

Chapter 103: VEHICLES, ABANDONED AND JUNKED

§ 103-1. Title.

This article shall be cited and may be referred to hereinafter as the "Vehicles, Abandoned and Junked of the Village of South Blooming Grove."

§ 103-2. Legislative intent.

It is the intention of the Village Board of the Village of South Blooming Grove by the adoption of this article to preserve public peace and good order in the Village and to promote the public health, safety and welfare of its people by enforcing regulations and restrictions on the activities of Abandoned and Junked, Vehicles which are consistent with the rights and privileges of the Vehicle and Property owners and the rights and privileges of other citizens of the Village of South Blooming Grove.

§ 103-3. Findings and purpose.

The Village Board of Trustees of the Village of South Blooming Grove hereby finds that the storage or presence of abandoned, junked or inoperative motor vehicles on private property 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 Village and tend to depreciate the value of properties in the neighborhood and in the Village. The Village Board of Trustees finds that the problems can be diminished by permitting the outside storage of only one such vehicle and requiring that any additional such vehicle(s) are stored within a garage or other enclosed structure.

§ 103-4. Definitions.

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

ABANDONED, JUNKED OR INOPERATIVE MOTOR VEHICLES

- A. Any motor vehicle, as defined in the Vehicle and Traffic Law of the State of New York, that is:
- (1) Unlicensed, old, wrecked, stored, discarded, dismantled or partly dismantled and which is not intended for, or in any condition for legal use upon the public highway; or
 - (2) Being held or used for the purposes of resale of used parts therefrom or for the purpose of reclaiming for use some or all of the materials therein for the purpose of disposing of the same; or
 - (3) In such condition as to cost more to repair and place in operating condition than its reasonable market value 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. The fact that a motor vehicle does not display a current motor vehicle registration, inspection sticker or license plate shall be presumptive evidence that such motor vehicle is not in any condition for legal use upon the highways.
- C. 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.
- D. The use of the term in a singular herein is intended, where applicable, to include the plural.

Chapter 103: VEHICLES, ABANDONED AND JUNKED

ENFORCEMENT OFFICIAL — The Building Inspector, any officer of the Town of Blooming Grove Police Department or any person authorized to issue appearance tickets within the Village.

OWNER OF PRIVATE PROPERTY — Any person, firm, partnership or corporation, whether business membership, religious, charitable or otherwise, or any association or any other unit or entity owning real property in the Village of South Blooming Grove.

§ 103-5. Storage restricted.

It shall be unlawful for any person to store or deposit or cause, suffer or permit to be stored or deposited more than one abandoned, junked or inoperative motor vehicle or part or piece thereof outside of an enclosed structure on any private property within the Village.

§ 103-6. Penalties for offenses.

- A. Any person who violates any provision of this chapter shall be subject to the jurisdiction of any court of competent jurisdiction and shall be subject, for each violation, to a fine or civil penalty not exceeding \$750 or imprisonment not to exceed 15 days, or both. Each day such violation is committed or allowed or suffered to continue shall constitute a separate violation and shall be punishable as such.
- B. In addition or as an alternative to the above provided penalties, the Village may commence a vehicle removal administrative proceeding pursuant to **§ 103-7**.
- C. In addition or as an alternative to the above provided procedures and penalties, the Village Board of Trustees may 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.

§ 103-7. Removal procedure; notice; acquisition of title; sale or disposal.

In addition or as an alternative to the fines, penalties and other remedies provided in **§ 103-6**, any abandoned, junked or inoperative motor vehicle in violation of **§ 103-5** may be removed from the property on which it is located in the following manner:

A. Notice and hearing.

- (1) The enforcement official shall serve written notice, either by personal service on the property owner, tenant or agent, or by certified mailing to the owner of the private property on which the vehicle is located, and shall post a copy of such notice in a conspicuous place on the subject property, ordering such property owner to remove the vehicle(s) therefrom within 10 days after the date of a hearing before the **Village Zoning Board of Appeals (ZBA)** (or a **Zoning Board** that represents the Village through an executed inter-municipal agreement). Such notice shall be mailed at least five days prior to the hearing and shall state the date of the hearing.
- (2) Such notice shall also state that:
 - (a) Failure to remove the vehicle within the specified period shall cause legal title to the vehicle to vest in the Village and shall grant to the Village the legal right to enter upon the premises to remove and sell or dispose of said vehicle.
 - (b) At the hearing, the property owner is entitled to be represented by counsel and present testimony and witnesses.
 - (c) The expense of such removal, storage and sale or disposal, including the costs of

Chapter 103: VEHICLES, ABANDONED AND JUNKED

this proceeding, shall be charged to the vehicle owner and property owner and may be charged against the property and, if unpaid, said charge may be assessed, levied and collected in the same manner as a real property tax.

- (3) The enforcement official may determine the ownership and the address of the owner of any parcel of land in the Village from the current assessment roll.
- (4) Following the aforesaid hearing before the ZBA, the ZBA may affirm, modify or rescind the enforcement official's order.

B. Removal. In the event that said abandoned, junked or inoperative motor vehicle is not removed from the premises within 10 days after the hearing, or within such other time period as the ZBA may specify, the Village shall have the right to enter upon the premises and to remove, store and sell or dispose of said vehicle. The expense of such removal, storage and sale or disposal, including the costs of the proceeding, shall be a lawful charge against the owner of the vehicle and the owner of the property. If said charge is not paid as required, said charge may be assessed and levied against the property and collected in the same manner as a real property tax or, in the alternative, said charge may be collected in a civil action instituted in the name of the Village.

C. Acquisition of title to vehicle by Village.

- (1) If a vehicle which is declared abandoned, junked or inoperative by the enforcement official has no current registration, inspection sticker or license plate and is of a wholesale value, taking into consideration the condition of the vehicle, of \$750 or less, title to such vehicle shall vest in the Village 10 days subsequent to the public hearing provided for in **§ 103-7A**. Such determination as to wholesale value shall be made by the enforcement official.
- (2) For vehicles other than those governed by Subsection C (1) above, the Village shall notify the last owner of the vehicle and any lien holders thereon that the Village has commenced procedures to acquire title to the vehicle, and if such vehicle is not claimed and removed from the property within 10 days subsequent to the aforesaid public hearing, title to such vehicle shall vest in the Village.
- (3) Notwithstanding the above, if an abandoned, junked or inoperative motor vehicle has no license plate affixed and is of a wholesale value, taking into consideration the condition of the vehicle, of \$750 or less, the Village shall not be required to obtain title to such vehicle if the vehicle will be sold or otherwise disposed of as junk or salvage, dismantled for use other than as a motor vehicle, or otherwise destroyed.

D. Sale, use and disposal of vehicle.

- (1) The Village Board of Trustees shall determine if an abandoned, junked or inoperative motor vehicle is suitable or feasibly may be made suitable for operation on the public highways. If the vehicle is so suitable, the vehicle shall be sold after public bid to the highest bidder or converted pursuant to **Subsection D (2)** below.
- (2) The Village Board of Trustees may convert to its own use those abandoned, junked or inoperative motor vehicles not affected by **§ 103-7C(3)** above or may, by sale or gift, transfer title to any such vehicles to any other municipal corporation for use by its law enforcement agency; provided, however, that the total number of vehicles converted and/or transferred in any calendar year shall not exceed two such vehicles.
- (3) If the Village Board of Trustees determines that an abandoned, junked or inoperative motor vehicle is not suitable for operation on the public highways or if a vehicle does not have a vehicle identification number plate, the Village shall sell the vehicle to a vehicle dismantler or scrap processor registered or certified pursuant to § 415-a of the New York State Vehicle and Traffic Law or to a vehicle dismantler or scrap processor who does not have a place of business in this state but who conforms to the laws and

Chapter 103: VEHICLES, ABANDONED AND JUNKED

regulations of the state in which he has a place of business.

- (4) Any proceeds from the sale of an abandoned, junked or inoperative vehicle, less all costs and expenses incurred by the Village in the entire proceeding, shall be held by the Village without interest, for the benefit of the immediate past owner of such vehicle, for a period of one year. If not claimed within such one-year period, said proceeds shall be paid into the general fund of the Village.

§ 103-8. Supersession of other laws; authority.

This article supersedes, and is in derogation of, Chapter 224 of the Code of the Town of Blooming Grove, County of Orange, State of New York. This article is enacted by authority of § 20, Subdivision 5, of the Municipal Home Rule Law and any other law referenced herein as authority herefor.

§ 103-9. Repeal.

All ordinances, local laws and parts thereof inconsistent with this local law are hereby repealed.

§ 103-10. Effective Date.

This local law shall take effect immediately when it is filed in the Office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.