

(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 of Tannersville
Town
Village

Local Law No. 3 of the year 19 90

A local law entitled Unregistered Motor Vehicles Local Law
(Insert Title)

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

County
City of Tannersville as follows:
Town
Village

1. LEGISLATIVE INTENT:

A number of unregistered motor vehicles are being kept on private property within the Village which creates unsightly areas and nuisances. Said unregistered motor vehicles are deemed not to be conducive with the public health, safety and welfare of the Village of Tannersville.

2. DEFINITIONS:

A. Motor Vehicle: Any motor vehicle including and without limitation a truck, van, automobile, snowmobile, heavy equipment (bulldozer, backhoe, etc.), trailer, motor boat or any motorized vehicle which is required to be licensed or registered or insured under the laws of the State of New York.

B. Unregistered Motor Vehicle: Any motor vehicle which is not properly licensed or registered with the State of New York or any agency thereof.

C. Owner: The present owner or last registered owner of any unregistered motor vehicle and/or the person or entity which owns the land upon which said unregistered motor vehicle is located.

3. KEEPING UNREGISTERED MOTOR VEHICLES PROHIBITED:

No owner of an unregistered motor vehicle shall keep said unregistered motor vehicle on any property within the Village of Tannersville where such unregistered motor vehicle is visible from any road or street or adjoining or neighboring property.

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

4. ENFORCEMENT:

A. The Village of Tannersville Board, upon the complaint of any person or upon its own motion, shall give written notice to any owner of an unregistered motor vehicle which may be in violation of this law either in person or by certified mail, return receipt requested. Within 2 days of receipt of the notice of violation if personally delivered or within 3 days of the date of mailing said notice of violation, said owner shall cause said unregistered motor vehicle to be removed from the property or located upon the property so as not to be visible in accordance with this law or to cause said unregistered motor vehicle be properly registered.

B. In the event that said unregistered motor vehicle is not removed, or properly located out of sight or properly registered within the time set forth in paragraph 4A above, said owner shall be guilty of a violation this local law.

C. If said violation continues for more than one day, each day that said unregistered motor vehicle is in violation of this local law shall be deemed a separate offense; notwithstanding the existence of a separate offense the Village of Tannersville shall not be required to give additional notices thereof; and the owner of said unregistered motor vehicle shall be subjected to a separate penalty for each motor vehicle in violation of this local law for each day of said violation.

D. Once a notice to remove an unregistered motor vehicle is given no owner, agent or employee of said owner or any other person shall move or remove said unregistered motor vehicle temporarily and return said unregistered motor vehicle to said property at a later or subsequent time. In the event of said removal and return, no additional notices shall be required to be given by the Village and said owner shall be guilty of a violation of this Local Law for each and every day that said unregistered motor vehicle remains on the premises.

5. EXEMPTIONS AND VARIANCES:

A. This law shall not apply to any unregistered motor vehicle on the property of a duly licensed and authorized automobile dealership, garage or repair shop provided that such unregistered motor vehicle(s) is kept on said premises for the purposes of sale, resale, (and further provided that such unregistered vehicle kept for the purposes of sale and/or resale is in full compliance with all of the laws which would permit the operation of said motor vehicle on the highways of the State of New York while be offered for sale or resale) or repair of said motor vehicle(s), provided that if a

vehicle is being held for repair that the repairs to be made will make the vehicle to be in compliance with the laws of the State of New York so that said vehicle, once repaired, will be capable of being lawfully operated on the highways of the State of New York, further provided that said repairs shall not take more than two weeks to be completed in their entirety), and further provided that said vehicles are not being utilized to provide parts for other vehicles; this exemption shall apply to a maximum of five unregistered motor vehicles at any one time.

B. Where the owner of the unregistered motor vehicle receives written permission and consent from any adjoining or neighboring landowner from whose land said unregistered motor vehicle may be seen provided that said motor vehicle is not visible from any street or roadway.

C. In the sole discretion of the Village Board, upon the written application of any owner of an unregistered motor vehicle, a variance may be granted for no more than one unregistered motor vehicle to be permitted to remain on the owner's property. Said variance may be granted upon whatever terms and conditions are imposed by the Village Board including, without limitation, the following:

- (a) Keeping the unregistered motor vehicles away from Main Street;
- (b) Screening the unregistered motor vehicles;
- (c) Such other conditions designed to reduce the visibility of the unregistered motor vehicle from the street and neighboring and adjoining property.

6. PENALTIES:

Any person violating this law shall be guilty of a violation. A fine in the amount of \$250 for the first day of the violation and for each subsequent day a fine in an amount not to exceed \$250 per day but not to be less than \$25 per day shall be imposed for each unregistered motor vehicle for each day that such unregistered motor vehicle is kept in violation of this law.

7. SEPARABILITY:

In the event that any section, clause or part of this Local Law shall be deemed unconstitutional and unenforceable said determination shall not effect the enforceability of the remaining sections of this Local Law.

8. EFFECTIVE DATE:

This Local Law shall take effect upon filing with the Secretary of State.