

## Chapter 144

### OUTDOOR STORAGE OF MATERIALS

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[HISTORY: Adopted by the Board of Trustees of the Village of Caledonia 2-3-2015 by L.L. No. 1-2015.<sup>1</sup> Amendments noted where applicable.]

#### GENERAL REFERENCES

Brush, grass and weeds — See Ch. 67.

Zoning — See Ch. 215.

Solid waste — See Ch. 176.

#### § 144-1. Purpose.

It is hereby declared that the outdoor storage, installation and maintenance of abandoned, junked, discarded, dismantled and unlicensed motor vehicles, household appliances, rubbish, debris, swimming pools, swing sets, playground equipment, overstuffed furniture, firewood and construction equipment upon privately owned properties within the Village of Caledonia 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 Caledonia to legislate upon this subject matter.

#### § 144-2. Definitions.

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

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

**BUILDING** — As defined in § 215-8.

1. Editor's Note: This local law also provided for the repeal of former Ch. 144, Outdoor Storage of Materials, adopted 10-6-1981 by L.L. No. 2-1981 as Ch. 74 of the 1981 Code, as amended.

**BUILDING LINE, SIDE, FRONT, AND REAR** — The line of the building most nearly facing the front, rear or side line of the lot. Such "building lines" shall include sun parlors, garages, covered porches and covered walks, terraces, entrances and balconies, whether enclosed or unenclosed, but shall not include steps or overhanging eaves under two feet in width.

**JUNK VEHICLE** —

- A. A vehicle (as defined in the New York State Vehicle and Traffic Law, or amendments thereof) which:
- (1) Does not for a period of thirty (30) days have a current vehicle registration, properly affixed, if such affixation is required by law, and an inspection certificate properly affixed, if such affixation is required by law;
  - (2) Cannot be put into an operational condition, except at a cost in excess of its market value after repair; or
  - (3) Has been discarded for use as a vehicle or for any other purpose.
- B. Notwithstanding the foregoing, horse-drawn vehicles and recreational vehicles may be stored without registration and inspection.

**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, partnership, association, corporation 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.

**YARD, FRONT** — As defined in § 215-8.

**YARD, REAR** — As defined in § 215-8.

**YARD, SIDE** — As defined in § 215-8.

**§ 144-3. Storage on private property prohibited.**

No person shall have or permit the existence of junk vehicles, appliances, rubbish or debris out of doors on property owned by such person.

**§ 144-4. Items stored in front or side yards.**

No items shall be stored in the front yard of a lot. Items such as swimming pools, swing sets, playground equipment, overstuffed furniture, firewood or construction equipment are not permitted to be stored in the front yard. An item located on a porch on the front building line of a building is considered to be in the front yard if the porch is not enclosed.

**§ 144-5. Outside storage of firewood.**

No person shall store firewood in the front yard of a property zoned residential, except that firewood may be temporarily stored in the front yard for the purpose of splitting, cutting or stacking for a period of 15 days from the date of delivery. Firewood shall be neatly stacked and may not be stacked closer than two feet to any lot line and not higher than six feet from grade, except adjacent to a fence where firewood can be stacked against the fence as high as the fence. Fences, as used in this section, shall not include a natural fence. All brush, debris and refuse from processing of firewood shall be promptly and properly disposed of and shall not be allowed to remain on the premises.

**§ 144-6. Enforcement procedure.**

- A. The Code Enforcement Officer of the Village of Caledonia 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 chapter.
  - (4) A demand that the junk vehicle, appliance, rubbish or debris be removed from the premises within seven days after service or mailing of the notice.
  - (5) A statement that a failure to comply with the demand may result in prosecution.
  - (6) A copy of this chapter.
- B. Upon the failure of the owner to comply with the demand, a further notice shall be served upon such owner to remove the junk vehicle, appliance, rubbish or debris from the premises within seven 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 90 days for the owner to comply with the demands.

**§ 144-7. Deposit on other property.**

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

**§ 144-8. Exclusions.**

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

**§ 144-9. 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 \$250 or by imprisonment for a term not exceeding 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.

**§ 144-10. Variances.**

The Zoning Board may grant a variance to the provisions of § 144-4 relating to accessory outside storage on the front yard or on the unenclosed front porch of a residential building when, in the opinion of the Zoning Board, the variance will not adversely affect neighboring property.