

ABANDONED VEHICLES

Chapter 184 of the Code of the Town of Amherst

Adopted by the Town Board of the Town of Amherst 7-16-73 as L.L. No. 2-1973.
Amendments noted where applicable.

§ 184-1 PURPOSE.

The outdoor storage of abandoned vehicles within the town, other than within licensed junkyards, is detrimental to the health, safety and general welfare of the community. It also constitutes an attractive nuisance to children and in many ways imperils their safety; endangers persons and property since fuel tanks containing gasoline or gasoline fumes may easily explode; is unsightly and depreciates property values; and provides nesting places for rats, mice and other rodents. The control of the outdoor storage of abandoned and unlicensed motor vehicles, other than within licensed junkyards, within the town is therefore regulated for the preservation of the health, safety and general welfare of the community.

§ 184-2 DEFINITIONS.

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

ABANDON(ED) -- Includes abandon(ed), discard(ed) and junk(ed).

OWNER OF PRIVATE PROPERTY -- Includes the legal owner, contract purchaser in possession, tenant, lessee, occupant, undertenant, receiver, assignee or trustee of premises or property located within the Town of Amherst.

OWNER OF VEHICLE -- Person having the property in or title to a vehicle, including a person entitled to the use and possession of a vehicle subject to a security interest in another person and also including any lessee or bailee of a vehicle having the use thereof under lease or otherwise.

PERSON -- Includes a natural person, partnership and corporation.

TOWN -- The area within the Town of Amherst outside the Village of Williamsville.

VEHICLE -- Every vehicle operated, driven or capable of being operated or driven upon a public highway by any power other than muscular power.

§ 184-3 DESIGNATION OF VEHICLE AS ABANDONED.

A vehicle shall be deemed to be an abandoned vehicle if left unattended:

- A. With no then-valid numbered registration plates affixed thereto, for more than six (6) hours on any highway or in any other public place.
- B. For more than twenty-four (24) hours on any highway or in any other public place, except a portion of a highway or public place on which parking is legally permitted.
- C. For more than forty-eight (48) 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.
- D. For more than seven (7) days on property of another, if left without permission of the owner.

§ 184-4 ABANDONING VEHICLE PROHIBITED; PENALTIES FOR OFFENSES.

- A. It shall be unlawful for any person to cause any vehicle to be abandoned on any highway or any other public place.
- B. It shall be unlawful for any person to cause any vehicle to be abandoned on any private property of which he is not the owner.
- C. It shall be unlawful for any owner of private property to cause or allow any vehicle to be abandoned or stored or kept without valid, numbered registration plates affixed thereto on his private property. The provisions of the foregoing sentence shall not apply to:
 - (1) Vehicles on private property licensed as junkyards.
 - (2) Vehicles kept or stored within a completely enclosed building.
 - (3) Vehicles kept or stored for sale without dismantling on private property occupied pursuant to the Amherst Zoning OrdinanceEN for the sale of new or used vehicles.
 - (4) A motor home or other vehicle designed and used primarily for recreation purposes. This exception shall not apply to more than one (1) such vehicle per parcel of property.
- D. A violation of this § 184-4 shall be punishable by a fine not exceeding (\$100.).

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§ 184-5 REMOVAL OF ABANDONED VEHICLES AUTHORIZED.

Any vehicle abandoned in violation of this chapter may be removed and stored by the Police Department or other agency authorized by the Town Board.

§ 184-6 IMMEDIATE PASSAGE OF TITLE TO TOWN FOR CERTAIN VEHICLES.

If an abandoned 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 hundred dollars (\$100.) or less, such value to be established by a person to be designated by the Town Building Commissioner for such purpose, title shall immediately vest in the Town of Amherst.

§ 184-7 SEARCH OF OWNERSHIP; NOTICE; ACTION IF UNCLAIMED.

- A. Except for vehicles governed by § 184-6 above, the Building Department of the town shall make an inquiry concerning the last registered owner of such vehicle as follows:
 - (1) Abandoned vehicle with numbered plates affixed, to the jurisdiction which issued such plates.
 - (2) Abandoned vehicle with no numbered plates affixed, to the Department of Motor Vehicles.
- B. The Building Department shall notify the last registered owner, if any, that the vehicle in question has been recovered as an abandoned vehicle and that, if unclaimed it will be sold at public auction after five (5) days from the date such notice was mailed. If the agency described in Subsection A also notifies such Building Department 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.
- C. Title to such abandoned vehicles, if unclaimed, shall vest in the Town of Amherst five (5) days from the date such notice is mailed or, if the last registered owner cannot be ascertained, when notice of such fact is received.

§ 184-8 DISPOSITION OF VEHICLES; COSTS; PROCEEDS.

- A. Abandoned vehicles, title to which has vested in the Town of Amherst, shall be sold by the Building Commissioner at public auction. The time and place of auctions and rules pertaining to the holding thereof shall be determined by the Commissioner. He shall publish a notice in the town's official newspaper of each auction at least five (5) days prior to the date thereof.
- B. The last registered owner of an abandoned vehicle shall be presumed to be the owner and liable to the Town of Amherst for the costs of removal, storage and disposition of such vehicle unless he shall present proof of present ownership in another person.
- C. Any proceeds from the sale of an abandoned vehicle, less any expenses incurred by the Town of Amherst, shall be held by the town, without interest, for the benefit of the owner of such vehicle for a period of five (5) years. If not claimed within such five-year period, such proceeds shall be paid into the general fund of the town.

§ 184-9 SEVERABILITY.

The invalidity of any section, or part thereof, of this chapter shall not affect the remaining provisions hereof.

§ 184-10 WHEN EFFECTIVE.

This chapter shall take effect immediately.