

# LOCAL LAW 1 – 2009

## OUTDOOR STORAGE ON PRIVATE PROPERTY

### ARTICLE 1 PURPOSE

It is hereby declared that the outdoor storage and maintenance of abandoned, junked, discarded, dismantled and unlicensed motor vehicles, household appliances, rubbish and debris upon privately owned properties within the Town of Constantia is a matter of affecting the public interest. Such storage and maintenance constitutes a nuisance and an unsightly condition and is a source of vexation and annoyance not only to the owners and occupants of adjoining lands, but also to the general public. The preservation of peace and good order, the safeguarding of health, safety and general welfare and the protection of private property compel the Town Board of the Town of Constantia to legislate upon this subject matter.

### ARTICLE 2 DEFINITIONS

As used herein, the following terms shall have the meanings as indicated:

CODE ENFORCEMENT OFFICER – an individual designated by the Town to represent them in particular matters pertaining to this law.

JUNK – the outdoor storage or deposit of the following:

- a. Two or more junked vehicles;
- b. One or more abandoned mobile homes;
- c. One or more abandoned recreational vehicles;
- d. One or more inoperable or unseaworthy boats, whether propelled by motor, sail or any other means;
- e. Two or more inoperable or abandoned appliances including, but not limited to:
  - i. Washers, dryers, dishwashers, stoves, refrigerators, freezers and televisions;
  - ii. Waste paper, rags, scrap metal or discarded materials; and
  - iii. Toxic chemicals and radioactive materials at levels that could be injurious to humans, animals and biological life, exempting NYS licensed applicators; and
- f. Two or more abandoned or irreparably damaged pieces of indoor furniture including, but not limited to, sofas, lounge chairs, mattresses, bed frames, desks, tables, chairs and chests of drawers; and
- g. Any combination of the above.

JUNK VEHICLE – any motor vehicle whether automobile, bus, trailer, truck, tractor, mobile home, motorcycle, motor bicycle, mini bicycle, ATV or snowmobile, or any other contraption originally intended for travel on the public highways, or any motorboat, rowboat or sailboat which:

- a. Is unlicensed, unregistered and/or uninspected, old, wrecked, stored, discarded, abandoned or dismantled or partly dismantled, or is not in any condition for legal use upon the public highway or waterways; or
- b. Is being held or used for the purpose of resale, reclamation, storage or disposal of parts; or
- c. Is in such condition as to cost more to repair and place in operating condition than its reasonable market value at the time before such repair.

With respect to any motor vehicle not required to be registered, licensed and/or inspected or any motor vehicle not usually used on public highways, the fact that such motor vehicle has remained unused for more than one year and is not in condition to be removed under its own power shall be presumptive evidence that such motor vehicle is a “Junk Vehicle”.

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

OWNER – The person having title to real property or the person in possession thereof shall each be considered owners of property for the purpose of this Article.

PERSON – An individual, partnership, association, corporation, legal representative, agent or attorney-in-fact.

RUBBISH or DEBRIS - Includes ordinary household or store trash of a flammable character, such as barrels, cartons, boxes, crates, furniture, rugs, clothing, rags, mattresses, blankets and rubber tires, no longer intended or in condition for ordinary use; any and all tangible personal property no longer intended or in condition for ordinary and customary use.

### ARTICLE 3 STORAGE ON PRIVATE PROPERTY PROHIBITED

No person shall have or permit or cause the existence of junk vehicles, appliances, rubbish or debris out of doors on property owned by such person, except that appliances, rubbish and debris may be placed by curb in proper fashion for ordering garbage and refuse pickup.

#### ARTICLE 4 ENFORCEMENT PROCEDURE

- A. The Code Enforcement Officer of the Town of Constantia or any other agency or official authorized from time to time by the Town Board by resolution shall inspect property and file a written report of violations by owners with the Town Clerk. The Code Enforcement Officer shall prepare a written notice and shall cause the same to be served upon the owner personally or by certified mail. The notice shall contain the following:
- (1) The name of the owner to whom the notice shall be addressed.
  - (2) The location of the premises involved in the violation.
  - (3) A statement of the facts which it is alleged violates this local law.
  - (4) A demand that the junk vehicle, appliances, rubbish or debris be removed from the premises with ten (10) days after service or mailing of the notice.
  - (5) A statement that a failure to comply with the demand may result in prosecution.
  - (6) A statement that a copy of this Local law is available from the Town Clerk.
- B. Upon failure of the owner to comply with the demand, the Code Enforcement Officer of the Town of Constantia shall cause a further notice to be served upon such owner to remove the junk vehicle, appliance, rubbish or debris from the premises within ten (10) days after the personal service upon or the mailing by certified mail to said owner, with notice that the owner will be prosecuted for failure to comply.
- C. Upon application of the alleged owner showing reasonable cause, the Town Board may grant an extension of up to thirty (30) days for the owner to comply with the demands.

#### ARTICLE 5 DEPOSIT ON OTHER PROPERTY

No person shall willfully place a junk vehicle, appliance, rubbish or debris on premises which such person does not own.

#### ARTICLE 6 REMOVAL BY TOWN

If, after the expiration of ten (10) days from the date of mailing the notice provided in Article I, the owner shall fail to comply with the requirement of Article 3, the Highway Superintendant shall have the power to remove such junk vehicle, appliance, rubbish or debris from its location and dispose of the same and the cost thereof shall be charged back to the owner.

## ARTICLE 7 PENALTIES FOR OFFENSES

Any person committing an offense against any provision of this law shall be guilty of a violation punishable by a fine not exceeding two hundred fifty dollars (\$250.00). The continuation of an offense against the provisions of this law shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.