

**AN ORDINANCE
REGULATING THE OUTDOOR STORAGE
OF ABANDONED VEHICLES**

BE IT RESOLVED AND ORDAINED by the Town Board of the Town of Fort Ann, Washington County, as follows:

Section 1 - Purpose

The outdoor storage of abandoned, junked, discarded and unlicensed motor vehicles upon privately owned properties within the Town of Fort Ann is dangerous, unsightly and a detriment to the preservation of public health, the protection of property, and the safety and welfare of the residents of the Town of Fort Ann. The outdoor storage of abandoned, junked, discarded and unlicensed motor vehicles upon privately owned properties with the Town of Fort Ann constitutes an attractive nuisance to children, and a peril to their safety. Such storage constitutes a threat to the safety and welfare of the residents of the Town of Fort Ann since the fuel tanks frequently contain gasoline or gasoline fumes, and may be subject to explosion in case of fire. Such storage depreciates the value of neighboring properties, and is unsightly and discourages the orderly progressive development of the Town of Fort Ann. The control of the outdoor storage of abandoned, junked, discarded and unlicensed motor vehicles upon privately owned properties within the Town of Fort Ann is therefore regulated for the preservation of the public health, safety and welfare of the residents of the Town of Fort Ann.

Section 2 – Definitions

1. Motor Vehicle. Every vehicle operated, driven or capable of being driven or operated upon a public highway by any power other than muscular power which includes electric power obtained from overhead trolley wires, and includes vehicles operated upon rails, and such vehicles as are run only upon rails or tracks. For the purposes of this ordinance motor vehicles shall include tractors used exclusively for agricultural purposes, self-propelled combines, self-propelled corn and hay harvesting machines and self-propelled caterpillar or crawler-type equipment. For the purposes of this ordinance the term “motor vehicle” shall include motorcycles, omnibuses and house trailers.

2. **Owner of Motor Vehicle.** A person having the property in or title to a motor vehicle. The term “owner” includes a person entitled to the use and possession of a vehicle subject to a security interest in another person and also includes any lessee or bailee of a motor vehicle having the use thereof, under lease or otherwise.
3. **Owner of Private Property.** Includes the legal owner, contract purchaser, a tenant, lessee, occupant, undertenant, receiver or assignee of premises or property located within the Town of Fort Ann
4. **Premises.** Includes all parcels of real property situate in the Town of Fort Ann whether occupied or vacant, irrespective of size or topography.
5. **Abandoned.** With regard to a motor vehicle shall mean the intent of the owner of the motor vehicle not to use the motor vehicle on the public highways. The intent of the owner of the motor vehicle may be determined by the physical condition of the motor vehicle, the statements of the owner of the motor vehicle, the length of time since the motor vehicle has last been used on the public highway, and whether the motor vehicle is licensed or unlicensed. With respect to motor vehicles not required to be licensed, or motor vehicles not customarily used on the public highway, the intent of the owner may be determined by the physical condition of the motor vehicle, the length of time it was last used for the purposes intended and the statements of the owner.
6. **Junked.** Shall mean any motor vehicle in such condition as to cost more to repair in order to place such motor vehicle in operating condition than the value of the motor vehicle at any given time.
7. **Discarded.** Shall mean any motor vehicle which the owner thereof does not intend to recover possession thereof, or any motor vehicle to which ownership cannot be reasonably determined, with due inquiry.
8. **Unlicensed Motor Vehicle.** Shall mean any motor vehicle which has not been licensed with the proper authorities for a period of at least thirty (30) days from the expiration of the last valid licensing, with the exception of those motor vehicles in the possession of authorized used-car dealers or garagemen for the purpose of sale or repair.

Section 3 – Outdoor Storage on Private Lands.

It shall be unlawful for any person, firm or corporation either as owner, occupant, lessee, agent, tenant or otherwise of any private property within the Town of Fort Ann to store or deposit, or cause or permit to be stored or deposited, an abandoned, junked or discarded or unlicensed motor vehicle or motor vehicles upon any private land within the corporate limits of the Town of Fort Ann.

Section 4 – Notice.

If the provisions of the foregoing section are violated, the Town Clerk shall serve written notice, either personally or by mail upon the owner, occupant or person having charge of any such private property to comply with the provisions of this ordinance. The Town Clerk may determine ownership of any parcel of land within the Town of Fort Ann, from the then- current tax rolls of the Town of Fort Ann, and may serve written notice upon such owner by mailing, by regular mail, such notice to the owner at the address listed in the then-current tax rolls. In the event the Town Clerk cannot determine the owner or address of the owner of a parcel of land within the Town of Fort Ann, the Town Clerk may serve written notice by publishing said written notice in the official newspaper of the Town of Fort Ann for two (2) consecutive weeks. The notice shall be in substantially the following form:

“To the owner, occupant, or person having charge of land within the Town of Fort Ann known as:

Notice is hereby given that an abandoned, junked, discarded or unlicensed motor vehicle has been stored or deposited on the above-described property in the Town of Fort Ann. This automobile must be removed within ten (10) days from the date of this notice.

In the event this notice is served upon you by publication, the automobile must be removed within twenty-four (24) days from the first date of publication of this notice. In case you fail or refuse to comply with this notice on or before the expiration of said ten (10) days from the date of this notice, or before the expiration the the said twenty-four (24) days from the date of this notice in the event it is served upon you by publication, you are hereby summoned to appear before the Town Board of the Town of Fort Ann on _____ to show cause why the Town of Fort Ann, acting through its duly authorized agents, servants,

officers, and employees, should not enter upon your land and remove and cause the said motor vehicle to be destroyed. In the event the Town Board of the Town of Fort Ann orders the aforementioned motor vehicle to be removed and destroyed, the expense incurred by the Town of Fort Ann will be assessed against the above-described property, and shall constitute a lien thereon, and be collected as provided by law.”

Dated: _____, 20____

Town Clerk

Section 5 – Hearing

In the event an abandoned, junked, discarded or unlicensed motor vehicle is not removed as prescribed in Section 4 of this ordinance, the Town Board of the Town of Fort Ann shall hold a public hearing on the date specified in the notice, at which time the owner or all other interested persons may be heard concerning the removal of the abandoned, junked, discarded or unlicensed motor vehicle. At the close of such hearing, the Town Board of the Town of Fort Ann shall decide if the motor vehicle is abandoned, junked or discarded. The Town Board of the Town of Fort Ann may reserve decision to some later date. In the event of an affirmative vote by the Town Board of the Town of Fort Ann, an order shall be issued in the same manner prescribed in Section 4 of this ordinance, ordering the motor vehicle to be removed with ten (10) days from the date of the notice. In the event the motor vehicle is not removed within ten (10) days of the date of the notice aforementioned, the Town Board of the Town of Fort Ann may cause the motor vehicle to be removed and/or destroyed and the expense incurred by the Town of Fort Ann shall be assessed against the property described, and shall constitute a lien, thereon, and collected as provided by law.

Section 6 – Penalty

Any owner, occupant, lessee, agent or tenant who shall neglect and refuse to remove an abandoned, junked, discarded and unlicensed motor vehicle, as directed by this ordinance, and by the Town Board of the Town of Fort Ann or who shall fail or refuse to comply with the order of the Town Board of the Town of Fort Ann, to remove a motor vehicle after notice and hearing as herein provided for, or who shall violate any of the provisions of this ordinance, or who shall resist or obstruct the duly authorized agents, servants, officers and

employees of the Town of Fort Ann in the removal and destruction of a motor vehicle, as described herein, shall be, upon conviction thereof, fined a sum of not exceeding one hundred dollars (\$100.00) for each violation thereof or by imprisonment not to exceed thirty (30) days or by both such fine or imprisonment. Each separate occurrence may constitute a separate additional violation. For the purpose of jurisdiction a violation of this ordinance shall be a misdemeanor. Nothing herein shall prevent, in addition to the penalties herein prescribed, the Town of Fort Ann from ordering the removal of a motor vehicle in accordance with the terms and provisions of this ordinance, and the removal of such motor vehicle shall be in addition to the penalties herein stated.

Section 7 – Separability Clause

If any part or provision of this ordinance or the application thereof to any person or circumstances is held invalid by a court of competent jurisdiction, the remainder of the ordinance and the applications of such provisions to other persons or circumstances shall not be affected thereby.

Section 8 – Effective Date

This ordinance shall take effect ten (10) days after publication and posting or immediately upon personal service as provided by Section 133 of the Town Law.

BY ORDER OF THE
TOWN BOARD OF THE
TOWN OF FORT ANN

Lura Manning, Town Clerk