

LOCAL LAW NO. 6 OF 2020
Chapter 55 – Abandoned Vehicles
(Adopted July 9, 2020)

Title.

This chapter shall be known as the “Abandoned Vehicles in the R-1 and R-2 Zoning Districts of the Town of Coeymans”.

Purpose.

The Town Board of the Town of Coeymans has determined that abandoned, junked, discarded, dismantled, rusted, wrecked or otherwise inoperative motor vehicles not in condition for legal road use, located in the R-1 and R-2 Zones of the Town of Coeymans, as evidenced by valid inspection stickers and registration stickers, or no valid license plates, as a visual blight, and constitute a hazard to the health, safety, and welfare of the citizens of the R-1 and R-2 Zoning Districts of the Town of Coeymans. The Town Board of the Town of Coeymans deems it proper to have such abandoned vehicles remedied through proper registration or removal by Court order through due process.

Authority

The Town Board of the Town of Coeymans as Legislative Body for the Town of Coeymans hereby enacts this Local Law pursuant to authority conferred by New York State Town Law Article 16, New York State Municipal Home Rule Law, and the New York State Constitution.

Definitions.

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

- A. ABANDONED VEHICLE**
A motor vehicle left unattended with no valid license plates, no valid inspection or registration stickers, and no valid insurance, on private property for more than 7 days, or on any public street, road, avenue, parking lot, or property for more than 48 hours. A motor vehicle not in physical condition for legal road use shall be deemed abandoned, and shall be subject to the provisions of this chapter.
- B. CODE ENFORCEMENT OFFICIAL**
The individual appointed pursuant to Section 71-3B of Chapter 71 of the Code of the Town of Coeymans.
- C. CODE ENFORCEMENT PERSONNEL**
The code enforcement official and all inspectors, as defined in Section 71-3B of the Code of the Town of Coeymans.
- D. NOTICE OF VIOLATION AND COMPLIANCE ORDER**
A notice and order issued by the code enforcement official or other inspector(s) pursuant to Section 71-15A of Chapter 71 of the Code of the Town of Coeymans.

E. R-1 and R-2 Zoning Districts

Zoning Districts of the Town of Coeymans as defined in Zoning, Chapter 165 of the Code of the Town of Coeymans: Schedule of District Zoning Regulations.

Section 3: Abandoned Vehicles.

No inoperative, unregistered, unlicensed, insurance lapse – or other condition not legal for road use – shall be parked, kept, or stored on any premises, public or private, and no vehicle at any time shall be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled, in the R-1 and R-2 Zoning Districts of the Town of Coeymans.

Covering of such abandoned vehicles, with a tarp, car cover, or similar cover shall be prohibited.

Administration.

Upon observation of a vehicle that is suspected to meet the criteria of an abandoned vehicle, the code enforcement official, or other inspector(s), shall verify that such vehicle is unlicensed, unregistered, or otherwise not legal for road use. Such verification shall be completed within the legal authority of the code enforcement official. The code enforcement shall not enter private property to verify an abandoned vehicle(s) exists without permission from the property owner or agent/representative of the property owner. Observations and confirmation shall be made from legal public way, or from neighboring property, provided the code enforcement official secures permission from neighboring property owner or owner’s representative. If necessary, the code enforcement official is authorized to apply for an administrative warrant from the Justice Court of the Town of Coeymans, to enter private property for the enforcement of this provision.

Enforcement.

The owner of the property on which an abandoned vehicle(s) is found, shall be issued a Notice of Violation and Compliance Order by the code enforcement official or inspector(s). The Notice of Violation and Compliance Order must be served personally, or by registered mail to the last known address of the property owner. The property owner shall have up to ten (10) days of receipt of the Notice of Violation to remove the subject vehicle(s) from the property, or properly register, license, insure, and repair such vehicle(s) so that they are legal for road use.

If, upon expiration of the Notice of Violation, a follow-up inspection determines that the abandoned vehicle(s) still remain on the property, an appearance ticket returnable to the Town of Coeymans Justice Court shall be issued to such property owner via the legal authoritative methods of the code enforcement official.

If an abandoned vehicle(s) is found on public property owned by the Town of Coeymans, then the Town of Coeymans code enforcement official or any police agency with jurisdiction within the Town of Coeymans is authorized to remove the vehicle(s) without any further due process.

Penalties for Offenses.

A. Civil penalties. Any person/owner who violates any provision of this chapter shall be liable to a civil penalty of not more than \$200 for each day or part thereof during which such violation continues. The civil penalties provided by this subsection shall be recoverable in an action instituted in the name of this Town.

B. The Court shall reserve the authority to cause abandoned vehicle(s) ordered to be removed by the Town of Coeymans. All costs incurred by the Town of Coeymans for the removal of abandoned vehicle(s) from the subject property including and any fees incurred by the Town for legal or other professional services, shall be chargeable to the owner of the premises and shall be assessed against the land on which said building is located. The expense so assessed shall constitute a lien and charge on the real property on which it is levied until paid or otherwise satisfied or discharged and shall be collected in the same manner and at the same time as other Town taxes and charges.

Effective Date.

This chapter shall take effect immediately.
