

Chapter 190

VEHICLES, INOPERATIVE

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[HISTORY: Adopted by the Board of Trustees of the Village of Windsor 12-3-2002; Local Law #5-2002]

§ 190-1. Findings and purpose.

The outdoor storage of abandoned, junked, discarded or inoperative motor vehicles upon privately owned and public properties with 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 and adds to the risk of fire or explosion and environmental contamination whenever gasoline or other fluids are left in 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 and safety, the protection of property, the prevention and extinguishment of fires and explosions and preservation of the environment compel the Village of Windsor Village Board of Trustees to legislate upon this subject matter. It is hereby declared that the adoption of this chapter has for its purpose the effective protection of the public health, safety and welfare and the termination of such obnoxious, harmful, unhealthy and dangerous practice.

190-2. Definitions.

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

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

NO LONGER INTENDED OR IN CONDITION FOR USE ON THE PUBLIC HIGHWAY - Whenever a motor vehicle does not have a current valid New York State registration, license and inspection, such motor vehicle shall be presumed to be no longer intended or in condition for legal use on the public-highway.

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.

§ 190-3. Prohibited acts.

It shall be unlawful and a violation of this chapter for any person, entity, firm or corporation, either as owner, occupant, lessee, agent, tenant or otherwise, to openly park, leave, store or deposit, or cause or allow or permit to be parked, left, stored or deposited, any 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 or highway within the limits of the Village of Windsor.

§ 190-4. Notice of violation; abatement by Village.

A. In the event of a charge of a violation of the provisions of this chapter occurring upon private land or premises or highway, and prior to the Village causing the removal and/or destruction of any motor vehicle which is in violation of this chapter, the Code Enforcement or other law enforcement officer shall serve, or caused 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 15 days after the service of such notice, the Village of Windsor shall cause such motor vehicle to be removed and destroyed and such nuisance to be suppressed. All costs incurred by the Village including the cost of causing the removal and/or destruction of any such motor vehicle, shall be assessed against the land where the violation occurs and shall constitute a lien thereon and shall be collected as provided by law. The Village shall also have all rights and remedies to collect said sum from the owner in a civil proceeding or as restitution in a proceeding under this chapter.

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B. In case of a charge of a violation of the provisions of this chapter occurring upon public land or premises or highway, prior to causing the removal and/or destruction of any motor vehicle which is in violation of this chapter, the Code Enforcement Officer or other law enforcement officer shall serve, or cause to be served, either personally or by mail, a written notice upon the owner of the motor vehicle 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 15 days after service of such notice, the Village of Windsor shall cause such motor vehicle to be removed and/or destroyed and such violation to be remedied. All costs incurred by the Village, including the cost of causing the removal and/or destruction of any such motor vehicle, shall be assessed against the land where the violation occurs and shall be the responsibility of the owner, and the Village of Windsor shall have all rights and remedies to collect said sum from the owner in a civil proceeding or as restitution in a proceeding under this chapter.

C. In the event that the Superintendent of Public Works of the Village of Windsor finds that a vehicle subject to a charge under Subsection B of this section is a safety hazard, the Code Enforcement Officer or other law enforcement officer shall cause such vehicle to be removed from the public land or premises or highway and stored prior to the expiration of the fifteen-day period set forth in Subsection B above.

§ 190-5. Restoration permit.

A. Upon written application and the fee as set from time to time by resolution of the Board of Trustees, the Code Enforcement Officer shall issue a permit for

the open storage of one 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 the applicant will terminate open storage of such motor vehicle within the Village.
- (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) State that the vehicle shall maintain a street setback of 15 feet from the street property line and shall conform to § 200-41, Visibility at intersections, of Chapter 200 Zoning.

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C. The vehicle shall be adequately supported and shall not create a safety hazard while repairs are being made. Any violation will result in the immediate revocation of the restoration permit, and the vehicle shall be subject to the provisions of this chapter.

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.

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 § 190-4 of this chapter.

F. A copy of the restoration permit shall be taped to the interior of the windshield of the vehicle. If the vehicle is visible from the street, the permit shall be placed so that it is visible from the street.

§ 190-6. Vehicle for sale permit.

A. Upon written application and a fee as set from time to time by resolution of the Board of Trustees, the Code Enforcement Officer shall issue a permit for the open storage of one vehicle for the purpose of offering a vehicle for sale that is currently not registered or licensed or inspected under New York State law subject to the following conditions:

- (1) The vehicle shall be owned by one of the inhabitants of the property where the vehicle is being offered for sale.
- (2) The vehicle shall maintain a ten-foot street setback and be in compliance with § 200-41, Visibility at intersection, of Chapter 200 Zoning.
- (3) A copy of the permit shall be affixed to the interior of the windshield in order that the permit information is visible from the street.

B. Only one permit shall be issued for a vehicle for sale at a time. A separate permit shall be required for each vehicle and shall only be valid as to that vehicle. All permits shall be issued for not in excess of 60 days. A total of three (3) permits may be issued for each vehicle.

§ 190-7. Seasonal use vehicle permit.

Upon written application and a fee as set from time to time by resolution of the Village of Windsor, the Code Enforcement Officer shall issue a seasonal vehicle permit for the outdoor storage of one seasonal use vehicle on a parcel of property, subject to the following conditions:

- A. The vehicle shall be owned by one of the inhabitants of the property.
- B. The vehicle shall have a current registration and inspection sticker permanently attached to the windshield.
- C. The permit shall expire six months after the date of issuance.

§ 190-8. Amnesty period.

A. A 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, entity, firm or corporation terminates all violations either by removal, repair or permit, as herein provided, within 30 days of the effective date of this amendment.

B. The provisions of this amnesty section 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 any vehicle has been illegally stored.

§ 190-9. Additional rules and regulations.

An enforcement officer and/or the Board of Trustees of the Village of Windsor may make reasonable rulings and may issue reasonable regulations, including application forms and permits, for the furtherance of this chapter.

§ 190-10. Penalties for offenses.

A. Any person in violation of 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 \$250 or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment.

B. Any person found guilty of a second or subsequent violation of this chapter shall, upon conviction, be guilty of a violation of the Penal law of the State of New York, punishable by a fine not less than \$250 or by imprisonment for a term not to exceed 30 days, or by both such fine and imprisonment.

C. In addition to the above-provided penalties, the Village of Windsor 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.