

Chapter 155

VEHICLES, ABANDONED

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[HISTORY: Adopted by the Board of Trustees of the Village of Wilson 9-20-1973. Amendments noted where applicable.]

GENERAL REFERENCES

Vehicles and traffic — See Ch. 158.

§ 155-1. Purpose.

The seriousness of the matter of the outdoor storage of abandoned, damaged, discarded, unlicensed and/or inoperable motor vehicles upon privately owned properties within the village increases with the passage of time. It is a source of vexation and annoyance, not only to the members of the traveling public but to the owners and occupants of adjoining lands. The outdoor storage of such vehicles upon private lands is unsightly. It constitutes an attractive nuisance to children and a peril to their safety in case of fire and explosion whenever gasoline is left in the fuel tanks of such vehicles. It depreciates the value of neighboring properties. The preservation of peace and good order, the suppression of vice, the benefit of trade, the preservation of public health, the protection of property and the prevention and extinguishment of fires and explosions compel the Board of Trustees of the Village of Wilson to legislate upon this subject matter. It is hereby declared that the adoption of this chapter has for its purpose the effective termination of such obnoxious practice.

§ 155-2. Definitions. [Added 12-15-1994 by L.L. No. 2-1994]

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

ABANDONED, JUNKED OR INOPERATIVE MOTOR VEHICLE:

A. Any motor vehicle, as defined in the Vehicle and Traffic Law of the State of New York, that is:

- (1) Unlicensed, old, wrecked, stored, discarded, dismantled or partly dismantled and which is not intended or in any condition for legal use upon the public highway;
- (2) Being held or used for the purposes of resale of used parts therefrom or for purpose of reclaiming for use some or all of the materials therein for the purpose of disposing of the same;

- (3) In such condition as to cost more to repair and place in operating condition than its reasonable market value prior to such repair; or
- (4) Left unattended for more than 96 hours on property of another if left without permission of the property owner.

B. With respect to any motor vehicle not required to be licensed or not usually used on public highways, the fact that such motor vehicle has remained unused for more than six months and is not in condition to be removed under its own power shall be presumptive evidence that such motor vehicle is an "abandoned, junked or inoperative motor vehicle."

C. The fact that a motor vehicle does not display a current motor vehicle registration or license plate shall be presumptive evidence that such motor vehicle is not in any condition for legal use upon the highways.

D. The use of the term in the singular herein is intended, where applicable, to include the plural.

§ 155-3, Outdoor storage of vehicles.

It shall be unlawful for any person, firm or corporation, either as owner, occupant, lessee, agent, tenant or otherwise, to store or deposit or cause or permit to be stored or deposited an abandoned, damaged, discarded, unlicensed or inoperable motor vehicle or motor vehicles upon any private land within the corporate limits of the Village of Wilson outside a completely enclosed building, except that new and/or used motor vehicles which are operable and qualify for a New York State motor vehicle inspection sticker under Article 5 of the New York State Vehicle and Traffic Law and are offered for sale to the public may be stored on premises on which new car sales and used car sales in connection therewith may be conducted in accordance with Chapter 170, Zoning, of the Code of the Village of Wilson.

§ 155-4. Notice of violation. [Amended 12-15-1994 by L.L. No. 2-1994; Amended 8-20-20 by L.L. No. 3-2020]

It shall be the duty of any person, firm, or corporation, whether as owner, occupant, lessee, agent, or tenant, to remove any vehicle subject to this provision within 48 hours of receipt of written notice from the Village Mayor, The Board of Trustees, or the Village Code Enforcement Officer.¹

§ 155-5. Removal of abandoned vehicles. [Added 12-15-1994 by L.L. No. 2-1994; amended 10-17-2002 by L.L. No. 2-2002]

Abandoned, damaged, discarded, unlicensed and/or inoperable vehicles stored in violation of § 155-3 shall be removed from the property within five days from the date of receipt of the notice provided for in § 155-4. Failure to comply with the notice on or before the expiration of said five days shall result in, for the first offense, a fine not to exceed \$50, and for the second such offense within five years of any prior such offense in a fine of not less than \$50 nor more

¹ Editor's Note: Former § 22-4, Penalties for offenses, which immediately followed this section, was deleted 12-15-1994 by L.L. No. 2-1994.

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than \$150, and for the third or more such offense within five years of any prior such offense in a fine of not less than \$150 nor more than \$300, or in imprisonment for not less than two nor more than 15 days, or in both such fine and imprisonment. Each such abandoned, damaged, discarded, unlicensed and/or inoperable vehicle stored in violation of this chapter shall constitute a separate offense.

§ 155-6. Motor vehicle authorization permits. [Amended 8-20-2020 by L.L. No. 4-2020]

Any unregistered or unlicensed motor vehicle may be parked upon private land in the Village of Wilson only if such motor vehicle has conspicuously affixed upon it a motor vehicle authorization permit as issued by the Village. Said permit shall be issued upon receipt by the Village Clerk of payment in the amount of \$10.00, and such permit shall be valid 30 days from the date of issuance. Said permit may be renewed for no more than two additional 30 day periods at the same cost. No unregistered or unlicensed motor vehicles shall remain upon any private land within the Village of Wilson for any period of time in excess of 90 days.

§ 155-7. Penalties [Added 8-20-2020 by L.L. No. 4-2020]

Violation of the provisions of this Chapter shall be punishable, upon conviction, by fine or imprisonment, or both, as provided in Chapter 1, General provisions, Article II.

