

## LOCAL LAW #\_ of 2024

### VEHICLES, JUNKED and ABANDONED

- 1. PURPOSE:** The Town Board of the Town of Amsterdam hereby finds that the storage or presence of abandoned, junked or inoperative motor vehicles which 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 within a garage or other enclosed structure, or with suitable screening or fencing, and under the restrictions as set forth in this chapter.
- 2. LEGISLATIVE INTENT:** It is the intent of this local law to amend the Town of Amsterdam Zoning Ordinance, as may have been amended from time to time, to include provisions that address vehicles, junked and abandoned, as defined in this law, within the municipal boundaries of the Town of Amsterdam. It is not intended to replace or supersede the provisions of New York Agriculture and Markets Law.
- 3. AUTHORITY:** This local law is adopted by the Town Board of Town of Amsterdam (hereinafter referred to as the “Town Board”) pursuant to its authority to adopt local laws under Article IX of the New York State Constitution; Articles 2 and 3 of the Municipal Home Rule Law; Article I of the Town Zoning Law, particularly Section 2 which authorize the Town to adopt zoning provisions that promote health and general welfare, encourage the most appropriate use of land throughout the Town, encourage development in accord with a comprehensive plan and professional planning techniques, and improve the quality of life throughout the Town.
- 4. SEVERABILITY:** If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court’s order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person,

- individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.
5. **EFFECTIVE DATE:** This local law shall take effect immediately upon filing with the Secretary of State.
  6. **AMENDMENT:** The Town of Amsterdam Zoning Ordinance is hereby amended as follows:

**1. 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 as “Every vehicle operated or driven upon a public highway which is propelled by any power other than muscular power, except (a) electrically-driven mobility assistance devices operated or driven by a person with a disability, (a-1) electric personal assistive mobility devices operated outside a city with a population of one million or more, (b) vehicles which run only upon rails or tracks, (c) snowmobiles as defined in article forty-seven of this chapter, (d) all terrain vehicles as defined in article forty-eight-B of this chapter, (e) bicycles with electric assist as defined in section one hundred two-c of this article, and (f) electric scooters as defined in section one hundred fourteen-e of this article. For the purposes of title four of this chapter, the term motor vehicle shall exclude fire and police vehicles other than ambulances. For the purposes of titles four and five of this chapter the term motor vehicles shall exclude farm type tractors and all terrain type vehicles used exclusively for agricultural purposes, or for snow plowing, other than for hire, farm equipment, including self-propelled machines used exclusively in growing, harvesting or handling farm produce, and self-propelled caterpillar or crawler-type equipment while being operated on the contract site.”, 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

**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 six 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 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.

**2. ENFORCEMENT OFFICIAL**

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

**3. 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.

4.

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 with suitable screening or fencing, except at a duly licensed repair shop or vehicle dealership.

**5. 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 8-9. 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.

**6. 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 THIRTY (30) 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.

**7. 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 or classic 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 surrounded with suitable screening or fencing, or garaged or other enclosed structure, so as to prohibit the same from being visible from the street or contiguous property owners.

**B.**

The vehicle shall not be located on a front yard.

**C.**

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

**8. 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.