

CHAPTER 32

OUTDOOR STORAGE ON PRIVATE PROPERTY

Section 32-1. Purpose.

Section 32-2. Definitions.

Section 32-3. Storage on private property prohibited.

Section 32-4. Enforcement procedures.

Section 32-5. Deposit on other property.

Section 32-6. Exclusions.

Section 32-7. Penalties for offenses.

SECTION 32-1. PURPOSE

It is hereby declared that the outdoor storage and maintenance of abandoned, junked, discarded, dismantled and unlicensed motor vehicles, household appliances, lawnmowers and motorized yard equipment, rubbish and debris upon privately owned properties within the Village of Arcade is a matter affecting the public interest. Such storage and maintenance constitutes a nuisance and an unsightly condition and is a source of vexation and annoyance not only to the owners and occupants of adjoining lands but also to the general public. The preservation of peace and good order, the safeguarding of health, safety and general welfare and the protection of private property compel the Village Board of the Village of Arcade to legislate upon this subject matter.

SECTION 32-2. DEFINITIONS

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

APPLIANCE – Any stove, washing machine, dryer, freezer, refrigerator or other household device or equipment abandoned, junked, discarded, wholly or partially dismantled, no longer intended or in condition for ordinary use for the purpose for which it was designed originally.

JUNK VEHICLE – A vehicle stored on residential property for the purpose of parts removal or any other purpose, and which has been discarded for use as a motor vehicle.

OWNER – The person having legal title to real property or the person in possession thereof shall each be considered owners of property for the purposes of this chapter.

PERSON – An individual or legal representative.

RUBBISH or DEBRIS – Includes ordinary household or store trash of a flammable character, such as barrels, cartons, boxes, crates, furniture, rugs, clothing, rags, mattresses, blankets, rubber tires, lumber, brick, stone and other building materials no longer intended or in condition for ordinary use; any and all tangible personal property no longer intended or in condition for ordinary and customary use; excess storage of hay, straw and/or grass other than for agricultural and limited agricultural use in the AG-Agricultural District, R1-Low Density Residential (no public sewer) and R2-Low Density Residential (with Public Sewer).

SECTION 32-3. STORAGE ON PRIVATE PROPERTY PROHIBITED

No person shall have or permit the existence of junk vehicles, appliances, lawnmowers, motorized yard equipment, rubbish or debris out of doors on property owned by such person except those items placed at the curb within one week prior to the scheduled day of bulky waste collection (see also Chapter 54 Section 54-15).

SECTION 32-4. ENFORCEMENT PROCEDURES

- A. The Zoning Enforcement Officer of the Village of Arcade or any other agency or official authorized from time to time by the Village Board of Trustees by resolution shall inspect property and file a written report of violations by owners with the Village Clerk. The Village Clerk shall prepare a written notice and shall cause the same to be served upon the owner personally or by certified mail. The notice shall contain the following:
1. The name of the owner to whom the notice shall be addressed.
 2. The location of the premises involved in the violation.
 3. A statement of the facts which it is alleged violate this local law.
 4. A demand that the junk vehicle, appliance, lawnmower, motorized yard equipment, rubbish or debris be removed from the premises within ten (10) days after service or mailing of the notice.
 5. A statement that a failure to comply with the demand may result in prosecution.
- B. Upon the failure of the owner to comply with the demand, the Chief of Police of the Village of Arcade shall cause a further notice to be served upon such owner to remove the junk vehicle, appliance, lawnmower, motorized yard equipment, rubbish or debris from the premises within ten (10) days after the personal service upon or the mailing by certified mail to said owner, with notice that the owner will be prosecuted for failure to comply.
- C. Upon application of the alleged owner showing reasonable cause, the Board of Trustees may grant an extension of up to ninety (90) days for the owner to comply with the demands.

SECTION 32-5. DEPOSIT ON OTHER PROPERTY

No person shall willfully place a junk vehicle, appliance, lawnmower, motorized yard equipment, rubbish or debris on premises which such person does not own.

SECTION 32-6. EXCLUSIONS

This chapter does not apply to any junkyard permitted under other local laws of the Village.

SECTION 32-7. PENALTIES FOR OFFENSES

Any person committing an offense against any provision of this chapter shall be guilty of a violation punishable by a fine not exceeding two hundred fifty dollars (\$250.00) or by imprisonment for a term not exceeding fifteen (15) days, or by both such fine and imprisonment. The continuation of an offense against the provisions of this chapter shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.

Local Law No. 1-1992
Adopted: January 7, 1992
Filed: January 15, 1992

Amended:
Local Law No. 701992
Adopted: July 7, 1992
Filed: July 13, 1992

Amended:
Local Law No. 2-2002
Adopted: June 6, 2002
Filed: June 11, 2002

VILLAGE OF ARCADE

**VIOLATION OF OUTDOOR STORAGE ON PRIVATE
PROPERTY**

According to Chapter 32 Outdoor Storage on Private Property, you are in violation of the following:

NAME OF PROPERTY OWNER: _____

LOCATION OF PREMISES: _____

VIOLATION OF LAW: _____

DESCRIPTION OF VIOLATING ITEMS OR CONDITIONS: _____

DATE OF NOTICE: _____

VIOLATION MUST BE REMOVED FROM PROPERTY WITHIN 10 DAYS OF THE DATE OF NOTICE.

FAILURE TO COMPLY MAY RESULT IN FURTHER PROSECUTION.

(A copy of this Chapter is enclosed for your convenience.)

Joanne E. Offers
Village Clerk