

## Chapter 81

### VEHICLES, ABANDONED

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**[HISTORY: Adopted by the Village Board of the Village of Liberty 9-5-1989 by L.L. No. 6-1989. Amendments noted where applicable.]**

#### GENERAL REFERENCES

Road service and towing — See Ch. 65.

Vehicle and traffic — See Ch. 80.

Zoning — See Ch. 87.

§ 81-1. Purpose.

The outdoor storage of abandoned, junked, discarded and unlicensed motor vehicles and/or parts thereof upon privately owned properties within the Village of Liberty is hereby regulated for the preservation of the health, safety and general welfare of the community. Such storage of said vehicles and/or parts constitutes an attractive nuisance to children and imperils their safety. Such storage also endangers person and

property, is unsightly, depreciates property values and constitutes a public nuisance.

**§ 81-2. Definitions.**

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

**ABANDONED MOTOR VEHICLES** — The intent of the owner of a motor vehicle not in use if on the public highways shall establish it as "abandoned." The intent of the owner shall be determined by the physical condition of the motor vehicle, his statements as to its abandonment, the length of time since the motor vehicle has last been used on the public highway, whether the motor vehicle is currently licensed and other relevant facts. With respect to a vehicle not required to be licensed or motor vehicles not usually used on the public highways, the intent of the owner shall be determined by the physical condition of the motor vehicle, the length of time since it was last used for the purpose intended, any statements as to its abandonment by the owner and other relevant facts.

**DISCARDED MOTOR VEHICLE** — Any motor vehicle which the owner thereof, as established by the surrounding circumstances, does not intend to recover the possession of or any other vehicle the owner of which cannot be found after due and reasonable inquiry.

**JUNKED MOTOR VEHICLE** — Any motor vehicle in such condition as to cost more to repair and place in operating condition than its reasonable market value at the time before such repairs.

**MOTOR VEHICLE** — Every vehicle operated, driven or capable of being operated or driven upon a highway by any power other than muscular power. For the purposes of this chapter, "motor vehicle" shall include tractors used exclusively for agricultural purposes, self-propelled harvesting machines and self-propelled Caterpillar or crawler-type equipment. For

the purposes of this local law, the term "motor vehicle" shall also include motorcycles, buses and house trailers.

**OWNER OF MOTOR VEHICLE** — The person having the property in or title to a motor vehicle, including a person entitled to the use and possession of a vehicle subject to a security interest in another person, and also including any lessee or bailee of a motor vehicle having the use thereof under lease or otherwise.

**OWNER OF PRIVATE PROPERTY** — Includes the legal owner, contract purchaser, tenant, lessee, occupant, undertenant, receiver or assignee of premises or property located within the Village of Liberty.

**PREMISES** — Includes all parcels of real property situated in the Village of Liberty, whether occupied or vacant, irrespective of size or topography.

**UNLICENSED MOTOR VEHICLE** — 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 licensing period.

**§ 81-3. Outdoor storage.**

- A. Each residential property owner will be permitted one unlicensed car for seasonal use, provided that it carries a valid New York State inspection sticker.
- B. 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 residential districts to store or deposit outside or cause or permit to be stored or deposited outside an abandoned, junked or discarded or unlicensed motor vehicle or motor vehicles and/or parts thereof upon any private land within the limits of the aforementioned described strip of property.

**§ 81-4. Notice of violation.**

- A. If the provisions of the foregoing section are violated, the Village of Liberty shall serve a written notice, either personally or by mail, upon the owner, occupant or person having charge of any such private property to comply with the requirements of this local law. The Village of Liberty may determine ownership of any parcel of land in the Village of Liberty from the current assessment rolls of the Village and may serve written notice upon the owner thereof by mailing, by regular mail, such notice to the owner at the address listed on the current assessment rolls.
- B. If the Village of Liberty is unable to determine the ownership or address of the owner of said private property, such notification may be made by publishing in the official newspaper of the Village of Liberty once a week for two consecutive weeks a notice in substantially the following form:

"To the owner, occupant or person having charge of land within the Village of Liberty briefly described as follows: \_\_\_\_\_ Notice is hereby given that an abandoned, junked, discarded or unlicensed motor vehicle or parts thereof have been stored or deposited on the above-described property in the Village of Liberty. This vehicle must be removed therefrom within 10 days from the date of this notice.

"In the event that this notice is served upon you by publication, said motor vehicle shall be removed within 24 days from the first publication date of this notice.

"In case you fail or refuse to comply with this notice on or before the expiration of said 10 days from the date thereof, or before the expiration of said 24 days from the date of this notice in the event that it is served upon you by publication, you are hereby summoned to appear before the Village Manager of the Village of Liberty, New York, at \_\_\_\_\_ o'clock, \_\_\_\_\_ m., on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, to show cause why the Village of Liberty, New York, acting through its duly authorized agents, servants, officers and employees, should not enter upon said land and remove and cause said motor vehicle to be destroyed. In the event that the Village Manager directs that said motor vehicle be removed and destroyed, the expense incurred by the Village of Liberty shall be assessed against said land and shall constitute a lien thereon and be collected as provided by law.

Dated: \_\_\_\_\_  
 \_\_\_\_\_"

**§ 81-5. Public hearing; determination; removal.**

In the event that an abandoned, junked, discarded or unlicensed motor vehicle or parts are not removed as prescribed above, the Village Manager of the Village of Liberty shall hold a public hearing on the date and at the time specified in the notice, at which hearing the persons interested shall be heard concerning the removal of said motor vehicle. After said persons are heard, the hearing shall be closed, and the Village Manager shall determine whether said motor vehicle has been abandoned, junked or discarded in violation of this local law. A determination by the Village Manager that said motor vehicle or parts have been abandoned, junked or discarded shall authorize the issuance of an order by the Village Manager, in the same manner prescribed in § 81-4 above, directing the removal of said motor vehicle within 10 days from the date of the notice. If the motor vehicle is not removed within 10 days from the date of said notice, the Village Manager may cause the

motor vehicle or parts to be removed and destroyed and the expense thereof assessed against the property described in the notice, all in the manner provided by law.

**§ 81-6. Courtesy notification of violation; penalties for offenses. [Amended 11-9-2009 by L.L. No. 3-2009]**

- A. A courtesy notification will be mailed by registered letter to the violator by the Building Inspector.
- B. Any owner, occupant, lessee, agent or tenant who shall neglect and refuse to remove an abandoned, junked, discarded and unlicensed motor vehicle or parts as required by this chapter or who shall fail or refuse to comply with the order of the Building Inspector to remove a motor vehicle after notice and hearing as herein provided or who shall violate any of the provisions of this chapter or who shall resist or obstruct the duly authorized agents, servants, officers and employees of the Village of Liberty in the removal and destruction of a motor vehicle as described herein shall, upon conviction thereof, be fined a sum not to exceed \$250 for each such violation. Continued violation for the same infraction may be subject to imprisonment for not more than 15 days. Each separate occurrence may constitute a separate additional violation.
- C. Nothing herein contained shall prevent the Village of Liberty from directing the removal of a motor vehicle in accordance with the terms and provisions of this chapter in addition to imposing the penalties hereinabove provided.

**§ 81-7. Severability.**

The invalidity of any clause, sentence, paragraph or provision of this chapter shall not invalidate any other clause, sentence, paragraph or part thereof.

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VEHICLES, ABANDONED

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**§ 81-8. When effective.**

This chapter shall take effect immediately.