

STATE OF NEW YORK }
COUNTY OF ALBANY }

**NOTICE OF PUBLIC HEARING
TOWN OF NEW SCOTLAND**

PLEASE TAKE NOTICE that the Town Board of the Town of New Scotland shall hold a public hearing on the adoption of an ordinance prohibiting the outdoor storage of junk vehicles and waste materials in the Town of New Scotland. Said hearing shall be held at Town Hall, Slingerlands, New York, on May 1, 1984 at 7:30 p.m., at which time all persons interested shall be heard on the ordinance to be known and cited as the Ordinance Prohibiting the Outdoor Storage of Junk Vehicles and Waste Materials in the Town of New Scotland, defining junk vehicles, prohibiting the outdoor storage of junk vehicles, the outdoor storage of junk, rubbish, garbage, litter, or waste matter or material of any kind, providing for enforcement after notice and providing for penalties for the violation thereof. }
PLEASE TAKE FURTHER }
NOTICE that copies of the fore- }
going ordinance may be obtained }
at Town Hall, Town of New }
Scotland, Slingerlands R.D., New }
York. }

DATED: April 4, 1984
BY ORDER OF THE TOWN
BOARD, TOWN OF NEW
SCOTLAND

CORINNE COSSAC
Town Clerk

(April 19)

JAMES E. GARDNER of the Town of Guilderland, being duly sworn, says that he is the publisher of THE ALTAMONT ENTERPRISE AND ALBANY COUNTY POST, a weekly newspaper printed and published in the Village of Altamont, County of Albany, and that the notice of which the annexed is a true copy, has been regularly published in said ALTAMONT ENTERPRISE AND ALBANY COUNTY POST

once each week for one week

consecutively commencing on the 19th day of

April 19 84

James E. Gardner

Robert Hagyard

ROBERT HAGYARD
Notary Public, State of New York
Qualified In Albany County
Commission Expires March 30, 1985

PUBLIC NOTICE

PLEASE TAKE NOTICE that the following ORDINANCE was duly adopted:

At a Regular Town Board meeting of the Town of New Scotland, Albany County, New York, held at the Town Hall, New Scotland, New York, on the 5th day of July, 1984.

PRESENT:

- Stephen P. Wallace, Supervisor
- Anne Carson, Councilwoman
- Wyman Osterhout, Councilman
- Herbert W. Reilly, Jr., Councilman
- Kenneth Tice, Councilman
- Corinne Cossac, Town Clerk
- Frederick C. Riester, Town Attorney

The following Ordinance was introduced by Councilman Herbert W. Reilly, Jr., who moved its adoption, and the same was seconded by Councilwoman Anne Carson.

**ORDINANCE OF THE TOWN OF
NEW SCOTLAND
ALBANY COUNTY, NEW YORK
PROHIBITING THE OUTDOOR
STORAGE OF JUNK VEHICLES
AND JUNK IN THE TOWN OF
NEW SCOTLAND**

WHEREAS, a public hearing was duly held on the 22nd day of June, 1983, and all other matters and things required to be done by the Town Law and the State of New York in order that the Town Board may avail itself of the powers conferred by said laws, having been complied with:

NOW, THEREFORE, be it RESOLVED AND ORDAINED by the Town Board of the Town of New Scotland as follows:

**ORDINANCE OF THE TOWN OF
NEW SCOTLAND
ALBANY COUNTY, NEW YORK
PROHIBITING THE OUTDOOR
STORAGE OF JUNK VEHICLES
AND JUNK IN THE TOWN OF
NEW SCOTLAND**

SECTION 1. LEGISLATIVE INTENT:

The accumulation, storage and abandonment of unusable motor vehicles and component parts thereof, and junk and other waste materials on private and public property within the Town of New Scotland is hereby declared to be detrimental to the public health and welfare of the residents of the Town of New Scotland, aesthetically unattractive, and detracts from the enjoyment of the environment by the said residents, tends to depreciate neighborhood property values and is an infringement on the enjoyment of their properties and homes by neighboring residents. The purpose of this ordinance is to prohibit the placement, storage or abandonment of vehicles which, because of mechanical defects, are inoperable and un-

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once each week for one week

consecutively commencing on the 2nd day of

August 1984

James E. Gardner

Robert Hagyard

ROBERT HAGYARD
Notary Public, State of New York
Qualified In Albany County
Commission Expires March 30, 1985

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..... day }

ORDINANCE OF THE TOWN OF NEW SCOTLAND
ALBANY COUNTY, NEW YORK -
PROHIBITING THE OUTDOOR STORAGE OF JUNK
VEHICLES AND JUNK IN THE TOWN OF
NEW SCOTLAND

SECTION 1. LEGISLATIVE INTENT:

The accumulation, storage and abandonment of unusable motor vehicles and component parts thereof, and junk and other waste materials on private and public property within the Town of New Scotland is hereby declared to be detrimental to the public health and welfare of the residents of the Town of New Scotland, aesthetically unattractive, and detracts from the enjoyment of the environment by the said residents, tends to depreciate neighborhood property values and is an infringement on the enjoyment of their properties and homes by neighboring residents. The purpose of this ordinance is to prohibit the placement, storage or abandonment of vehicles which, because of mechanical defects, are inoperable and unsightly. In order to accord owners of vehicles which are damaged or inoperable a reasonable time to restore them to operating condition or to arrange for other disposition of them, and in recognition of the fact that certain types of businesses necessitate the temporary parking of inoperable vehicles out of doors, the prohibition does not apply until the vehicle has been situate on the property for in excess of thirty (30) days.

The further purpose of this ordinance is to prohibit the placement of accumulation of vehicle parts, or junk of any kind out of doors on private or public property. A ten (10) day grace period is considered to be a reasonable time to allow for the removal and disposition of junk.

SECTION 2. DEFINITIONS:

As used in this ordinance, the following terms shall have the meaning indicated.

(A) Vehicle - any means of transport or conveyance having wheels originally designed and manufactured (1) to be moved or propelled by any power other than muscular power, (2) or to be drawn or towed. A vehicle shall include but not be limited to automobiles, trucks, trailers, motorcycles, motorbikes, buses.

(B) Junk Vehicle - any vehicle which for any reason, is incapable, without repair, of being moved or propelled by application of internal power, if it is a vehicle

Enacted 7/5/84

originally designed to be propelled by internal power or is incapable without repair of being drawn or towed in the manner originally intended, if it is a vehicle originally designed to be towed or drawn from behind an internally powered vehicle, and as adjudged by the standards of an ordinary reasonable man, is unsightly in appearance because of the existence of one or more conditions such as, but not limited to, the following: deterioration by rust of the body; deterioration of the exterior finish of the vehicle; broken windows; absence of component parts of the vehicle (such as fenders, panels, doors, bumpers, headlights, hood, trunk door, tires, wheels, grille, roof, tailgate); physical damage (such as dents, cracks, scrapes, holes,) to component parts of the vehicle; absence of interior components (such as seats, dashboard, interior door moldings, etc.)

(C) Junk - old or scrap copper, brass, lumber, wood, rope, rags, batteries, paper, trash, rubber debris, waste, or junked, scrapped, ruined, dismantled or wrecked vehicle parts, iron, steel and other old or scrap ferrous or nonferrous material.

(D) Person - one or more individuals, a partnership, corporation, association or any other legal entity.

SECTION 3. STORAGE OF JUNK VEHICLES PROHIBITED:

No person shall within the Town of New Scotland deposit, place, store or abandon on any real property, or permit, cause or consent to be deposited, placed, stored or abandoned on real property owned or occupied as a tenant by such person, a junk vehicle for a period of longer than thirty (30) days after receipt by such person of the notice prescribed by Section 5 unless such vehicle is completely enclosed in a garage or other similar structure. This ordinance shall not apply to the storage, placement, deposit or abandonment of junk vehicles in junkyards as defined in, and duly operating in accordance with, the provisions of the ordinance of the Town of New Scotland providing for the regulation and licensing of Automobile Junk Yards within the Town and its amendments as may be enacted from time to time. Nor shall this ordinance apply to the storage, placement, deposit or abandonment of up to 2 junk vehicles when neither junk vehicle is visible from any of the following locations: (a) a public road, (b) a residence or any point 6 feet or less above the ground and within 150 feet of a residence or (c) a private road used for ingress and egress.

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SECTION 4. DEPOSIT OF JUNK PROHIBITED:

No person shall, within the Town of New Scotland, deposit, store, accumulate or abandon upon any real property, nor cause consent or permit to be deposited, stored, accumulated or abandoned upon any real property owned or occupied as a tenant, by such person outside of an enclosed structure or a securely covered garbage or trash container, any junk for a period longer than ten (10) days after receipt by such person of the notice prescribed by Section 5. This section shall not apply to lawn, garden, nursery or agricultural refuse or waste nor to disposals in the Town of New Scotland Sanitary Landfill in accordance with the Rules, Regulations and Ordinances of the Town pertaining thereto.

SECTION 5. NOTICE:

After the enforcement officer has determined that a junk vehicle or junk is stored, deposited, placed or abandoned on a parcel of property, he shall serve a written notice thereof on the occupant or owner of the property, or on the owner of the junk vehicle, or to both such persons, as the case may be, directing the removal of such junk vehicle within thirty (30) days, or the removal of such junk within ten (10) days, after receipt of such notice. The notice shall be sent by certified mail, return receipt requested or by personal service. Possession by the enforcement officer of the U.S. Postal receipt indicating delivery of the notice to the addressee whether the receipt is signed by the addressee or by a third party, shall constitute conclusive proof of the receipt by the addressee of the said notice. The thirty day (30) day period or the ten (10) day period, as the case may be, shall commence on the date of delivery of the notice as indicated on the postal receipt. If the notice is personally served, the respective thirty (30) and ten (10) day periods shall commence running on the date of the personal service of the notice.

SECTION 6. PRESUMPTION:

There shall be a presumption that a person who has received the notice prescribed by Section 5, has stored, deposited or placed, or abandoned, or caused, consented or permitted the deposit, storage, abandonment, or placement of the junk vehicles or junk described in the said notice.

SECTION 7. ENFORCEMENT OFFICER:

This ordinance may be enforced by the Building Inspector of the Town of New Scotland.

Enacted 7/5/84

SECTION 8. MANNER OF ENFORCEMENT:

(A) Any person who shall violate any provision of this ordinance shall be guilty of an offense punishable by fine not exceeding Two Hundred Fifty (\$250.00) Dollars or imprisonment for a period not exceeding fifteen (15) days, or both. Each week's continued violation shall constitute a separate violation.

(B) In addition to the above provided penalties, the Town Board may also maintain any 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 ordinance.

SECTION 9. SEPARABILITY:

In the event any clause, sentence, paragraph or part of this ordinance is adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect the validity of any other provision of this ordinance.

SECTION 10. EFFECTIVE DATE:

This ordinance shall take effect immediately pursuant to the provisions of Section 133 of the Town Law.

Enacted 7/5/84

TOWN OF NEW SCOTLAND

ORDINANCE NO# 12

Adopted July 5, 1984

STORAGE OF JUNK VEHICLES IN TOWN OF NEW SCOTLAND