

**VILLAGE OF HOOSICK FALLS
REGULAR MEETING**

JULY 12, 2023

**A RESOLUTION ENACTING LOCAL LAW 2 OF 2023 DISALLOWING
THE STORAGE OF JUNK VEHICLES IN THE VILLAGE OF HOOSICK
FALLS IN CERTAIN CIRCUMSTANCES**

WHEREAS, this Village Board of Trustees introduced Proposed Local Law B of 2023 which would disallow the storage of junk vehicles in the Village of Hoosick Falls in certain circumstances as set forth in the local law; and

WHEREAS, a Public Hearing was called for as required by law and a Public Hearing regarding the proposed local law was held on July 12, 2023 at which time all interested parties had an opportunity to be heard.

NOW, THEREFORE, be it

RESOLVED, that this Village Board of Trustees of the Village of Hoosick Falls does hereby adopt LOCAL LAW No. 2 (2023) as follows:

Village Code of the Village of Hoosick Falls

*A local law disallowing “junk vehicles” in the Village of Hoosick Falls under certain
circumstances and establishing penalties for offenses*

Section 1. Entitled “Findings”

The accumulation, storage and abandonment of unusable motor vehicles and component parts thereof on private and public property within the Village of Hoosick Falls is hereby declared to be detrimental to the public welfare of the residents of the Village of Hoosick Falls and aesthetically unattractive and tends to detract from the enjoyment of the environment by said residents and to depreciate neighborhood property values and is an infringement on the enjoyment of their properties and homes by neighboring residents.

Section 2. Entitled “Definitions”

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

HISTORICAL VEHICLE --- any vehicle that is owned primarily as a collectors’ item, exhibition or car club vehicle, was manufactured more than 25 years before the current calendar year, or draws the majority of its value from the historic value

JUNK VEHICLE --- Any vehicle which:

A. Is observed to be a health or safety hazard because of the existence of one or more

conditions, such as but not limited to broken windows, sharp glass, leaking gasoline or other hazardous fluids, or harboring pests and rodents; or

- B. For any reason is incapable, without repair, of being moved or propelled by application of internal power, if it is a vehicle originally designed to be propelled by internal power, such as automobile, bus, truck, motorcycle, etc., or is incapable without repair of being drawn or towed, if it is a vehicle, such as a trailer originally designed to be towed or drawn from behind an internally powered vehicle; or
- C. Is unsightly in appearance because of the existence of one or more conditions, such as but not limited to the following: deterioration by rust of the body; deterioration of the exterior finish of the vehicle; broken windows; absence of component parts of the vehicle such as fenders, panels, doors, bumpers, headlights, hood, trunk door, tires, wheels, grille, roof or tailgate; physical damage such as dents, cracks, scrapes and holes to component parts of the vehicle; absence of interior components such as seats, dashboard or interior door moldings.

PERSON — One or more individuals, a partnership, corporation, association or any other legal entity.

VEHICLE — Any means of transport or conveyance having wheels originally designed and manufactured to be moved or propelled by any power other than muscular power or to be drawn or towed. A "vehicle" shall include but not be limited to automobiles, trucks, trailers, motorcycles, motorbikes and buses.

Section 3. Entitled "Storage of junk vehicles"

No person shall deposit, place, store or abandon on any real property or permit, cause or consent to be deposited, placed, stored or abandoned on real property owned or occupied as a tenant by such person a junk vehicle for a period of longer than 72 hours (plus any 7-day extension if applicable) after receipt by such person of the notice prescribed by Section 4 unless such vehicle is completely enclosed in a garage or other similar structure. This section shall not apply to the storage, placement, deposit or abandonment of junk vehicles in a junkyard duly licensed by the Village of Hoosick Falls, nor shall it apply to the storage, placement, or deposit of a historical vehicle, as defined herein, for purposes of restoration.

Section 4. Entitled "Notice"

After the enforcement officer has determined that junk vehicles are stored, deposited, placed or abandoned on a parcel of property, he/she shall send written notice thereof to the occupant or owner of the property or to the owner of the vehicles or to both such persons, as the case may be, directing the removal of such vehicle within 72 hours after receipt of such notice. The notice shall be sent by certified mail, return receipt requested. Possession by the enforcement officer of the United States Postal Service receipt indicating delivery of the notice to the addressee, whether the receipt is signed by the addressee or by a third party, shall constitute conclusive proof of the receipt by the addressee of said notice. The 72 hour period shall commence on the date of the delivery of the notice as indicated on the postal receipt. The property owner may request one 7-day extension beyond the initial 72 hour period upon receipt of the Notice

prescribed herein, at the discretion of the Village Code Enforcement Officer. The notice may also be personally served on the addressee, in which event the 72 hour period shall commence on the date of the personal service of the notice. In the event the owner of the vehicle and/or occupant or owner of the property storing the vehicle is unable to be located or fails to sign acknowledgement of receiving the certified mailing, the enforcement officer may post such notice to the vehicle's windshield or driver's side window of the vehicle and such alternative service shall be deemed sufficient service on those circumstances. In the event such alternate service must be utilized, the 72 hour period contained herein shall commence upon the posting of the notice on the vehicle.

Section 5. Entitled "Determination of operability of vehicle; presumptions of inoperability and responsibility for placement"

- A. Whenever any person who owns property or occupies it as a tenant contends that a vehicle located thereon is capable of being moved or propelled by application of its own internal power, the Building Inspector or Code Enforcement Officer may require proof of that fact by requesting that the vehicle be started and driven for a distance of not to exceed 25 feet. If the person refuses or neglects to comply, then there shall be a rebuttable presumption that the vehicle is incapable, without repair, of being moved or propelled by application of internal power.
- B. There shall be a presumption that a person who has received the notice prescribed by Section 4 has stored, deposited, placed, abandoned or caused, consented to or permitted the deposit, storage, abandonment or placement of the junk vehicles described in said notice.

Section 6. Entitled "Removal of vehicle; collection of costs"

- A. The notice referred to in Section 4, when sent to the owner of the property, may advise the owner that if the junk vehicles are not removed within said 72 hour period, as the case may be, the Village will proceed with the removal and disposition thereof and shall cause the costs of such removal and disposition to be charged against the premises. The notice may also advise the owner that he/she may be made personally liable for such costs in an action against him/her. The collection thereof shall be by the Village.
- B. In the event of a violation of this Chapter that results in peril to the health and/or safety of others, as defined in paragraph A of the definition of "junk vehicles" herein, the vehicle may be towed, or otherwise removed, by an employee, independent contractor, or agent of the Village, upon 24 hours notice to the vehicle owner and/or property owner as the case may be. In such event, the owner is personally liable for the costs for towing, removal and/or storage incurred by the Village.
- C. The cost of the removal and disposition of the junk vehicle(s) may be collected from the owner of the property in a civil action therefore by the Village. In addition thereto or in lieu thereof, such costs may be assessed against the property of the owner and collected in the same manner and at the same time as Village property taxes.

Section 7. Entitled "Enforcement"

This chapter may be enforced by the Building Inspector of the Village of Hoosick Falls and by any police officer of the Village of Hoosick Falls Police Department.

Section 8. Entitled “ Penalties for offenses”

- A. A violator of this chapter shall be guilty of a violation and shall be punishable by a fine not exceeding \$250 or by imprisonment for not more than 15 days, or both. Each week that the violation shall continue shall constitute a separate offense.
- B. In addition to the enforcement in a criminal proceeding by fine or imprisonment, this chapter may be enforced by instituting a special proceeding as authorized by Article 4 of the Civil Practice Law and Rules to compel compliance with the provisions of this chapter or to restrain by injunction any violation thereof, or to obtain any other appropriate relief.
- C. A civil penalty of \$25 per day is hereby imposed for each day's violation of this chapter, which penalty may be collected in any judgment rendered in a proceeding under Subsection B or in a separate civil action.

The foregoing Resolution, offered by _____ and seconded by _____, was duly put to a roll call vote as follows:

TRUSTEE DEBORAH ALTER	VOTING _____
TRUSTEE KEVIN O’MALLEY	VOTING _____
TRUSTEE DANIEL SCHUTTIG	VOTING _____
TRUSTEE ROBERT DECKER	VOTING _____
TRUSTEE DOUG SAUER	VOTING _____
MAYOR ROBERT ALLEN	VOTING _____
DEPUTY MAYOR ROBERT RYAN	VOTING _____

The foregoing Resolution was/was not thereupon declared duly adopted.

July 12, 2023