

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED
JAN 10 2008

County _____
City of Lincoln
Town _____
Village _____

Local Law No. 1 of the year 2008

MISCELLANEOUS
& STATE RECORDS

A local law to enact the Junk Vehicle Law of the Town of Lincoln
(Insert Title)

Be it enacted by the Town Board of the _____
(Name of Legislative Body)

County _____
City of Lincoln as follows:
Town _____
Village _____

Section I. Legislative Intent.

- A. By the adoption of this local law, the Town Board of the Town of Lincoln declares its intent to regulate and control, in a manner consistent with the interests of the citizens of the Town of Lincoln, the manner in which the property owners and residents of the Town will be permitted to store junk vehicles upon properties within the Town of Lincoln. The Town Board is concerned about the appearance of property in the Town and finds that junk vehicles are unsightly, detract from the value of surrounding properties, and present a potential hazard to the environment. The regulations hereby imposed are intended to preserve the environment and the scenic characteristics of the Town, preserve property values and promote the sanitation, health and general welfare of the Town and its residents.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

- B. All owners of property shall be liable for any violation(s) upon property they own within the Town of Lincoln. It is the intent of the Town Board that a tenant or any person in possession, occupation or control of any property shall be liable to the same extent as the owner for any violation upon property in his possession or control.

Section 2. Title.

This Local Law shall be known as the "Junk Vehicle Law of the Town of Lincoln".

Section 3. Definitions

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

JUNK VEHICLE – any vehicle, as defined in the Vehicle and Traffic Law, required to be registered for off-premises use, which is abandoned or unregistered, and in its present state no longer capable of, or intended for lawful off-premises use within the State of New York, whether by reason of its physical condition or the absence of a current New York State inspection sticker.

OPEN STORAGE – Storage other than in a completely enclosed structure, such as a garage, which is constructed in accordance with all applicable State and local Code requirements.

PERSON - Includes an individual, society, club, firm, partnership, corporation or association of persons, the singular form shall also include the plural.

TENANT - One who temporarily holds or occupies land, a building or other property owned by another with the consent of the owner.

Section 4. Applicability and Prohibited Acts.

- A. This local law shall apply to all private lands within the Town of Lincoln.
- B. It shall be unlawful for any person to permit the open storage of two or more junk vehicles in the Town of Lincoln.

Section 5. Exceptions.

The provisions of this local law shall not be deemed to prohibit the following acts:

- A. Vehicles lawfully stored within a junkyard duly licensed pursuant to the provisions of section 136 of the General Municipal Law and the regulations of the Department of Motor Vehicles.

- B. Vehicles on the premises of a licensed motor vehicle repair facility which are screened from view from the public streets and neighboring properties.
- C. Vehicles on a farm meeting the minimum gross receipts requirement under Article 25-AA of the Agriculture and Markets Law.
- D. Historic vehicles more than twenty five (25) years old that have been registered within the last eighteen (18) months.
- E. Vehicles displayed for sale for a period not to exceed thirty (30) days within any calendar year.
- F. Any act exempted under section 302.8 of the New York State Property Maintenance Code.

Section 6. Penalties for Offenses.

- A. Any person who commits or permits any acts in violation of any of the provisions of this local law shall be guilty of a violation and, upon conviction, shall be subject to a fine of not more than two hundred fifty dollars (\$250) per offense, or imprisonment for a period not to exceed fifteen (15) days, or both. Each and every week the violation occurs or continues shall constitute a separate and additional offense for which the aforesaid penalties may be separately imposed.
- B. All complaints concerning any alleged violations of the provisions of this local law shall be directed to the Code Enforcement Officer of the Town of Lincoln. All such complaints shall include the name, address and telephone number of the complainant, and the location and description of the alleged violation. All written complaints shall be signed by the complainant.
- C. The Code Enforcement Officer of the Town of Lincoln, and/or any police officer, shall have the power to file criminal informations and to serve appearance tickets to further enforcement proceedings under this local law. Jurisdiction for all enforcement proceedings under the Criminal Procedure Law shall be with the Town of Lincoln Justice Court. The service of an appearance ticket may be preceded by a verbal or written notice of violation from the Code Enforcement Officer directing compliance within a specified time frame, but such prior notice shall not be a required prerequisite to the commencement of an enforcement proceeding or action and/or the service of an appearance ticket or other legal process.

- D. In addition to the above-provided penalties and punishment, the Town Board may also maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with, or restrain by injunction the violation of this local law.

Section 7. Effective Date.

This local law shall become effective immediately upon its filing with the New York State Secretary of State.

**(Complete the certification in the paragraph that applies to the filing of this local law and
Strike out that which is not applicable.)**

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2008 of the
~~(County)(City)(Town)(Village)~~ of Lincoln was duly passed by the
Town Board On Jan. 9 2008, in accordance with the applicable
(Name of Legislative Body)
provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of
the (County)(City)(Town)(Village) of _____ was duly passed by the
_____ on _____ 20____, and was (approved)(not approved
(Name of Legislative Body)
(repassed after disapproval) by the _____ and was deemed duly adopted
(Elective Chief Executive Officer*)
on _____ 20____, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the
(County)(City)(Town)(Village) of _____ was duly passed by the
_____ on _____ 20____, and was (approved) (not approved
(Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20____
(Elective Chief Executive Officer*)
Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the
affirmative vote of a majority of the qualified elector voting thereon at the (general)(special)(annual) election held on
_____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the
(County)(City)(Town)(Village) of _____ was duly passed by the
_____ on _____ 20____, and was (approved) (not approved
(Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20____
(Elective Chief Executive Officer*)
Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of
_____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36) (37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special) (general) election held on _____ 20_____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to electors of the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in Paragraph _____ 1_____, above.

Rosanne Warner

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date: January 9, 2008

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF MADISON

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

James T. [Signature]

Signature

Attorney for the Town
Title

County _____
City _____
of Lincoln
Town _____
Village _____

Date: 1-14-08