



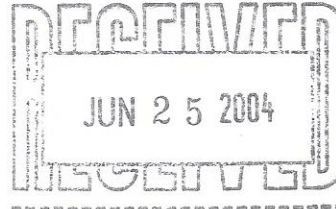
STATE OF NEW YORK
DEPARTMENT OF STATE
41 STATE STREET
ALBANY, NY 12231-0001

GEORGE E. PATAKI
GOVERNOR

June 22, 2004

RANDY A. DANIELS
SECRETARY OF STATE

Village of Dolgeville
41 North Main Street
Dolgeville NY 13329



RE: Village of Dolgeville, Local Law 2, 2004 filed on June 9, 2004

To Whom It May Concern:

The above referenced material was received and filed by this office as indicated. Additional local law filing forms will be forwarded upon request.

Sincerely,
Linda Lasch
Principal Clerk
State Records & Law Bureau
(518) 474-2755

ABANDONED AND JUNKED VEHICLE LAW

A Local Law Regulating Abandoned And Junked Vehicles On Private Property

I. FINDINGS. The Board of Trustees finds that an increasing number of openly visible and easily accessible not-for-sale vehicles, and their standard parts, as situated and scattered for long periods on private property in the Village of Dolgeville, has caused public concern regarding the deterioration of real estate values, the danger of small children becoming attracted to, and injured by, such vehicles and parts, potential health hazards, and the general appearance of a community that has been attempting very earnestly to revitalize itself.

It is the intent of this law to eliminate these, and related, vehicle conditions for the benefit of the public while also recognizing and protecting otherwise guaranteed individual property rights.

II. ENFORCEMENT. This law shall be enforced by the Code Enforcement Officer of the Village of Dolgeville who, in addition to the powers expressed or implied herein, shall have the authority to (1) issue appearance tickets as a peace officer pursuant to Criminal Procedure Law 2.20(1)(d), and, (2) enter upon private property, or apparent private property, during the hours of 9:00 A.M. and 6:00 P.M. to acquire identification information from, and for, an apparent junked or abandoned vehicle which is in public view.

III. DEFINITIONS. For the purposes of this law, the following words shall have the definitions hereafter provided:

Abandoned Vehicle. Any vehicle otherwise legally operable but which is not properly registered in accordance with law for travel on any street, highway, or other public thoroughfare, or on any navigable or other waters, or in navigable or other air space.

Garage. A wood or steel frame building otherwise capable of storing vehicles and other household implements and satisfying all structural requirements under law.

Junked Vehicle. Any vehicle for which some standard part is missing and which causes such vehicle to be legally inoperable.

Person. A human, public or private corporation, unincorporated association, partnership, government, or governmental instrumentality, and being either (1) the title owner to real property, or, the occupant, leasee, agent or tenant of a title owner and having control of real property; and/or,

(2) the title or apparent owner of a vehicle, or leasee or agent of a title or apparent owner and having control of a vehicle.

Private Property. Real property which, as applicable, is not approved, licensed, or publicly registered for commercial activity in satisfaction of all legal requirements which are otherwise necessary for the activity, or any one of the activities, promoted on, and from, such premises.

Vehicle. A motor vehicle, trailer or semi-trailer, as defined in the Vehicle and Traffic Law, any snowmobile as defined in the Parks And Recreation Law, any aircraft, or any vessel equipped for propulsion by mechanical means or by sail.

IV. REQUIREMENTS. Notwithstanding any other provision of local law to the contrary, no person shall:

A. Place, deposit, store, or allow to be placed, deposited or stored, or allow to remain in public view, upon private property in the Village of Dolgeville, any abandoned or junked vehicle for a period exceeding ten (10) days without thereafter permanently sheltering such vehicle in a garage or selling such vehicle as described herein; or,

B. Park and display, or allow to be parked and displayed, for legitimate sale in public view on the lawn or yard of private property in the Village of Dolgeville, any abandoned or junked vehicle for a period exceeding twenty (20) days; or,

C. Park and display, or allow to be parked and displayed, for legitimate sale in public view on the lawn or yard of private property in the Village of Dolgeville, more than one (1) vehicle in any twelve (12) month period.

V. REMEDIES. Any person apparently in violation of this law shall be subject to any one, or more, of the following procedures, as may be applicable:

A. An informal hearing, upon prior oral or written invitation, held before the Code Enforcement Officer to determine whether (1) such violation is excusable under all circumstances; and/or, (2) an acceptable plan might be mutually agreed upon to correct the violation; or,

B. The issuance of a Criminal Procedure Law appearance ticket, criminal summons, or warrant of arrest for proceedings in a local court of competent jurisdiction; or,

C. Application by the Village of Dolgeville for a special proceeding in the Supreme Court seeking appropriate relief in accordance with the requirements, or mutual agreement reached, hereunder.

VI. PENALTIES. The applicable penalties under this law are as follows:

A. Any person convicted hereunder in a local court of competent jurisdiction shall be guilty of a Violation as defined in the Penal Law and shall be subject to a fine not exceeding two hundred fifty (\$250.00) dollars, or a jail term not exceeding fifteen (15) days, or both such fine and jail term. Nothing herein contained, however, shall preclude a local court of competent jurisdiction from granting a conditional discharge, unconditional discharge, or adjournment in contemplation of dismissal as such dispositions are defined and otherwise implemented under the Penal Law and Criminal Procedure Law.

B. Any person cited to a special proceeding in Supreme Court to enforce the provisions of an agreement reached hereunder upon mutual consent with the Code Enforcement Officer shall be subject to liability under the terms of such agreement.

C. Any person cited to a special proceeding in Supreme Court to enforce the provisions of this law shall be subject to liability for removal, storage and disposal costs, as applicable, of such vehicle, or vehicles; the costs of the proceeding; forfeiture of ownership rights to the subject vehicle, or vehicles, as hereafter described; reasonable attorney fees; and, a real property tax lien for the total of all such costs and fees.

D. Any vehicle, or vehicles, secured by the Village of Dolgeville hereunder, whether by agreement or Order of the Supreme Court, shall be deemed as though acquired as, and subject to all loss of ownership and other provisions comparable to those described for, an 'abandoned vehicle' pursuant to Vehicle and Traffic Law 1224 if full satisfaction of all imposed costs, fees and other requirements has not been completed within three (3) months from the date of receipt of an applicable

Supreme Court Order regarding the satisfaction of such costs, fees and other requirements.

Any moneys received by the Village of Dolgeville upon sale of a vehicle to which ownership rights have been forfeited, less all costs, fees and expenses of removal, storage and sale, shall be applied as a credit toward a real property tax lien imposed hereunder with the remaining balance, if any, equitably returned to the applicable person, or persons.

VII. EFFECTIVE DATE. This law shall become effective upon its filing with the Secretary of State.