

Chapter 203

VEHICLES, UNLICENSED

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[HISTORY: Adopted by the Board of Trustees of the Village of Alden 1-23-2003 by L.L. No. 19-2003. Originally adopted as Chapter 198, Abandoned Vehicles, 1-17-1966 as § 1.27 of L.L. No. 1-1966. Amendments noted where applicable.]

GENERAL REFERENCES

Streets and sidewalks -- See Ch. 177.

Vehicles and traffic -- See Ch. 200.

Zoning -- See Ch. 210.

Fees -- See Ch. A220.

§ 203-1. Purpose.

The seriousness of the matter of the outdoor storage of abandoned, junked, discarded and/or unlicensed motor vehicles upon privately owned properties within the village increases with the passage of time. It is a source of vexation and annoyance 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 of fires and explosions compel the Board of Trustees of the Village of Alden to legislate upon the subject matter. It is hereby declared that the adoption of this chapter has for its purpose the effective termination of such obnoxious practice.

§ 203-2. Definitions. [Added 5-18-2006 by L.L. No. 10-2006].

MOTOR VEHICLE – Any vehicle propelled or drawn by power other than muscular power, originally intended for use on public roadways.

§ 203-3. Storage of unlicensed an/or abandoned vehicles on private land prohibited. [Amended 8-11-2016 by L.L. No. 8-2016].

- A. It shall be unlawful for any person, firm or corporation, either as owner, occupant, lessee, agent, tenant or otherwise, to store, place, park or deposit or cause or permit to be stored, placed, parked or deposited an abandoned, unused or unlicensed motor vehicle or any portion, section or part thereof upon any private land within the corporate limits of the Village of Alden unless wholly contained in a garage or other structure of a similar nature or unless a permit shall have been obtained from the Village Clerk for such storage, placing, parking or depositing. Such permit shall be nonrenewable and issued for a period not to exceed thirty (30) calendar days. A nonrefundable fee¹ as set forth from time to time by resolution of the Board of Trustees shall be required to be paid prior to the issuance of a permit.
- B. The following vehicles shall not be subject to the above provisions:
- (1) Vehicles stored or parked within the area of any gasoline station, garage, auto repair shop or a business of a similar nature located in a commercial or industrial district, subject to the following conditions:
 - (a) That such business obtained prior written approval of the Village Board of Trustees and that such approval is renewed annually at the April reorganization meeting.
 - (b) That all vehicles must be located on the property of the approved business and no vehicles shall be placed in any right-of-way.
 - (c) No vehicles shall be placed in a manner that may obstruct the view of any motor vehicle operator.
 - (d) Such vehicles shall be in good repair and shall not remain on the property for a period in excess of thirty (30) calendar days unless said vehicle is for sale.

¹ Editor's Note: See Ch. A220, Fees.

- (e) All applicants shall comply with the provisions of Section 210-28C(5)(f) of the Code of the Village of Alden.
 - (f) That all applicable New York State licensing requirements have been met for automobile sales on the premises.
 - (g) To the extent practicable, sufficient screening shall be utilized to shield such vehicles from view.
- (2) Those whose last registered owner of record is serving on active duty in the military service.
 - (3) Farm tractors, snowmobiles, motorcycles, all-terrain vehicles, all-terrain cycles and motorbikes, provided that these vehicles are in an operable condition.
 - (4) Those vehicles used for business purposes solely on the property of said business, provided:
 - (a) A Business Vehicle permit is secured for each vehicle in use;
 - (b) The applicable permit fee² is paid; and
 - (c) Each permit is renewed for the calendar year, regardless of when the original permit was obtained – all permits shall expire on December 31st of each year.
 - (d) Said business vehicle(s) is/are in operable condition
 - (5) Those vehicles used as snowplowing vehicles, provided:
 - (a) A Snowplowing Vehicle permit is secured for each vehicle;
 - (b) The applicable permit fee³ is paid;
 - (c) Each permit is renewed for the calendar year, regardless of when the original permit was obtained – all permits shall expire on December 31st of each year;
 - (d) Only one snowplowing vehicle is in use on a single property; and

² Editor's Note: See Ch. A220, Fees.

³ Editor's Note: See Ch. A220, Fees.

- (e) Said snowplowing vehicle is in operable condition.

§ 203-4. Notice to remove vehicle. [Amended 5-18-2006 by L.L. No. 12-2006].

If the provisions of the foregoing section are violated, the Code Enforcement Officer shall serve written notice, either personally or by mail, upon the owner, occupant or person having charge of any such land to comply with the provisions of this chapter. The notice shall be in substantially the following form:

To the owner, occupant or person having charge of land known on the assessment records of the Village of Alden as "lot(s):"

Street Avenue: _____

Notice is hereby given that an abandoned, unused or unlicensed vehicle has been found, stored or deposited upon the above-identified property in the Village of Alden in violation of Chapter 203 of the Code of the Village of Alden. This vehicle must be removed within seven (7) days from the date of this notice.

In case you fail or refuse to comply with this notice on or before the expiration of said seven (7) days from the date of this notice, you will be, upon conviction thereof, subject to any and all penalties set forth under § 203-5 of the Code of the Village of Alden, including but not limited to a fine of twenty-five dollars (\$25.00) per day per vehicle, not exceeding two hundred fifty dollars (\$250.00) per vehicle within any thirty (30) days. The continuation of an offense against the provisions of this chapter shall constitute a separate and distinct offense hereunder for each day that offense continues.

§ 203-5. Penalties for offenses.

Any person, firm or corporation, either as owner, occupant, lessee, agent, tenant or otherwise, who shall neglect or refuse to move said abandoned, unused, unlicensed motor vehicle or vehicles as directed or who shall fail to comply with the provisions of any notice herein provided for or who shall violate any of the provisions of this chapter shall be, upon conviction thereof, guilty of a violation punishable by a fine not to exceed two hundred fifty dollars (\$250.00) and/or imprisonment not to exceed fifteen (15) days, per vehicle, within any thirty-day period. The continuation of an offense against the provisions of this chapter shall constitute, for each day the offense continues, a separate and distinct offense hereunder.