

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
162 WASHINGTON AVENUE, ALBANY, NY 12231

(Use this form to file a 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 underlining to indicate new matter.

~~County~~

~~City~~

~~Town~~

Village

of Bridgewater

Local Law No. 4 of the year 1992

A local law Regulating the storage and removal of abandoned, unregistered, inoperable
(Insert Title)
or otherwise unuseable motor vehicles.

Be it enacted by the Board of Trustees of the
(Name of Legislative Body)

~~County~~

~~City~~

~~Town~~

Village

of Bridgewater

as follows:

- ARTICLE I - DEFINITIONS
- ARTICLE II - RESTRICTIONS
- ARTICLE III - ENFORCEMENT
- ARTICLE IV - REMOVAL OF VEHICLE FROM CONVICTION
- ARTICLE V - SAVINGS CLAUSE
- ARTICLE VI - EFFECTIVE DATE OF LAW

The Village Board of the Village of Bridgewater in order to promote the general safety, health and welfare, and in the exercise of its police powers to promote the same, after due consideration and hearing all opposed and in favor, does hereby find that the general safety, health, welfare, and interest of the public will be protected and promoted by the adoption of the following law.

ARTICLE I - DEFINITIONS

Section 1.

The term "person" as used by this local law shall include any individual, society, club, firm, partnership, corporation or any other association of persons, and the plurals of the same not engaged in the motor vehicle repair or body repair business.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

Section 2.

The term "abandoned" as used herein shall have its normal meaning within the law.

Section 3.

The term "unregistered" as used herein shall denote the status of a motor vehicle when an appropriate and valid registration of any State or other entity granting registrations, recognized by the State of New York, is not in effect for the vehicle. Failure to bear appropriate license plate and registration sticker, or other lawful proof of registration, shall give rise to a presumption that the vehicle is unregistered.

Section 4.

The term "inoperable" as used herein shall denote the status of any vehicle which cannot pass the appropriate motor vehicle safety inspection promulgated by the New York State Department of Motor Vehicles within the time period set forth by the Department of Motor Vehicles.

Section 5.

The term "unusable" shall mean that a vehicle is not capable of being lawfully and safely operated for the purpose of transportation of persons or things. A vehicle used as a source of parts or storage shall be presumptively unusable.

ARTICLE II - RESTRICTIONS

Section 1.

i. It shall be unlawful for any person as defined in Article I Section 1 to store or deposit upon his premises or property, whether in connection with another business or not, for more than 30 days, more than one unregistered, abandoned, inoperable or unusable motor vehicle, except where such vehicles are garaged or fenced on all sides from public view by a permanently erected structure.

ii. It shall be unlawful for any person, individual, society, club, firm partnership, corporation or any association engaged in the motor vehicle repair or body repair business to store or deposit upon their premises for more than 90 days any unregistered, abandoned, inoperable or unusable motor vehicles, except where such vehicles are garaged or fenced on all sides from public view by a permanently erected structure.

Section 2.

i. It shall be unlawful for any person as defined in Article I Section 1 to store or deposit upon his premises or property, for any purpose, used parts or waste material from vehicles which, taken together, equal in bulk one or more such vehicles.

ii. It shall be unlawful for any motor vehicle repair or body repair business to store or deposit used parts or waste materials from motor vehicles on their property for more than 120 days except where such used parts and/or waste materials are garaged or fenced on all sides from public view by a permanently erected structure.

Section 3.

Nothing herein shall be construed so as to conflict with any other local law of the Village, New York State Law, Rules and/or Regulations.

ARTICLE III - ENFORCEMENT

Section 1.

Any violation of the provisions of this local law shall be a violation, as defined under the Penal Law of the State of New York and shall be punishable by up to fifteen (15) days incarceration and/or punishable by a fine of up to Two Hundred Fifty (\$250.00) Dollars. Each weeks continued violation of the provisions of this local law shall constitute a separate violation.

Section 2.

The provision of this local law may be enforced by any duly authorized peace officer, and/or code enforcement officer of the Village and/or his duly authorized assistants, or by some other officer designated by the Village Board and upon complaint of any person.

ARTICLE IV - REMOVAL OF VEHICLES FROM CONVICTION

Section 1.

Upon a conviction of a violation of this law, the Village of Bridgewater or its designee may go upon the property of the offender and remove the vehicle, used parts or wastes so as to alleviate the complained of, unhealthful, dangerous or hazardous condition. In the event the Village or its designee does remove

the vehicle, used parts or wastes then, in such event, the vehicle shall be removed to and stored at a site designated for such purpose by the Village Board and shall remain there until retrieved by its owner as provided for herein or is disposed of by the Village Board as provided for by law.

Section 2.

In the event the Village does take such action as described in Section 1, the Village shall ascertain the costs of such removal and storage and upon completion assess the expense thereof upon the owner of the property upon which the vehicle, used parts or wastes is found and notify the owner of the assessment. Such assessment, if not paid within seven (7) days of the date of mailing of such notice of assessment to the alleged violation, shall become a lien and charge upon the property on which it is levied until paid or otherwise satisfied or discharged and shall be collected in the same manner and at the same time as other Village charges.

ARTICLE V - SAVINGS CLAUSE

Section 1.

If any part of this local law shall be judged invalid by any court of competent jurisdiction, such judgment shall not effect, impair or invalidate the remainder thereof but shall be confined in its operation to the specific part thereof directly involved in the controversy in which said judgment should have been rendered.

ARTICLE VI - EFFECTIVE DATE OF LOCAL LAW

Section 1.

This Local Law takes effect immediately.