

Purpose.

The outdoor storage of abandoned, junked, discarded and unlicensed motor vehicles and/or parts thereof upon privately owned properties within the City of Mechanicville 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.

Definitions.

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

ABANDONED MOTOR VEHICLE

The intent of the owner of a motor vehicle not in use 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 and, with respect to a vehicle not required to be licensed or a motor vehicle not usually used on the public highways, 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 motor vehicle the owner of which cannot be found after 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 public 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 crawl-type equipment. For the purpose of this chapter, the term "motor vehicle" shall also include motorcycles, buses and house trailers.

OWNER OF MOTOR VEHICLE

The person having the ownership of or title to a motor vehicle, including a person entitled to the use and possession of a motor 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 City of Mechanicville.

PREMISES

Includes all parcels of real property situated in the City of Mechanicville, 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.

Restrictions on outdoor storage.

A.

Each property owner (residential and agricultural residential) will be permitted one unlicensed car for seasonal use, provided that it carries a valid effective 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 City of Mechanicville to store or deposit outside or cause or permit to be stored or deposited outside any abandoned, junked or discarded or unlicensed motor vehicle or motor vehicles and/or parts thereof upon any private land within the limits of the City of Mechanicville.

C.

This restriction shall not apply to licensed junkyards.

Notice of violation.

A.

If the provisions of the foregoing sections are violated, the Building Inspector/ Code Enforcement Officer shall serve written notice, either personally or by regular mail, upon the owner, occupant or person having charge of any such private property to comply with the requirements of this chapter. The Building Inspector/ Code Enforcement shall determine ownership of any parcel of land in the City of Mechanicville from the current assessment rolls of the City. The

Building Inspector/Code Enforcement Officer may, as a courtesy, send a first notice to the owner listed on the current assessment rolls in substantially the following form:

"Pursuant to Local Law No. 1 of 2022, you are in violation of this chapter which states: 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 City of Mechanicville to store or deposit outside or cause or permit to be stored or deposited outside any abandoned, junked or discarded or unlicensed motor vehicle or motor vehicles and/or parts thereof upon any private land within the limits of the City of Mechanicville.

"Formal notices will be sent two weeks from this date if said vehicle(s) is still present. Any and all steps will be taken pursuant to the provisions of Local Law No. 1 of 2022 to ensure compliance with this law."

B.

If such courtesy notification is ignored and/or compliance is refused, a notice of violation will be served upon the owner, occupant or person having charge of any such property either personally or by regular mail. Such notice will be in substantially the following form:

"The City of Mechanicville assessment rolls indicate that you are the owner, occupant or person having charge of land within the City of Mechanicville briefly described as follows:

(Description of Property)

"Notice is hereby given that an abandoned, junked, discarded or unlicensed motor vehicle(s) or parts thereof have been deposited or are being stored on the above-described property in the City of Mechanicville. This vehicle(s) or parts thereof must be removed therefrom within 10 days from the 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 of this notice, an appearance ticket will be issued to you by personal service or registered mail to come before the City Court of the City of Mechanicville to determine the disposition of this violation."

City Court appearance.

In the event that an abandoned, junked, discarded or unlicensed motor vehicle or parts thereof are not removed as prescribed above, the interested person(s) shall appear before the City Court of the City of Mechanicville as prescribed by appearance ticket to show cause why any such vehicle or parts have not been removed. At the time of said appearance or hearing, the Court shall determine if said person(s) is in violation of this chapter and order any such vehicle(s) or parts to be removed within three calendar days from the date of the City Court appearance. Failure to comply with any order by the Mechanicville City Court for said removal will result in the following action: to wit, the City of Mechanicville and/or its agents shall enter said property and cause the vehicle and/or parts to be removed and destroyed. Any expenses incurred by the City of Mechanicville shall be assessed against the property as described in the notice, all in the manner provided by law.

Penalties for offenses.

A.

Any owner, occupant, lessee, agent or tenant who shall neglect and refuse to remove an abandoned, junked, discarded or unlicensed motor vehicle or parts as required by this chapter or who shall fail or refuse to comply with the order of the Mechanicville City Court to remove a motor vehicle or part after notice and hearing as herein provided or who shall violate any of the provisions of this chapter or who shall obstruct or resist the duly authorized agents, servants, officers and employees of the City of Mechanicville in the removal and destruction of a motor vehicle as described herein shall, upon conviction thereof, be fined a sum not to exceed \$250 or be imprisoned for a term not to exceed 15 days, or both, for each such violation. Each separate occurrence may constitute a separate violation.

B.

Nothing herein contained shall prevent the City of Mechanicville from directing the removal of a motor vehicle or part thereof in accordance with the terms and provisions of this chapter in addition to imposing the penalties herein provided.

Removal procedures.

A.

Any motor vehicle found by the Code Enforcement Officer/Building Inspector or reported by the police in violation of this chapter will be addressed in the following manner: 18902 (1) The Code Enforcement Officer/Building Inspector shall serve written notice on the person owning the vehicle ordering such person to remove the same or cause the same to be removed within Thirty (30) days. The Code Enforcement Officer/Building Inspector may determine the ownership of any parcel of land in the City from the current assessment roll. If the vehicle is owned by a lessee, the owner of the property will be notified by a carbon-copy letter.

B.

In the event that said vehicle(s) is not removed from the premises within the time required in the notice, the City shall have the right to enter upon the premises and to remove and dispose of the vehicle(s). The expense of such removal and disposal shall be a lawful charge against the vehicle owner or the owner of the premises and may be collected, if necessary, in a civil action instituted in the name of the city in accordance with the provisions of this chapter.

Effect on prior laws.

This chapter supersedes and repeals all other laws, ordinances or resolutions governing, regulating or affecting abandoned, junked, discarded or unlicensed vehicles on private property.

Severability.

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

When effective.

This chapter shall take effect immediately.