TOWN OF CANANDAIGUA

LOCAL LAW # 7 OF 2018

#### ATTACHMENT “A”

#### SECTION ONE. Town Code Chapter 190, Vehicles, Abandoned, Unlicensed, or Junked shall be replaced in its entirety with the following

#### **§ 190-1.** [Purpose.](https://ecode360.com/9211149" \l "9211150) The specific purpose of this chapter is to prohibit the placement or storage of abandoned, uninspected, unlicensed, inoperative or junked vehicles in the Town. The Town of Canandaigua hereby declares that the unrestrained accumulation of abandoned, uninspected, unlicensed, inoperative, discarded or junked vehicles is a hazard to the health, safety and welfare of the citizens of the Town, necessitating the regulation, restraint and elimination thereof.

#### [§ 190-2. Abandoned, uninspected, unlicensed, inoperative, discarded or junked vehicles.](https://ecode360.com/9211149" \l "9211151) The outside storage of abandoned, uninspected, unlicensed, inoperative, discarded or junked vehicles on privately owned properties within the Town of Canandaigua is a source of annoyance to members of the public and to owners and occupants of adjacent land. The outdoor storage of such vehicles on private property is unsightly and constitutes an attractive nuisance to children and a peril to their safety. This chapter is intended hereby to protect public health and safety and to curb the deterioration of the community environment.

#### § 190-3. [Storage or deposit.](https://ecode360.com/9211149" \l "9211155)

1. It shall be unlawful for any person, firm or corporation, either as owner, occupant, lessee, agent, tenant or otherwise of property within the Town of Canandaigua, to store or cause or permit to be stored two or more abandoned, discarded or unregistered vehicles, or part or piece thereof that are in a state of major disrepair, or in the process of being stripped or dismantled, on any private property, unless:
2. Such vehicle is stored or deposited on premises legally used, operated and located for a junkyard; or
3. Such vehicle is stored in a completely enclosed building designed and approved for such purposes.
4. Such vehicle is the inventory or part of the inventory of a new or used motor vehicle dealer located in compliance with the ordinances and local laws of the Town of Canandaigua.

1. Such vehicle has been converted to and is actually used as a permanent building or structure for carrying on purposes in such manner and circumstances as authorized by the local laws and ordinances of the Town of Canandaigua.

1. Such vehicle is a Recreational Vehicle or boat trailer otherwise stored and used in compliance with the local laws and ordinances of the Town of Canandaigua.
2. It shall be lawful for owners of an active agricultural operation to store farm vehicles outdoors on a farm site, provided such equipment is screened to the fullest extent practical from adjacent residential properties and from along the public highways. No permit is required for the storage of farm vehicles which are part of an active agricultural operation. However, once active agricultural operations cease, the pieces of equipment shall be screened to the fullest extent practical from adjacent residential properties and from along the public highways or removed from the premises within 180 days.

#### § 190-4. [Notice of violation.](https://ecode360.com/9211149" \l "9211165) After the Zoning Officer or Code Enforcement Officer has determined that a vehicle is being stored or abandoned on a parcel of real property in violation of this chapter, he/she shall send written notice of the violation to the owner of record and the occupant of the property, if any, directing the removal of such a vehicle or vehicles within 30 days of receipt of such notice.

#### § 190-5. Enforcement. This chapter may be enforced by the Zoning Officer or Code Enforcement Officer of the Town of Canandaigua or by any law enforcement agency having jurisdiction within the Town of Canandaigua. The Zoning Officer and Code Enforcement Officer are hereby empowered to issue appearance tickets for violations of any provision of this article.

#### § 190-6. Presumption. There shall be a presumption that a person who has received such a notice as described in § [190-4](https://ecode360.com/9211165" \l "9211165) above has stored, deposited, placed, abandoned or caused, consented or permitted the storage of such vehicles described in said notice.

#### §190-7. Special Use Permits. When extenuating circumstances exist or hardship conditions can be demonstrated, a special use permit may be granted to an individual for a specified period of time by application to the Planning Board. All applications must be made through the Town Development Office. The application may be approved for the reason stated by the applicant, provided that approval would not be detrimental to the health, safety or welfare of the Town. The applicant shall be required to offer such proof as a part of the process of getting approval for the application. Such a permit will be granted only after a hearing has been held on the merits of the application and findings of fact have been stated by the Planning Board in the resolution of approval.

#### § 190-8. [Penalties for offenses; other remedies.](https://ecode360.com/9211149" \l "9211169)

1. A violator of this chapter shall be punishable as provided in the Vehicle and Traffic Law of the State of New York.
2. 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.
3. A civil penalty of $250 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 of this chapter or in a separate civil action.

#### [§ 190-9. Time limit for nonconforming uses.](https://ecode360.com/9211149" \l "9211173) Notwithstanding any other provisions of this chapter, any automobile storage facility, automobile or other junkyard located in a residentially zoned district in existence at the effective date of this chapter shall, at the expiration of one year from such date, be discontinued.

#### § 190-10. Amendments. The Town Board may from time to time on its own motion, on petition, or on recommendation from the Town Planning Board or Board of Appeals, and in accordance with the laws of the State of New York, amend, supplement, or repeal the provisions of this chapter.

#### § 190-11. [Conflict with other provisions.](https://ecode360.com/9211149" \l "9211175) In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements adopted for the promotion of the public health, safety and general welfare. Whenever the requirements of this chapter are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the most restrictive, or that imposing the higher standard, shall govern.

**SECTION TWO.** Town Code § 1-17, Definitions, shall be revised as follows: the following definitions shall be replaced in their entirety with the following:

**INOPERATIVE VEHICLE**

**See “Abandoned Vehicle”**

**JUNKED VEHICLE**

**See “Abandoned Vehicle”**

**[MOTORCYCLE, SNOWMOBILE, ATV, JET SKI](https://ecode360.com/9049594" \l "9049594)**

Unenclosed motor vehicles having seats or saddles for the use of riders.

**[RECREATIONAL VEHICLE](https://ecode360.com/9049673" \l "9049673)**

A vehicle type unit primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own mode of power or is mounted on or drawn by another vehicle. The basic entities are:

**[A. TRAVEL TRAILER](https://ecode360.com/9049674" \l "9049674)**

A registered vehicular portable unit, mounted on wheels, of such a size or weight as not to require special highway movement permits when drawn by a motorized vehicle, and of a body width of no more than eight feet and a body length of no more than 38 feet when factory equipped for the road.

**[B. CAMP TRAILER](https://ecode360.com/9049675" \l "9049675)**

A registered portable unit mounted on wheels and constructed with collapsible partial side walls which fold for towing by another vehicle.

**[C. TRUCK CAMPER](https://ecode360.com/9049676" \l "9049676)**

A portable unit, designed to be loaded onto, or affixed to, the bed or chassis of a truck. Truck campers are of two basic types:

**[(1) SLIDE-IN CAMPER](https://ecode360.com/9049677" \l "9049677)**

A portable unit designed to be loaded onto and unloaded from the bed of a pickup truck.

**[(2) CHASSIS-MOUNT CAMPER](https://ecode360.com/9049678" \l "9049678)**

A portable unit designed to be affixed to a truck chassis.

**[D. MOTOR HOME](https://ecode360.com/9049679" \l "9049679)**

A registered vehicular unit built on a self-propelled motor vehicle chassis.

**[SEMI-TRACTOR](https://ecode360.com/9049708" \l "9049708)**

A short vehicle with a body containing only a cab for the driver, used to haul

commercial, detachable trailers.

**[SEMI-TRACTOR-TRAILER](https://ecode360.com/9049709" \l "9049709)**

A combination trucking unit consisting of a semi-tractor and a trailer or semi-trailer.

**[VEHICLE STORAGE](https://ecode360.com/30095986" \l "30095986)**

The parking of a registered vehicle for a period in excess of nine consecutive days, unless otherwise restricted. The parking of an unregistered vehicle for any period of time, except as exempted herein. The incidental movement of a vehicle on or off the property shall not affect the calculation of the nine-day time period.

**SECTION THREE.** The following definitions shall be removed in their entirety from Town Code § 1-17:

COMMERCIAL VEHICLE

VEHICLE HEIGHT

VEHICLE LENGTH

**SECTION FOUR. Severability.** If any portion of this Local Law shall be deemed by a court of competent jurisdiction to be invalid, illegal, or unenforceable, the remainder of this Local Law shall remain in full force and effect.

**SECTION FIVE. Effective Date.** This Local Law shall take effect immediately upon filing with the New York State Secretary of State.