

A local law entitled,

AMENDMENT TO PARKING REGULATIONS LAW

"Amending Various Portions of, Repealing and Replacing Subsection 131-27 of, and Adding Various Portions to, Section 131 of the Village of Elbridge Code, i.e. Traffic and Parking"

Be it enacted by the Board of Trustees of the Village of Elbridge as follows:

Local Law No. 1 of 2016

SECTION 1 **TITLE**

This local law shall be known as the "**AMENDMENT TO PARKING REGULATIONS LAW**" of the Village of Elbridge, and may be cited as amending, in part or in whole, the following sections: **VOE §131-12; VOE §131-13; VOE §131-36; VOE §131-16; VOE §131-38; VOE §131-20; VOE §131-19; VOE §131-17; VOE §131-21; and, VOE §131-26**, repealing and replacing **VOE §131-27**, as indicated herein; and, adding various other sections, but retaining all other existing parking violations not specifically mentioned herein.

SECTION 2 **DEFINITIONS**

- 2.1 As used in this Local Law, the following terms shall have the meanings indicated:
 - 2.1-1 "***HIGHWAY***" – The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel, as also defined in Section 118 of the Vehicle and Traffic Law of the State of New York.
 - 2.1-2 "***INTERSECTION***" – The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two (2) highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict, as also defined in Section 120(a) of the Vehicle and Traffic Law of the State of New York.
 - 2.1-3 "***OPERATOR***" – A person who uses and/or drives a motor vehicle or vessel with the consent of the owner.

- 2.1-4 “*OWNER*” – A person, other than a lien holder, having the property in or title to a vehicle or vessel. The term includes a person entitled to use and possession of a vehicle or vessel subject to a security interest in another person and also includes any lessee or bailee of a motor vehicle or vessel having the exclusive use thereof, under a lease or otherwise, for a period greater than thirty (30) days, as also defined in Section 128 of the Vehicle and Traffic Law of the State of New York.
- 2.1-5 “*PERSON*” – Every natural person, firm, copartnership, association, or corporation, as also defined in Section 131 of the Vehicle and Traffic Law of the State of New York.
- 2.1-6 “*VEHICLE*” – As also defined in Section 159 of the Vehicle and Traffic Law of the State of New York, every device in, upon, or by which any person or property is, or may be, transported or drawn upon a highway, including, but not limited to, any motorcycle or motor vehicle as defined in Sections 123 and 125, respectively, of the Vehicle and Traffic Law of the State of New York, and the acts amendatory and supplemental thereto, except devices moved by human power or used exclusively upon stationary rails or tracks.

SECTION 3 **APPLICATION OF ARTICLE**
(Current Code Section 131-12)

§131-12. Application of Article

The provisions of this Article shall apply except when it is necessary to stop a vehicle to avoid conflict with other traffic, or when in compliance with law or the directions of a police officer or official traffic-control device, as also pursuant to Section 1202 of the New York State Vehicle and Traffic Law.

By Order of the Mayor and/or Board of Trustees, or the Maintenance Worker I of the Village of Elbridge, for snow removal, water emergencies, or other such conditions, the Village of Elbridge, and its agents and/or employees, including, but not limited to: the Codes Enforcement Officer; and, the Director of Public Works, expressly reserve the right to erect temporary, “*no parking zones*” anywhere within the territorial limits of the Village of Elbridge, at their complete and sole discretion, in order to manage such snow removal, water emergencies, and other such conditions which may arise from time to time.

This power shall not require the Village of Elbridge to formally declare a “state of emergency.”

SECTION 4 PARKING PROHIBITED AT ALL TIMES
(Current Code Sections 131-13 and 131-36)

§131-13. Parking Prohibited at All Times

No person shall park a vehicle at any time upon any of the streets or parts thereof described in **Schedule IX** (§131-36), attached to and made a part of this Chapter.

§131-36. Schedule IX: Parking Prohibited at All Times

In accordance with the provisions of §131-13, no person shall park a vehicle at any time upon any of the following described streets or parts of streets:

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
Brown Street	North / South	From Pole No. 7 to the easterly limits of Brown Street
Valley Drive / Mill Street	East	From 201 Valley Drive, around the area of the road’s sharp curve, south to its intersection with Route 5 / Main Street (other than in the Village of Elbridge Municipal Parking Lot, which is located at the corner of Valley Drive and Route 5 / Main Street)
Valley Drive / Mill Street	West	From 201 Valley Drive, around the area of the road’s sharp curve, south, to its intersection with Route 5 / Main Street (other than in the Village of Elbridge Municipal Parking Lot, which is located at the corner of Valley Drive and Route 5 / Main Street)
South Street *	East	From 113 South Street north to its intersection with Route 5 / Main Street
South Street *	West	From 106 South Street, <u>i.e.</u> the U.S. Post Office, north to its intersection with Route 5 / Main Street

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
North Street *	East	From 100 feet north of its intersection with Route 5 / Main Street north to the boundary with the Village of Jordan / Town of Elbridge
North Street *	West	From 100 feet north of its intersection with Route 5 / Main Street north to the boundary with the Village of Jordan / Town of Elbridge.

All other Village of Elbridge streets, within 100 feet of the intersection of any Village street and its intersection with another public roadway, no vehicle shall be parked within twenty (20) feet on either side of a fire hydrant or otherwise such that it interferes with the Village of Elbridge Volunteer Fire Company, Inc., or any other fire department, accessing the same.

No vehicle shall be parked to block any public sidewalk, sidewalk entrance and/or exit, or pedestrian right-of-way ingress or egress.

No vehicle shall be parked within twenty (20) feet on either side of a lawful driveway or intersection, or otherwise in such a manner or distance as to block the view of motorists entering or exiting such driveway.

* These are roads owned and otherwise generally maintained by Onondaga County and the Onondaga County Department of Transportation.

SECTION 5 TIME LIMIT PARKING
(Current Code Sections 131-16 and 131-38)

§131-16. Time Limit Parking

No person shall park a vehicle for longer than the time limit shown in **Schedule XI** (§131-38) at any time between the hours listed in said **Schedule XI** of any day, unless otherwise indicated, upon any of the streets or parts of streets described in said **Schedule XI**, attached to and made a part of this Chapter.

§131-38. Schedule XI: Time Limit Parking

In accordance with the provisions of §131-16, no person shall park a vehicle for longer than the time limit shown upon any of the following described streets or parts of streets:

<u>Name of Street</u>	<u>Side</u>	<u>Time Limit; Hours/Days</u>	<u>Location</u>
Valley Drive	East	1 hr; All / All	From 201 Valley Drive northerly, for the duration of Valley Drive
Valley Drive	West	1 hr; All / All	From 201 Valley Drive northerly, for the duration of Valley Drive

All other Village streets not otherwise mentioned in §131-13 and §131-36 are subject to the limitations set forth in §131-16 and §131-38.

SECTION 6 RESTRICTED PARKING OR STANDING IN PARKING LOTS WHICH ARE LOCATED IN PROPERTY ZONED AS R-3 (MULTIPLE-FAMILY RESIDENTIAL DISTRICTS); B-1 (RETAIL BUSINESS DISTRICTS); B-2 (GENERAL BUSINESS AND INDUSTRIAL ZONE DISTRICTS); S-1 (SHOPPING CENTER DISTRICTS); AND, PLANNED UNIT DEVELOPMENT (“PUD” DISTRICTS (New Code Section 131-_____)

§131-__. **Restricted parking or standing in parking lots which are located in property zoned as R-3 (Multiple-Family Residential Districts); B-1 (Retail Business Districts); B-2 (General Business and Industrial Zone Districts); S-1 (Shopping Center Districts); and, Planned Unit Development (“PUD”) Districts.**

There shall be no evening or no overnight parking, stopping, standing, or idling of motorized vehicles in parking lots which are located in property zoned as R-3 (Multiple-Family Residential Districts); B-1 (Retail Business Districts); B-2 (General Business and Industrial Zone Districts); S-1 (Shopping Center Districts); and, Planned Unit Development (“PUD”) Districts, between the hours of 9:00 P.M. and 7:00 A.M, except to conduct lawful temporary business.

Otherwise, pursuant to Section 1202 of the New York State Vehicle and Traffic Law, parking or standing in any of the locations referenced in that Section is prohibited, except when necessary to avoid conflict with other traffic, or when in compliance with law or the directions of a police officer or official traffic-control device.

SECTION 7 BUS STOPS (New Code Section 131-_____)

§131-__. **Bus stops.**

There shall be no parking, stopping, standing, or idling at designated, marked bus stop zones at any time whatsoever.

SECTION 8 FIXED TOWING AND STORAGE CHARGES
(Current Code Section 131-20)

§131-20. **Fixed towing and storage charges.**

After removal of any vehicle as provided in this Chapter, the Village Clerk may direct the storing of, or causing of, such vehicle to be stored in a suitable place at the expense of the owner, provided that the owner is properly notified, as indicated in §131-21 below.

Such owner, lawful operator, or person in charge of the vehicle may redeem the same upon payment to the person, with whom stored, of the amount of all expenses actually and necessarily incurred in effecting such removal and storage, as well as any fines assessed by the Village of Elbridge, in its complete and sole discretion.

The towing and storage charges for illegally parked vehicles shall be set by resolution of the Board of Trustees from time to time. The current fee schedule is available at the Village Clerk's Office.

SECTION 9 BOND

§131-19 **Bond.**

Every such designated and approved contractor who tows illegally parked vehicles and/or stores or impounds such vehicles pursuant to the terms of this Article shall, upon executing the contract with the Village, post a bond in the amount of fifty thousand dollars (\$50,000.00), with good and sufficient surety approved by the Village Attorney, with the Village Clerk for indemnifying the owner of such impounded vehicle against the loss thereof or injury or damage thereto while in the custody of the contractor.

SECTION 10 REPEAL AND REPLACEMENT OF CURRENT CODE SECTION 131-27

§131-27. **Repealed and replaced by "Fine schedule for offenses."**

The fine for all parking violations referenced in *Article III, i.e.* "Parking, Standing and Stopping," of this Chapter shall be based upon the following Schedule, which

also may be amended from time to time by a duly adopted resolution of the Village of Elbridge Board of Trustees:

<u>Offense Number</u>	<u>Fine for Violation</u>
First	Fifty dollars (<u>i.e.</u> \$50.00), plus towing and storage (if applicable);
Second	One-hundred dollars (<u>i.e.</u> \$100.00), plus towing and storage (if applicable);
Third	Two-hundred dollars (<u>i.e.</u> \$200.00), plus towing and storage (if applicable); and,
Fourth (and others)	Two-hundred fifty dollars (<u>i.e.</u> \$250.00), plus towing and storage (if applicable)

If the applicable fine is not paid within thirty (30) days after the issuance of the ticket, by a police agency having appropriate jurisdiction, or notice therefore by a police agency and/or the Village Clerk, a one-hundred-dollar (i.e. \$100.00) penalty shall be added thereon.

Each day that a violation continues represents a separate and distinct violation for which the Village of Elbridge may impose a fine.

SECTION 11 AUTHORIZING MAINTENANCE WORKER I OR ANY POLICE AGENCY TO IMPOUND VEHICLES (*Current Code Section 131-17*)

§131-17. Authorizing the Village of Elbridge Maintenance Worker I or any police agency having appropriate jurisdiction the power to impound vehicles.

When any vehicle is parked or abandoned on any highway or public parking lot within the Village during a snowstorm, flood, fire, or other public emergency which affects the portion of the public highway upon which said vehicle is parked or abandoned, said vehicle may be removed by Maintenance Worker I of the Village of Elbridge or any police agency having appropriate jurisdiction.

When any vehicle is found unattended on any highway or public parking lot within this Village, where said vehicle constitutes an obstruction to traffic, said vehicle may be removed by Maintenance Worker I of the Village of Elbridge or any police agency having appropriate jurisdiction.

When any vehicle is parked or abandoned on any highway or public parking lot within this Village where stopping, standing, or parking is prohibited, said vehicle

may be removed by Maintenance Worker I of the Village of Elbridge or any police agency having appropriate jurisdiction.

SECTION 12 NOTIFICATION OF IMPOUNDMENT
(Current Code Section 131-21)

§131-21. Notification of impoundment.

Within twelve (12) hours from the time of removal of any vehicle under the authority granted by this Article, notice of the fact that such vehicle has been impounded shall be sent by a police agency having appropriate jurisdiction, the towing agency, or the Village Clerk, to the owner of record of such vehicle. Such notice shall designate the place from which said vehicle was removed, the reason for its removal and impounding, and the name and address of the approved storage garage in which it shall have been impounded.

If the registered/titled owner, lawful operator, or person in charge of the vehicle is unavailable or out-of-town, for whatever reason, a police agency having appropriate jurisdiction, working as necessary with the Village Clerk, shall exercise due diligence in attempting to notify the owner, lawful operator, or person in charge of said vehicle within a reasonable time period following his or her return to the Village of Elbridge.

SECTION 13 WILLINGNESS OF OWNER OR OPERATOR TO REMOVE VEHICLE
(Current Code Section 131-26)

§131-26. Willingness of owner or operator to remove vehicle.

No vehicle shall be removed under authority of this Article if, at the time of the intended ticketing thereof, the owner, lawful operator, or person in charge of such vehicle is present and expresses a willingness and intention to remove such vehicle immediately, and provided that the tow truck has not already been dispatched to tow said vehicle, and that no charges have been incurred by the Village of Elbridge for such towing.

However, if it is determined that the owner, lawful operator, or person in charge of the vehicle is deceased, the police agency having appropriate jurisdiction, working as necessary with the Village Clerk, shall wait until a representative of the deceased's estate is appointed before enforcing the provisions of this Chapter, unless, in the complete and sole discretion of either the police agency having appropriate jurisdiction or Maintenance Worker I of the Village of Elbridge, a delay in enforcement of the provisions of this Chapter will impact, or otherwise jeopardize, the health, safety, and general welfare of the residents of the Village of Elbridge, including, but not limited to: snow removal; traffic hazards; water emergencies; or, other such conditions that the Village of Elbridge, and its agents and/or employees, deem appropriate, in their complete and sole discretion.

SECTION 14 RELEASE OF VEHICLE
(New Code Section 131-____)

§131-__. Release of vehicle.

Before the owner, lawful operator, or person in charge of any vehicle taken into custody or immobilized as provided above shall be allowed to repossess or to secure the release of said vehicle, the owner, or his or her agent, shall pay the following:

- All sums legally due for any delinquent Village of Elbridge parking violations issued and outstanding against such vehicle and any other vehicle registered to him or her. Should an owner, lawful operator, or person in charge of such vehicle wish to contest any of the delinquent parking summonses, such owner, operator, or person in charge of such vehicle shall be permitted to post a cash bond equal to the cumulative amount of the fines due for those contested summonses, along with any late penalties which may be owed. Such cash bond shall be held by the Village of Elbridge Clerk, pending the disposition of the delinquent summons cases in the Town of Elbridge Court; and,
- All sums due the towing contractor and/or storage garage for the Village of Elbridge advancing the cost or costs of towing and/or storage (if applicable), as provided in §131-20 of this Chapter.

No such vehicle shall be released until the owner or his agent has established his or her identity and right to possession and has signed a proper receipt therefore.

SECTION 15 OTHER UNLAWFUL PARKING OR STANDING
(New Code Section 131-____)

§131-__. Other unlawful parking or standing.

No person shall park or stand a vehicle upon any street or in any of the parking areas or spaces prescribed in this Chapter for the purposes of:

- Displaying it for sale;
- Washing, greasing, or repairing such vehicle except for such repairs as may be necessitated by an emergency; or,
- For the primary purpose of advertising.

No person shall park or stand a vehicle upon any street in any of the parking areas or spaces in any public parking lot prescribed within this Chapter unless such vehicle is validly registered and inspected pursuant to the laws of the State of New York.

No vehicle shall be parked to block any public sidewalk, sidewalk entrance and/or exit, or pedestrian right-of-way ingress or egress.

No vehicle shall be parked within twenty (20) feet on either side of a lawful driveway or intersection, or otherwise in such a manner or distance as to block the view of motorists entering or exiting such driveway.

SECTION 16 **VALIDITY OF LAW**

16.1 If any term or provision of this Local Law, or the application thereof to any person or circumstance, shall to any extent be declared by a court of competent jurisdiction to be invalid or unenforceable, the remainder of this Local Law, or the application of such term or provision to persons or circumstances other than those to which it is held invalid or unenforceable, shall not be affected thereby, and each term and provision of this Local Law shall be valid and shall be enforced to the fullest extent permitted by law.

SECTION 17 **AMENDMENT**

17.1 This Local Law amends, in their entirety, Village of Elbridge Code Sections 131-12; 131-13; 131-36; 131-16; 131-38; 131-20; 131-19; 131-17; 131-21; and, 131-26.

SECTION 18 **REPEALER**

18.1 This Local Law repeals, in its entirety, and replaces, in its entirety, Village of Elbridge Code Section 131-27, as indicated in Section 10 above.

SECTION 19 **EFFECTIVE DATE**

19.1 This Local Law shall take effect twenty (20) days after adopting and filing with the Secretary of State, as provided in Sections 27(3) and 27(4) of the Municipal Home Rule Law of the State of New York.

SECTION 20 **LEGISLATIVE AUTHORITY**

20.1 This Local Law is enacted pursuant to the authority of Section 20 of the Municipal Home Rule Law of the State of New York.

BE IT ENACTED this 6th day of June, 2016 by the Board of Trustees of the Village of Elbridge of Onondaga County, New York.

ABSENT

HENRY A. DOERR, *Mayor*

Christopher A. DeCola

CHRISTOPHER A. DeCOLA,
Deputy Mayor and Trustee

Anthony DeMarco, Jr.

ANTHONY DeMARCO, Jr., *Trustee*

John Murray

JOHN ("J.R.") MURRAY, *Trustee*

Stephanie Harris

STEPHANIE HARRIS, *Trustee*

Seal:

Attest:

Renee M. Caron

RENEE M. CARON, *Village Clerk-Treasurer*