

Abandoned Vehicles, Junked Vehicles and Vehicles Obstructing Traffic in an Emergency

Be it Enacted by the Town Board of the Town of Norwich as follows:

Section 1 Purpose:

It is hereby declared and found that abandoned vehicles and junked vehicles on highways or other public property threaten the safety of the people using said public property. These vehicles inhibit highway maintenance operations and may pose hazardous obstacles to motorists.

Section 2 Definitions:

A. **Abandoned Vehicle:** A motor vehicle shall be deemed to be an abandoned vehicle if left unattended

1. With no number plates affixed thereto, for more than six hours on any highway or other public place;
2. For more than twenty-four hours on any highway or other public place, except a portion of a highway or public place on which parking is legally permitted;
3. For more than forty-eight hours, after the parking of such vehicle shall have become illegal, if left on a portion of a highway or public place on which parking is legally permitted;
4. For more than ninety-six hours on property of another if left without permission of the owner.

B. **Junked Vehicle:** Any vehicle which is physically or legally incapable of being operated on a public street or highway shall be deemed a junk vehicle. A motor vehicle shall be presumed to be a junked vehicle if it is not duly registered and is dismantled or partly dismantled or dilapidated or is in a rusted or wrecked condition or lacks equipment in good operating condition necessary to enable it to be operated or required by law to enable it to be registered.

Section 3. Penalties for Offences:

A. It shall be unlawful for any person to cause or permit to be abandoned, a vehicle upon any public highway or public lands or within the Town of Norwich. There shall be a presumption that the owner of an abandoned vehicle caused such vehicle to be abandoned.

B. It shall be unlawful for any person to place, park or store, or cause or permit to be placed, parked or stored, a junk vehicle upon any public highway or public lands within the Town of Norwich. There shall be a presumption that the owner of a junked vehicle cause such vehicle to be located upon such public highway or public lands.

C. It shall be unlawful for any person to resist or obstruct the duly authorized agents, offices and employees of the Town in the removal or an abandoned or junked vehicle.

D. A violation of this subdivision shall be punishable by a fine not less than two hundred fifty dollars (\$250.00) nor more than one thousand dollars (\$1,000.00), or by imprisonment for a term not exceeding fifteen (15) days, or by both such fine and imprisonment.

Section 4. Authority to Remove:

Any motor vehicle that is abandoned or junked as defined herein after consultation with and agreement by the Highway Commissioner or Town Supervisor may be taken into custody by the Highway Superintendent and shall be removed to such public or private storage garage as the Highway Superintendent shall determine.

Section 5. Immediate Passage of Title to Town for Certain Vehicles:

If any abandoned vehicle or junked vehicle, as hereinbefore defined, at the time of abandonment has no numbered plates affixed and is of a wholesale value, taking into consideration the condition of the vehicle, of one thousand two hundred fifty dollars (\$1,250.00) or less, such value to be established by a person to be designated by the Town Council for such purpose, ownership shall immediately vest in the Town of Norwich, and title to the vehicle shall vest in accordance with applicable law and regulations of the commissioner of Motor Vehicles, provided however that a local authority shall not be required to obtain title to a vehicle that will be sold or otherwise disposed of as junk or salvage, dismantled for use other than as a motor vehicle, or otherwise destroyed.

Section 6. Notification and Ownership of Abandoned Vehicles:

- A. Except for vehicles governed by Section 5 herein, the Highway Superintendent, having custody of an abandoned vehicle, shall make an inquiry concerning the last owner or such vehicle as follows:
 - 1. Abandoned vehicle with numbered plates affixed: to the jurisdiction which issued such numbered plates
 - 2. Abandoned vehicle with no numbered plates affixed: to the Department of Motor Vehicles.
- B. The Highway Superintendent shall notify the last owner, if known, that the vehicle in questions has been recovered as an abandoned vehicle and that, if unclaimed, it will be sold at public auction or by bid after ten days from the date such notice was given. If the Highway Superintendent has been notified that a lien or mortgage exists such notice shall also be sent to the lienholder or mortgagee. Any person claiming such vehicle shall be required to pay the costs of removal and storage of such vehicle.
- C. Ownership of such abandoned vehicles, if unclaimed, shall vest in the Town of Norwich ten days from the date such notice is given; or if the last owner cannot be ascertained, when notice of such fact is received.

Section 7. Disposition of Vehicles.

- A. After consultation with and agreement by the Highway Commissioner or Town Supervisor the Highway Superintendent of the Town of Norwich shall determine if an abandoned vehicle is suitable for operation on the public highways. If so, the vehicles shall be sold at public auction to the highest bidder.
- B. After consultation with and agreement by the Highway Commissioner or Town Supervisor, if the Highway Superintendent determines that an abandoned vehicle is not suitable for operation on the public highways, it shall sell the vehicle to a vehicle dismantler or scrap processor registered or certified pursuant to Section 415-a of the New York Vehicle and Traffic Law or to a vehicle dismantler or scrap processor who does not

have a place of business in this state but who conforms to the laws and regulations of the state in which he or she has a place of business.

- C. An abandoned vehicle without a vehicle identification number plate must be sold only to a vehicle dismantler or a scrap processor registered or certified pursuant to Section 415-a of the New York Vehicle and Traffic Law or to a vehicle dismantler or scrap processor who does not have a place of business in this state but who conforms to the laws and regulations of the state in which he has a place of business. Nothing contained herein shall be construed as preventing a local authority from applying for a replacement vehicle identification number plate.
- D. Any proceeds from the sale of an abandoned vehicle less any expenses incurred by the Town of Norwich shall be held by the Town without interest, for the benefit of the owner of such vehicle for a period of one year. If not claimed within such one-year period, such proceeds shall be paid into the general fund of the Town of Norwich.

Section 8. Authority to Remove in Emergency.

- A. When any vehicle constitutes an obstruction to traffic or is parked or abandoned on any street, highway or parking area within the Town of Norwich during a snowstorm, flood, fire or other public emergency which affects that portion of the public street, highway or parking area upon which the vehicle is parked or abandoned, said vehicle may be removed by the Highway Superintendent.
- B. Vehicles removed during such emergency may be redeemed by the owner upon proof of ownership in a form satisfactory to the Town Attorney and upon the payment by cash, certified check, bank check, or money order of all applicable fees, such as but not limited to, towing, storage and such other costs as are incidental thereto, due at the time of redemption.

Section 9 Severability Clause:

The provision of this local law are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses or part of this ordinance.

Section 10. Effective Date:

This local law shall be effective December 13, 2018 after filing with the Secretary of State.