

Local Law Filing

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

(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.

County

City of Town of Fremont (Steuben County)

Town

Village

Local Law No. One of the year 2000

A local law Abandoned Vehicles
(Insert Title)

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

County

City of Town of Fremont (Steuben County) as follows:

Town

Village

1. Abandoned, Junked or Inoperative Motor Vehicle-Definitions.
Any motor vehicle, as defined in the Vehicle and Traffic Law of the State of New York, that meets any of the following criteria:
(a) Unlicensed, wrecked, discarded, dismantled or partly dismantled.
(b) Being held or used for the purpose of resale of used parts there from or for purpose of reclaiming for use some or all of the materials therein for the purpose of disposing of the same.
(c) With respect to any motor vehicle not required to be licensed or not usually on public highways, the fact that such motor vehicle is an "abandoned, junked or inoperative motor vehicle."
(d) The following shall not be deemed a motor vehicle under this law: recreational vehicles, agricultural equipment and boats.
2. The fact that a motor vehicle may be licensed or registered with the State of New York but does not display a current registration shall be presumptive evidence that such motor vehicle is unlicensed.
3. The use of the singular herein is intended, where applicable, to include the plural.
4. ENFORCEMENT OFFICIAL - Code Enforcement Officer, or Police Officer if such vehicle is a safety hazard, or by written complaint submitted to the Town Board by any individual.
5. OWNER OF PRIVATE PROPERTY - any person, firm, partnership or corporation, whether business or not-for-profit or religions, charitable or otherwise, or any purchaser, tenant, lessee, occupant, undertenant, receiver or assignee of private premises of private property or any other unit or entity owning real property in the Town of Fremont.
6. It shall be unlawful for any person within the Town of Fremont to store or deposit or cause, suffer or permit to be stored or deposited more than 1

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

, abandoned, junked or inoperative motor vehicle or part or piece thereof on any private property within the Town, except within a garage or other completely enclosed building. Vehicles under cover are not allowed except by permit.

7. Removal procedure

Any abandoned, junked or in-operative motor vehicle found by the enforcement official to be in violation of Section 6, may be removed from the premises on which it is located in the following manner:

(a) The Enforcement Officer shall serve written notice on the owner of the private property on which the vehicle is located, ordering such person to remove the same or cause the same to be removed therefrom within (30) days of the date of said service. The enforcement official may determine the ownership of any parcel of land in the Town from the current assessment roll.

(b) In the event said abandoned, junked or inoperative motor vehicle or vehicles are not removed from the premises within the time required in the notice. The Town or their representative shall have the right to enter upon the premises and to remove and dispose of the abandoned, junked or inoperative motor vehicle or vehicles. The expense of such removal and disposal shall be a lawful charge against the owner of the private property and may be collected, if necessary, in a civil action instituted in the name of the Town.

8. Penalties for offenses

(a) In addition to any expenses which may be collected pursuant to Section 7b above, any person committing an offense against this Local Law shall, upon conviction thereof, be guilty of a violation pursuant to the Penal Law of the State of New York, punishable by a fine not exceeding two hundred fifty dollars (\$250) or by imprisonment for a term not exceeding fifteen (15) days, or by both fine and imprisonment. The continuation of an offense against the provisions of this Local Law shall constitute a separate and distinct offense hereunder.

(b) In addition or as an alternative to the above provided penalties, 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 to restrain by injunction the violation of this chapter.

9. Sixty (60) day exemption permit

(a) Permit is available at the Office of the Town Clerk during regular business hours for a fee of \$10.00.

(b) Permit is for one motor vehicle for no more than two (2) times per calendar year.

(c) Purpose of permit

1. Allow person/s to make roadworthy a motor vehicle, i.e. to make repairs, ect.

2. Sale of single vehicle by residential owner.

3. Resident/s on extended vacation.

(d) The permit must be displayed in a window of the vehicle, visible from the street.

10. No permit is needed for NYS Registered Motor Vehicle Repair Shops or Car Dealer. These facilities are exempt.

(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. one of 2000 of the ~~(County)(City)(Town)(Village)~~ of Fremont was duly passed by the Town Board on June 13, 2000, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19____. 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 electors voting thereon at the (general)(special)(annual) election held on _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

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 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

*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 chairman 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 19____ 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 _____ 19____, 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 19____ of the County of _____, State of New York, having been submitted to the electors at the General Election of November _____ 19____, 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 the cities of said county as a unit and of 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.

Noema J. Kelbury
Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body

Date: 6/16/2000

(Seal)

(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 Steuben

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.

Paul C. Angstein
Signature
Attorney for the Town

Title _____

County
City
Town of Town of Fremont County of Steuben
Village

Date: 6/20/00



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

ALEXANDER F. TREADWELL
SECRETARY OF STATE

July 3, 2000

NORMA J. KILBURY
FREMONT TOWN CLERK
8223 CREAM HILL ROAD
ARKPORT, NY 14807

RE: Town of Fremont (Steuben Co), Local Law 1, 2000, filed 06/29/2000

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

Sincerely,

State Records & Law Bureau
(518) 474-2755