

Chapter 146

STORAGE DEVICES

ARTICLE I Use of Trucks, Trailers and Other Vehicles for Storage

§ 146-1. Purpose.

[HISTORY: Adopted by the Town Board of the Town of Westmoreland as indicated in article histories. Amendments noted where applicable.]

§ 146-2. Prohibition.

§ 146-3. Special permit.

§ 146-4. Removal of illegal devices.

§ 146-5. Penalties for offenses.

GENERAL REFERENCES

Vehicles and traffic — See Ch. 170.

Zoning — See Ch. 180.

ARTICLE I Use of Trucks, Trailers and Other Vehicles for Storage [Adopted 8-14-2006 by L.L. No. 4-2006]

§ 146-1. Purpose.

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

§ 146-2. Prohibition.

- A. The use of trucks, truck bodies, buses, animal trailers, and similar formerly road-worthy "motor vehicles" (as defined in Chapter 180, Zoning, Article XV, Regulation of Automobile Junkyards, of the Code of the Town of Westmoreland), 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.

§ 146-3. 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 § 180-85B(2) of Chapter 180, Zoning, of the Code of the Town of Westmoreland. 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 center line 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 31 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.

§ 146-4. 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 days after notice of such violation in writing by the Codes Enforcement Officer.
- B. If after seven 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 an administrative fee as set by resolution of the Town Board, 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.¹
- 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.

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

§ 146-5. Penalties for offenses.

- A. Any person who shall violate this article shall be subject to the following civil penalties:
- (1) For a first violation: a fine not to exceed \$100;
 - (2) For a second violation: a fine not to exceed \$250;
 - (3) For a third violation and any subsequent violation, a fine not to exceed \$500 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 article.