

Town of Grove

Local Law Number 1 of 2016.

A Local Law to Regulate and Control Parking Along Town and County Roads Lying Within the Town of Grove and to Provide for the Impoundment and Seizure of Vehicles and to Provide Punishments for the Violation of this Local Law, and Related Provisions.

Section 1. PURPOSE.

The purpose of this local law is to regulate the parking of vehicles and to prohibit the placement of any obstructions on Town highways or other roadways within the Town of Grove in order to provide a safe environment for snow and ice removal operations as well as improve vehicular and pedestrian safety.

The Town Board hereby finds that the unrestricted parking of vehicles on Town highways within the Town of Grove from October 15 through May 15 (hereinafter “winter season”) places a hardship on the Town of Grove Highway Department in its efforts to clear and make safe the highways maintained by the Town of Grove. Such unrestricted parking of vehicles on Town highways also creates a safety issue for the Town of Grove Highway Department drivers in their efforts to clear snow and ice. Additionally, during such period of time, unrestricted parking of vehicles on such highways within the Town of Grove unduly hampers and restricts ambulances, fire apparatus, police vehicles, and other emergency responders from moving freely on said highways to meet the emergency needs of Town residents.

The purpose of this Local Law is to protect the public health, safety, and general welfare of the people of the Town of Grove, and of the traveling public in general, and also the Town of Grove Highway Department employees, by regulating the parking of vehicles on Town highways during the winter season, and also to prohibit the placement of obstructions within Town highways, in order to provide for safe and efficient snow removal operations by the Town of Grove Highway Department.

It is also the intent and purpose of this Local Law to relieve law enforcement personnel of the administration problems in connection with the issuance of appearance tickets for violations of parking restrictions established by this Local Law and to permit law enforcement personnel to devote its time to more serious problems of crime prevention, detection, and solution.

Accordingly, it is the intent and purpose of this Local Law to authorize the Town of Grove Superintendent of Highways, the Town Deputy Superintendent of Highways, the Town Code Enforcement Officer, and the Town Clerk to issue appearance tickets for non-moving parking violations as provided herein.

Section 2. AUTHORITY.

This local law is authorized by Article 41 of the Vehicle and Traffic Law of the State of New York, hereinafter referred to as “Article 41,” and the Municipal Home Rule Law of the State of New York, and this local law shall be deemed automatically amended to conform to Article 41 of said Vehicle and Traffic Law as such statute may be amended from time to time.

Section 3. TITLE.

The title to this local law shall be “A Local Law to Regulate and Control Parking Along Roads Lying Within the Town of Grove and to Provide for the Impoundment and Seizure of Vehicles and to Provide Punishments for the Violation of this Local Law, and Related Provisions.”

Section 4. DEFINITION OF TERMS.

As used in this local law, the following words shall have the following respective meanings.

(a) “Vehicle and Traffic Law.” The Vehicle and Traffic Law of the State of New York in effect, as of the effective date of this local law, as amended by this local law, and as amended thereafter.

(b) “Highway.” The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel or any right of way established by deed, use or otherwise and used by members of the public.

(c) “Public Right-of-Way.” The entire width of any real property owned by the Town of Grove for highway purposes and/or areas maintained by the Town of Grove for highway purposes.

(d) “Park or Parking.” The standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise, or receiving or discharging passengers.

(e) “Stand or Standing.” The stopping of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise, or receiving or discharging passengers.

(f) “Vehicle.” every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, including, but not limited to, any motor vehicle, wagon, trailer, or any other vehicle or conveyance of any type or description.

Section 5. PROHIBITION OF PARKING ON HIGHWAYS.

(a) Beginning October 15 and extending through May 15 of each year, there shall be no parking or standing of any vehicle on or along all Town and County Road lying within the Town of Grove boundaries. No person shall stand or park any vehicle on any highway or public right-of-way under the jurisdiction of the Town of Grove during the winter season.

Section 6. VEHICLE REMOVAL AUTHORIZED.

(a) Any vehicle standing or parked on any highway or public right-of-way under the jurisdiction or maintenance care of the Town of Grove in violation of this Local Law may be removed and conveyed by or under the direction of the Superintendent of Highways of the Town of Grove or the Deputy Superintendent of Highways of the Town of Grove by means of towing the same to any garage designated by the Town of Grove whenever:

1. Such vehicle shall be found standing or parked in violation of Section 4 of this Local Law; or

2. It is otherwise necessary to move such vehicle during or following a snow or ice storm to facilitate safe and efficient snow and ice removal.

(b) Whenever a vehicle is removed under circumstances set forth in Section 6(a) of this Local Law, such removal shall be at the owner's risk, and the owner shall be responsible for all costs of towing, storage, and care of such vehicle, and must pay the same before retrieving possession of such vehicle. The Town of Grove is authorized to hire private towing companies to remove any such vehicles in violation of this Local Law.

(c) Any removal of any vehicle pursuant to Section 6 of this Local Law shall be done without incurring any liability to the Town of Grove for damages to the vehicle.

Section 7. APPEARANCE TICKETS.

(a) Pursuant to the provisions of the Municipal Home Rule Law, the Superintendent of Highways of the Town, the Deputy Superintendent of Highways of the Town, the Town Code Enforcement Officer, and the Town Clerk are hereby authorized to issue appearance tickets for violations of the non-moving parking or standing provisions of this Local Law.

(b) It shall be the duty of the Superintendent of Highways of the Town, the Deputy Superintendent of Highways of the Town, the Code Enforcement Officer of the Town, and Town Clerk to enforce the non-moving parking or standing provisions of this Local Law. Such violations shall be recorded on forms prescribed by the Town of Grove, and a notice thereof shall be left in a conspicuous place upon any vehicle found to be in violation of the provisions of this Local Law. An appearance ticket may be issued as herein provided upon a finding by the Superintendent of Highways of the Town, the Deputy Superintendent of Highways of the Town, the Code Enforcement Officer of the Town, or the Town Clerk that there exists reasonable evidence that a violation of this Local Law exists.

(c) An appearance ticket issued pursuant to the provisions of this Local Law shall be returnable before the Town Court of the Town of Grove. Such appearance ticket shall set forth the date on which the owner of such vehicle must appear in the Town Court. The fine set forth herein for violations of this Local Law may be paid in person or by mailing said payment in a manner that delivery to the Town can be verified (for example, certified mail or a private services).

such as UPS or FedEx) at the office of the Grove Town Court Clerk at or prior to the appearance date set forth on the appearance ticket.

(d) Any person violating the provisions of this Local Law shall be subject to a fine of \$50. Upon failure to appear in the Town Court of the Town of Grove or make payment of the prescribed fine by the date set forth on the appearance ticket, the fine as provided herein shall double. The Town shall be entitled to be reimbursed attorneys' fees and costs of enforcement. The Town Board may establish or change parking fines from time to time by resolution and by posting notice of same on its Website at least thirty (30) days prior to the effective date of the new fine amounts.

Section 8. PROHIBITION OF OBSTRUCTIONS.

The location of any obstruction, whether permanent or portable, is hereby prohibited on all highways and public rights-of-way under the jurisdiction of the Town of Grove. Consistent with New York Highway §§157 and 319, the Superintendent of Highways of the Town of Grove is hereby authorized to cause any such obstruction found on any such highway or public right-of-way to be removed and assess the cost of such removal upon the owner of any such obstruction. The owner of such obstruction shall be responsible for all costs incurred by the Town of Grove for the removal of any such obstruction, and also any costs for storage thereof.

Section 9. SUPERSESSSION.

Any limitations provided in law regarding the powers and/or duties of the Office of Superintendent of Highways of the Town of Grove and/or Office of the Deputy Superintendent of Highways of the Town of Grove, including but not limited to New York Town Law §32 and New York Highway Article 7 and 11, which are or may be inconsistent with the provisions of this Local Law are hereby superseded pursuant to the provisions of New York Municipal Home Rule Law §§10(l)(ii)(d)(3) and 22(1).

Section 10. SEVERABILITY.

If any provision of this Local Law shall be declared invalid or unenforceable, all other provisions shall remain valid and enforceable.

Section 11. REVOCATION OF PRIOR LOCAL LAWS AND ORDINANCES.

All local laws and ordinances of the Town of Grove which have been previously adopted which deal with the same subjects, topics or prohibit stopping and standing along the aforementioned highways and rights of way are hereby repealed effective as provided in Section 12 below.

Section 12. EFFECTIVE DATE.

This local law shall take effect immediately upon its filing in the Office of the Secretary of State as required by law.

LOCAL LAW 1 of 2016, ADOPTED BY THE FOLLOWING VOTE:

AYES: _____

NAYES: _____

ABSTENTIONS: _____

ABSENCES: _____

DATE: January 04, 2016