

1990-7

(Please Use this Form for Filing your 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.

FILED

1990 SEP 14 PM 3:20

COUNTY CLERK'S OFFICE
CHENANGO COUNTY, N.Y.

County
~~City~~ of Chenango
~~Town~~
~~Village~~

Local Law No. 7..... of the year 19 . 90.....

A local law ... A County Law Repealing Local Law No. 1 of 1959 As Amended By Local Law ...
(Insert title)
No. 3 of 1959 And Enacting A New Local Law Providing For Regulation of
Traffic And Parking On County Office Building Property

Be it enacted by the ... Chenango County Board of Supervisors..... of the
(Name of Legislative Body)

County
~~City~~ of Chenango..... as follows:
~~Town~~
~~Village~~

Mr. Powers offered the following and moved its adoption:

LOCAL LAW NO. 7 OF 1990
A COUNTY LAW REPEALING LOCAL LAW NO. 1 OF 1959 AS AMENDED BY LOCAL LAW
NO. 3 OF 1959 AND ENACTING A NEW LOCAL LAW PROVIDING FOR REGULATION
OF TRAFFIC AND PARKING ON COUNTY OFFICE BUILDING PROPERTY

BE IT ENACTED by the Board of Supervisors of the County of Chenango, State of
New York as follows:

Local Law No. 1 of 1959 as amended by Local Law No. 3 of 1959 is hereby repealed
and a new local law is enacted to read as follows:

Section 1. This local law of Chenango County shall be known as the "Chenango County
Parking Area Law".

Section 2. The purpose of this law is to provide for the regulation of traffic in
and parking on County property adjacent to the Chenango County Office Building. The
need for this law is heightened by the imminent construction of an annex to the County
Office Building.

Section 3. The following words, when used in this local law, shall have the meanings
ascribed to them in this section, except in those instances where the context clearly
indicates otherwise, to wit:

(a) The word "vehicle" shall mean any device in, upon or by which any person
or property is or may be transported upon a highway except a device which is operated
on rails or tracks.

(b) The word "person" shall mean and include every natural person, firm, co-
partnership, association, corporation or other entity.

(c) The word "operator" shall mean and include every person who shall operate
a vehicle as the owner thereof or as the agent, employee, or permittee of the owner
or is in actual physical control of a vehicle.

(d) The word "park" shall mean and include the permitting of any vehicle to be
parked or put in place and let remain or leave standing in or upon county owned
property or area.

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

(e) The word "area" means the real property owned by the County of Chenango in the City of Norwich generally bounded by Court Street on the east, Fair Street on the North, West Main Street on the south, and Guernesey Street on the west and also that parcel of real property owned by the County in the City of Norwich at the northwest corner of the intersection of Court and Fair Street.

(f) The word "Superintendent" shall mean the Chenango County Superintendent of Buildings and Grounds.

(g) The word "sheriff" shall mean and include the Sheriff of the County of Chenango and any and all deputies, designees, or subordinates designated by him from time to time in and about the policing of the parking area herein described.

(h) Unless otherwise herein indicated above or by the context in which they might be used, all words used herein shall have the meanings ascribed to them by the general construction law of the State of New York.

Section 3. (a) The Superintendent, subject to subdivision (b), is hereby granted and shall exercise authority to:

(i) designate, delineate, allocate and otherwise prescribe places where parking is permitted. Such authority shall include, but not be limited to, the right: to restrict parking in one or more particular places, to accommodate the needs of the public in transacting official business within the County Office Building, to accommodate the needs of the handicapped, and to promote the orderly, efficient and safe construction of an annex to the County Office Building.

(ii) prohibit, restrict or limit the stopping, standing or parking of vehicles;

(iii) regulate the direction of traffic;

(iv) regulate the speed at which vehicles may operate within the area;

(v) cause the erection and maintenance of signs to advise the public of requirements established hereunder.

(b) The Chenango County Board of Supervisors retains ultimate authority hereunder and may by Resolution direct the Superintendent to take, revise or desist from taking any particular action or actions with regard to the authority granted pursuant to subdivision (a) above.

(c) All rules, regulations and exercise of the authority granted under this section shall be reduced to writing, signed by the Superintendent and filed in the office of the Clerk of the Chenango County Board of Supervisors and made available for public inspection.

Section 4. (a) Any person stopping, standing, parking or operating a motor vehicle in violation of the provisions of this law or regulation of the Superintendent issued hereunder is guilty of an offense punishable by a fine as follows:

(1) 1st offense by a fine of ten (\$10.00) dollars

(2) 2nd offense within six months by a fine of fifty (\$50.00) dollars

(3) 3 or more offenses within a one year period by a fine of one hundred (\$100.00) dollars

(b) Each day of violation shall be a separate and distinct offense.

Section 5. The Sheriff shall police the area and issue a simplified information or other appropriate accusatory instrument on behalf of the County to any person or operator unlawfully operating or parking a vehicle in the area contrary to the provisions of this law or the regulations of the Superintendent issued hereunder.

Section 6. The Superintendent and any County employee designated in writing by the Superintendent is hereby authorized to police the area and issue an appearance ticket on behalf of the County to any person or operator unlawfully operating or parking a vehicle in the area contrary to the provisions of this law or the regulations of the Superintendent issued hereunder.

Section 7. Jurisdiction is hereby conferred upon and granted to City Court of the City of Norwich to hear, try and determine all questions of law or of fact arising under this local law and to impose the fine herein prescribed. Except as otherwise provided by law, the fines collected shall be the property of the County and ultimately remitted to the Treasurer of Chenango County.

Section 8. Whenever any vehicle shall be found parking in violation of this law such vehicle, in the discretion of the Sheriff, may be removed and conveyed by or under the directions of the Sheriff by means of towing the same or otherwise to some suitable place of storage, and such removal and storage shall be at the risk and expense of the owner of such vehicle. Before the owner or person in charge of such vehicle shall be permitted to remove the same from the custody of the Sheriff he shall furnish evidence of his identity and ownership or right to possession, pay the proper charges, and sign a receipt for such vehicle. This remedy is in addition to the penalties provided for in Sections 4 above.

Section 9. This local law is intended and shall be liberally construed to be additional to any other local law or statute of the State of New York. If any part or portion of this law or the application thereof to any person or circumstances be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provisions or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this ordinance or the application thereof to other persons or circumstances, and the County Board hereby declares that it would have enacted this law or the remainder thereof had the invalidity of such provision of application thereof been apparent. This local law is not intended to nor shall it be construed to permit that which is otherwise prohibited under any other local or state law or regulation.

Section 10. This law shall be effective immediately.

Seconded by Mr. Phelan

Results of a Roll Call Vote were: Yes - 2,123, No - 0, Absent - 165, Vacant - 183

Absent: Supervisors Kelly and Wahlberg

Vacant: Supervisor Maltzan (deceased)

The Chairman Declared the Local Law adopted.

(Complete the certification in the paragraph which applies to the filing of this local law and strike out the matter therein 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. . . . 7 of 19 90
County
of the City of Chenango was duly passed by the Chenango County Board of Supervisors
Town
Village
(Name of Legislative Body)
on September 10 19 90 in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval or no disapproval by Elective Chief Executive Officer,* or repassage after disapproval.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19
County
of the City of was duly passed by the
Town
Village
(Name of Legislative Body)
on 19 not disapproved
and was approved by the
repassed after disapproval Elective Chief Executive Officer*
and was deemed duly adopted on 19, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19
County
of the City of was duly passed by the
Town
Village
(Name of Legislative Body)
on 19 not disapproved
and was approved by the
repassed after disapproval Elective Chief Executive Officer*
on 19 Such local law was submitted to the people by reason of a
mandatory referendum, and received the affirmative vote of a majority of the qualified electors voting
permissive general
thereon at the special election held on 19, in accordance with the applicable
annual provisions of law.

4. (Subject to permissive referendum, and final adoption because no valid petition filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19
County
of the City of was duly passed by the
Town
Village
(Name of Legislative Body)
on 19 not disapproved
and was approved by the
repassed after disapproval Elective Chief Executive Officer*
on 19 Such local law was subject to a permissive referendum and
no valid petition requesting such referendum was filed as of 19
in accordance with the applicable provisions of law.

*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 chairman of the county legislative body, the mayor of a city or village or the supervisor of a town where such officer is vested with 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 19 of the City of having been submitted to referendum pursuant to the provisions of ~~§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 19..... became operative.

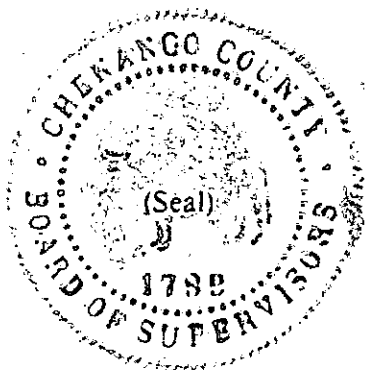
6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19..... of the County of, State of New York, having been submitted to the Electors at the General Election of November, 19....., 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 of 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.

[Handwritten Signature]
Clerk of the County legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: September 13, 1990



Chenango County, SS
Recorded on this 14th Day
of September 1990 at 3:20
o'clock P. M., in Liber 1 of
Local Laws
at Page 85 and examined
Fred A. Meda Clerk

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK
COUNTY OFChenango.....

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.

Richard W. Bresler
Signature
County Attorney
Title

Date: September 13, 1990

County
~~City~~
~~Town~~
~~Village~~
ofChenango.....