

TOWN OF MORIAH

A local law regulating Abandoned Vehicles in the Town of Moriah, outside the incorporated village of Port Henry

Be it enacted by the Town Board of the Town of Moriah as follows:

SECTION 1. Purpose

The outdoor storage of abandoned, junked, discarded and unlicensed motor vehicles upon privately owned properties within the Town of Moriah is dangerous, unsightly and a detriment to the preservation of public health, the protection of property and the safety and welfare of the residents of the Town of Moriah. The outdoor storage of abandoned, junked, discarded and unlicensed motor vehicles upon privately owned properties within the Town of Moriah constitutes an attractive nuisance to children, and a peril to their safety. Such storage constitutes a threat to the safety and welfare of the residents of the Town of Moriah since the fuel tanks frequently contain gasoline fumes and may be subject to explosion in case of fire. Such storage depreciates the value of neighboring properties, and is unsightly and discourages the orderly progressive development of the Town of Moriah. The control of the outdoor storage of abandoned, junked, discarded and unlicensed motor vehicles upon privately owned properties within the Town of Moriah is therefor regulated for the preservation of public health, safety and welfare of the residents of the Town of Moriah.

SECTION 2. Definitions

MOTOR VEHICLE - Every vehicle operated, driven or capable of being driven or operated upon a public highway by any power other than muscular power which includes electric power obtained from overhead trolley wires, and includes vehicles operated upon rails and such vehicles as are run only upon rails or tracks. For the purposes of this ordinance motor vehicles shall include tractors used exclu-

self-propelled corn and hay harvesting machines and self-propelled caterpillar or crawler-type equipment. For the purposes of this ordinance the term "motor vehicle" shall include motorcycles, omnibuses and house trailers.

OWNERS OF MOTOR VEHICLES - A person having a property interest in or title to a motor vehicle. The term "owner" includes a person entitled to the use and possession of a vehicle subject to a security interest in another person and also includes 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, a tenant, lessee, occupant, undertenant, receiver or assignee of premises or property located within the Town of Moriah.

PREMISES - Includes all parcels of real property situate in the Town of Moriah whether occupied or vacant, irrespective of size or topography.

ABANDONED - With regard to a motor vehicle shall mean the intent of the owner of the motor vehicle not to use the motor vehicle on the public highways. The intent of the owner of the motor vehicle may be determined by the physical condition of the motor vehicle, the statements of the owner of the motor vehicle, the length of time since the motor vehicle has last been used on the public highway, and whether the motor vehicle is licensed or unlicensed. With respect to motor vehicles not required to be licensed, or motor vehicles not customarily used on the public highway, the intent of the owner may be determined by the physical condition of the motor vehicle, the length of time it was last used for the purposes intended and the statements of the owner.

JUNKED - Shall mean any motor vehicle in such condition as to cost more to repair in order to place such motor vehicle in operating condition than the value of the motor vehicle at any given time.

DISCARDED - Shall mean any motor vehicle which the owner

vehicle to which ownership cannot be reasonably determined, with due inquiry.

UNLICENSED MOTOR VEHICLE - Shall mean any motor vehicle which has not been licensed with the proper authorities for a period of at least one year from the expiration of the last valid licensing, with the exception of those motor vehicles in the possession of authorized used car or new car dealers or garagemen for the purpose of sale or repair.

SECTION 3. Outdoor Storage on Private Lands

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 Town of Moriah to store or deposit, or cause or permit to be stored or deposited, an abandoned, junked or discarded or unlicensed motor vehicle or motor vehicle upon any private land within the corporate limits of the Town of Moriah, excepting however, farm machinery used on a seasonal basis. Iron piles will be permitted by farmers and contractors, but must be fenced in or hidden from view from town, county and state highways. No permit will be required.

SECTION 4. Notice

If the provisions of the foregoing section are violated, the Town Clerk shall serve written notice, either personally or by mail upon the owner, occupant or person having charge of any such private property to comply with the provisions of this ordinance. The Town Clerk may determine ownership of any parcel of land within the Town of Moriah, for the then-current tax rolls of the Town of Moriah, and may serve written notice upon such owner by mailing, by regular mail, such notice to the owner at the address listed in the then-current tax rolls.

SECTION 5. Hearing

In the event an abandoned, junked, discarded or unlicensed

hearing on the date specified in the notice at which time the owner or all other interested persons may be heard concerning the removal of the abandoned, junked, discarded or unlicensed motor vehicle. At the close of such hearing, the Town Board of the Town of Moriah shall decide if the motor vehicle is abandoned, junked or discarded. A finding that a motor vehicle is abandoned, junked or discarded in violation of this ordinance must be by a vote of at least a majority of the Town Board of the Town of Moriah. The Town Board of the Town of Moriah may reserve decision to some later date. In the event of an affirmative vote by the Town Board of the Town of Moriah, an order shall be issued in the same manner prescribed in Section 4 of this ordinance, ordering the motor vehicle to be removed within ten (10) days from the date of the notice. In the event the motor vehicle is not removed within ten (10) days of the date of the notice aforementioned, the Town Board of the Town of Moriah may cause the motor vehicle to be removed and/or destroyed and the expense incurred by the Town of Moriah shall be assessed against the property described, and shall constitute a lien thereon, and collected as provided by law.

SECTION 6. Penalty

Any owner, occupant, lessee, agent or tenant who shall neglect and refuse to remove an abandoned, junked, discarded and unlicensed motor vehicle, as directed by this ordinance, and by the Town Board of the Town of Moriah or who shall fail or refuse to comply with the order of the Town Board of the Town of Moriah, to remove a motor vehicle after notice and hearing as herein provided for, or who shall violate any of the provisions of this ordinance, or who shall resist or obstruct the duly authorized agents, servants, officers and employees of the Town of Moriah in the removal and destruction of a motor vehicle, as described herein, shall be, upon conviction thereof, fined a sum of not exceeding one hundred dollars (\$100.00) for each violation thereof or by imprisonment not to exceed thirty (30) days or by both such fine and imprisonment.

Each separate occurrence may constitute a separate additional violation. For the purposes of jurisdiction a violation of this ordinance shall be a misdemeanor. Nothing herein shall prevent, in addition to the penalties herein prescribed, the Town of Moriah from ordering the removal of a motor vehicle in accordance with the terms and provisions of this ordinance, and the removal of such motor vehicle shall be in addition to the penalties herein stated.

SECTION 7. Separability Clause

If any part or provision of this ordinance or the application thereof to any person or circumstances is held invalid by a court of competent jurisdiction, the remainder of the ordinance and the applications of such provisions to other persons or circumstances shall not be affected thereby.

SECTION 8. Enforcement

The Town Building Inspector or other duly appointed officer shall check the application for compliance with the requirements of the local ordinance and any other applicable regulations affecting such an installation. The Town Building Inspector or other duly appointed officer shall, after such investigation, transmit the application to the Town Clerk together with his written findings.

SECTION 9. Effective Date

This ordinance shall take effect ten (10) days after it has been posted and published in accordance with the applicable provisions of the Town Law. A period of thirty (30) days will be given for property owners to remove junk cars from their property after this ordinance takes effect.

STATE OF NEW YORK)

COUNTY OF ESSEX) SS.:

MAE WILLIAMS, Town Clerk of the Town of Moriah, Essex County, New York, do hereby certify that I have compared the foregoing with the Abandoned Vehicles Ordinance adopted at a meeting of the Town Board of the Town of Moriah held on the 18th day of September, 1973, at which hearing a quorum was present and that the same is a correct transcript therefrom and of the whole original thereof and all amendments thereto to date.

This ordinance shall take effect at noon on the 5th day of October, 1973, by order