

VILLAGE OF ISLAND PARK  
LOCAL LAW NO. 1 OF 1988

A local law regarding nuisance vehicles

Be it enacted by the Board of Trustees of the Village of Island Park as follows:

NUISANCE VEHICLES

LEGISLATIVE INTENT

This Local Law is enacted in recognition of the fact that vehicles not in use stored on public or private property can constitute both a public and/or private nuisance. Some may be a source of potential injury to children and others who may find them as attractive nuisance. These vehicles may constitute a blight on the Village's landscape; they destroy the aesthetic qualities of the Village and they may be generally otherwise unsightly. The existence of these vehicles tends to depreciate not only the property on which they are located but also the property of other persons in the neighborhood and Village generally. These vehicles render the Village a less safe and less pleasant place in which to live and do business and these vehicles hurt the welfare of the Village as a whole. The intent of this Local Law is to establish a legal procedure for the removal of nuisance vehicles where they are found in the Village.

DEFINITIONS

Nuisance Vehicles: Any motor vehicle that is either unregistered, inoperable and/or unusable.

Unregistered Vehicle: Any motor vehicle that does not have in effect an appropriate and valid registration of any state or other entity granting registration recognized by the State of New York. Failure to bear appropriate license plate and registration sticker, or other lawful proof of registration, shall give rise to a presumption that the vehicle is unregistered, (excluding property maintenance vehicles).

Inoperable: Any vehicle which does not have the appropriate and valid motor vehicle safety inspection certificate issued by the New York State Department of Motor Vehicles.

Unusable: Any vehicle that is not capable of being lawfully and safely operated for the purpose of transportation of persons and/or things. A vehicles used as a source of parts or storage shall be presumptively unusable.

Person: Any individual, firm, partnership, business or corporation.

Motor Vehicle or Vehicle: Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

Seasonal Vehicles: Any vehicle, whose usage is constrained to certain seasons of the year, i.e., camper trailers, boat trailers, recreational vehicles, etc., and is maintained in a manner fit for highway use. A current New York State Vehicle Inspection Certificate in effect for said vehicle gives rise to the presumption of fitness for highway use.

Property Maintenance Vehicles: Unregistered vehicles not fit for highway use, utilized for property maintenance; i.e., riding lawn mowers, tractors, trailers, etc.

#### RESTRICTIONS

1. No person shall store or permit to be stored or deposited in the Village of Island Park a nuisance vehicle out of doors on public and private property for a period exceeding fifteen (15) days. Any New York state duly registered garages, service stations, sales or leasing and repair facilities of motor vehicles may store out of doors nuisance motor vehicles stored out of doors at any New York State duly registered garages, service stations, sales or leasing and repair facilities exceed twenty (20). The owner of the vehicle, if known, and/or non-owner occupant or tenant and/or assessed owner according to the tax roles of the Village of Island Park of the real property upon which the nuisance motor vehicle is located, shall be presumed to be in violation of this chapter and assessed accordingly.
2. No seasonal vehicle or property maintenance vehicle may be located in front of any building line on any parcel of property within the Village.
3. Vehicles for sale: A vehicle may be offered for sale on private property for a period not to exceed thirty (30) days, except for any vehicle stored by a New York State registered motor vehicle dealership. A written extension of the above time limit may be granted by the Zoning Clerk upon written request. No extension may exceed thirty (30) additional days.
4. Vehicles not in use waiver: Notwithstanding the foregoing provisions, the owner of any vehicle temporarily not in use which would otherwise constitute a nuisance vehicle, may apply to the Board of Trustees for a temporary exemption from the provisions of this Local Law. This waiver shall not exceed twelve (12) months.

#### ENFORCEMENT

In the event of a violation of this Local Law, a written notice shall be served personally or by mail upon the owner of said vehicles, if known, and/or if known, assessed owner and/or non-owner occupant of the real property upon which the nuisance vehicle is located. Said notice shall contain an explanation of the violation, an identification of the vehicle that is alleged to be in violation of this Local Law and direct said vehicles to be removed within five (5) business days from the date of said notice. Said notice shall also state that in the event said vehicle is not removed within the period prescribed, that said owner of the vehicle, if known, and/or assessed owner and/or occupant of the real property upon which the

nuisance vehicle is located, shall be subject to the penalties of this Local Law as herein after described, including assessment of the cost of removal and disposal of said vehicle and/or a fine.

Should the owner of the vehicle, if known, and/or assessed owner and/or non-owner occupant of the real property or to which the first written notice was addressed fail to remove the vehicle within the five (5) day period discussed, the Village Clerk shall serve a second written notice which shall restate the violation and identification of the motor vehicle and shall state the Village's intent to seize the vehicle if the violation is not remedied within five (5) days from the date of the notice, pursuant to the New York State Vehicle and Traffic Law.

#### PENALTIES FOR OFFENSES

In the event of a violation of this Local La and upon the expiration of the time set forth in the aforementioned notice to remove, the owner of said vehicle, if known; and/or assessed owner and/or non-owner occupant of the real property shall be subject to the penalties of this Local Law as hereinafter described, including assessment of the cost of removal and disposal of said vehicle, and/or a fine. Nuisance vehicles in violation of this Local Law shall be seized, removed and disposed of by the Village pursuant to the New York State Vehicle and Traffic Law.

All costs of removal and storage shall be assessed against the owner of said vehicle; if known; and/or the assessed owner and/or occupant of the real property upon which the abandoned vehicle is located. In addition, the owner of said vehicle in violation of this Local Law is located, shall be subject to a maximum fine of \$25.00 pr day for each day in violation of the Local Law herein.