

ABANDONED VEHICLES

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(History: Adopted by Attica Village Board 3-28-88 as L.L. No. 2-1988. Amendments noted where applicable.)

2-1. Purpose

The outdoor storage of abandoned, junked, discarded and unlicensed motor vehicles upon privately owned properties within the Village of Attica 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 Village of Attica. The outdoor storage of abandoned, junked, discarded and unlicensed motor vehicles upon privately owned properties within the Village of Attica 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 Village of Attica, since the fuel tanks frequently contain gasoline or 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 Village of Attica. The control of the outdoor storage of abandoned, junked, discarded and unlicensed motor vehicles upon privately owned properties within the Village of Attica is therefore regulated for the preservation of the public health, safety and welfare of the residents of the Village of Attica.

2-2. Definitions

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

ABANDONED – With regard to a motor vehicle, 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 purpose intended and the statements of the owner.

DISCARDED - Any motor vehicle which the owner thereof does not intend to recover possession thereof, or any motor vehicle to which ownership cannot be reasonably determined, with due inquiry.

JUNKED - 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.

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 local law, "motor vehicles" shall include tractors used exclusively for agricultural purposes, self-propelled combines, self-propelled caterpillar or crawler-type equipment, For the purposes of this local law, the term "motor vehicle" shall include motorcycles, omnibuses and motor homes.

OWNER OF MOTOR VEHICLE - A person having the property 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, under tenant, receiver or assignee of premises or property located within the Village of Attica.

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

UNLICENSED MOTOR VEHICLE - Any motor vehicle which is not licensed with the proper authorities at any time. A person may apply for a permit to have an unlicensed motor vehicle on their property for up to six months. This application must be filed with the Attica Police Department. The fee for this permit will be \$50.00. At the end of this six-month period, the vehicle must be licensed and registered with the proper authorities or removed from the property. This law excludes those motor vehicles in the possession of licensed car dealers or licensed garage men for the purposes of sale or repair. Other than licensed car dealers or garage men, there can be not more than one unlicensed motor vehicle with a valid permit on any property or lot in the Village of Attica at any one time. (Amended 4-14-1992 by L.L. No. 2-1992; 12-18-1997; 11-30-1998 by L.L. No. 4-1998)

2-3. Outdoor storage on private land prohibited.

- A. 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 Village of Attica, to store or deposit, or cause or permit to be stored or deposited, an

abandoned, junked or discarded or unlicensed motor vehicle or motor vehicles upon any private land within the corporate limits of the Village of Attica.

- B. Nothing in this local law shall prohibit the storage of an unlicensed motor vehicle in any garage, barn or permanent enclosure in the Village of Attica.

2-4. Notice of violation.

- A. If the provisions of the foregoing section are violated, the village shall cause to be served 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 local law. The Village Clerk may determine ownership of any parcel of land within the Village of Attica, from the then current tax rolls of the Village of Attica, 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. The notice shall be in substantially the following form:

“To the owner, occupant, or person having charge of land within the Village of Attica known as: _____.

Notice is hereby given that an abandoned, junked, discarded or unlicensed motor vehicle has been stored or deposited on the above-described property in the Village of Attica. This automobile must be removed within 10 days from the date of this notice.

In the event that the vehicle is not so removed, you shall be subject to a fine for failure to comply and /or the vehicle may be removed by the Village of Attica as set forth in this local law.”

- B. Notice shall also be given to the owner of the vehicle by placing this notice upon or attaching said notice to the vehicle in question.
- C. A vehicle shall continue to be in violation of this local law, even though it is moved from the premises, if it can be shown that it was not properly registered, stored as allowed in this local law, or removed from the Village of Attica within the specified time.

2-5. Failure to comply: penalties for offenses.

- A. In the event that the abandoned, junked, discarded or unlicensed motor vehicle is not removed as prescribed herein, the village may cause said vehicle to be removed. The owner of said vehicle shall be required to pay the towing costs of the Village of Attica, as well as a storage charge of \$10 per day until the vehicle is claimed.

- B. In lieu of removing and impounding said vehicle, the owner of said vehicle or the owner of the property where the vehicle is found if the owner does not reside at that location, is subject to a fine in the amount not exceeding \$250.00 for each junked, abandoned, discarded or unregistered motor vehicle in his or her possession. Each day is considered a separate violation. (Amended 12-18-1997 by L.L. no. 2-1997)

2-6. Disposal of vehicles.

In the event that a motor vehicle has been removed and impounded by the village and has remained in storage for more than 30 days without the owner reclaiming said vehicle, the village is hereby authorized to dispose of the vehicles as follows:

- A. The village shall determine if an abandoned vehicle is suitable for operation on the public highways. If so, the vehicle shall be sold at public auction to the highest bidder.
- B. If the village determines that an abandoned vehicle is not suitable for operation on the public highways, it shall sell the vehicle to a vehicle dismantler or scrap processor.
- C. Any proceeds from the sale of an abandoned vehicle, less any expenses incurred by such local authority, including the storage costs of the vehicle, shall be held by the village, without interest, for the benefit of the owner of such vehicle for a period of one year. In the event that the money is not claimed within such one – year period, such proceeds shall be paid into the general fund of such local authority.

2-7. Severability.

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

2-8. When effective.

This local law shall take effect 10 days after it has been posted and published in accordance with the applicable provisions of the Village Law.