

**VILLAGE OF SKANEATELES
LOCAL LAW #1 OF 2010**

A LOCAL LAW TO AMEND CHAPTER 212 (“VEHICLES AND TRAFFIC”), ARTICLE I (“GENERAL PROVISIONS”), SECTION 212-1 (“DEFINITIONS”), SECTION 212-5 (“AUTHORITY TO REMOVE VEHICLES”), SECTION 212-6 (“STORAGE OF REMOVED VEHICLES”), SECTION 212-7 (“NOTICE OF REMOVAL”), SECTION 212.8 (“REDEMPTION OF REMOVED VEHICLES”), AND ARTICLE IV (“PARKING METERS”), SECTION 212-25 (“TRAFFIC VIOLATION FINES”) OF THE VILLAGE CODE OF THE VILLAGE OF SKANEATELES

BE IT ENACTED BY THE VILLAGE BOARD OF THE VILLAGE OF SKANEATELES:

Statement of Intent and Findings.

It is the judgment of the Village Trustees that it is necessary to strengthen provisions of the Village Code dealing with parking restrictions and the enforcement of parking violations, in order to promote compliance with existing restrictions.

Authority.

This Local Law is enacted pursuant to the authority of the Municipal Home Rule Law, Section 10, and the Vehicle and Traffic Law, Section 1640.

Text of Proposed Local Law.

A. Chapter 212, Article I, Section 212-1 of the Village Code of the Village of Skaneateles is hereby amended as follows: (new text underlined).

“212-1. Definitions.

B. The following words and phrases which are not defined by Article I of the Vehicle and Traffic Law of the State of New York shall have the meanings respectively ascribed to them in this section for purposes of this chapter:

HABITUAL PARKING VIOLATOR – A vehicle owner who has incurred three or more Village parking violation citations which remain unpaid ~~within the most recent six month period without regard to whether such citations have been paid.~~ A person previously found to be a habitual parking violator shall no longer be considered as such upon having resolved all outstanding ~~fewer than three~~ Village parking violations. ~~over the immediately preceding six month period.~~

PARKING FINE DELINQUENT – A vehicle owner having one or more outstanding parking violation citations, issued by the Village, for which payment in full (including all late fees and/or surcharges) has been outstanding for 90 ~~60~~ days or more.”

B. Chapter 212, Article I, Section 212-5 of the Village Code of the Village of Skaneateles is hereby amended as follows: (new text underlined).

“Section 212-5 Authority to remove, immobilize or impound vehicles.

A. When any vehicle is parked or abandoned on any highway within the Village during a snowstorm, flood, fire or other public emergency which affects that portion of the public highway upon which said vehicle is parked or abandoned, said vehicle may be removed by the Public Works Highway Department or the Police Department.

B. When any vehicle is found unattended on any highway within the Village where said vehicle constitutes an obstruction to traffic, said vehicle may be removed by the Public Works Highway Department or the Police Department.

C. When any vehicle is parked or abandoned on any highway within the Village where stopping, standing or parking is prohibited, said vehicle may be removed by the Public Works Highway Department or the Police Department.

D. Any vehicle which is owned by or registered to a person who is a Habitual Parking Violator, or a Parking Fine Delinquent, as defined in this chapter, may be immobilized by or under the direction of a police officer, in such a manner as to prevent its operation, or may be impounded.

E. No vehicle may be immobilized or impounded because the owner of the vehicle has been determined to be a Habitual Parking Violator, who has at least three outstanding Village parking violations unless (1) all three separate parking violations were issued after the effective date of this local law authorizing immobilization or impounding of vehicles or (2) the Village Clerk has provided the registered owner of the vehicle with a notice of outstanding parking violations, by regular first class mail (a) advising the owner of this local law authorizing the immobilization or impounding of vehicles based on three (3) separate unpaid parking violation notices and (b) notifying the owner as to what actions the owner needs to take to avoid having the owner's vehicle immobilized or impounded.

F. No vehicle may be immobilized or impounded because the owner of the vehicle has been determined to be a Parking Fine Delinquent, who has at least one outstanding Village parking violation for 90 days or more, unless (1) all said violations were issued after the effective date of this local law authorizing immobilization or impounding of vehicles, or (2) the Village Clerk has provided the registered owner of the vehicle with a notice of outstanding parking violations, by regular first class mail (a) advising the owner of this local law authorizing the immobilization or impounding of vehicles based upon one or more outstanding Village parking violations which have been outstanding for 90 days or more and (b) notifying the owner as to what actions the owner needs to take to avoid having the owners vehicle immobilized or impounded.

G. No vehicle shall be immobilized by any means other than the use of a device or mechanism which will cause no damage to the vehicle unless the vehicle is moved while the device or mechanism is in place.

H. It shall be the duty of the police officer immobilizing a vehicle to place on such vehicle, in a conspicuous manner, a notice sufficient to warn any individual that the vehicle has been immobilized and that any attempt to move the vehicle will result in damage to the vehicle.”

C. Chapter 212, Article I, Section 212-6 of the Village Code of the Village of Skaneateles is hereby amended as follows: (new text underlined).

“212-6. Storage of Removed and Impounded Vehicles.

After removal or impounding of any vehicle as provided in Section 212-5, the Public Works Highway Department or the Police Department removing the vehicle may store the same in a suitable place at the expense of the owner of the vehicle.”

D. Chapter 212, Article I, Section 212-7 of the Village Code of the Village of Skaneateles is hereby amended as follows: (new text underlined).

“212-7. Notice of Removal or Impoundment.

The Public Works Highway Department or Police Department shall without delay report the removal or impoundment and the disposition of any vehicle removed as provided in Sections 212-5 and 212-6 to the Village Clerk/Treasurer, and it shall be the duty of such Clerk/Treasurer to ascertain to the extent possible the owner of the vehicle or person having the same in his/her charge and to notify him/her of the removal and disposition of such vehicle and of the amount which will be required to redeem the same.”

E. Chapter 212, Article I, Section 212-8 of the Village Code of the Village of Skaneateles, is hereby amended as follows: (new text underlined).

“212-8. Redemption of Removed, Immobilized or Impounded Vehicle.

A. After removal, immobilization or impounding of any vehicle as provided in Sections 212-5 through 212-7, the owner or person in charge of the vehicle may redeem the same upon payment to the Village Clerk/Treasurer of the amount of expenses actually and necessarily incurred in effecting such removal, ~~such removal charge not to exceed \$50.00,~~ together with any charges for storage, such storage charges not to exceed \$10 per day, or fraction thereof, together with all accrued fines, penalties and surcharges, and a wheel-lock removal fee of \$50.00

B. If the owner or person entitled to possession of an immobilized vehicle fails to secure its release within twenty-four (24) hours after the vehicle is immobilized, the vehicle may be towed and impounded. Such vehicle shall not be released until the owner or person entitled to possession has complied with the requirements of this code concerning all outstanding parking violations and has paid all charges for removal and storage of such vehicle together with all accrued fines, penalties and surcharges, and a wheel-lock removal fee of \$50.00”

F. Chapter 212, Article IV, Section 212-25 of the Village Code of the Village of Skaneateles is hereby amended as follows: (new text underlined).

“212-25. Traffic Violation Fines.

B. Fines Doubled. The schedule of fines set forth above shall be doubled for ~~persons determined to be parking fine delinquents or habitual parking violators, as defined in this Chapter~~ all fines not paid within sixty (60) days of the date of citation, provided a late payment notice has been sent at least 30 days after citation.”

Effective Date: This local law shall take effect immediately upon its adoption.

Adopted: _____

Motion by: _____

Seconded by: _____

Voting in Favor: _____

Voting in Opposition: _____