

TOWN OF WESTMORELAND

Local Law No. 4 of the Year 2006

A local law repealing local law number 1 of the year 2000 and enacting a new local law regulating the use of trucks, truck bodies, truck trailers, semi-trailers, animal trailers, tanker bodies, buses, cargo boxes, shipping containers and similar devices for the storage of personal property.

Be it enacted by the Town Board of the Town of Westmoreland as follows:

Section 1. Purpose.

The purpose and intent of this law is to promote the health, safety, and welfare of the inhabitants of the Town of Westmoreland and to protect and preserve property values.

Section 2. Prohibition.

(a) The use of trucks, truck bodies, buses, animal trailers, and similar formerly road-worthy "motor vehicles" (as defined in the Town of Westmoreland Automobile Junkyard Law), whether licensed or registered or not, for storage purposes is prohibited except as allowed by special permit.

(b) The use of trailers, truck trailers, semi-trailers, tank trucks, tanker bodies, cargo boxes or shipping containers for storage of personal property or storage units or for any storage purpose in any manner whatsoever on any premises situate in a residential, business or agricultural zoning district of the Town of Westmoreland is prohibited except as allowed by special permit.

Section 3. Special Permit.

(a) Application for a special permit for a storage device shall be made to the Town of Westmoreland Zoning Board of Appeals in accordance with §18 (B)(2) of the Town of Westmoreland Zoning Law. The application shall be made by the owner or owners of the subject property and shall be accompanied by an application fee in the amount set by resolution of the Town Board of the Town of Westmoreland.

(b) In deciding whether to grant the special permit the Zoning Board of Appeals may consider the appearance and condition of the proposed storage device and its effect on the market values of nearby properties and neighborhood aesthetics in general. The Zoning Board of Appeals may require the applicant to conform to reasonable conditions or restrictions including, but not limited to, the painting of the proposed storage device, the application of skirting, and the removal of wheels. Any storage device permitted in an Agricultural District shall be at least 75 feet from the centerline of the nearest public road and shall be no further than 100 feet from the nearest existing farm structure. The storage device shall be painted to blend in with existing farm structures.

(c) The initial special permit shall expire on December 31st of the year in which the special permit was granted. Subsequent annual permits shall be issued by the Codes Enforcement Officer upon written application and submission of an annual renewal fee in the amount set by resolution of the Town Board of the Town of Westmoreland provided that the applicant has conformed to all of the conditions attached to the original permit and has kept the storage device in such a condition that it is not a detriment to the neighborhood.

Section 4. Removal of Illegal Devices.

(a) It shall be the duty of every person, occupant, tenant or person in control of land within the Town of Westmoreland to remove any truck, truck body, animal trailer, truck trailer, semi-trailer, bus or similar vehicle or device used for unlawful storage purposes within seven (7) days after notice of such violation in writing by the Codes Enforcement Officer.

(b) If after seven (7) days' notice, the person so notified shall refuse, fail or neglect to remove the unlawfully used storage device from the premises, the Codes Enforcement Officer may direct the removal of the same by town employees or by an independent contractor hired for that purpose.

(c) The total cost of such removal and disposition, whether by town employees or an independent contractor, together with a \$150.00 administrative fee, shall be assessed by the Town Board against the real property upon which such unlawful storage device was found. The expense so assessed shall constitute a lien and charge on the real property on which it is levied until paid or otherwise satisfied or discharged and shall be collected in the same manner and at the same time as other town charges.

(d) If the owner of said lands is not a resident of the property service of the notice to remove the illegal storage device by first class mail to the owner's last known address shall be deemed sufficient.

Section 5. Penalties for Violation.

(a) Any person who shall violate this local law shall be subject to the following civil penalties:

- (1) for a first violation - a fine not to exceed \$100.00;
- (2) for a second violation - a fine not to exceed \$250.00;
- (3) for a third violation and any subsequent violation, a fine not to exceed \$500.00 for each and every separate violation;

(b) Each week a violation continues shall be a separate violation.

(c) In addition to any fine imposed, the Town of Westmoreland may maintain an action or proceeding in any Court of competent jurisdiction for a temporary restraining preliminary injunction or permanent injunction to enjoin the violation of this local law.

Section 6. Repealer.

Local Law Number 1 of the Year 2000 is hereby repealed.

Section 7. Effective Date.

This Local Law shall become effective immediately upon filing in the office of the Secretary of State.