

**§ 112-1. Title.**

This chapter shall be known as the “Abandoned Vehicle Law of the Village of Sodus”.

**§ 112-2. Purpose.**

Section 1224 of the Vehicle and Traffic Law of the State of New York imposes certain duties upon the village regarding removal and disposition of abandoned vehicles. The outdoor storage of junked, abandoned, unused or dangerous motor vehicles or the parts therefrom within the Village of Sodus is a hazard to the preservation of the public health, welfare and safety in that it constitutes a health, fire, and safety hazard and is an attractive nuisance to children, which is a peril to their safety. The outdoor storage of junked, abandoned, unused or dangerous motor vehicles constitutes blight on the village landscape; they are generally unsightly and their existence tends to depreciate the value or property in the neighborhood and the village. The control of the outdoor storage of junked, abandoned, unused or dangerous motor vehicles or parts therefrom within the village is therefore regulated for the preservation of the public health, safety and welfare of its residents.

**§ 112-3. Definitions.**

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

ABANDONED VEHICLE – Includes any motor vehicle or motorcycle left unattended:

- A. With no number plated affixed thereto for more than six (6) hours upon any public street, highway, within direct public view or other public place within the area of the Village of Sodus.
- B. For more than twenty-four (24) hours on any highway or other public place, except a portion of public street, highway or other public place on which parking is legally permitted.
- C. For more than forty-eight (48) hours after the parking of such vehicle shall have become illegal if left on a portion of a street, highway or other public place within the area of the Village of Sodus on which parking is legally permitted.
- D. For more than ninety-six (96) hours on property of another within the area of the Village of Sodus, if left without the permission of the property owner.

DANGEROUS – Any motor vehicle which has smashed and broken windows and/or areas of sharp and torn metal edges and points which cannot legally be operated upon a public way.

JUNKED MOTOR VEHICLE – Any motor vehicle which is unregistered by the State of New York or any other state and is not operable.

MOTOR VEHICLE – Every vehicle which, if operated on the highways of this state, would be required by law to be licensed by the Department of Motor Vehicles of the State of New York.

OPERABLE – Any motor vehicle which can be registered in the State of New York and which can be legally operated upon a public way. “Operable” condition shall be determined in the sole discretion of the Code Enforcement Officer.

UNUSED – Any operable motor vehicle which is unregistered by the State of New York or any other state and/or upon which is not displayed a valid state inspection sticker.

VEHICLE OWNER - A person, other than a lineholder, having the property in or title to a vehicle. The term 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 exclusive use thereof, under a lease or otherwise, for a period greater than thirty (30) days.

**§ 112-4.Enforcment.**

This chapter shall be enforced by the Village Code Enforcement Officer, the County Sheriff, the New York State Police, the Village of Sodus Police Department, and the Fire Chief having jurisdiction to do so where appropriate.

**§ 112-5 Storage restriction and prohibitions.**

- A. It shall be unlawful for any person to park or abandon a vehicle in an approved fire lane or on any public street or right of way. When deemed necessary the Fire Chief having jurisdiction may request the immediate removal of any vehicle for the need or fire safety and first responders ability to act.
- B. It shall be unlawful for any person, firm or corporation, either as owner, occupant, lessee, agent, tenant, trespasser or otherwise of or on any property within the Village of Sodus, to store or deposit or cause or permit to be stored or deposited a junked, abandoned, unused or dangerous motor vehicle or vehicles or parts therefrom in the Village of Sodus, except:
  - 1. Within a wholly enclosed building out of the sight of the general public.
  - 2. That no more than ten (10) such motor vehicles may be stored at one (1) time in an open area at a gasoline filling station or outdoors at a New York State licenses repair shop or body shop for the purpose of repair or reconditioning; provided, however that the outdoor storage of a specific vehicle shall not exceed thirty (30) days.
  - 3. All junked, dangerous or abandoned vehicles which are stored legally, as per §112-5(B.)(2.), and are deemed unsightly or dangerous shall be kept under cover, and out of public view, if planned, or are, stored for longer than fourteen (14) days. If by determination there is an immediate threat to public life than the person or entity shall immediatly make safe said vehicle or properly store it to abate said danger.
  - 4. Duly licensed new or used car dealers shall be restricted by the conditions set forth at the time of renewal of a special use permit, as granted under §125, and no portion herein.
  - 5. As otherwise provided by law and or §87-5.
- C. Any junked, abandoned, unused or dangerous motor vehicle or parts therefrom stored or deposited in violation of this chapter on any land in the Village of Sodus shall be removed

by the vehicle owner, property, owner, occupant, lessee, agent, tenant or other person, firm or corporation occupying, managing or controlling such land or vehicle.

**§ 112-6. Access to property for inspections; search warrants.**

- A. During regular business hours or in an emergency at any hour whatsoever, the Code Enforcement Officer or his representative, or any duly authorized enforcement representative, upon the showing of proper credentials and in the discharge of his duties, may enter upon any premises where a motor vehicle is stored. If access to such property is refused, the duly authorized enforcement representative shall apply for a search warrant in an appropriate court, and a warrant shall be issued upon a showing that there are reasonable grounds to believe that a junked, abandoned, unused or dangerous vehicle or parts therefrom are stored or deposited on the property of that the owner of the vehicle is in violation of this chapter.
- B. The Code Enforcement Officer or any duly authorized enforcement officer or any duly authorized village representative may enter the premises without a search warrant in the case of any emergency that required immediate action to abate a direct hazard or imminent danger to the health, safety, morals or welfare of the occupants of a building or the public.

**§ 112-7. Notice of violation; appeal and hearing.**

- A. Notice of violation. Whenever the Code Enforcement Officer determines there has been a violation of this chapter, he/she shall serve written notice upon the property owner, occupant or person having charge of such land upon which any vehicle is illegally stored or deposited and upon the vehicle's owner, if such party can be determined. Such notice shall specify the alleged violation, shall provide a reasonable time for compliance and shall advise the party of his right to appeal.
- B. Notice to be served or posted. Notice shall be served, either personally or by registered or certified mail, to the property owner at his last known address, as shown upon the latest records of the New York State Department of Motor Vehicles. If, after due diligence, an address for either party cannot be served in the above-stated manner, then the Code Enforcement Officer shall cause a copy of such notice to be posted on the property or on the motor vehicle, or both.
- C. Right to appeal. Any person affected by a notice of violation issue in connection with the enforcement of any provision of this chapter or any rule or regulation adopted pursuant thereto may request and shall be granted a hearing before the Board of Trustees, if such person shall file with said officer a written request for a hearing, setting forth the following:
  - 1. A brief statement of the grounds for the appeal.
  - 2. The name and address of the party upon whom orders may be served.
  - 3. The reasons why such notice of violation should be modified or withdrawn.
- D. This request must be filed within ten (10) days after the service of the notice of violation, and compliance with such notice shall not be required while the hearing is pending.

**§ 112-8. Failure to abate.**

- A. Failure to abate violations. In case the property owner, agent, operator, vehicle owner or occupant cannot be found within the time limit set for the abatement of said violations or if such owner, agent, operator, vehicle owner or occupant shall fail, neglect or refuse to abate such violations, the Village Attorney shall be advised of all facts in the case and shall institute appropriate actions in the court to compel compliance.
- B. Settlement. A cause of action for recovery of penalties provided for in §112-9 may be released, settled or compromised by the Village attorney.

**§ 112-9. Penalties for offenses.**

- A. Each violation of this chapter shall be a violation and shall be punishable by a fine not less than two hundred fifty dollars (\$250) nor more than one thousand dollars (\$1,000) or imprisonment for a period not exceeding fifteen (15) days, or by such fine and imprisonment.
- B. Each day of continued violation shall constitute a separate additional violation.
- C. In addition to the penalties in §112-9A, the village may assess the costs of towing, as well as any of said penalties, as a lien against the real property and levied on the general village tax bill.