is not in any condition for legal use upon the highways or is being repaired in violation of this chapter.

**D.**

The use of the term in the singular herein is intended, where applicable, to include the plural. The use of the masculine is intended, where applicable, to include the feminine.

## **ENFORCEMENT OFFICIAL**

The Zoning/Code Enforcement Officer of the Town of Amsterdam.

## **OWNER OF PRIVATE PROPERTY**

Any person, firm, partnership, company or corporation, whether business membership, religious, charitable or otherwise, or any association or any other unit or entity owning real property in the Town of Amsterdam.

### **61. Storage restrictions.**

It shall be unlawful for any person within the Town to store or deposit, or to cause, suffer or permit to be stored or deposited, any abandoned, junked or inoperative motor vehicle or part or piece thereof on any private property within the Town, except within a garage or other enclosed structure or except at a duly licensed repair shop or vehicle dealership.

### **62. Maintenance or repair of motor vehicles in residential areas.**

It shall be unlawful for any person to perform automotive repair or maintenance on any motor vehicle in the Town of Amsterdam, except under the following condition: Any person may perform automobile maintenance or repair work on a currently licensed motor vehicle titled in his/her name or in the name of a member of his/her immediate family, provided that such work shall be done on the premises of his/her residence; and provided, further, that such work shall not be performed in violation of any other Town or State ordinance, law or regulation. Said work is to be completed within fourteen (14) days.

### **63. Maintenance or repair of combustion engines in residential areas.**

It shall be unlawful for any person to perform repairs or maintenance on any combustion engine in the Town of Amsterdam, except under the following conditions: Any person may perform maintenance or repair work on a combustion engine owned by a property owner or tenant or a member of his/her immediate family, provided that such work shall be done on the premises of his/her residence; and provided, further, that such work shall not be performed in violation of any other Town or State ordinance, law or regulation. Said work is to be completed within fourteen (14) days.

**64. Penalties for offenses.**

Any person violating § XV is guilty of a violation and may be fined up to \$250.00 per occurrence or imprisoned for 15 days, or both, in addition to Removal as set forth at sections 65-67. Either the real property owner where the vehicle is located or the titled owner of the vehicle, or both, may be charged and subject to penalties herein. The Zoning/Code Enforcement Officer is authorized to enforce this chapter.

**65. Removal; notice; hearing; acquisition of title.**

Any abandoned, junked or inoperative motor vehicle found within the Town in violation of § XV may be removed from the premises on which it is located by the Town of Amsterdam or its agents after the following steps are taken:

**A.**

Notice.

**(1)**

The enforcement official shall:

**(a)**

Serve written notice either by personal service on the property owner, tenant or agent or by certified mail, return receipt requested, to the property owner or tenant of the private property on which the vehicle is located. If such parcel is occupied and/or owned by one or more individuals, personal service on any one of such individuals shall suffice.

**(b)**

Mail via first-class mail to the titled owner of the vehicle, registrant of the vehicle, if any, and to the owner of the real property where the abandoned, junked or inoperative motor vehicle is located a notice as specified herein.

**(c)**

Post a copy of such notice in a conspicuous place on the subject real property and the abandoned, junked or inoperative motor vehicle ordering the owner of the vehicle, property owner or tenant to remove the vehicle or cause the vehicle to be removed from the property by the date specified in the notice.

**(2)**

Such notice shall state the following information:

**(a)**

The date of the notice.

**(b)**

A description of the abandoned, junked or inoperative motor vehicle, including the VIN number, if available, registration holder and titled owner.

**(c)**

The following statement: "This vehicle is an abandoned, junked or inoperative motor vehicle as defined in Article XV of the Code of the Town of Amsterdam; storage of a vehicle of this type outside of a building is prohibited in the Town of Amsterdam. If the vehicle is not removed or registered and repaired within TEN (10) days of the date of this notice, then the vehicle will be towed away by the Town of Amsterdam, and all associated costs will be charged to the owner of the real property where the vehicle was located."

**(d)**

A description of the parcel of property, including the address and owner of record, where the vehicle is located.

**(3)**

Such notice shall also state in plain English that:

**(a)**

Failure to remove the vehicle in the time period set forth in the notice will cause legal title to the vehicle to vest in the Town and will grant to the Town the legal right to enter upon the premises to remove and dispose of said vehicle.

**(b)**

All of the costs of such removal and disposal shall be charged against the real property upon which the vehicle was stored.

**(4)**

The ownership and the address of the owner of any parcel of land in the Town shall be determined from the current assessment roll. The address of the titled owner or registrant shall be that which is listed with the New York State Department of Motor Vehicles or any other state's motor vehicle department, if applicable.

**B.**

Removal. In the event that the abandoned, junked or inoperative motor vehicle is not removed from the premises within the time period specified in the notice, the Town shall have the right to enter upon the premises and to remove and dispose of the vehicle after proper notice has been given pursuant to §XV. All of the cost of such removal and disposal shall be a lawful charge against the owner of the private property and may be collected

in a civil action instituted in the name of the Town or levied and charged against said real property.

**C.**

Acquisition of title to vehicle by Town.

**(1)**

If a vehicle which is declared abandoned by the Zoning/Code enforcement officer has no current registration or license plate and is of a wholesale value, taking into consideration the condition of the vehicle, of \$1,000.00 or less, then title to such vehicle shall vest in the Town TEN (10) days after removal by the Town. The determination as to wholesale value shall be made by the Zoning/Code enforcement office.

**(2)**

For vehicles other than those governed by Subsection C(1) above, the Town shall notify the last owner of the vehicle and any person or corporation holding a lien on the vehicle, by certified mail and first-class mail directed to the address of record in the New York State Department of Motor Vehicles, that the Town has commenced procedures to acquire title to the vehicle, and, if the vehicle is not claimed within TEN (10) days after such notification by the Town, title to the vehicle will vest in the Town.

**66. Exclusions.**

This chapter shall not be construed to prohibit the renovating and restoration of a motor vehicle which is or could be classified as historic by or under the provisions of the Vehicle and Traffic Law of the State of New York or any regulations promulgated by the Commissioner of Motor Vehicles of the State of New York; provided, however, that such vehicle shall be subject to the following regulations:

**A.**

The vehicle shall be placed on blocks with the wheels and tires removed.

**B.**

The vehicle shall be surrounded with suitable screening or fencing so as to prohibit the same from being visible from the street or contiguous property owners.

**C.**

The vehicle shall not be located on a front yard.

**D.**

No more than one such vehicle shall be stored on any separate property in within the Town of Amsterdam.

**E.**

To be eligible for this exclusion, the property owner must apply for a permit to store such vehicle from the Town Clerk:

**(1)**

On an application form approved by the Town Board.

**(2)**

Accompanied by a filing fee to be set by resolution of the Town Board. The permit may be granted for up to a one-year period. The permit may be renewed for an additional one-year period upon submitting the same application and filing fee.

**67 Civil remedies.**

In addition or as an alternative to the above-provided procedures and penalties, the Town of Amsterdam may maintain an action or proceeding in the name of the Town in any court of competent jurisdiction to compel compliance with or to restrain by injunction any violation of this chapter. Said costs of such civil remedy shall be charged to the defendant.