

VILLAGE OF WELLSVILLE, NEW YORK

LOCAL LAW #2 OF 2019-20

PROVIDING FOR THE IMPOUNDMENT OF MOTOR VEHICLES BY POLICE UNDER CIRCUMSTANCES WHERE AUTHORIZED BY THE NEW YORK STATE VEHICLE AND TRAFFIC LAW.

Be it enacted by the Village Board of the Village of Wellsville, Allegany County, New York as follows:

SECTION ONE

The Vehicle and Traffic Law of New York State expressly directs or authorizes a police officer to impound or store a motor vehicle under certain circumstances, it is the purpose of this Local Law number ____ of 2019 of the Village of Wellsville, to authorize and provide for such impoundment by the Wellsville Village Police Department, under such circumstances.

SECTION TWO

Under certain circumstances where the Vehicle and Traffic Law of New York State directs or authorizes a police officer to impound a motor vehicle, such circumstances including but not necessarily limited to:

Arrest or issuance of a summons or appearance ticket for aggravated unlicensed operation of a motor vehicle in the first degree, second or third degree; arrest or issuance a summons or appearance ticket for operation of an uninsured vehicle or unregistered motor vehicle; arrest or issuance of a summons or appearance ticket for driving while intoxicated; failure of the owner or operator of a motor vehicle involved in an accident in the State resulting in death or bodily injury to any person, to produce satisfactory evidence of financial security within 48 hours of such accident.

The Wellsville Village Police Department, or a police officer of such Department, may impound a motor vehicle by removal and storage of such vehicle, consistently with the provisions of the said Vehicle and Traffic Law.

SECTION THREE – Storage and Charges

After removal and impoundment of any vehicle pursuant to this Article, the Police Department may store such vehicle in a suitable place; and shall charge the owner or person responsible for the vehicle a charge sufficient to cover the reasonable costs of towing, storage and any other costs incident to the impoundment. No vehicle so impounded may be redeemed or released to the person responsible except upon payment of the charge. The Village of Wellsville shall charge a fee of one hundred dollars (\$100) per vehicle to cover impound expenses, plus whatever actual towing fee is incurred. If the owner of a vehicle or person responsible does not claim said vehicle within ten business days, a storage fee of five dollars (\$5) per day will be assessed to the impound fee and actual tow fee, which will compound daily after ten business days. This impound fee may be amended going forward through board resolution.

SECTION FOUR

If any provision of this Local law shall be determined or adjudged invalid, such determination shall not affect the validity of this Local Law as a whole or any part or provision thereof other than the part so adjudged invalid.

SECTION FIVE – Effective Date

This Local Law shall take effect immediately upon proper filing of this Local Law with the Secretary of the State of New York

Passed on the ____day of _____, 2020.