

**BE IT ENACTED BY THE
TOWN BOARD OF THE
TOWN OF PITTSFORD
NEW YORK**

AS FOLLOWS:

**LOCAL LAW NO. 7 OF 2013:
THE ADOPTION OF PROPOSED LOCAL LAW NO. 7 of 2013:
AMENDING CHAPTER 148 OF THE TOWN OF PITTSFORD
MUNICIPAL CODE TO BE ENTITLED “VEHICLES, STORAGE OF”**

Sec. 1 Title

This Local Law shall be known as “Local Law No. 7 of 2013: Amending Chapter 148 of the Town of Pittsford Municipal Code, to be re-named “Vehicles, Storage of”, enacting provisions regulating the storage of Recreational Vehicles”.

Sec. 2 Amendment #1 to Existing Law

The Pittsford Town Code, Chapter 148 shall be entitled “Vehicles, Storage of” and shall read, as follows:

**CHAPTER 148
VEHICLES, STORAGE OF**

ARTICLE I – Junk Vehicles

- § 148-1. Purpose and findings.
- § 148-2. Definitions.
- § 148-3. Storage prohibited.
- § 148-4. Penalties for offenses.
- § 148-5. Removal by Town; notice; hearing; charges.
- § 148-6. Service of notices.

ARTICLE II - Storage of Recreational Vehicles in Residential Zoning District

- § 148-7. Purpose and applicability
- § 148-8. Definitions.
- § 148-9. Outside storage of recreational vehicles.

ARTICLE III - Storage of licensed vehicles
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ARTICLE I Junk Vehicles

§ 148-1. Purpose and findings.

The outdoor storage of junk, abandoned or nonoperable motor vehicles or the used parts therefrom within the Town is a hazard to the preservation of the public health, welfare and safety in that it constitutes health, fire and safety hazards and is an attractive nuisance to children which is a peril to their safety. The outdoor storage of such vehicles also constitutes a blight on the landscape of the Town. They are generally unsightly, and their existence tends to depreciate the value of property in the neighborhood and the Town generally. The control of the outdoor storage of junk, abandoned or nonoperable motor vehicles or the used parts therefrom within the Town is therefore regulated for the preservation of the public health, safety and welfare of its residents.

§ 148-2. Definitions.

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

BUILDING INSPECTOR - The Building Inspector appointed pursuant to Chapter 64 of this Code.

CODE ENFORCEMENT OFFICERS - The Code Enforcement Officers appointed pursuant to Chapter 64 of this Code.

JUNK VEHICLE - Any motor vehicle, whether automobile, bus, truck, trailer, mobile home, motorcycle or any other vehicle originally intended to be capable of travel on the public highways, which is abandoned, stored, left or located by its owner or any other person outdoors on private premises in the Town, and which vehicle is functionally incapable of operation under its own power. It shall be conclusive evidence that a motor vehicle is functionally incapable of operation under its own power if it is not validly registered in any state of the United States or any province of Canada or, if registered in New York State, it lacks a valid and current New York State inspection sticker or, if registered outside New York State, it lacks a valid and current inspection sticker of the state or province in which it is registered if so required by such state or province.

PERSON - Any individual person or group of individual persons, firm, partnership, corporation, association or any other unit or entity owning, possessing or otherwise in control of real property in the Town outside any village therein.

TOWN OF PITTSFORD - Anywhere within the corporate limits of the Town outside any village in the Town and excluding any establishment duly licensed by the Town to house or store such junk vehicles or used parts therefrom.

§ 148-3. Storage prohibited.

It shall be unlawful for any person to cause, permit or condone the presence of any junk vehicle, or used motor vehicle parts, outdoors on his real property in the Town. Such violation shall constitute an offense. Each week, or portion thereof, that such junk vehicle or used motor vehicle parts remain outdoors on the premises shall constitute a separate offense.

§ 148-4. Penalties for offenses.

Any person convicted of a violation of this Article shall be subject to the following penalties:

- A. For the first offense, a fine of \$50.
- B. For the second offense, a fine of \$75.
- C. For all subsequent offenses, a fine of \$100.

§ 148-5. Removal by Town; notice; hearing; charges.

- A. Any junk vehicle or used motor vehicle parts, as defined in this Article, may be removed from the premises on which it is or they are located by order of the Town Board in the manner hereafter provided.
- B. The Building Inspector or a Code Enforcement Officer, upon detecting a junk vehicle or used motor vehicle parts, shall serve a written notice ordering the removal of the same from the premises on which it is located within 10 days from the date of such service. Such notice shall also contain a description of the premises, a statement as to the location thereon of a junk vehicle or parts, and reference to this chapter and to the fact that the location of such junk vehicle or parts on such premises is in violation of this chapter.
- C. At the expiration of 10 days after the service of such notice, if such junk vehicle or parts have not been removed, the Building Inspector or a Code Enforcement Officer shall report such fact to the Town Board, in writing. Such report shall recite the violation, the notice given as required hereunder and the failure to comply therewith and may include or refer to photographs of such junk vehicle and of the premises on which it is located. Such report shall be entered in the official minutes of the Town Board by the Town Clerk, and any such photographs shall be filed in the Town Clerk's office. The Town Board shall thereafter hold a hearing upon 10 days' prior notice to the owner to determine whether, in fact, the vehicle is functionally capable of operation under its own power. Such notice of hearing shall include a statement that the purpose of such hearing is to receive evidence regarding the violation of this Article.
- D. If, after said hearing and consideration of all evidence, the Town Board determines that a violation of this Article exists, the Town Board shall arrange for the removal and disposal of such junk vehicle or used parts in a manner which it deems reasonable. Any expense to the Town in accomplishing such removal may be assessed by the Town Board to the real property from which such junk vehicle was removed, and 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.

§ 148-6. Service of notices.

Notices required by this Article shall be served as follows:

- A. By personal service on any of the owners, occupants or person in control of the premises on which the junk vehicle is located; or
- B. By regular mail, mailed to any of the owners of said property at his or her last known address as shown on the latest completed assessment roll of the Town, and by conspicuously posting a copy of such notice on the premises on which the junk vehicle is located.

ARTICLE II

Storage of Recreational Vehicles in Residential Zoning Districts

§ 148-7. Purpose and applicability.

- A. The purpose of this Article is to regulate the outdoor parking and storage of Recreational Vehicles, as defined in §148-8 of this Article, in the Residential Zoning Districts of the Town. This Article is adopted to promote safe vehicular traffic, to preserve peace and good order, to promote the aesthetic beauty of the community and hence the value of the property therein; and to promote the health, safety and general welfare of the citizens of the Town.
- B. The provisions of this Article shall apply to all lots within the Residential Zoning Districts of the Town.

§ 148-8. Definitions.

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

RECREATIONAL VEHICLE - Any vehicle used for recreational purposes, including, but not limited to, all-terrain vehicles, boats, boat trailers, campers, camper trailers, jet skis, motorcycles, motorhomes and snowmobiles; and including trailers used to transport such vehicles.

RESIDENTIAL ZONING DISTRICTS – The zoning districts designated in Chapter 185 of this Code as Agricultural Zone, RN Residential Neighborhood District, B Residential District, RRAA Rural Residential District, RRSP Rural Residential South Pittsford District, SRAA suburban Residential District and MATZ Monroe Avenue Transitional Zone.

VEHICLE HEIGHT - A vehicle height will be determined by measuring from the ground surface to the top of the vehicle, as stored.

VEHICLE LENGTH - A vehicle length will be determined by the physical measurement of the outside dimension of said vehicle, i.e., a boat will be measured from the bow to the stern, a camper/rv will be measured from bumper to bumper, a utility trailer or camper trailer will be measured front to rear excluding the trailer tongue, a boat trailer will be measured from the rear to the point of the bow support excluding the tongue.

YARD, FRONT

- A. The area between that part of an existing structure nearest the street line and the street line, bounded on each side by the side lines of the lot.
- B. On corner lots, those areas between the part of each exterior wall of an existing structure nearest each street line abutting said lot, and said street lines bounded by the other street and the side line most closely parallel to said other street line shall each be the front yard.

YARD, REAR

- A. That area between that portion of an existing structure nearest the rear line of the lot and said rear line, bounded on both sides by the side lines of said lot.
- B. On corner lots, the yard behind the house, from the front entry door perspective, shall be considered the rear yard.

YARD, SIDE – A yard which is not considered to be a Front or Rear Yard.

§ 148-9. Outside storage of recreational vehicles.

- A. No Recreational Vehicle shall be stored or parked outside on public property for more than 24 hours.
- B. One Recreational Vehicle, less than 9 feet in height and less than 20 feet in length may be stored on the driveway no closer to the edge of pavement of a public street or private road than 20 feet; however, no Recreational Vehicle storage is permitted in the rest of the front yard area.
- C. Recreational Vehicles may be stored in the side yard, provided that any such Recreational Vehicle shall:
 - (1) Be stored parallel to and immediately adjacent to the main structure;
 - (2) Not, in total, exceed the dimension of the adjacent main structure, or a maximum of 35 feet, whichever is less;
 - (3) Be screened from view from any public street and/or private road and from any adjacent properties with either an evergreen screening or a solid fence, planted or installed between the vehicle and the property line. The height of plantings must be a minimum of one half of the Recreational Vehicle height at planting and must cover the entire Recreational Vehicle height at maturity. The height of a fence must cover the entire Recreational Vehicle height. Plantings or fencing must cover the entire length of the Recreational Vehicle; and
 - (4) Be set back a minimum of 4 feet from the property line.
- D. A maximum of 2 Recreational Vehicles may be stored outside. Only one such Recreational Vehicle may be equal to or greater than 9 feet in height and/or 20 feet in length. Such Recreational Vehicles must be owned or leased by the property owner or the property resident. On lots of 5 acres or larger, one or both of the Recreational Vehicles may be equal to or greater than 9 feet in height and/or 20 feet in length. Additionally, on such lots, one such Recreational Vehicle may be owned or leased by someone other than the property owner or the property resident.
- E. Upon proper application, a Special Use Permit may be granted by the Town's Zoning Board of Appeals, in accordance with the criteria provided for in §185-174 of this Code, to allow for the storage of Recreational Vehicles in the Rear Yard of a parcel and/or to allow the storage of Recreational Vehicles not otherwise allowed on a driveway and/or a Side Yard by the provisions of 148-9(B),(C) and (D) of this section. Such Special Use Permits may include reasonable conditions and may be granted for a defined time period, as determined by the Town's Zoning Board of Appeals.

- F. All Recreational Vehicles stored outside shall be operable; be in condition for its intended use; be in a condition suitable for registration; and either be registered or have been registered within the past 6 months, if such Recreational Vehicle is required by law to be registered.
- G. Temporary parking of Recreational Vehicles is permitted on a driveway and/or in a Side Yard for no more than 14 days, in the aggregate, per calendar year.
- H. No Recreational Vehicle shall be used for residential purposes, except by visitors, subject to the issuance of a Visitor Permit as provided in §148-9(I) of this section.
- I. A Visitor Permit may be granted by the Commissioner of Public Works, for a time period not to exceed 16 days each, to allow for relief from the requirements of this section and to allow for the extended stay of visitors.
- J. The provisions of this section are not intended to nor shall they be interpreted as in any way preempting the requirements of any private agreement and/or covenant.

**ARTICLE III
Storage of licensed vehicles**

§ 148-10. Outside parking or storage of licensed vehicles.

All motor vehicles not subject to the provisions of Article II of this chapter, including utility trailers, shall, in all Residential Zoning Districts within the Town, as defined in §148-8 of this chapter, be stored or parked behind the front setback or setbacks of the main structure or on the driveway serving the property. The foregoing requirement shall not apply to casual parking or storage for a period not to exceed 7 days in any calendar year.

**ARTICLE IV
Parking of Construction and/or commercial vehicles in residential zoning districts**

§ 148-11. Purpose.

The purpose of this Article is to regulate the parking of construction and/or commercial motor vehicles in all residential Zoning Districts, as defined in §148-8 of this chapter, in the Town so as to reduce hazardous traffic conditions, protect Residential Zoning Districts from polluted air, excessive noise and refuse, protect the residents thereof from unreasonable burdens in gaining access to their residences, preserve the character of Residential Zoning Districts as residential, protect the public highways from excessive wear and tear, promote efficiency in the maintenance of those streets, preserve the value of property in Residential Zoning Districts, protect the safety of pedestrians and for the purposes of traffic safety and/or for the purpose of maintaining the general health and welfare of the residents of Residential Zoning Districts.

§148-12. Definitions

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

SEMITRACTOR - A motor vehicle designed and used as a power unit in combination with a semitrailer or trailer or two such trailers in tandem.

SEMITRAILER - Any trailer which is so designed that when operated the forward end of its body or chassis is to the rear of the towing vehicle.

TOW TRUCK - Any motor vehicle designed for the purpose of transportation or repairing disabled motor vehicles.

§148-13. Prohibited parking.

It shall be unlawful for any person to park any semitractor, semitrailer, tow truck, any construction or commercial vehicle over 10,500 pounds gross vehicle weight as indicated on its manufacturer's rating label or any school bus on any public highway or other public lands in a Residential Zoning District. It shall be unlawful for any person to park or allow to park any semitractor, semitrailer, tow truck, any construction or commercial vehicle over 10,500 pounds gross vehicle weight as indicated on its manufacturer's rating label or any school bus on any private property in a Residential Zoning District, except in a legal, enclosed structure.

§148-14. Exceptions.

The provisions of §148-13 of this Article shall not apply to construction or commercial vehicles and equipment while actually and necessarily employed in construction or other real property improvement projects, nor to commercial vehicles in the normal course of pickup and delivery nor to vehicles on agricultural or farm properties if used in the normal course of agricultural or farm business.

Sec. 3 Amendment #2 to Existing Law

The Pittsford Town Code, Chapter 185, Article XVII, shall be amended to delete the provisions of §185-115(B), §185-117 and §185-118.

Sec. 4 Severability

If any clause, sentence, phrase, paragraph or any part of this Local Law shall for any reason be adjudicated finally by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Local law, but shall be confined in its operation and effect to the clause, sentence, phrase, paragraph or part thereof, directly involved in the controversy or action in which such judgment shall have been rendered. It is hereby declared to be the legislative intent that the remainder of this Local Law would have been adopted had any such provision been excluded.

Sec. 5 Effective Date

This Local Law shall take effect following filing with the Secretary of State and on May 1, 2014.