

1997-2

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.

County  
~~CNY~~ of Chenango  
~~TOWN~~  
~~VILLAGE~~

Local Law No. 2 of the year 19 97.

A local law RESTRICTING PARKING ON CERTAIN HIGHWAYS AND ROADWAYS WITHIN THE  
(Insert Title) COUNTY OF CHENANGO

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

County  
~~CNY~~ of Chenango  
~~TOWN~~  
~~VILLAGE~~ as follows:

LOCAL LAW

The Transportation Committee offered the following, proposed for enactment:

STATE OF NEW YORK  
COUNTY OF CHENANGO  
ADOPTED LOCAL LAW NO. 2 OF 1997

A LOCAL LAW RESTRICTING PARKING ON CERTAIN HIGHWAYS AND ROADWAYS  
WITHIN THE COUNTY OF CHENANGO

BE IT ENACTED by the Chenango County Board of Supervisors of the County of Chenango as follows:

Section 1. Purpose: This local law is to exercise the authority granted by Municipal Home Rule Law, Section 10; Section 215 of the County Law, and other applicable law to restrict parking as set forth herein so as to provide for the safety and welfare of the public.

Section 2. Definitions: (a) Unless otherwise provided, all terms shall have the meaning provided by the Vehicle and Traffic Law of the State of New York and Highway Law of the State of New York.

(b) For the purpose of this law "park" or "parking" means 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 passengers.

Section 3. Prohibited Acts: During the period of November 1<sup>st</sup> of each calendar year through April 15<sup>th</sup> of the next succeeding calendar year no person, persons, corporation, business, partnership, company or other entity shall park or suffer the parking of a motor vehicle on Chenango County highways, roadways, shoulders, or rights of way from the hours of 11:00 PM through 7:00 AM.

This restriction shall apply not only to the operator or driver of the vehicle but such vehicle's owner and/or lessee.

Section 4. Affected Highways or Roadways:

(If additional space is needed, attach pages the same size as this sheet, and number each.)

a) This local law applies to all highways, roadways, shoulders or rights of way under the control of the County of Chenango, except those roads or portions thereof located within the boundaries of any Village or the City of Norwich.

b) In no event shall a highway or roadway under the control of the New York State Department of Transportation be subject to this local law.

c) In the event a Town has in effect parking regulations more restrictive than those of the County, such Town regulations shall take precedence.

Section 5. Enforcement: This local law may be enforced by any police officer, peace officer acting within the scope of his or her duties, the County Highway Superintendent or designee(s) and any other Chenango County officials or employees designated to enforce the same by Resolution of the Chenango County Board of Supervisors. All such persons are authorized to issue an appearance ticket in accord with the Criminal Procedure Law and to take such other lawful actions as are necessary to enforce this local law.

Section 6. Penalties:

a) Criminal: The violation of this local law shall be deemed a violation under the Criminal Procedure Law and punishable by a fine not exceeding two hundred and fifty dollars (\$250.00) or by imprisonment not exceeding fifteen (15) days, or by both such fine and imprisonment.

b) Civil: In lieu of Criminal Penalties above, this local law shall be enforced by imposing a penalty of not more than two hundred fifty dollars (\$250.00) for any one violation, to be recovered in a civil action in any court having jurisdiction thereof, which action shall be brought in the name of the County.

c) Separate Offense: Each calendar day of violation shall be considered a separate violation.

d) Additional Remedies: The County of Chenango or its officials may maintain an action or proceeding in any court of competent jurisdiction to compel compliance with or prohibit any violation of the provision of this local law including injunction, or any other proper legal remedy.

Section 7. Separability: This local law is separate and apart from any other local law and each provision hereof is separate from any other provision. If this law or portion thereof is found to be invalid, no other law or unaffected portion of this law shall be affected thereby and shall remain in full force and effect.

Section 8. Effective Date: This law shall take effect immediately upon proper filing pursuant to law.

Seconded by Mr. Parry

Results of a roll call vote were: Yes-1,889, No-177, Absent-199

No: Supervisor Knoll - 177

Absent: Supervisors Dolan and Brown

The Chairman declared the local law duly adopted.

(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. 2 of 1997 of the (County)(City)(Town)(Village) of Chenango was duly passed by the Board of Supervisors on November 10 19 97, 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 19\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_\_\_, and was (approved)(not disapproved)(repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 19\_\_\_\_ in accordance with the applicable provisions of law. (Name of Legislative Body) (Elective Chief Executive Officer\*)

3. (Final adoption by referendum.)

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

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

\*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 the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

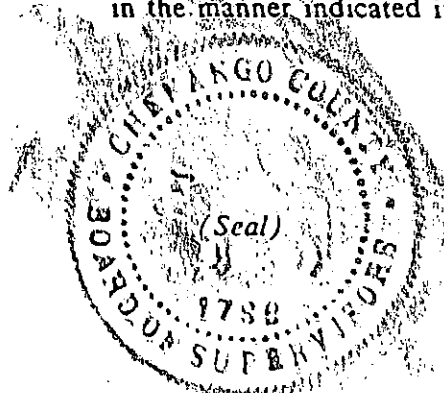
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 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 1, above.



*[Handwritten Signature]*

Clerk of the County legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: November 13, 1997

(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 Chenango

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.

Chenango County, SS  
Recorded on this 13th Day  
of November 1997 at 4:36  
o'clock P.M. in Liber 1 of  
Local Laws  
at Page 239 and examined  
Mary C. Weidman Clerk

*[Handwritten Signature: Richard W. Bell]*  
Signature

County Attorney  
Title

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

Date: November 13, 1997