

Chapter 233, VEHICLES, ABANDONED

[HISTORY: Adopted by the Board of Trustees of the Village of Horseheads 8-4-1971; amended in its entirety at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Property maintenance -- See Ch. 179.

Vehicles and traffic -- See Ch. 235.

§ 233-1. Definitions.

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

HOUSE COACH -- Shall be defined as provided in § 119 of the Vehicle and Traffic Law of the State of New York and acts amendatory thereof.

JUNKED VEHICLE -- Any vehicle, trailer, motor vehicle, motorcycle or house coach which is not currently, validly licensed and/or registered, as the case may be, such that the same may be operated on the streets and highways of this state in accordance with law or is in any one (1) or more of the following conditions: rusted, wrecked, dismantled, partially dismantled, discarded, inoperative or abandoned.

MOTOR VEHICLE -- Shall be defined as provided in § 125 of the Vehicle and Traffic Law of the State of New York and acts amendatory thereof.

MOTORCYCLE -- Shall be defined as provided in § 123 of the Vehicle and Traffic Law of the State of New York and acts amendatory thereof.

OWNER -- Any person, firm or corporation, directly or indirectly, in whole or in part, holding title to or being in control of the junked vehicle or holding title to the real property whereon said vehicle is situate; thus it is noted that there may be multiple "owners."

TRAILER -- Shall be defined as provided in § 156 of the Vehicle and Traffic Law of the State of New York and acts amendatory thereof.

VEHICLE -- Shall be defined as provided in § 159 of the Vehicle and Traffic Law of the State of New York and acts amendatory thereof.

§ 233-2. Prohibited acts.

It shall be unlawful for any person, firm, corporation, partnership or entity, either as owner, lessee, occupant or otherwise, to store or deposit or cause or permit to be stored or deposited any junked vehicle in or upon land within the municipal boundaries of the Village of Horseheads. Further, it shall be unlawful for any person, firm, corporation or entity, as owner, lessee or user, to store or deposit or cause or permit to be stored or deposited any junked vehicle in or upon any land or place within the municipal boundaries of the Village of Horseheads. Nothing to the contrary contained herein withstanding, it shall not be unlawful for any person, firm, corporation or entity to keep, store, deposit or maintain a junked vehicle in the Village of Horseheads if the same is, at all times, contained, in whole and in part, in a fully enclosed structure or building. Finally, nothing in this chapter shall be construed to prohibit the storing, depositing or maintenance of a junked vehicle in a private garage or to interfere with the operation of a business enterprise lawfully situate upon the property, such as but not limited to a new or used car sales establishment, a gasoline service station, a motor vehicle repair establishment or a body shop.

§ 233-3. Enforcement.

- A. In the event that the Code Enforcement Officer of the Village of Horseheads shall observe a condition which he or she believes to be in violation of this chapter, he or she shall post or cause to be posted, in a conspicuous place upon the premises where the violation is observed or on the vehicle itself, a notice to comply with the provisions of this chapter. Further, the Code Enforcement Officer shall mail or cause to be mailed a copy of said notice to the owner of the premises, within seven (7) days of such posting, directing compliance with the provisions of this chapter. The Code Enforcement Officer shall mail or cause to be mailed such notice to the owner of the premises, addressed to such owner as the same's address may appear upon the last assessment roll used by the village. Alternatively, the Code Enforcement Officer may personally serve or cause to be personally served upon the owner of such premises the notice to comply in the same manner as service of a summons is permitted in Article 3 of the Civil Practice Law and Rules of the State of New York.
- B. If the owner upon whom the notice is served fails, neglects or refuses to comply with the provisions of said notice within thirty (30) days after the later of such posting, mailing or service of such notice, the Code Enforcement Officer shall cause such junked vehicle to be removed and destroyed or disposed of. The total cost thereof may be certified by the Code Enforcement Officer to the Village of Horseheads, to be assessed by the latter upon the premises on which such junked vehicle was found. Said total costs shall constitute a lien and charge on the lot or parcel of land on which said vehicle was found and on which said assessment shall be levied until paid or otherwise satisfied or discharged and shall be collected in the manner provided by law for the collection of delinquent taxes.

§ 233-4. Abatement.

If a property owner has been served a notice to comply and elects to relinquish his or her right, title and interest in and to the junked vehicle and to permit the village to carry out the abatement of the violation as listed on the notice without further delay, then, in that event, the village may proceed to remove the junked vehicle, provided that the owner signs a written waiver permitting such removal and holding the village harmless from any damage, claim, cost, expense or liability arising out of or resulting from such removal or abatement and submits the same to the Code Enforcement Officer. Any expense incurred by the village as a result of such removal of a junked vehicle following the receipt of such a waiver by the owner or his or her duly authorized representative shall be at the village's expense.

§ 233-5. Hearings.

The owner may, within fifteen (15) days following the later of the posting, mailing or service, as provided for hereinabove, request a hearing before the Village Mayor or his or her designated representative by filing a written notice of appeal of the Code Enforcement Officer's determination with the Village Clerk of the Village of Horseheads, who shall receive the same and report the receipt thereof to the Village Board. The Village Mayor shall hold a hearing on the same within ninety (90) days following the receipt of the notice of appeal, which hearing shall be upon notice to the owner and other interested parties. The rules of evidence prevailing in courts of record shall not be controlling in hearings held pursuant to this chapter.

§ 233-6. Penalties for offenses.

Any person found guilty of a violation of this chapter shall be punishable as provided in Chapter 1, General Provisions, Article II, General Penalty.