

Chapter 116

Parking and Storage of Trailers, Commercial Vehicles and Construction Equipment on Residential Property

[Added _____ by L.L. No. 2-2020]

§ 116-1. Legislative intent.

A. The Board of Trustees of the Incorporated Village of Asharoken hereby finds that the unregulated parking of trailers, commercial vehicles or construction equipment has the potential to create a visual blight within the Incorporated Village of Asharoken (hereinafter the "Village") which can detract from the Village's residential character, and which can adversely affect the aesthetics and property values therein.

B. It is the intent of this Chapter to regulate the parking and storage of trailers, commercial vehicles and construction equipment in a manner which will preserve the Village's residential character and protect the aesthetics and property values within the Village, and otherwise promote the health, safety and general welfare of its residents.

§ 116-2. Definitions

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

COMMERCIAL VEHICLE

Any vehicle with APPORTIONED, BUS, TAXI, T&LC, FARM, LIVERY, SCHOOL, TOW TRUCK, TRACTOR, SPEC. COMM. or COMMERCIAL number plates from the State of New York, or the equivalent type of number plate from any other state, district, territory or foreign country being used in commerce with or without commercial signs or logos affixed thereto, with the exception of pick-up trucks.

CONSTRUCTION EQUIPMENT

Any vehicle or equipment, with or without wheels, and of a type used primarily by the construction industries. Such equipment may include, but is not limited to, bulldozers, backhoes, skid-steer loaders, excavators, construction tractors, concrete mixers, dump trucks, graders, hoists, power shovels, tank trucks, trenching machines and water well drilling machinery.

PARKING/PARKING

Standing motionless and unattended for an interval of time longer than is reasonably necessary to load or unload passengers or freight or to perform its intended functions. For purposes of this chapter, "parking" shall also include "storage".

PICK-UP TRUCK

A light duty truck (class 1, 2 or 3) having an enclosed cab and an open cargo area with low sides and a tailgate, without any signs or logos on the truck.

RESIDENTIAL PROPERTY

All property located within the geographical boundaries of the Village of Asharoken, except: (1) property located within an agricultural district adopted by the County of Suffolk and certified by the Commissioner of Agriculture and Markets pursuant to Article 25AA of the New York State Agriculture and Markets Law, and (2) property owned by a municipality and used for a public purpose.

TRAILER

An unpowered vehicle with TRAILER number plates towed by a motor vehicle for use in commerce or designed to be used for human habitation.

§ 116-3 Regulated Activities.

Unless authorized by a special permit granted by the Board of Trustees pursuant to § 116-4, no person shall park, or permit the parking of, a trailer, commercial vehicle or construction equipment on any residential property, except when such trailer, commercial vehicle or construction equipment is fully enclosed within a lawful building, or except during such time as such trailer, commercial vehicle or construction equipment is being used on the premises in connection with lawfully permitted construction activities.

§ 116-4 Special Permit

Any person or legal entity alleging a hardship arising from the regulations set forth in § 116-3 may apply to the Board of Trustees for a special permit to allow the parking of a trailer, commercial vehicle or construction equipment on residential property, when such trailer, commercial vehicle or construction equipment is not fully enclosed within a lawful building. In reviewing such application, the Board of Trustees shall apply the standards set forth in Village Code §125-41.

§ 116-5 Penalties for offenses.

Any person or legal entity found in violation of any of the provisions of this chapter shall be guilty of an offense punishable by a mandatory fine of \$250 for each offense. It shall be deemed a new or additional offense for every twenty-four-hour period during which the violation continues unabated, provided that a new accusatory instrument is issued.