

A Local Law Amending Local Law # 3 For The Year 1979 Extending Traffic Regulation To School And Cemetery Property.

adopted: 9-10-79

BE IT ENACTED BY THE BOARD OF TRSUITEES OF THE VILLAGE OF WELLSVILLE, NEW YORK AS FOLLOWS:

Article I.

Article I of Local Law No. 3 for the year 1979 is hereby amended to read as follows:

Article 1. PURPOSE

The purpose of this Local Law is to promote the health, safety and welfare of users of municipal facilities, school facilities, and cemeteries, including employees and agents of such facilities who are required to do work and perform duties in such areas.

Article II.

Article II of Local Law No. 3 for the year 1979 is hereby amended to read as follows:

Article 2. TERRITORIAL APPLICATION

This Local Law shall be effective on the following mentioned property and lands owned by the Village of Wellsville, Wellsville Central School District No. 1, the Woodlawn Cemetery Association, Inc., the Sacred Hearts Cemetery, the Johnson Cemetery, and the areas adjacent to the installations and facilities located thereon, to-wit:

- (a) Wellsville Village Police Station
South Main Street
- (b) Wellsville Village Fire Station
South Main Street
- (c) Sanitary Treatment Place
Route 417

- (d) Wellsville Landfill Facility
Snyder Road
- (e) Department of Public Works Garage
Route 417
- (f) Municipal Building
156 N. Main Street
- (g) Village Park and Recreation Lands:
Tullar Field
Island Park
Lagoon Area southerly of Island Park
- (h) Jones Memorial Hospital
191 North Main Street
- (i) Wellsville Central School District No. 1
Lands of:
Wellsville High School and Wellsville
Middle School bounded generally by Stevens
Street, West Pearl Street, North Brooklyn
Avenue, West State Street, and the Gene-
ssee River.
- (j) Wellsville Central School District No. 1
Lands of:
Washington Primary and Washington Inter-
mediate School bounded generally by
Williams Avenue on the South, School
Street on the northwest, and by lands
of others on the East.
- (k) Lands of Woodlawn Cemetery
South Main Street
- (l) Lands of Johnson Cemetery
West Genesee Street
- (m) Sacred Heart Cemetery
South Main Street

Article III.

Article IV of Local Law No. 3 for the Year 1979 is hereby amended to read as follows:

Article 4. PROHIBITED ACTIVITIES - OPERATION OF VEHICLE

No person shall operate a motor vehicle on the lands encompassed by this Local Law:

1. If such person is under sixteen years of age.

2. If such motor vehicle is not registered with a duly authorized Motor Vehicle Department. It shall be an affirmative defense to any charge under this paragraph that the motor vehicle in question is not required to be registered by the terms of the Vehicle & Traffic Law or by the rules or regulations of the Department of Motor Vehicles.

3. Unless such a person is licensed by a duly authorized Motor Vehicle Department to operate such vehicle.

4. If such person's ability to operate the vehicle is impaired by the consumption of alcohol.

5. Unless such motor vehicle is equipped in compliance with the Vehicle and Traffic Law of the State of New York.

6. Unless such vehicle is covered by a policy of insurance, issued by an insurance carrier authorized to do business in this State, providing coverage for bodily injuries or death and coverage for property damage in an amount at least equal to the minimum statutory amount required by the Vehicle and Traffic Law.

7. And fail to stop and yield to an ambulance, civil defense, police, or fire vehicle being operated as an emergency vehicle and approaching from any direction, and such person shall heed and comply with the directions of the members or crews acting in the performance of their duties.

8. And fail or refuse to comply with any lawful order or direction of any police officer, fire officer, or authorized agent of any Village Department or of any crew member of an emergency vehicle.

9. As to School Properties: And fail or refuse to comply with any lawful order or direction of any police officer, fire officer, authorized agent of Wellsville Central School District No. 1, or any crew member of an emergency vehicle.

10. As to Cemeteries: And fail or refuse to comply with any lawful order or direction of any police officer, fire officer, authorized agent of the Cemetery Association or governing body, or of any crew member of an emergency vehicle.

11. And drive or otherwise cause said motor vehicle to be driven off the improved or paved portion of a road, driveway or designated parking area.

12. At a speed in excess of ten miles per hour, except thirty miles per hour at the Wellsville Landfill facility.

13. And fail to comply with the directions of any traffic sign.

Article IV:

Section 2 of Article V of Local Law No. 3 for the Year 1979 is hereby amended to read as follows:

SECTION 2: The parking areas and driveways adjacent to the respective Village, School and Cemetery facilities are for the use of persons visiting such facilities for business or other legitimate purposes, and no person shall park, stand or stop his vehicle in such areas for a longer period of time than is reasonably necessary for the the completion of such purpose.

Article V:

Article VI of Local Law No. 3 for the Year 1979 is hereby amended to read as follows:

ARTICLE VI: AFFIRMATIVE DEFENSE

It shall be an affirmative defense to any charges brought pursuant to Article III or Article IV that the person so charged was:

1. Acting in the performance of his duties as
 - (a) A policeman or other law enforcement officer, or

(b) A crew member of an emergency vehicle, including fire, ambulance or rescue vehicles, or

(c) A crew member of the Village Department of Public Works, or Water & Light Department, or

(d) A Village, County, State or United States Government official or authorized agent, or

(e) A physician or other medical personnel.

(f) As to school property, A Wellsville Central School District official or authorized agent.

(g) As to Cemeteries: A Cemetery Association official or authorized agent, sexton, or an undertaker acting in connection with an interment.

2. Acting pursuant to authorization or direction of the Mayor, fire or police officials, department heads or their deputies or authorized representatives, provided that such person grants such authorization or direction during the course of the performance of his duties. As to School property, pursuant to authorization or direction of the Superintendent; as to Cemetery property, pursuant to authorization or direction of the Sexton.

All authorization may be given retroactively.

Article VI:

Article XV of Local Law No. 3 for the Year 1979 is hereby amended to read as follows:

ARTICLE XV: RULES AND REGULATIONS

SECTION I:

(a) As to Village-owned property, the Board of Trustees or the various Village department heads, subject to the Board's approval, are authorized to establish rules and regulations and to cause signs to be erected to implement the intent and the enforcement of this Local Law as to the areas adjacent to their respective facilities.

(b) As to property of the Wellsville Central School District No. 1, the Board of Education, the Superintendent of Schools or the Building Principal, subject to the approval of the Board of Education and the Board of Trustees of the Village of Wellsville, are authorized to establish rules and regulations and to cause signs to be erected to implement the intent and the enforcement of this Local Law as to the areas adjacent to their respective facilities.

(c) As to cemeteries, the governing authority or other person in charge of maintenance and care, subject to the approval of the Board of Trustees of the Village of Wellsville, are authorized to establish rules and regulations and to cause signs to be erected to implement the intent and the enforcement of this Local Law as to the areas adjacent to their respective facilities.

(d) A certified copy of any rules and regulations shall be promptly filed in the office of the Village Clerk of the Village of Wellsville prior to enforcement.

(e) Notwithstanding the above, the Administrator of the Hospital may enact rules and regulations subject only to approval of the Hospital Board of Managers or as otherwise permitted by law, but he shall otherwise file same with the Village Clerk.

SECTION 2: No regulations shall be effective until filed.

ARTICLE VII - EFFECTIVE DATE

This Local Law shall take effect immediately.

3 of 1979

A Local Law Regulating Traffic On Municipal Property

adopted: 6-25-79

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF
WELLSVILLE, NEW YORK, AS FOLLOWS:

ARTICLE 1 PURPOSE

The purpose of this Local Law is to promote the health, safety and welfare of users of municipal facilities, including employees and agents of the Village who are required to work and perform duties in such areas.

ARTICLE 2 TERRITORIAL APPLICATION

This Local Law shall be effective on the following mentioned property and lands owned by the Village of Wellsville and the areas adjacent to the installations and facilities located thereon, to-wit:

- a. Wellsville Village Police Station
South Main Street
- b. Wellsville Village Fire Station
South Main Street
- c. Sanitary Treatment Plant
Route 17
- d. Wellsville Landfill Facility
Snyder Road
- e. Department of Public Works Garage
Route 17
- f. Municipal Building
156 North Main Street
- g. Village Park and Recreation Lands:
Tullar Field
Island Park
Lagoon area southerly of Island Park
- h. Jones Memorial Hospital

ARTICLE 3 DEFINITION

Motor Vehicle - the term motor vehicle as used in this Local Law shall include automobiles, trucks, motorcycles, mopeds, motorized bicycles, and other power propelled vehicles. The definition does not encompass snowbiles.

ARTICLE 4 PROHIBITED ACTIVITES - OPERATION OF VEHICLE

No person shall operate a motor vehicle on the lands encompassed by this Local Law:

1. If such person is under sixteen years of age.
2. If such motor vehicle is not registered with a duly authorized Motor Vehicle Department. It shall be an affirmative defense to any charge under this paragraph that the motor vehicle in question is not required to be registered by the terms of the Vehicle and Traffic Law or by any rules or regulations of the Department of Motor Vehicles.
3. Unless such person is licensed by a duly authorized Motor Vehicle Department to operate such vehicle.
4. If such person's ability to operate the vehicle is impaired by the consumption of alcohol.
5. Unless such motor vehicle is equipped in compliance with the Vehicle and Traffic Law of the State of New York.
6. Unless such vehicle is covered by a policy of insurance, issued by an insurance carrier authorized to do business in this State, providing coverage for bodily injuries or death and coverage for property damage in an amount at least equal to the minimum statutory amount required by the Vehicle and Traffic Law.

7. And fail to stop and yield to an ambulance, civil defense, police or fire vehicle being operated as an emergency vehicle and approaching from any direction, and such person shall heed and comply with the directions of the members or crews acting in the performance of their duties.
8. And fail or refuse to comply with any lawful order or direction of any police officer, fire officer, or authorized agent of any Village Department or of any crew member of an emergency vehicle.
9. And drive or otherwise cause said motor vehicle to be driven off the improved or paved portion of a road, driveway or designated parking area.
10. At a speed in excess of ten miles per hour, except thirty miles per hour at the Wellsville Landfill facility.
11. And fail to comply with the direction of any traffic sign.

ARTICLE 5 PROHIBITED ACTIVITIES-PARKING, STOPPING OR STANDING

SECTION 1. No person operating a motor vehicle on the lands encompassed by this Local Law shall:

- a. Park, stop or stand his vehicle in any driveway or roadway unless a duly licensed operator authorized to operate said motor vehicle remains at or immediately adjacent to the vehicle.
- b. Park such vehicle in such a manner or location as to block or interfere with the free and open access to buildings or passage of fire, police, ambulance, rescue or other emergency vehicles.
- c. Stop, stand or park said motor vehicle except in areas designated or except as directed or authorized by a person in charge of the facility or his authorized agent, or by a police officer or fire officer acting in the course of his duties.

SECTION 2. The parking areas and driveways adjacent to the respective Village facilities are for the use of persons visiting such facilities for business or other legitimate purposes and no person shall park, stand or stop his vehicle in such areas for a longer period of time than is reasonably necessary for the completion of such purpose.

ARTICLE 6 AFFIRMATIVE DEFENSE

It shall be an affirmative defense to any charges brought pursuant to Article 4 or Article 5 that the person so charged was:

1. Acting in the performance of his duties as
 - (a) A policeman or other law enforcement officer, or
 - (b) A crew member of an emergency vehicle, including fire, ambulance or rescue vehicles, or
 - (c) A crew member of the Village Department of Public Works or Water and Light Department, or
 - (d) A Village, County, State or United States Government official or authorized agent, or
 - (e) A physician or other medical personnel.
2. Acting pursuant to authorization or direction of the Mayor, fire or police officials, department heads or their deputies or authorized representatives, provided that such person grants such authorization or direction during the course of the performance of his duties.

ARTICLE 7 PERMITTING OPERATION IN VIOLATION OF THIS LOCAL LAW

No owner of a motor vehicle shall authorize or permit the operation thereof in violation of the provisions of this Local Law.

ARTICLE 8 RESPONSIBILITY FOR OPERATION BY MINORS

No parent or guardian shall authorize or knowingly permit a child or ward under sixteen years of age to operate a motor vehicle.

ARTICLE 9 REMOVAL OF IMPROPERLY PARKED VEHICLES

Any motor vehicle improperly parked may be removed by the Village at the expense of the owner thereof.

ARTICLE 10 ENFORCEMENT

This Local Law shall be enforced by the members of the Police Department of the Village of Wellsville.

ARTICLE 11 PENALTIES

1. Any person who violates any provision of this Local Law shall be guilty of a traffic infraction.

2. The traffic infraction shall be punishable as provided in Paragraph B, Section 1800, of the Vehicle & Traffic Law.

ARTICLE 12 CONFISCATION

In the event of a violation of Article 4, Paragraph 1, 2, 3 or 6, the police may take possession and custody of the motor vehicle and retain same until the final disposition of the case, subject to the review of the Court.

ARTICLE 13 VIOLATIONS NOT EXCLUSIVE

The prohibitions contained in Article 4 and Article 5 are not mutually exclusive and a person may be charged with a violation of one or more.

ARTICLE 14 SAVINGS CLAUSE

If any section, sub-section, paragraph, clause, phrase or provision of this Local Law shall be adjudged invalid or held unconstitutional, 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 to be invalid or unconstitutional.

ARTICLE 15 RULES AND REGULATIONS

The Board of Trustees or the various Village department heads, subject to the Board's approval, are authorized to establish rules and regulations and to cause signs to be erected to implement the intent and the enforcement of this Local Law as to the areas adjacent to their respective facilities.

A certified copy of any rules and regulations established shall be promptly filed in the office of the Village Clerk.

Notwithstanding the above, the Administrator of the Hospital may enact rules and regulations subject only to approval of the Hospital Board of Managers or as otherwise permitted by law, but he shall otherwise file same with the Village Clerk.

ARTICLE 16 EFFECTIVE DATE

This Local Law shall take effect immediately.