

STORAGE OF PERSONALITY

Section I. Title/Purpose. This Ordinance is entitled “Storage of Personality.” The purpose of this Ordinance is as follows:

To promote the safety, health and general welfare by regulating the storage of personality in the Town of Shelby.

Section II. Adoption of Ordinance. The Town Board of the Town of Shelby hereby adopts the following:

A. General Provisions.

1. No person on land owned, leased or controlled by the person, shall cause, allow or permit any person to create any public safety or public order nuisance in the Town of Shelby.

2. Abandoned and Unusable or unlicensed motor vehicles and recreational vehicles are hereby determined to be a public nuisance. Accumulation of Abandoned or Unusable machinery, implements, equipment, and other personal property is hereby determined to be a public nuisance.

3. For the purpose of this Ordinance, the following terms, when they appear in initial upper case letters, shall have the following meanings:

a. “Abandoned” shall mean remaining in the same location for five (5) consecutive days.

b. “Unusable” shall mean not being in a condition enabling normal use of the product for the purpose it was originally manufactured.

4. The prohibitions contained in this Ordinance shall not apply to junk yards properly licensed.

5. The prohibitions contained in this Ordinance shall not apply to property which is stored in an enclosed building.

B. Abatement by Owner. The owner, tenants, lessees, or

occupants of any property, within the Town of Shelby upon which such accumulation is made shall be jointly and severally liable for the abatement of said nuisance. Abatement shall be accomplished by (i) the proper removal of property to a storage facility, authorized to be used for purposes, enclosed and shielding the property from public view; or (ii) the proper removal of said property to a location outside the corporate limits of the Town of Shelby. It shall be unlawful for an owner to allow a nuisance to exist or fail to abate the nuisance.

Section III. Enforcement and Penalties. Any person failing to abate the nuisance within seven (7) days following receipt of notice of a violation of this Ordinance shall upon conviction be subject to a forfeiture of One Hundred Dollars (\$100.00) for each offense. Each day that a nuisance remains unabated shall constitute a separate and distinct offense.

Section IV. Severability. The provisions of this Ordinance shall be deemed severable, and it is expressly declared that the Town Board would have passed the provisions of this Ordinance irrespective of whether one or more provisions may be declared invalid, and if any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the remainder of the Ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

Section V. Effective Date. This Ordinance shall take effect upon passage and publication. The provisions of this Ordinance shall prevail over any previous Ordinances of the Town of Shelby that are or may be in conflict therewith.

Date passed: March 22, 2010

Lynnetta P. Kopp, Town Chair

Randall R. Knapp, Town Supervisor

John O. Zahn, Town Supervisor

ATTEST:

Catherine Brott, Town Clerk