

(Please Use this Form for Filing your 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 Duaneburg
Town
Village
Local Law No. 2 of the year 19 81

A local law JUNKED AND ABANDONED MOTOR VEHICLES IN THE TOWN OF DUANEBSBURG
(insert title)

Be it enacted by the TOWN BOARD of the
(Name of Legislative Body)

County
City of DUANEBSBURG as follows:
Town
Village

SECTION 1. The ordinance entitled "An Ordinance Regulating Abandoned Motor Vehicles within the Town of Duaneburg, Schenectady County, New York" and enacted by the Town Board on July 9, 1970, is hereby repealed.

SECTION 2. The storage or abandonment of dangerous, inoperable, or junked motor vehicles and component parts thereof on private or public property within the Town of Duaneburg is hereby declared to be detrimental to the public health, welfare, and safety of the residents of the Town of Duaneburg and to be aesthetically unattractive detracting from the enjoyment of the said residents of their environment, to be a factor in the depreciation of neighboring property values and an infringement upon the enjoyment of the homes and properties of neighboring residents. The purpose of this Local Law is to prohibit the placement, storage, abandonment, and accumulation of inoperable or dangerous motor vehicles and component parts on real property to the detriment of the environment and the enjoyment and the value of real property homes and businesses by the residents and property owners of this Town.

SECTION 3. As used in this Local Law, (a) "motor vehicle" shall mean every vehicle constructed to be operated or to be driven upon a public highway and which is propelled by any power other than muscular power (b) "junked" shall mean any motor vehicle which is unregistered and uninspected by the State of New York and is not operable; (c) "abandoned" shall mean any motor vehicle the ownership of which cannot be reasonably determined or of which the owner does not intend to recover possession and (d) "dangerous" shall mean any motor vehicle which has smashed and broken windows and/or areas of sharp and torn metal edges and points and which cannot be legally operated upon a public highway.

(If additional space is needed, please attach sheets of the same size as this and number each)

SECTION 4. No person, firm, association, or corporation, either as owner, lessee, occupant, or otherwise, shall store or place or cause or permit to be stored or placed a junked or abandoned or dangerous motor vehicle or component parts thereof upon the surface of any lot or parcel of land without completely enclosing said vehicle and parts in a structure, such as a garage or fence or placing it completely out of the view of any person on any adjacent lands or a public street, road, or highway for a period of longer than thirty (30) days. Dangerous motor vehicles, however, shall not be placed or stored except in a completely enclosed area, except that one unregistered, uninspected, inoperable vehicle may be stored or placed upon a lot or parcel of land for the purpose of spare parts if it is not in a dangerous condition.

SECTION 5. This Local Law shall not be construed to prohibit the outside storage of a motor vehicle which is in operating condition and owned by a member of the armed forces while serving on active duty.

SECTION 6. Not more than ten (10) junked motor vehicles or component parts shall be stored on any business property for the purpose of repair at one time provided that placement of any one such vehicle shall not exceed thirty (30) days and also provided that such storage is otherwise permitted by law, including zoning regulations.

SECTION 7. This Local Law shall not have application to the storage or placement of motor vehicles and motor vehicle parts or components by persons, firms, corporations, or associations or other entity in connection with a governmental function or junk yard otherwise conducted in accordance with law and within a proper zoning district, where such storage or placement is necessary for and incident to the operation of such function, or junk yard.

SECTION 8. This Local Law shall not have application to any streets, roads, highways, or property within the Village of Delanson.

SECTION 9. This Local Law shall be enforced by the building inspector, who shall, at the expiration of thirty (30) days, serve written notice either personally or by certified mail upon the owner, lessee, occupant, or person having charge of said land upon which said junked, abandoned, or dangerous motor vehicle or vehicles or component parts are placed, to comply with this law within ten (10) days from such service by enclosing or removing said motor vehicle or vehicles or parts.

SECTION 10. Computation of time under this Local Law shall commence from the date of the first day of storage, accumulation, abandonment, placement of the items to which this Local Law is applicable and shall continue to run without regard to change of status of the property or, in the case of motor vehicles, intervening garaging thereof.

SECTION 11. An offense against this Local Law shall constitute a violation and shall be punishable by a fine of not exceeding Two Hundred and Fifty Dollars (\$250.00), or by imprisonment for not more than fifteen (15) days or both. Each day such violation continues shall constitute a separate violation. In addition to the enforcement in criminal proceedings by a fine or imprisonment or both, the Town Board or any Town Officer or employee authorized by it may maintain any action or proceeding in a court of competent jurisdiction to compel compliance with or to restrain by injunction or other legal remedies any violations of this Local Law.

In addition to the criminal penalties, a civil penalty of Twenty-Five Dollars (\$25.00) per day is hereby imposed for each day's violation of this Local Law which occurs subsequent to notification of such violation sent to the violator by the Town of Duaneburg, which penalty may also be collected and imposed in any judgment rendered in such actions or proceedings.

SECTION 12. This Local Law shall take effect upon the filing with the Secretary of State as provided in the Municipal Home Rule Law.

(Complete the certification in the paragraph which applies to the filing of this local law and strike out the matter therein 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. 2 of 1981.
~~XXXXXX~~
~~XXXXXX~~ of the Town of Duanesburg was duly passed by the Town Board
~~XXXXXX~~ XXXXXX (Name of Legislative Body)
on September 10, 1981 in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval or no disapproval by Elective Chief Executive Officer, * or repassage after disapproval.)

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____.~~
~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____.~~
~~County _____ was duly passed by the _____ (Name of Legislative Body)~~
~~City of _____ was duly passed by the _____ (Name of Legislative Body)~~
~~Village _____ was duly passed by the _____ (Name of Legislative Body)~~
on _____ 19____ and was approved _____ by the _____ Elective Chief Executive Officer *
~~not disapproved~~
~~repassed after disapproval~~
and was deemed duly adopted on _____ 19____, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____.
County _____ of the City of _____ was duly passed by the _____ (Name of Legislative Body)
Town _____ Village _____ ~~not disapproved~~
on _____ 19____ and was approved _____ by the _____ Elective Chief Executive Officer *
repassed after disapproval _____
on _____ 19____. Such local law was submitted to the people by reason of a mandatory referendum, and received the affirmative vote of a majority of the qualified electors voting permissive general thereon at the special election held on _____ 19____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum, and final adoption because no valid petition filed requesting referendum.)

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____.~~
~~County _____ was duly passed by the _____ (Name of Legislative Body)~~
~~City of _____ was duly passed by the _____ (Name of Legislative Body)~~
~~Village _____ was duly passed by the _____ (Name of Legislative Body)~~
On _____ 19____ and was approved _____ by the _____ Elective Chief Executive Officer *
~~not disapproved~~
~~repassed after disapproval~~
on _____ 19____. Such local law being subject to a permissive referendum and no valid petition requesting such referendum having been filed, said local law was deemed duly adopted on _____ 19____, in accordance with the applicable provisions of law.

* 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 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 § 36 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 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 above.

Catharine A. Vincenz
Clerk of the County legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 9-11-81.

(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

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.

Signature

Title

Date:
County
City of
Town
Village

Hearing called to order at 7:00 P. M.

Present were Supervisor Breitenstein, Councilman Rickard, Councilperson Sleeper and Councilman Wilson. Also present was Attorney Riemer.

Pledge to the flag was led by Councilman Rickard.

Supervisor read the legal notice of public hearing.

Supervisor opened the privilege to the floor.

Del Potter, Mariville; Hugh Boyle; Route 7; Ken LaBelle, Churches Road; Joe LaPorte, Route 20; Harley Kling, Route 7; Howard Grupp, Cole Road; Earl Miller, Bramans Corners; Mr. Klein; George Lent, Duanesburg; Dick Plue, Mariville; and Eilert Bonk, Mariville had questions and made statements concerning the local law.

Supervisor Breitenstein closed the public hearing and adjourned for 5 minutes.

Regular September Meeting called to order at 7:55 P. M.

All Board members present. Also Attorney Riemer.

Clerk read the minutes of August 13th Hearings and the regular August meeting which were approved as read.

Supervisor Breitenstein read two letters concerning the tests made for pollution in Mariville Lake, one from Dr. Cooley and one from John F. Cunnam, District Health Director.

Supervisor opened the privilege to the floor and wanted questions concerning Mariville Lake first as Dr. Cooley had to leave.

Dick Plue, Mariville asked of something could be done about camps becoming year round homes as Mariville is too crowded already. He also asked for garbage cans along the causeway.

Ken LaBelle, Churches Road asked if the samples taken were surface samples or from closer to the bottom of the Lake.

Dr. Cooley said the camps on Spring Road are close together. He said the samples were taken from the surface or wherever the State normally takes samples. Eilert Bonk, Mariville said fishermen on the causeway are a detriment to the causeway and dangerous for the fishermen.

Jim Kilgallen, Better Street said a public hearing will be held before the Causeway is put in. He also spoke about the copper sulphate.

Kathleen Kelly, Mariville thanked the Board for putting the Mariville Lake problems at the top of the agenda.

Earl Miller, Bramans Corners said that barrels would do no good along the causeway.

Dr. Cooley said they are talking of widening the causeway 6 ft. on each side, and if they do it would cause problems with cars parking along the road.

Harley Kling, Route 7 spoke about 2 kinds of septic systems.

Joseph LaPorte, Route 20, spoke about septic.

Lester Rockwell, Delanson spoke about gettin industry in the Town.

Dr. Saha was introduced to the people present and said he would be willing to take any of Dr. Cooldges patients if they call, but would not want to set up practice in Duanesburg as he already has offices on Route 7.

George Lent, Duanesburg asked what the town considers a trailer and about farm trailers.

Joe LaPorte, Duanesburg spoke about trailers.

James Breitenstein, Duanesburg said that trailers are assessed very low and usually have children so are not helpful to the tax base of the Town.

Supervisor closed the privilege to the floor.

COMMUNICATIONS & PETITIONS

Supervisor Breitenstein read letters from:

Joseph Kelly saying the speed limit study has been completed on Esperance Sta. Road and 25 M.P.H. signs will be put up.

Schenectady Co., saying we will be getting the sign project reimbursement of \$5280.

Robert Pneuaman asking about Veterans Exemptions.

Gail Shafer concerning State Aid to localities.

Upstate Insurance Co., wanting the Town to consider joining their group.

Some residents of Spring Road asking about the dog Law being enforced.

COMMITTEE REPORTS

Recreation Committee..Summer Youth Rec. Bills have been paid and the forms sent in. Highway. No report.

Building The eaves have been painted and the shutters rearranged.

Supervisor read the Bid'g Insp., Town Clerk and Supervisor monthly reports.

Councilman Wilson moved and 2nd by Councilperson Sleeper that the General and Highway bills be paid as audited. Adopted 4 Ayes. Wilson, Sleeper, Rickard & Breit.

UNFINISHED BUSINESS

Supervisor read the legal notice of bids for a new truck

He then opened the bids.

1. H. L. Gage Sales..\$84,888.00

2. Albany Mac Sales..\$90,241.00

3. Wm. H. Clark Municipal Equipment..new 1978..\$98,975.00

new 1980..\$93,939.00

The Board will meet and talk with Howard about the truck bids on Thursday.

Resolution # 56-81 Councilman Wilson moved and 2nd by Councilperson Sleeper that the matter of the truck be tabled. Adopted 4 Ayes Wilson, Sleeper, Rickard & Breit.

Councilman Rickard said the Town used 11,316 gal. of fuel at the Town Garage and 1,524 gal. at the Town Hall. The trucks and equip, used 7,731 gals. gas. Bids will not be put out until the matter of a new tank is decided.

The clerk was told to call or write Mr. Bengen and ask him to move the fuel tanks that he bought.

Landfill permits are going to be required. The Clerk is to put an article in the paper. No dumping will be allowed without the orange sticker visible to the attendant. Copper sulphate put in Mariaville lake already cannot be reimbursed by the Town. It will be put in the budget for next year.

OLD BUSINESS

Local Law # 2 concerning junked cars was talked over by the Board.

Resolution # 57-81 Councilman Wilson moved and 2nd by Councilperson Sleeper that Local Law # 2, relating to the outdoor storage of junked and abandoned motor vehicles in the Town of Duaneburg be enacted. Adopted 4 Ayes, Wilson, Sleeper, Rickard and Breitenstein.

NEW BUSINESS

None.

Councilperson Sleeper moved and 2nd by Councilman Wilson that the meeting adjourn.

Meeting adjourned at 9:35 P. M.

Esther L. Vincent
Town Clerk

Public Hearing. Use of Revenue Sharing. September 29, 1981.

Hearing called to order at 7:30 P.M.

Present were Councilperson Sleeper, Councilman Rickard and Supervisor Breitenstein. Absent was Councilman Wilson.

Pledge to the flag was led by Councilman Rickard

Legal Notice of public hearing was read by Supervisor Breitenstein.

Supervisor Breitenstein opened the privilege to the floor.

As there was no one attending to speak on the use of the Revenue Sharing the privilege to the floor was closed.

The three members of the Board attending decided to use \$11,000.00 in the Highway Fund and \$15,464.00 in the General Fund.

Meeting adjourned at 8:00 P. M.

Esther L. Vincent
Town Clerk