# Local Law No. 5 of 2023

# A LOCAL LAW TO ENHANCE ENFORCEMENT OF PARKING VIOLATIONS IN THE VILLAGE OF NEW YORK MILLS

**BE IT ENACTED** by the Village Board of Trustees for the Village of New York Mills as follows:

Section 1. Legislative findings; purpose.

A. The Village Board finds that significant numbers of vehicle owners fail to respond to parking summonses issued for violations of parking orders, rules, regulations, and local laws; that a significant number of such owners are persistent violators; and that, by reason of out-of-state registration of vehicles, transfer of ownership, reregistration of vehicles, and other circumstances, violators frequently are able to evade existing enforcement measures.

B. By reason of the foregoing, the Village Board finds that the health, welfare and safety of the Village will be served by adoption of a Village local law providing additional means of enforcing parking orders, rules, regulations, and local laws in the case of vehicle owners who fail to timely respond to summonses issued for Village parking violations.

Section 2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

PARKING VIOLATION DEFAULT

A parking violation default is incurred when an unpaid parking summons has not been answered by the required appearance date.

VEHICLE

Includes a motor vehicle as defined in § 125 of the Vehicle and Traffic Law, a tractor as defined in § 151-a of such law; or a trailer as defined in § 156 of such law, as such sections may be amended from time to time.

VEHICLE IMMOBILIZATION

The clamping, affixing, or locking of a booting device onto the wheel of a parked vehicle to prevent the wheel from rotating, thereby immobilizing the vehicle.

VEHICLE IMMOBILIZATION DEVICE

A device that is clamped, affixed, or locked onto the wheel of a parked vehicle to prevent the wheel from rotating, thereby immobilizing the vehicle until it is unlocked and removed.

Section 3. Vehicle immobilization.

A. Authorization. The Chief of Police is hereby authorized to provide for vehicle immobilization with respect to vehicles which have two or more outstanding Village parking violation defaults against them.

B. Notice. When a vehicle immobilization device is used, the Police Department shall attach or cause to be attached to the vehicle, in a conspicuous manner, in such form as may be directed by the Chief of Police, a notice in substantially the following form:

NOTICE

THIS VEHICLE HAS BEEN IMMOBILIZED BY THE NEW YORK MILLS POLICE DEPARTMENT FOR DELINQUENT PARKING VIOLATION TICKETS. DO NOT ATTEMPT TO REMOVE OR TAMPER WITH. 'I'HE BOOT. THIS MAY CAUSE DAMAGE: TO THE BOOT AND/OR THE VEHICLE. TAMPERING WITH THE BOOT IS AN OFFENSE PUNISHABLE BY A FINE OF $300 PLUS THE COST OF FIXING OR REPLACING THE BOOT AND/OR DAMAGE TO THE STREET.

TO HAVE THE BOOT REMOVED, CONTACT THE NEW YORK MILLS POLICE DEPARTMENT TO MAKE ARRANGEMENTS TO PAY ALL DELINQUENT PARKING VIOLATION TICKETS AND AN ADMINISTRATIVE FEE OF $50 TO THE NEW YORK MILLS VILLAGE OFFICE DURING NORMAL BUSINESS HOURS. THE BOOT WILL BE REMOVED BY THE POLICE UPON PRESENTATION OF THE CERTIFICATE OF PROOF OF PAYMENT ISSUED BY THE VILLAGE CLERK. IF THE DELINQUENT TICKETS ARE NOT PAID WITHIN 48 HOURS OF APPLICATION OF THE BOOT, THE VEHICLE MAY BE TOWED AS AN ABANDONED VEHICLE IN VIOLATION OF THE NEW YORK STATE VEHICLE AND TRAFFIC LAW AND AT YOUR EXPENSE.

Section 4.Release of vehicle to owner.

A. Generally. The individual attempting to redeem a vehicle that has been immobilized must demonstrate to the satisfaction of the Village Clerk that he or she is the owner of said vehicle or is authorized to act on behalf of such owner.

B. Release of Immobilized vehicles.

(1) To obtain the release of an immobilized vehicle, the owner or authorized representative of the owner of said vehicle shall first contact the New York Mills Police Department to make arrangements to be accompanied by a police officer to visit the Village Office during normal business hours and provide the Clerk with payment in full of all outstanding Village parking violations relating to the vehicle. Upon receiving payment for all outstanding Village parking violations, together with an administrative fee of $50 to cover the cost of engaging and removing the vehicle immobilization device, the Clerk shall provide the owner with a certificate as proof of payment.

(2) After obtaining the certificate described above in Section B(2), the owner of an immobilized vehicle shall visit the office of the Police Department during normal business hours and present said certificate. Thereafter, the Chief of Police or his duly designated agent shall remove the vehicle immobilization device in a reasonably prompt manner.

(3) New parking summonses may be issued to a vehicle that has been fitted with a vehicle immobilization device, and penalties will continue to accrue until payment is made.

Section 5. Tampering with or attempted removal of a vehicle immobilization device.

Any person who attempts to remove, deface, or destroy a vehicle immobilization device, having no lawful right to do so, shall be in violation of this Village law. Notwithstanding any other provision of this chapter, the fine for such violation shall be $300, plus all actual expenses for replacement and/or repair of the vehicle immobilization device.

Section 6. Severability.

Each separate provision of this chapter shall be deemed independent of all other provisions herein, and if any provisions shall be deemed or declared invalid, all other provisions hereof shall remain valid and enforceable.

Section 7. Repealer.

This chapter shall supersede all prior local laws, ordinances, rules and regulations which may be inconsistent with the provisions of this chapter.

Section 8. When effective.

This chapter shall take effect immediately upon filing with the Secretary of State.

Section 9. Numerical/lettering designations.

The chapter designations and numerical/lettering designations of the sections included in this chapter shall be delegated to the discretion of General Code, which may renumber the chapter and sections included in this chapter as necessary to accommodate incorporation of this chapter in the Code of the Village of New York Mills.