

Chapter 187
PROPERTY MAINTENANCE
ARTICLE III
Abandoned Vehicles

Section 187-16. [Definitions.](#)

The following definitions shall apply in the interpretation and enforcement of this chapter:

ABANDONED MOTOR VEHICLE

- A. Any junked vehicle, as defined below; or
- B. Any vehicle which does not have a current/valid NYS registration/inspection; or
- C. Any motor vehicle situated on private property other than of its owner, which has not been moved or used for seven consecutive days or more and is determined to be deserted by the Police Department.

JUNKED VEHICLE

Any motor vehicle which is without a valid NYS registration/inspection or license plates or is in either a rusted, wrecked, discarded, dismantled, partly dismantled, inoperative or abandoned condition.

PERSON

Any person, firm, partnership, company, corporation or organization of any kind.

PROPERTY

Any real property within the Village which is not a street or highway.

STREET or HIGHWAY

The entire width between boundary lines of every thoroughfare or way publicly maintained when any part thereof is open to the use of the public for purposes of pedestrian or vehicular travel.

VEHICLE

A machine propelled by other than human power, designed to travel along the ground by use of wheels, treads or other mechanical means to transport persons or property or pull machinery, and shall include, without limitation, automobile, truck, tractor, trailer, motorcycle and wagon.

Section 187-17. [Prohibited acts; exceptions.](#)

- A. No person shall abandon any vehicle within the Village, and no person shall leave any vehicle at any place within the Village for such time and under such circumstances as to cause such vehicle to appear to have been abandoned.
- B. It shall be unlawful for any person, either as owner, lessee, occupant or otherwise, to store or deposit or cause or permit to be stored or deposited an abandoned, junked,

discarded, dismantled, unlicensed or unregistered vehicle in and upon any real property lying, being and situated in the Village of Sherburne except as provided in this section.

C. The parking of unlicensed or unregistered/uninspected motor vehicle(s) in a fully enclosed private garage is permitted.

D. Temporary storage of one unlicensed or unregistered/uninspected motor vehicle per property, covered with a fitted cover designed specifically for the vehicle, may be permitted, subject to such conditions as will safeguard the public health, safety, convenience and general welfare as determined by the Village Code Enforcement Officer or their designee.

Section 187-18. [Abandonment on streets or highways prohibited.](#)

No person shall leave any dismantled, partially dismantled, wrecked, junked, non-operating or discarded vehicle on any street or highway within the Village.

Section 187-19. [Notice of violation.](#)

A. Upon a determination by the Village Code Enforcement Officer or their designee that a premises is in violation of Section 187-17 herein, the Village Code Enforcement Officer or their designee shall cause a written notice of violation to be given to the person, partnership, corporation or other entity, being the owner or in control of or charged with the control or management of the premises.

B. Notice shall be given by personal service upon the person, partnership, corporation or other entity being the owner or in control of or charged with the control or management of the premises or by return receipt requested United States mail addressed to the owner of said premises at the address listed upon the latest Village of Sherburne real property tax roll for said premises. If notice cannot be effectuated by personal service or return receipt mail, the Village Code Enforcement Officer or their designee shall make application to the Judge of the Village of Sherburne Court for an order directing the manner of giving notice most likely to notify the person, partnership, corporation or other entity being the owner or in control of or charged with the control or management of the premises of the violation.

Section 187-20. [Contents of notice.](#)

The notice of violation shall contain:

A. A statement that the premises was inspected on a specified date and found to be in violation of Section 187-17 of this chapter.

B. A recitation of Section 187-17 of this chapter.

C. A specific date on which the premises will be re-inspected for compliance with Section 187-17 herein. The specific date shall not be less than ten days computed from the date of mailing said notice.

D. A statement that failing compliance by the specified date, the Village, without further notice to the addressee, shall cause the vehicle to be removed and that any and all related cost thereof will be billed to the addressee for payment within 30 days of receipt and that failure to timely pay the cost thereof could result in the Board of Trustees of the Village of Sherburne directing the Village Attorney to bring a proceeding in a court of competent jurisdiction for its collection.

E. A statement that unless the addressee, the person, partnership, corporation or other entity being the owner or in control of or charged with the control or management of the premises notifies the Village Code Enforcement Officer or their designee on or before the said specified date in the notice of violation for compliance that the addressee or the said person, partnership, corporation or other entity does not consent to the entering upon the premises by Village personnel and equipment or the Village's independent contractor for the purpose of removing the vehicle, it shall be presumed that the addressee does consent and gives permission to the entering upon the premises by the Village or its independent contractor and the payment of the costs of the addressee of the vehicle to be removed.

F. A statement of the estimated cost to be charged for removal of the vehicle by the Village and a statement that if performed by an independent contractor the costs may vary from the Village estimate.

G. A statement that failure to comply by the specified date or authorized extension thereof and failure to consent to entering upon the premises for the purpose removing the vehicle by the Village or its independent contractor may result in the issuance of an appearance ticket or other legal process to appear in the Village of Sherburne Court and, upon conviction, may subject the addressee to a penalty, the maximum of which is imprisonment for a term of 15 days or a fine not more than \$250, or both such imprisonment and fine.

Section 187-21. [Time limit for disposal after notice; exceptions.](#)

No person in charge or control of any property within the Village, whether as owner, occupant, tenant or otherwise, shall allow any dismantled, partially dismantled, wrecked, junked, non-operating or discarded vehicle to remain on such property longer than seven days after notice given to such person to remove and dispose of such vehicle by the Village Code Enforcement Officer or their designee; except that this chapter shall not apply with regard to a vehicle in an enclosed building or a vehicle on the premises of a business enterprise operated in a lawful place and manner when the keeping of such vehicle is necessary to the operation of such business enterprise.

Section 187-22. [Authorization to remove and dispose of vehicles.](#)

The Village Code Enforcement Officer or their designee is hereby authorized to remove and dispose of or have removed and disposed of any such vehicle left at any place within the Village which reasonably appears to be in violation of this chapter, after notice being given as provided in Section 187-19.

Section 187-23. [Costs to remove and dispose of vehicles.](#)

The following costs are hereby established to be imposed when the Village or its independent contractor removes a vehicle from noncomplying premises in accordance with Section 187-20-A herein and shall be as set by the Board of Trustees:

- A. First occurrence within a three-year period: \$100, plus any and all related actual cost.
- B. Second occurrence within a three-year period: \$200, plus any and all related actual cost.
- C. Third or more occurrences within a three-year period: \$300, plus any and all related actual cost.

Section 187-24. [Payment of costs.](#)

- A. A statement of costs incurred for removing the vehicle in accordance with Section 187-20-A and a demand for payment of same upon completion of work shall be mailed to the addressee, person, partnership, corporation or other entity being the owner or in control of or charged with the control or management of the premises by United States Postal return receipt requested mail. Such statement of costs shall require payment to the Treasurer not later than 30 days from receipt.
- B. In the event the said costs are not timely paid, the Board of Trustees of the Village of Sherburne may direct the Village Attorney to bring a proceeding in a court of competent jurisdiction for its collection and thereafter to proceed to enforce such judgment by lawful process.

Section 187-25. [Penalties for offenses.](#)

Any person, partnership, corporation or other entity violating any of the provisions of this chapter shall, upon conviction, be guilty of a violation and shall be liable, upon conviction, to a fine of not more than \$250 or imprisonment not exceeding 15 days, or both fine and imprisonment.

This local law shall take effect immediately upon filing with the Secretary of State.

William Acee, Mayor