

**TOWN OF BYRON, NY
COUNTY OF GENESEE**

LOCAL LAW NO. ____ OF THE YEAR 2025

**A LOCAL LAW TO REGULATE THE OUTDOOR STORAGE OF COMMERCIAL TRAILERS
ON RESIDENTIAL AND RECREATIONAL PRIVATE PROPERTY**

WHEREAS, the Town of Byron finds that the outdoor storage of large commercial trailers, specifically tractor-trailer trailers (also known as semi-trailers or 18-wheeler trailers), on private property within residential and certain recreational zoning districts can negatively impact the aesthetic character, property values, and public safety of the community; and

WHEREAS, such storage can create visual blight, obstruct views, contribute to noise, and pose potential traffic and safety hazards due to their size and potential for unmonitored activity; and

WHEREAS, it is deemed necessary and appropriate to establish reasonable regulations concerning the outdoor storage of such trailers to promote the general welfare, health, safety, and prosperity of the inhabitants of the Town of Byron;

NOW, THEREFORE, BE IT ENACTED by the Town Board of the Town of Byron as follows:

SECTION 1. TITLE AND PURPOSE

This local law shall be known as the "Commercial Trailer Storage Law of the Town of Byron." The purpose of this local law is to regulate the outdoor storage of commercial trailers on private property within designated zoning districts to mitigate adverse impacts on residential neighborhoods and public safety.

SECTION 2. DEFINITIONS

For the purpose of this law, the following terms shall have the meaning ascribed to them:

- **Commercial Trailer (Tractor-Trailer Trailer/Semi-Trailer):** A non-motorized, inspected, licensed and registered vehicle designed to be pulled by a tractor trailer rig or semi truck, exceeding 28 feet in length and eight (8) feet in width, typically connected to the trailer at a fifth wheel coupling and designed for the transport of goods, materials, or equipment as part of a commercial enterprise. This includes, but is not limited to, dry vans, refrigerated trailers, flatbeds, car carriers, tanker trailers, and any other similar unenclosed or enclosed commercial hauling unit.
- **Commercial Vehicle:** Often defined by gross vehicle weight rating (GVWR), length, height, or type of registration (e.g., any vehicle designed, used, or maintained primarily for the transportation of property for hire or for business purposes, exceeding a certain weight or dimension).
- **Parking:** The stopping or standing of a vehicle, whether occupied or not, other than temporarily for the purpose of and while actively engaged in loading or unloading.

- **Outdoor Storage:** The placement or keeping of a commercial trailer on any portion of a property that is not fully enclosed within a permitted building or structure.
- **Residential Zoning District(s):** Any zoning district designated primarily for residential use, including but not limited to R-1, R-2, R-3, Residential-Agricultural, or similar classifications as defined in the Town's Zoning laws.
- **Recreational Zoning District(s):** Any zoning district designated for recreational use, where such storage is not explicitly permitted as an accessory use, including, but not limited to, Conservation, Open Space, or similar classifications as defined in the Town's Zoning laws.
- **Accessory Use/Structure:** A use or structure incidental and subordinate to the principal use of the lot and located on the same lot.
- **Owner:** The person or entity holding legal title to the private property.

SECTION 3. PROHIBITION OF OUTDOOR STORAGE

A. Except as specifically provided in Section 4 of this law, no person shall store or permit the outdoor storage of any commercial trailer on any private property located within any Residential or Agricultural-residential Zoning District in the Town of Byron.

B. This prohibition applies whether the commercial trailer is attached to a tractor trailer rig/semi truck or unattached.

SECTION 4. EXCEPTIONS

The following exceptions shall apply to the prohibition set forth in Section 3:

A. **Active Loading/Unloading:** A commercial trailer may be temporarily present on private property for the sole purpose of active loading or unloading of goods or materials, provided that such activity does not exceed a continuous period of **24 hours** from the time the loaded trailer first arrives at the private property site.

B. **Construction Sites:** A commercial trailer may be present on a property that is an active, permitted construction or renovation site, directly associated with the construction project, for the duration of the valid building permit, provided it is used solely for the storage of construction materials, tools, or equipment necessary for the project. Upon completion or cessation of the construction activity, the trailer shall be removed within **72 hours** from the time the loaded trailer first arrives at the construction or renovation site.

C. **Agricultural Use (where permitted):** On properties located within a designated Agricultural or Agricultural-Residential Zoning District where active agricultural operations are the principal use, a commercial trailer may be stored outdoors if it is directly and exclusively used for the active agricultural operations on that property, as an accessory use incidental to the agricultural activity. This exception does not apply to properties primarily used for residential purposes with incidental agricultural activity.

D. Emergency Services: Commercial trailers owned and operated by the Town of Byron or its authorized contractors for municipal purposes (e.g., public works, emergency services) may be stored as necessary for the performance of their duties.

E. Repair (Limited Duration): A commercial trailer may be temporarily present on private property for necessary and minor emergency repairs, provided such repairs are completed and the trailer removed within **72 hours**. Major repairs or long-term maintenance are not permitted under this exception.

F. Trailer Storage: Trailers stored in approved areas shall be located on an improved surface such as pavement, concrete or stone. The trailer shall be parked in a manner that is not visible from the public right-of-way or is screened from view by a solid fence, wall, or dense evergreen landscaping at least six (6) feet in height. No semi-trailer shall be used for human habitation, occupation, or for a residential or housing purpose, on a temporary or permanent basis, within the town limits.

SECTION 5. ENFORCEMENT AND PENALTIES

A. Enforcement Authority: Violations of the provisions of this law shall be enforced by the Code Enforcement Officer of the Town of Byron.

B. Any property not in compliance with the provisions of this local law at the time of its enactment shall bring their property into compliance within six (6) months after the date of enactment of this local law. After that six months period, the enforcement and penalty provisions shall apply.

C. Violation Notice: Upon discovery of a violation of provisions of this law, the enforcing authority shall issue a written notice of violation to the owner of the property where the violation occurs. The notice shall describe the violation and order its abatement within a specified period, not to exceed **ten (10) calendar days** from the date of the notice. If after the 10th day the owner has not complied, the Town will have the authority to contract for its removal, after reasonable written notice is made to the property owner. The property owner will be responsible for all towing and storage fees.

D. Penalties: Any person who violates any provision of this law shall be subject to a fine of:

First Offense: One Hundred Dollars (\$100.00) or imprisonment not to exceed 15 days.

Second Offense: Two Hundred Fifty Dollars (\$250.00) or imprisonment not to exceed 15 days

Third and Subsequent Offenses: One Thousand Dollars (\$1,000) or imprisonment not to exceed 15 days. Each day a violation continues after the expiration of the abatement period specified in the notice of violation shall constitute a separate offense.

Fine amounts may be reviewed and changed by the planning board from time to time and said changes shall become effective upon approval of the town board through resolution.

E. Remedies: In addition to monetary penalties, the Town may pursue any other legal or equitable remedies including jail time available to it, including but not limited to injunctive relief to compel compliance with this law.

SECTION 6. SEVERABILITY

If any section, subsection, sentence, clause, phrase, or portion of this law is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 7. CONFLICTING LAWS

All laws or parts of laws inconsistent herewith are shall be considered invalid or unenforceable.

SECTION 8. EFFECTIVE DATE

This law shall take effect upon its filing with the New York State Secretary of State.