

Local Law Filing

(Please Use this Form for Filing your Local Law with the Secretary of State)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underline to indicate new matter.

County
City
Town of CLARENDON, ORLEANS COUNTY, NEW YORK
Village

Local Law No. 3 of the year 19 97

A local law Regulating the Outside Storage of Unlicensed Vehicles in the Town of Clarendon

Be it enacted by the Town Board of the

County
City
Town of Clarendon, Orleans County, New York as follows:
Village

SECTION 1: PURPOSE

1. The purpose of this local law is to prohibit the placement, storage or abandonment of unlicensed vehicles on private and public property. This prohibition does not apply until the vehicle has been situate on the property for in excess of thirty (30) days, in accordance with this local law.
2. The accumulation, storage or abandonment of unlicensed motor vehicles on private and public property in the Town of Clarendon is hereby declared to be detrimental to the public welfare of the residents of the Town of Clarendon. This is aesthetically unattractive and tends to detract from the enjoyment of the environment by said residents and to depreciate neighborhood property values and is an infringement on the enjoyment of their properties and homes by neighboring residents.

SECTION 2: DEFINITIONS

1. As used in this local law, the following terms shall have the meanings indicated:
 - A. UNLICENSED MOTOR VEHICLE - Any means of transport or conveyance originally designed and manufactured to be moved or propelled by any other than muscular power; shall include but not be limited to automobiles, trucks, motorcycles, motorbikes, buses and the like and which does not have a valid legal license to operate in the State of New York.

- B. PERSON - One (1) or more individuals, a partnership, corporation, association or any other legal entity.

SECTION 3: STORAGE OF UNLICENSED VEHICLES

1. No person shall deposit, place, store or abandon on any real property, or permit, cause or consent to be deposited, placed, stored or abandoned on real property owned or occupied as a tenant by such persons, more than two (2) unlicensed vehicles unless such vehicle is stored in a completely enclosed structure.
2. Such unlicensed vehicles shall be stored or placed behind the front line of the house or residence on the property. In the event either of the unlicensed vehicles is offered for sale, it may be placed in front of the house or residence for a period of no more than ninety (90) days in one calendar year.
3. No unlicensed vehicles may be stored on real property that does not contain at least one residence.

SECTION 4: EXCEPTIONS

1. This law shall not apply to the following:
 - A. Operable farm, garden and yard machinery and associated apparatus used on the premises.
 - B. Storage, placement and accumulation of unlicensed motor vehicles in connection with a commercial operation duly conducted on the premises where such storage, placement and reaccumulation is expressly permitted by the laws of the Town of Clarendon and the State of New York.

SECTION 5: COMPLAINT PROCEDURE

1. If a violation of this Code is believed to exist, a complaint form may be obtained from the Code Enforcement Office. The form must be completed, signed and dated, and submitted to the Code Enforcement Office. A copy of the completed form, signed and dated by the Code Enforcement Officer verifying receipt of the complaint, shall be returned to the individual submitting the complaint. The complaint shall be investigated by the Code Enforcement Officer and appropriate action will be taken. The Code Enforcement Officer shall notify the individual of the action taken, no later than forty-five (45) days following submission of the complaint.

SECTION 6: ENFORCEMENT

1. NOTICE - After the Code Enforcement Officer has determined that a violation of this law has occurred, written Notice shall be sent by both regular and certified mail to the occupant and owner of the property; or to the owner of the vehicles; or to both persons as the case may be, directing the removal of such vehicle within fourteen (14) days after receipt of such Notice. If either of these notices is not returned as undeliverable by the U.S. Postal Service, the party or parties shall be deemed served.

2. PRESUMPTION - There shall be a presumption that a person who has received the Notice prescribed in Section 6 has stored, deposited, placed, abandoned or caused, consented to or permitted the deposit, storage, abandonment or placement of the unlicensed vehicles described in said Notice.
3. RIGHT TO APPEALS -
 - A. The Notice referenced in Section 6-1, shall also advise the owner of the subject property that the owner shall be entitled to a hearing before a Review Board comprised of three (3) members of the Town; (1) a member of the Town Board; (2) a member of the Planning Board; (3) a member of the Zoning Board of Appeals; on any matter the owner wishes to address relating to the existence of unlicensed vehicles and the removal thereof from the subject property. The request for a hearing before the Review Board must be made in writing by the owner of the subject property within seven (7) days of receipt of Notice of Violation. The request must be in writing, directed to the Code Enforcement Officer. If a hearing is not requested, the Town shall be entitled to go upon the property upon the expiration of the respective Notice periods, as the case may be, and utilizing either Town personnel or independent contractors, remove and dispose of the unlicensed vehicles. If a hearing is requested by the owner of the subject property, it shall be held within ten (10) working days of the date on which the request is received by the Town. At the hearing, the owner shall be advised of the amount of money which it is estimated to be expended by the Town for the removal of the unlicensed vehicles and that the owner of the subject property will be responsible for the payment of that amount or, in lieu thereof, that it will be assessed against the subject real property of the owner and collected at the same time and in the same manner as property taxes which are levied against the subject property. At the conclusion of the hearing, the Review Board shall determine whether removal thereof by the Town should proceed at the expiration of the respective notice periods, as the case may be, and the cost thereof shall be collected from the owner of the subject property or charged against the subject property as hereinbefore mentioned.
 - B. The owner shall have five (5) additional days to remove the unlicensed vehicles beyond the original Notice periods, as the case may be, in the event that a hearing is held at the request of the owner of the subject property and the owner receives the written decision of the Review Board. If the owner of the subject property defaults in the removal of unlicensed vehicles, the Town shall be entitled to go upon the subject property and utilizing either Town personnel or independent contractors, remove and dispose of the unlicensed vehicles.
 - C. The determination of the Review Board of the Town shall be subject to review in an Article 78 proceeding.
 - D. The cost of the removal and disposition of the unlicensed vehicles by the Town shall be collected from the owner of the subject property in a civil action therefore by the Town. In addition thereto or in lieu thereof, such costs may be assessed against the subject property of the owner and collected in the same manner and at the same time as Town real property taxes; as described in Section 6-3(A) hereinabove mentioned.
4. THIS LOCAL LAW MAY BE ENFORCED BY THE CODE ENFORCEMENT OFFICER OF THE TOWN OF CLARENDON, OR BY ANY POLICE OFFICER.

SECTION 7: PENALTIES

1. A person who has been found in violation of this local law shall be punishable for a fine not exceeding three-hundred fifty (350) dollars. Each week that the violation shall continue shall constitute a separate offense.
2. In addition to the enforcement in a civil proceeding by fine, this local law may be enforced by instituting a special proceeding as authorized by Article 4 of the Civil Practice Law and Rules to compel compliance with the provisions of this local law or to restrain by injunction any violation thereof, or to obtain any other appropriate relief.
3. A civil penalty of twenty-five (25) dollars per day is hereby imposed for each day's violation of this local law which penalty may be collected in any judgement rendered in a proceeding under Subsection B or in a separate civil action.

SECTION 8: EFFECTIVE DATE

1. This local law shall take effect upon filing with the state.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as Local Law No. 3 of 1997 of the ~~County~~(City)(Town)(Village) of Clarendon was duly passed by the Clarendon Town Board on June 10, 1997, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as Local Law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____, 19____, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____, 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as Local Law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____, 19____, and was (approved)(not approved)(repassed after disapproval) by the _____ Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____, 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as Local Law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____, 19____, and was (approved)(not approved)(repassed after disapproval) by the _____ Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____, 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wise basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

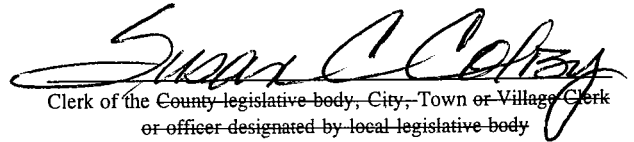
I hereby certify that the local law annexed hereto, designated as Local Law No. _____ of 19____ of the City of _____ having been submitted to referendum pursuant to the provisions of Section 36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors such city voting thereon at the (special)(general) election held on _____ 19____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as Local Law No. _____ of 19____ of the County of _____, State of New York, having been submitted to the electors at the General Election of November ____, 19____, pursuant to subdivisions 5 and 7 of Section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph __1__, above.


Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body

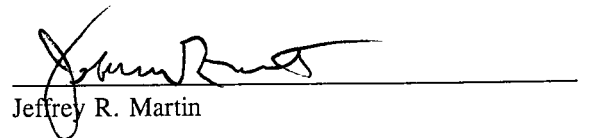
(SEAL)

Dated: _____ June 10, 1997 _____

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK:
COUNTY OF ORLEANS: ss.

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.


Jeffrey R. Martin

Heath & Martin, Attorneys for the Town of Clarendon
Title

County
City
Town of Clarendon
Village
Date: June 10, 1997