

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

Village of WATKINS GLEN, NEW YORK

Local Law No. 1, of the Year 2005

A Local Law amending Local Law No. 1 the year 1977 (Traffic Regulation)

Be it enacted by the Board of Trustees of the

Village of Watkins Glen as follows:

SECTION 1. The Traffic Regulation, Local Law No. 1 of 1977 of the Village of Watkins Glen, is hereby amended by the addition of a new Article X, Sections 106, to replace and supersede existing Section 106.

§2. Article X Section 106 of Local Law No. 1 of 1977, is amended to read as follows:

§106. Alternate Side of Street Parking.

- (a) It shall be unlawful for any person to park any vehicle or allow the same to remain parked in violation of the alternate side-of-street parking regulations as established in sub-section (d) hereof.
- (b) Said alternate side-of-street parking provisions are not to apply on specified portions of streets within the Village when the Superintendent of Public Works deems it necessary that different provisions are to be applied, and any variances are to be properly posted.
- (c) The Police Department is hereby authorized to remove or cause to be removed any vehicle found to be in violation of this section, and when any such vehicle is so removed it shall be transported to a suitable storage place; a record to be kept by the Police Department shall be made of the license number of the vehicle together with its general description, the location from which it was removed and the location at which the vehicle is stored. The owner shall be notified that the vehicle has been removed and where it is located. The cost of the removal of such vehicle shall be levied against its owner who shall pay such cost forthwith.

(d) In accordance with sub-section (a) hereof, and unless otherwise posted or as provided in this Local Law, parking is prohibited on all streets lying east of Franklin Street within the corporate limits of the Village of Watkins Glen, now existing or as may hereafter be extended, on the even-numbered side of said streets on days having an even-numbered date, and on the odd side of said streets on days having an odd-numbered date, from November 1st each year to March 31st of the following year, and from 12:01 a.m. on said days to 6:00 p.m. on said days.

§3. The Traffic Regulation, Local Law No. 1 of 1977 of the Village of Watkins Glen, is hereby amended by the addition of a new Article XXXII entitled "FINES AND PENALTIES", the re-designation of existing Article XXXII as Article XXXIII, and the renumbering of existing Sections 320 and 321, as Sections 330 and 331.

§4. Article XXXII of Local Law No. 1 of 1977 shall read as follows:

§320. Fines

- (a) Unless another penalty is expressly provided by law, every person convicted of a violation of any provision of this Local Law shall, for a first conviction, be punished by a fine of not more than fifty dollars (\$50.00) or by imprisonment for not more than fifteen (15) days or both fine and imprisonment. For a second conviction of a violation of this Local Law within eighteen (18) months of the first conviction, the person shall be punished by a fine of not more than one hundred dollars (\$100.00) or by imprisonment for not more than forty-five (45) days or by both fine and imprisonment. Upon a third or subsequent conviction within eighteen (18) months after the first conviction, the person shall be punished by a fine of not more than two hundred fifty dollars (\$250.00) or by imprisonment of not more than ninety (90) days or by both fine and imprisonment.
- (b) Upon a plea of guilty by mail or delivery the fee imposed for any parking violation, except a violation of Section 105 hereof, shall be \$ 15.00. A conviction after trial shall result in a fine as set forth in § 320(a) hereof.
- (c) Upon a plea of guilty by mail or delivery the fee imposed for a violation of Section 105 hereof, shall be \$10.00.

§321. Compounding of fines; impoundment; appeals

- (a) The fee imposed for any parking violation as provided in §§320(b) & (c) hereof shall be doubled if the fee is not paid within 14 days of the issuance of a notice of violation.
- (b) In addition to any other penalties or fines imposed for the violation of this Local Law, the provisions of this section shall apply to vehicles which have three or more outstanding and unpaid parking violations issued against them and which, after mailing to the registered owner four notices, are found parked on any public street, public highway, any portion of the entire width between the boundary line of any way publicly maintained when any part thereof is open to the use of the public for purpose of vehicular travel, or on any property leased by or in the possession and control of the Village of Watkins Glen.
 - (1) Any such vehicle may be removed or caused to be removed under the direction of a member of the Police Department by towing or otherwise. Upon inquiry, the Police Department shall notify the owner of such vehicle where it may be recovered and the conditions under which it will be released.
 - (2) Before the owner or person in charge of any vehicle taken into custody shall be allowed to repossess or to secure the release of said vehicle, the owner or his/her agent shall pay the following:
 - (A) All sums legally due for any Village of Watkins Glen parking violation issued and outstanding against such vehicle.
 - (B) The cost of towing, payable to the towing service.
 - (C) To the towing service, the cost of storage for each day, or portions of a day, that such vehicle is so stored in excess of the first 24 hours.
 - (3) No such vehicle shall be released until the owner or his agent has established his identity and right to possession and agent has signed a proper receipt therefor.
 - (4) Any person who, after having his vehicle towed, shall remove such vehicle without complying with Subsections (b)(2)(A), (B) and (C) above shall, in addition to the charges provided for in said subsections, be subject to a fine of \$100.

- (c) Violations may be appealed by completing a letter of protest form at the Watkins Glen Village Clerk's Office within 14 days of issuance. The increase of the original fine is waived upon submission of the letter of protest form. A date will be scheduled for a first appearance in Watkins Glen Village Court within 30 days to answer the violation. Failure to appear at the first appearance will result in the issuance of a citation letter and the original fine will be doubled. A summons will be issued 40 days after the initial violation date and the original fine will be doubled. Failure to appear to answer the violation may result in the issuance of a warrant of arrest and/or denial of renewal of registration(s) for the registered owner of the vehicle in violation.

§5. This Local Law shall take effect immediately upon filing with the Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2005 of the ~~(County)~~(City)(Town)(Village) of Watkins Glen, New York was duly passed by the Board of Trustees on September 6, 2005, in accordance with the applicable provisions of law.
(Name of Legislative Body)

~~2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*~~

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

~~4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*~~

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

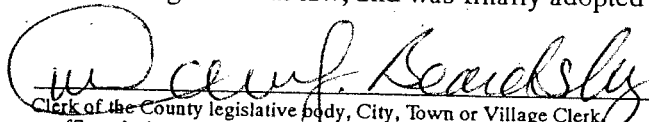
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____, above.


Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body
DONNA J. BEARDSLEY - VILLAGE CLERK

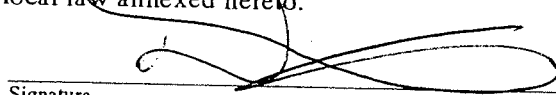
(Seal)

Date: September 8, 2005

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF SCHUYLER

~~I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.~~


Signature David H. Ealy

Title Village Attorney

~~County~~
~~City~~ of Watkins Glen
~~Town~~
Village

Date: September 7, 2005