

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
162 WASHINGTON AVENUE, 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 Wellsville

Local Law No. 1 - of the year 2003

A local law authorizing the establishment of no parking/tow away zones

Be it enacted by the Board of Trustees of the

Village of Wellsville as follows:

Section 1

The Village Board is hereby authorized to establish no parking/tow away zones within the Village of Wellsville where necessary to facilitate snow plowing, street paving, the holding of parades, emergency services, and the like.

These zones may be established on a permanent or temporary or seasonal basis.

Parking within such designated zones shall constitute a violation of the prohibition against parking in restricted zones.

Section 2

A vehicle parked in an established zone will be towed to the impound lot.

Section 3

Upon determining that a vehicle is parked in a no parking/tow away zone, the police officer shall issue a parking violation to said vehicle containing the license number, color and make of vehicle, date and time of violation and location of the tow away zone, and then shall contact the dispatch center of the Wellsville Police Department. The dispatch center shall immediately contact a qualified towing company to remove the vehicle and tow it to the impound lot. The owner of said vehicle shall be responsible for any and all charges billed by the towing company whether or not the vehicle is removed by the owner prior to the towing company's arrival at the zone.

Section 4

The failure of the owner to pay any towing company charges within ten days of the issuance of the citation shall be deemed a separate violation of this local law, in connection with which a Wellsville Village Court appearance ticket will be issued.

Section 5 Effective Date

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 2003 of the ~~(County)~~(City)(Town)(Village) of Wellsville was duly passed by the Board of Trustees on 01-27-03, 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 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____, in accordance with the applicable provisions of law.
(Elective Chief Executive Officer*)
(Name of Legislative Body)

3. (Final adoption by referendum.)

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

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

*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 _____ 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 _____, 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 _____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____, 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

(Seal)

Date: 01-28-03

(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 Allegany

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

Village Attorney
Title

County
City of Wellsville
Town
Village

Date: 01-28-03

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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.

~~County~~
City of Wellsville
~~Town~~
Village

Local Law No. 2 of the year 19 91

A local law to amend Local Law 1 of 1978 (parking of motor vehicles in private places.
(Insert title)

Be it enacted by the Board of Trustees of the
(Name of Legislative Body)

~~County~~
City of Wellsville as follows:
~~Town~~
Village

Section 8 of Local Law # 1 for the year 1978 is hereby amended to read as follows:

Fines: Every person convicted of a violation of Local Law #1 of 1978 shall be deemed guilty of a traffic infraction and a penalty for such violation may be imposed by a Court of competent jurisdiction pursuant to the limits set by Section 1800 of the V&T Law.

Notwithstanding the foregoing, the Village Board by order, rule or regulation may establish a schedule of fines in an amount less than the limits set by Sec 1800 V&T Law. The schedule may include provisions for late payment and increased amounts for multiple violations, provided the fine schedule shall not exceed the limits for fines set by V&T Traffic Law 1800 for traffic infractions.

8-C Any such schedule of fines established by the Board shall be filed in the office of the Village Clerk and be available for public inspection during regular business hours.

Section 9: This local law shall take effect immediately upon its filing with the Secretary of State.

(If additional space is needed, please attach sheets of the same size as this and number each)

Adopted

JAN 28 1991

1 of 1978

A Local Law To Regulate Parking Of Motor Vehicles On Private Places

adopted: 3-13-78

SECTION 1. Definition - private place: A parking lot or area in private ownership in use for vehicular traffic by the owner or lessee, and by members of the public having express or implied permission from the owner or lessee thereof.

SECTION 2. No member of the public shall park, stand, store or leave a motor vehicle upon any privately owned parking area or lot without express or implied permission from the owner or lesee of such premises.

SECTION 3. To effectuate the prohibition on parking on such premises as above described, a conspicuous sign or signs shall be posted at such parking lot or parking area informing the public as to the permitted conditions of parking thereon. A sign as hereinafter described shall be deemed substantial compliance with this section.

PARKING RESTRICTED

(6 inches)

EXCEPT FOR (LIST PERSONS OR CON-
DITIONS PERMITTED) ONLY

(4 inches)

UNDER PENALTY OF LAW

(2 inches)

VIOLATION - LOCAL LAW NO. 1, 1978

POLICE ENFORCEMENT

(2 inches)

SECTION 4. Such signs or sign shall be no more than three feet high by four feet wide, with red lettering on a white background. The words "police enforcement" and "under penalty of law" on such signs shall be construed, among other things, to mean a request by the owner or lessee that the police or special patrolmen shall enforce the provisions of this section against persons parking, standing, storing, or leaving vehicles on such premises without the consent of the owner or lessee, and that the police are authorized to enter upon such premises to enforce the provisions of this local law. Such sign or signs shall state the conditions of parking or the persons authorized by the owner or lessee to use said premises for parking or both; and persons not included within such authorization or violating the regulations and conditions set out on said signs shall be deemed to be using said premises unlawfully without the authority and consent of the owner or lessee. This section may be enforced by the police or special patrolmen in the same manner as elsewhere provided for in the Village Ordinances or Local Laws for the enforcement of traffic or parking ordinances, including the use of tags, summonses and towing, and any other procedure authorized by law.

SECTION 5. Proof of ownership of a vehicle shall be presumptive evidence in an action for enforcement of this section that the owner parked or caused his vehicle to be parked on such premises.

SECTION 6. If such premises adjoin or abut a building or structure whose entrance or exits open upon such parking area, no vehicle shall be left parked, standing, or placed in such manner as to obstruct such entrances or exits to the street or public right of way; such passageway shall be equal in width to the width of said entrances or exits in each instance, but in no case shall be less than five feet wide, and shall permit persons to enter and leave such building or structure with safety. A sign attached to such building or structure at the place of such entrances or exits shall inform users of such parking area as to such restrictions, and failure to obey the regulations herein contained shall be deemed a violation of this local law.

SECTION 7. On demand of the police, any owner or lessee requesting police enforcement of this local law, shall furnish to the police a statement, in writing, signed by him or his agent, to the effect that a specified vehicle was unlawfully parked, stored or left upon his premises at a certain time or during a certain period without his consent or permission, and such owner or lessee shall be available to testify to such facts in court at the request of the police. Failure of an owner or lessee to comply with the request of the police as above set out shall be sufficient cause for the Chief of Police or his subordinates to cease enforcing this local law at the premises of such owner or lessee who fails to give the cooperation required herein.

SECTION 8. Every person convicted of a violation of this local law shall, for a first conviction thereof, be punished by a fine of not more than five dollars or by imprisonment for not more than five days or by both such fine and imprisonment; for a second conviction within one year thereafter such person shall be punished by a fine of not more than ten dollars or by imprisonment for not more than ten days or by both such fine and imprisonment; upon a third or subsequent conviction within one year after the first conviction such person shall be punished by a fine of not more than fifteen dollars or by imprisonment for not more than fifteen days or by both such fine and imprisonment.

SECTION 9. This local law shall take effect immediately.

1 of 1978

A Local Law To Regulate Parking Of Motor Vehicles On
Private Places

adopted: 3-13-78

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