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TECHNICAL BULLETIN

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Source Document: 19NYCRR 1226 - *Property Maintenance Code of New York State (PMCNYS)*

Topic: Motor Vehicles

This document is a guideline to assist code enforcement officials in their efforts to secure compliance with Section 302.8, Motor Vehicles, of the *Property Maintenance Code of New York State*.

List of Abbreviations

PMCNYS; Property Maintenance Code of New York State

CEO; Code Enforcement Official

UC; Uniform Fire Prevention and Building Code (Uniform Code)

CC ;Fire Prevention and Building Code Council (Code Council)

ICC; International Code Council

IPMC; International Property Maintenance Code

DMV; NYS Department of Motor Vehicles

Code Section 302.8 , Motor Vehicles, is frequently a topic for CEO's seeking clarification of the number of motor vehicles that would be allowed on the premises.

Background: The PMCNYS is a part of the International Codes, adopted by reference in the Uniform Code. The PMCNYS has certain NY State enhancements (amendment), including the number of inoperative or unlicensed vehicles allowed. While the 2000 IPMC allowed NO such vehicles, the adopted NY State version was modified to allow for ONE inoperative vehicle.

Additionally, the Code Council expressed concern that the international version (if adopted) would adversely affect thousand of existing legally operating businesses, and would also conflict with the General Municipal Law and Motor Vehicle Law. The Code Council directed that Code Section 302.8 be **amended** to allow for one unlicensed / inoperative vehicle on any property and further determined that the code section **does not** affect storage that complies with applicable zoning or licensing requirements, such as repair garages, salvage yards, and similar establishments. In addition to auto junk / salvage yards covered under NYS General Municipal Law, there are also licensing requirements for automotive sales businesses and motor vehicle repair and inspection shops as controlled by the NYS DMV.

A subsequent inquiry questioned whether race cars or demolition derby cars fall into a junk vehicle category because such vehicles are not registered. Race Track functions are controlled by several various licensing membership groups. In order to participate at a track, the race / demolition derby car would have to *be*

operative. Further, there is a registration requirement imposed by the controlling association (New York State Stock Car Association, Dirt MotorSports, etc.). The 2003 and the 2006 ICC **Commentaries** provides a definition of an **Inoperable Motor Vehicle** which is a vehicle which cannot be *driven upon the public streets* for reasons including being unlicensed, in a state of disrepair, or incapable of being moved under its own power. A race car would be capable of being operated but the intent is do so at a race track and not on the public street. Absent a local (zoning) law to the contrary, it would appear that a race car would not be affected by code section 302.8 provided that the vehicle is capable of moving under its own power, is not being driven upon a public street, and is registered through one of the controlling associations affiliated with a race track.

Code section 302.8 **does not** allow for vehicles in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. There is an *exception* that would permit such major overhaul, provided that the work is performed inside a structure (generally a garage) or similarly enclosed area, *approved* for such purpose. A carport would not meet the requirement for “enclosed area”. Further, **approved** is defined as Acceptable to the Code Enforcement Official.

PMCNYS Section 302.8 is not applicable to unlicensed and inoperative vehicles used for agricultural purposes by a farm operation located within a county adopted, State certified agricultural district when the number and type of vehicles is consistent with the needs and scope of the farm operation.

In review of local ordinances under Section 305-a of the Agriculture and Markets Law, the Department of Agriculture and Markets (Department) has determined that some agricultural operations maintain unlicensed vehicles on the farm for use on their property. Further, although unlicensed and unable to be used on the highway, such vehicles may be essential to the conduct of the operation or may be used for spare parts. The Department has a document entitled *Guidelines for Review of Local Laws Affecting Junk, Litter and Junkyards* which provide additional information on agricultural purposes.

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