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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 Plattsburgh

~~TOWN~~

~~VILLAGE~~

Local Law No. 3 of the year 2007

A local law REPEALING CHAPTER 252 OF THE CITY CODE; ENACTING CHAPTER 253 OF THE
(Insert Title)
CITY CODE - PARKING: ESTABLISHING PARKING REGULATIONS, TOWING
REGULATIONS, PARKING VIOLATIONS BUREAU.

Be it enacted by the Common Council of the
(Name of Legislative Body)

~~COUNTY~~

City of Plattsburgh as follows:

~~TOWN~~

~~VILLAGE~~

CHAPTER 253- PARKING, TOWING, PARKING VIOLATIONS BUREAU

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ARTICLE 1. GENERAL PROVISIONS.

- 1.1. RESPONSIBILITY FOR VIOLATIONS. A person may not knowingly: stop, stand, or park a vehicle in violation of this chapter or state law; or permit a vehicle owned by the person or registered in the person's name to stop, stand, or park in violation of this chapter or state law. If a vehicle is found parked in violation of this chapter or state law, proof that the vehicle is registered in a person's name is prima facie evidence that the person committed the violation.
- 1.2. A vehicle owner, who is engaged in the business of renting or leasing vehicles under written rental or leasing agreements, is not liable for civil fines, costs, and fees imposed by the city on a rented or leased vehicle if, within 30 days after receiving written notice of a parking violation, the owner provides an affidavit stating the name, address, and driver's license number and state of issuance of the person in possession of the vehicle at the time the parking citation was issued, or a copy of the lease or rental agreement in effect at the time the parking citation was issued.
- 1.3. A vehicle owner engaged in the business of renting or leasing vehicles who fails to comply with Subsection 1.2 is liable for civil fines, costs, and fees.
- 1.4. It is a defense to a charge of a parking violation that, at the time of the violation, the illegally parked vehicle was reported to a police department as having been stolen before the time of the violation and had not yet been recovered.
- 1.5. MOVING A VEHICLE TO CAUSE A VIOLATION. A person may not move a vehicle that is not lawfully under the person's control to a place or in a manner that makes the stopping, standing, or parking of the vehicle unlawful.

ARTICLE 2-- DEFINITIONS

The terms used in this Chapter have the meanings set forth in Vehicle and Traffic Law §100 et. seq., except where a term is defined in this Chapter. The following terms have the following meanings:

- 2.1 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.
- 2.2 Stand or standing. Means the stopping of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers.
- 2.3 Stop or stopping. When prohibited means any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal.ⁱ
- 2.4 Time Limit Parking Zone. Means all or part of a public street or public parking lot where time limits on parking have been established by a Traffic Order.

ARTICLE 3 – ZONES AND FIRE LANES

- 3.1 DELEGATION OF AUTHORITY TO REGULATE TRAFFIC. Pursuant to the authority granted in Article 35 and 39 of the Vehicle and Traffic Law of the State of New York, the City of Plattsburgh does hereby authorize and delegate to the City Engineer or his/her designee the authority to regulate traffic

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within the City of Plattsburgh . All references herein to the City Engineer shall be deemed to include the City Engineer's designee, if any. The authority herein granted shall include the powers granted by § 1640, Subdivisions (a), (b), and §§ 1640-a, 1641, 1643 and 1644, of the Vehicle and Traffic Law of the State of New York.

3.2 Without intending to limit the delegation of authority under §3.1, the City Engineer is specifically authorized to issue Traffic Orders establishing:

- (A) School and playground speed zone.
- (B) No parking, no stopping and no standing zone.
- (C) Time limit parking zone.
- (D) Handicapped Parking Space or Zone
- (E) Hospital Emergency Room Zone
- (F) Bus stops zone.
- (G) Taxi stand zone
- (H) Loading and unloading zone.
- (I) Alternate side of the street parking zone
- (J) Through traffic streets.
- (K) One-way streets,
- (L) Traffic Control Devices

3.3 **TRAFFIC ORDERS.** The City Engineer shall implement traffic regulations by issuing a Traffic Order. When the Traffic Order establishes a zone it shall describe the boundaries of a zone by linear feet from a fixed marker or street intersection. One way streets shall be identified by street name and street intersections. The proposed Traffic Order shall be submitted to the Chief of Police for review and comment. The Traffic Order shall be transmitted to the Common Council for placement on the agenda of the next Council Meeting under Reports from City Officers. The Common Council may adopt a resolution delaying the effective date of the Traffic Order, or disapproving the Traffic Order in which case it shall not take effect. If no action is taken by the Common Council, the Traffic Order shall be effective one day after the said Common Council meeting, but not sooner than the date appropriate signs giving notice of the traffic regulation are installed.

3.4 **EMERGENCY TRAFFIC ORDERS:** If in the judgment of the City Engineer there is a traffic condition that requires immediate action to protect the public safety, he may issue a Traffic Order without first submitting it to the Chief of Police or the Common Council, however, as soon as practicable after such order is issued he shall transmit the Traffic Order in accordance with the provisions of §3.3.

- 3.3 SIGNS. After a Traffic Order becomes effective the City Engineer shall issue a work order to the Superintendent of Public Works for the erection of appropriate signs which shall comply with the requirements, if any, of the NYS Manual of Uniform Traffic Control Devices.
- 3.4 FILING TRAFFIC ORDERS. The City Engineer shall maintain a file of duplicate, original signed Traffic Orders. An original copy of the signed Traffic Order shall be filed with the City Clerk. The City Clerk shall transmit a copy to the Chief of Police.
- 3.5 EXISTING TRAFFIC ORDERS. All Traffic Orders or Traffic Zone Designations issued prior to the effective date of this local law shall remain valid and enforceable until amended, repealed or superseded by a subsequent Traffic Order.
- 3.6 FIRE LANES. The City Engineer may issue a Traffic Order establishing a Fire Lane only with the concurrence of the Fire Chief as evidenced by his signature on the Traffic Order. If the order requires improvements to be made to the property where the Fire Lane is established, the order shall specify a date by which the fire lane improvements shall be made. The order shall be mailed by first class mail to the person identified as the owner of the property in the city's real property tax records. The owner of the property shall make any required fire lane improvements by the date set forth in the order. The owner shall maintain the required fire lane signage and pavement markings and shall keep the fire lane free of obstructions, including snow or ice.

ARTICLE 4 VEH. & TRAF. STOPPING, STANDING OR PARKING PROHIBITED IN SPECIFIED PLACES.

Except when necessary to avoid conflict with other traffic, or when in compliance with law or the directions of a police officer or official traffic-control device, no person shall:

- 4.1. Stop, stand or park a vehicle:
- 4.1.2 On the roadway side of any vehicle stopped, standing or parked at the edge or curb of a street;
 - 4.1.3. In a no parking, no stopping and no standing zone.
 - 4.1.4. On a sidewalk;
 - 4.1.5. Within an intersection, except when permitted by official signs or parking meters on the side of a highway opposite a street which intersects but does not cross such highway;
 - 4.1.6. On a cross walk;
 - 4.1.7. Between a safety zone and the adjacent curb or within thirty feet of points on the curb immediately opposite the ends of a safety zone, unless a different distance is indicated by official signs, markings or parking meters;
 - 4.1.8. Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;

- 4.1.9. Upon any bridge or other elevated structure upon a highway or within a highway tunnel, unless otherwise indicated by official signs, markings or parking meters;
 - 4.1.10. On any railroad tracks;
 - 4.1.11. In the area between roadways of a divided highway, including crossovers, except in an emergency;
 - 4.1.12. On a state expressway highway or state interstate route highway, including the entrances thereto and exits therefrom, which are a part thereof, except in an emergency.
 - 4.1.13. On the unimproved part of a City street or right-of way that lies between the edge of the roadway pavement or curb and the bounds of the right-of-way Where prior to July 11,1996 the City has allowed such part of the right-of-way to be improved for parking with asphalt paving, parking shall be permitted in such areas during the hours parking is otherwise permitted on said street.
- 4.2. Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:
- 4.2.1 In front of a public or private driveway;
 - 4.2.2 In a taxi zone, except licensed taxicabs.
 - 4.2.3 In a bus zone.
 - 4.2.4 Within twenty feet of a cross walk at an intersection, unless a different distance is indicated by official signs, markings or parking meters;
 - 4.2.5 Within thirty feet upon the approach to any flashing signal, stop or yield sign or traffic-control signal located at the side of the roadway, unless a different distance is indicated by official signs, markings or parking meters;
 - 4.2.6 Within twenty feet of the driveway entrance to any fire station and, when on the side of the street opposite to the entrance of any fire station, within seventy-five feet of said entrance, when properly signposted, unless a different distance is indicated by official signs, markings or parking meters.
 - 4.2.7 Alongside or obstructing a curb area which has been cut down, lowered or constructed so as to provide accessibility to the sidewalk.
 - 4.2.8 Park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers, within fifty feet of the nearest rail of a railroad crossing, unless a different distance is indicated by official signs, markings or parking meters.
 - 4.2.9 No person shall stop, stand or park a vehicle within fifteen feet of a fire hydrant except when such vehicle is attended by a licensed operator or chauffeur who is seated in the front seat and

who can immediately move such vehicle in case of emergency, unless a different distance is indicated by official signs, markings or parking meters.

- 4.2.10 No person shall move a vehicle not lawfully under his control into any prohibited area or away from a curb such distance as is unlawful.

4.3 MANNER OF PARKING

- 4.3.1 Except where angle parking is authorized, every vehicle stopped, standing, or parked wholly upon a two-way roadway shall be so stopped, standing, or parked with the right-hand wheels of such vehicle parallel to and within twelve inches of the right-hand curb or edge of the roadway.
- 4.3.2 Except where angle parking is authorized, every vehicle stopped, standing, or parked wholly upon a one-way roadway shall be so stopped, standing, or parked parallel to the curb or edge of the roadway, in the direction of authorized traffic movement, with its right-hand wheels within twelve inches of the right-hand curb or edge of the roadway, or its left-hand wheels within twelve inches of the left-hand curb or edge of the roadway.
- 4.3.3 Except where angle parking is authorized, every vehicle stopped, standing, or parked partly upon a roadway shall be so stopped, standing, or parked parallel to the curb or edge of the roadway. On a one-way roadway such vehicle shall be facing in the direction of authorized traffic movement; on a two-way roadway such vehicle shall be facing in the direction of authorized traffic movement on that portion of the roadway on which the vehicle rests.
- 4.3.4 Angle parking. Where angle parking is authorized by signs and pavement markings, no person shall park a vehicle upon any of the streets or parts thereof except at the angle designated and only within the painted stall lines. On all streets or portions thereof where angle parking is now or shall hereafter be authorized, all vehicles parked thereon shall be parked with the front thereof nearest the curb.
- 4.3.5 Compliance With Parking Space Markings. If a parking space limit line is delineated on a street or parking lot owned or maintained by the City, a person may not park a vehicle on or across the line; and shall park a vehicle entirely within the delineated area.

ARTICLE 5. TIME LIMITS ON PARKING

- 5.1 Where a public street, parking lot or other public place has been designated by Traffic Order and signage as a place where parking is limited in time, no person shall park a vehicle in such place longer than the time permitted on such sign.

ARTICLE 6. PARKING RESTRICTIONS IN CERTAIN PLACES.

- 6.1. ALLEY . A person may not stop, stand, or park a vehicle in an alley. This restriction does not apply along the south side of an east-west alley or along the east side of a north-south alley if:

- 6.1.1. a sign prohibiting stopping, standing, or parking is not posted;
 - 6.1.2. the person stops, stands, or parks a vehicle to load or unload it; and
 - 6.1.3. the vehicle's position and the loading or unloading of the vehicle do not: impede the movement of other vehicles through the alley; or block a driveway or building entrance.
- 6.2. BEYOND CURB LINE OR PAVED SURFACE No vehicle shall be parked between the curb line or, if there is no curb, the paved surface of a city street and the lateral boundary line of the City right-of-way or sidewalk.
- 6.3. CITY EMPLOYEE PARKING LOTS On the days and during the hours that the City Clerk's Office is open for public business, a person may not park on the off-street parking lots adjacent to and west of City Hall and adjacent to and east of Miller Street unless the person is an employee of the City.
- 6.4. LOADING ZONES This section applies to a loading zone between the hours of 7:00 a.m. and 7:00 p.m. each day except Sunday.
- 6.4.1 A person, other than a person operating a commercial vehicle, may not stop, stand, or park a motor vehicle in a loading zone.
 - 6.4.2 A person operating a commercial vehicle may not stop, stand, or park in a loading zone for more than 30 minutes.
- 6.5. EMERGENCY ROOM ZONE A person may not stop, stand, or park a vehicle in an Emergency Room Zone, except a person may stop, stand or park a vehicle in such zone for a period not to exceed 30 minutes if the person is traveling to or is in the emergency room of the hospital.
- 6.6. FIRE LANES OR ZONES A person may not to stop, stand, or park a vehicle in a zone marked as a fire zone or fire lane.
- 6.7. HANDICAPPED PARKING. SPACES
- 6.7.1 No vehicle shall be parked in any parking spot or location marked "Handicapped Parking" where such spot has been either lawfully designated by Traffic Order and signage, or lawfully designated and posted by a person, firm or corporation as part of his private parking area. This subsection shall not apply to any vehicle which displays a parking permit issued pursuant to New York State Vehicle and Traffic Law §1203-a.
 - 6.7.2 The City Clerk is hereby appointed issuing agent for parking permits under §1203-a of the New York State Vehicle and Traffic Law.
 - 6.7.3 The City Engineer shall have the power to issue time restrictions for specific handicapped parking areas so as to regulate the amount of time a vehicle may remain parked under this section.

ARTICLE 7 PARKING RESTRICTIONS; TRAILERS AND MOTOR HOMES

- 7.1 Trailers. Trailers not connected to a motor vehicle shall not be parked on city streets.

7.2 Construction Trailers. The foregoing section notwithstanding, the officer in command of the City Police Department may issue a permit that allows a trailer not connected to a motor vehicle to be parked on a city street if:

7.2.1 the trailer is used to store construction equipment and materials or demolition debris for a building under construction; and

7.2.2 there is insufficient space on the construction site to park the trailer; and

7.2.3 the trailer is of a weight or secured so that it cannot be moved except by a motor vehicle.

7.2.4 the permit requires that the trailer be removed within a definite time.

7.3 Motor Homes. A person may not park a self-propelled motor home or other motor vehicle containing a permanently installed sleeping facility or human sanitary treatment or disposal facility on a public street or alley for longer than 72 continuous hours.

ARTICLE 8 - TRUCKS WEIGHT AND MATERIAL RESTRICTIONS

8.1 DEFINITIONS. As used in this section "RESIDENTIAL LOT " means a lot located within the boundaries of a R-1, RH or R-2 District as the boundaries of such districts are now or may hereafter be defined under Chapter 270 of the Code of the City of Plattsburgh known as the "Zoning Ordinance of the City of Plattsburgh.

8.2 PARKING ON STREETS. No motor vehicle, truck or trailer which is transporting flammable liquids, explosives or hazardous materials shall be parked on any street within the City.

8.3 PARKING ON RESIDENTIAL STREETS AND LOTS. No motor vehicle, truck or trailer which has a gross weight of more than ten thousand (10,000) pounds, or which is transporting flammable liquids, explosives or hazardous materials, shall be parked on any street within an R-1, RH or R-2 zoning district or any residential lot within the City of Plattsburgh, except that motor vehicles, trucks and trailers with a gross weight of more than ten thousand (10,000) pounds may be parked on lots in residential districts that have nonconforming uses or variances which allow the parking of the same. Motor vehicles, trucks and trailers with a gross weight of more than ten thousand (10,000) pounds which are used in connection with the construction, remodeling or repair of structures on a residential lot may be parked on such lot during the construction period.

ARTICLE 9 – SNOW EMERGENCY

9.1 It shall be unlawful for any person to park or leave unattended a vehicle on any street of the City of Plattsburgh, New York, between the hours of 12:01 AM and 6:00 AM., during the period from November 1st to May 1st of the following year when a snow removal emergency has been declared and notice given under sections 9.2 and 9.3.

9.2 The Superintendent of the Department of Public Works, Assistant Superintendent, or the Public Works Employee on call for emergencies, is authorized to declare a snow removal emergency when in his/her judgment snow is likely to accumulate, or has accumulated, at such depths as will make snow removal difficult if vehicles are left parked on City streets.

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- 9.3 Such declaration must be made and notice given by 9: 00 p.m. the prior day. Notice to the public shall be given by turning on the flashing amber lights that give notice of a snow emergency and by notifying the broadcast media of the declaration of a snow emergency.
- 9.4 The persons authorized in section 9.2 may declare a "Limited Snow Removal Emergency" when in his or her judgment it is not necessary to prohibit overnight parking on all City streets. Notice shall be given as provided in section 9.3. When a Limited Snow Removal Emergency is declared it shall be unlawful to park vehicles in otherwise lawful parking spaces on City streets located within the following designated areas between the hours of 12:01 AM and 6AM:

All city streets within the area bounded by the centerline of Broad Street from Durkee Street to Oak Street; the centerline of Oak Street from Broad Street to Cornelia Street; the northerly bounds of Cornelia Street from Oak Street to the northerly bounds of City Hall Place; the northerly bounds of City Hall Place and Durkee Street to the centerline of Broad Street; Also the area bounded by the northerly and southerly bounds of Bridge Street from the intersection with City Hall Place and Durkee Street on the West to the northerly bounds of Pike Street on the East

ARTICLE 10 – IMMOBILIZATION AND TOWING OF VEHICLES

- 10.1. Immobilization. A police officer or parking enforcement officer may immobilize a vehicle located on a city street or in a public parking lot if the owner or person in whose name such vehicle is registered has two (2) or more outstanding notices of parking violations, the most recent of which was served fifteen (15) days or more before the immobilization device is attached.
- 10.2. The vehicle may be immobilized by affixing a wheel lock or similar device.
- 10.3. The owner or person to whom such vehicle is registered shall be served with notice under §10.4 in the same manner as service of a parking violation.
- 10.4. The notice shall contain the following information:
- 10.4.1 notice that the vehicle has been immobilized for non payment of parking violations, and that attempted movement may cause damage to the vehicle;
 - 10.4.2 notice that it is unlawful for any person to tamper with, deface, damage, or attempt to remove an immobilization device when it has been installed;
 - 10.4.3 instructions as to how the release of the vehicle may be obtained;
 - 10.4.4 notice that the vehicle will be towed and impounded if the owner or a person authorized to act on behalf of the owner does not obtain a release of the vehicle from the police department not later than 48 hours after the vehicle has been immobilized; and
 - 10.4.5 notice that if the vehicle is towed and impounded, the owner shall be responsible for payment of applicable fees for towing, impoundment, and storage in addition to the fines, costs and fees under this article.
 - 10.4.6 the make of the vehicle and plate number.
 - 10.4.7 the location of the vehicle
 - 10.4.8 date and time of placement of the immobilization device and name of the installer;
- 10.5 No person shall tamper with or attempt to remove an immobilization device.
- 10.6 No overtime parking violations shall be imposed while a vehicle is immobilized.

- 10.7 If the owner of an immobilized vehicle fails to pay the unpaid parking violation fines and move the vehicle within 48 hours of the time the immobilization device is attached, the vehicle may be towed and impounded.
- 10.8 An immobilized vehicle may be towed and impounded at any time it is parked in a place or manner where in the judgment of a police officer the vehicle impedes traffic or access to a fire scene.
- 10.9 Towing and Impoundment of Vehicles The officer in charge of the Patrol division may order that a vehicle be towed and impounded if it is:
- 10.9.1 illegally parked in a place or manner that the patrol officer reasonably believes creates a traffic hazard.
 - 10.9.2. parked in a place or manner that blocks vehicular access to public or private property.
 - 10.9.3. parked in a place or manner that interferes with access to a fire or other emergency scene.
 - 10.9.4. parked in violation of a provision of Article 9.
 - 10.9.5. unlicensed or unregistered and parked or operated on a public street, public parking lot or other public place
 - 10.9.6. damaged and cannot be safely moved to a lawful parking place under it's own power
 - 10.9.7. the vehicle operator is charged with unlicensed operation, or driving while under the influence of alcohol or drugs or operating without insurance in effect.
 - 10.9.8. the owner or person in whose name such vehicle is registered has five (5) or more outstanding notices of parking violations.
 - 10.9.9. the vehicle has been immobilized for more than 72 hours.
- 10.10 Tow Operators, Fees, Procedures
- 10.10.1. The Chief of Police is authorized and directed to adopt a written policy establishing a preferred tow service list of persons who meet the police department's requirements for providing towing services within the City of Plattsburgh and who agree to provide such services at the rates and on the terms set forth in this ordinance. Such policy may include requirements for tow service response time, tow vehicle equipment, insurance coverage, secure vehicle storage facilities and such other factors as the Chief deems appropriate to assure prompt, safe responses to towing requests and the reasonable protection of towed vehicles. Such policy, and any subsequent amendment, shall become effective upon filing a copy signed by the Chief of Police with the City Clerk.
 - 10.10.2. Any tow service operator may apply to the police department to be listed on the preferred tow service list. Persons placed on the preferred tow service list will be deemed to have consented to inspection of their tow vehicles and equipment by the police department at any time and to charge the rates set forth in Schedule III. Schedule III may be amended from time to time by resolution of the Common Council.
 - 10.10.3. A tow service operator who has been requested to tow a vehicle by an authorized city employee and who charges more than the rates set forth in Schedule III may be removed from the preferred tow service list, after first giving notice and an opportunity to be heard.
 - 10.10.4. Tow service operators shall store towed vehicles in a secure place until claimed by their owners or otherwise directed by the police department.

- 10.10.5. The City of Plattsburgh shall have no liability for the loss or damage to towed vehicles or their contents.
- 10.10.6. The owner or operator of a towed vehicle is responsible for paying towing and storage charges, including charges imposed by the tow service operator for responding to the scene of a tow request if the tow request is cancelled.
- 10.10.7. RECLAMATION OF AN IMPOUNDED OR IMMOBILIZED VEHICLE. The owner or other person with legal right of possession of a vehicle which has been impounded or immobilized may reclaim the vehicle by presenting evidence satisfactory to a police officer establishing ownership or right of possession, that the vehicle is registered and insured, and paying in full accumulated fines, costs, and fees. If the vehicle is impounded on a private lot, the police officer shall issue a written order of release for the vehicle to its owner or the person named in the order of release upon payment of towing and storage charges to the tow service operator.
- 10.10.8. RELEASE OF IMPOUNDED VEHICLES. The tow service operator in possession of the impounded vehicle shall release the vehicle to a person named in the order of release upon proof of his identity. The person releasing the vehicle shall indicate the date and time that a vehicle is released on the order of release, or on a paper attached to it. The person reclaiming the vehicle and the person releasing the vehicle shall sign the order of release. The person releasing the vehicle shall return the order to the police department. The tow operator may not request nor require the person reclaiming the vehicle to sign a release from liability for damages or loss until the person authorized to reclaim the vehicle has been provided a meaningful opportunity to inspect the vehicle and its contents. A release from liability shall indicate whether the person reclaiming the vehicle has made an inspection of the vehicle, as well as an enumeration of the damages, if any, allegedly the result of the impounding of the vehicle. Any items alleged to be missing from the vehicle shall be listed on the release by the person reclaiming the vehicle. A copy or duplicate original of the release shall be provided to the person reclaiming an impounded vehicle.

ARTICLE 11 --- SPEED REGULATIONS AND OTHER MOVING VIOLATIONS

- 11.1 The City of Plattsburgh speed limit shall be 30 miles per hour except as otherwise set by Traffic Order and posted.
- 11.2 Speed limit signs shall be posted on all major highways entering the City and also on all streets where the rate of speed changes.
- 11.3 No person shall drive a vehicle at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing.
- 11.4 The New York Vehicle and Traffic Law [VTL], Chapter 71, Title VII [Rules of the Road] applies within city limits of the City of Plattsburgh. Violations under VTL Chapter 71, Title VII, commonly referred to as "moving violations" shall be charged under the VTL and are punishable by the fines and other charges provided in such law. Such violations are not subject to the disposition procedures of Article XIV of this Chapter.

ARTICLE 12 --- VIOLATIONS AND FINES

- 12.1 Traffic infraction. The violation of any provision of this chapter or of any law, ordinance, order, rule or regulation regulating traffic which is not declared by this chapter or other law of this state to be a misdemeanor or a felony shall constitute a traffic infraction. A traffic infraction is not a crime and the punishment imposed therefore shall not be deemed for any purpose a penal or criminal punishment and shall not affect or impair the credibility as a witness or otherwise of any person convicted thereof. For purposes of arrest without a warrant, pursuant to article one hundred forty of the criminal procedure law, a traffic infraction shall be deemed an offense.
- 12.2 A violation of this Chapter shall be punishable by the fines set forth in Schedule I to this Chapter.
- 12.3 If a vehicle remains parked in violation of this ordinance for more than 24 hours, each consecutive 24 hour period, or part thereof, shall constitute a separate violation.
- 12.4 If a person fails to plead to a notice of violation within seven (7) days of the day it is served, in addition to the fine imposed he shall pay the penalty set forth in Schedule I for each day such fine remains unpaid commencing on the 8th day after service through and including the day the fine is paid.
- 12.5 If a person pleads not guilty, and is later found guilty of the violation charged, in addition to the fine imposed he shall pay a penalty set forth in Schedule I computed from a date 7 days after the date of the violation.

ARTICLE 13 NOTICE OF VIOLATION AND SERVICE

- 13.1. The notice of violation shall contain information advising the person charged of the manner and the time in which he may plead either guilty or not guilty to the violation alleged in the notice. A person issued a notice of violation shall have 7 days from the date of service of the notice of violation to plead to such violation. Such notice of violation shall also contain a warning to advise the person charged that failure to plead in the manner and time provided shall be deemed an admission of liability and that a default judgment may be entered thereon. A duplicate of each notice of violation shall be served on the person charged in the manner hereinafter provided. The original or a facsimile thereof shall be filed and retained by the bureau, and shall be deemed a record kept in the ordinary course of business, and shall be prima facie evidence of the facts contained therein.
- 13.2. A notice of violation shall be served personally upon the operator of a motor vehicle who is present at the time of service, or if the operator or owner is not present by , by affixing such notice to said vehicle in a conspicuous place. The notice shall contain the owner's name when he is present, but if not present the words "owner of the vehicle bearing license" may be inserted to be followed by the plate designation. The notice shall also contain the plate state designation and the plate type as shown by the registration plates of said vehicle and the expiration date; the make or model, and body type of said vehicle; a description of the charged violation, including but not limited to a reference to the applicable provision of this chapter; information as to the days and hours the applicable rule or provision of this chapter is in effect, unless always in effect pursuant to rule or this chapter.

- 13.3. Notwithstanding any inconsistent provision of subdivision 13.2, where the plate type or the expiration date are not shown on either the registration plates or sticker of a vehicle or where the registration sticker is covered, faded, defaced or mutilated so that it is unreadable, the plate type or the expiration date may be omitted from the notice of violation; provided, however, such condition must be so described and inserted on the notice of violation.
- 13.4. If any information which is required to be inserted on a notice of violation is omitted from the notice of violation, mis-described, or illegible, the violation shall be dismissed upon application of the person charged with the violation.
- 13.5. For purposes of this section, an operator of a vehicle who is not the owner thereof but who uses or operates such vehicle with the permission of the owner, express or implied, shall be deemed to be the agent of such owner to receive notices of violation, whether personally served on such operator or served by affixation in the manner aforesaid, and service made in either manner as herein provided shall also be deemed to be lawful service upon such owner.

ARTICLE 14 PARKING VIOLATIONS BUREAU; PLEAS AND HEARINGS

- 14.1. Pursuant to the authority granted by General Municipal Law §370¹ the City Court of the City of Plattsburgh is hereby authorized to establish a Traffic Violations Bureau, which shall be called a "Parking Violations Bureau," to assist the court in the disposition of infractions in relation to violations of this Chapter. Violations charged under the New York Vehicle and Traffic Law are not subject to the provisions of this Chapter.
- 14.2. The order of the City Court establishing the Parking Violations Bureau and setting fines for violations under this Chapter is set forth in Schedule II annexed hereto.
- 14.3. A person charged with a violation of this Chapter shall enter a plea of guilty or not guilty within seven (7) days of being served with a notice of violation. A written plea of guilty or not guilty by

¹ § 370 Gen. Mun.

1. The legislative body of a city, village or town, may by ordinance or local law authorize the court having jurisdiction of traffic cases to establish a Traffic Violations Bureau to assist the court in the disposition of infractions in relation to Traffic Violations.

§ 371 Gen. Mun. Jurisdiction and procedure

1. A traffic violations bureau so established may be authorized to dispose of violations of traffic laws, ordinances, rules and regulations when such offenses shall not constitute the traffic infraction known as speeding or a misdemeanor or felony, and, if authorized by local law or ordinance, to adjudicate the liability of owners for violations of subdivision (d) of section eleven hundred eleven of the vehicle and traffic law in accordance with section eleven hundred eleven-a of such law.

...

2/15/2007

mail shall be deemed to have been made on the date that the envelope containing such plea is postmarked.

- 14.4. **Plea of Guilty.** A person who pleads guilty to a violation may do so by: a) appearing in person at the Parking Violations Bureau; or b) appearing by another person designated by a written power of attorney in the form set forth in Schedule IV; or c) by submitting a written guilty plea by mail on the form set forth in Schedule IV to the Parking Violations Bureau. A person who pleads guilty to a violation waives his right to a hearing or appeal of the violation. A person who pleads guilty to a violation shall pay the fine(s) set forth in Schedule I at the time such plea is entered.
- 14.5. **Plea of Not Guilty.** A person who pleads not guilty shall be entitled to a hearing before the City Court at a date and time to be set by the Court. The owner of the vehicle must appear in person at the hearing. A not guilty plea may be entered by : a) appearing in person at the Parking Violations Bureau; or b) appearing by another person designated by a written power of attorney in the form set forth in Schedule IV; or c) by submitting a written not guilty plea by mail to the Parking Violations Bureau in the form set forth in Schedule IV.
- 14.6. **Administrative Review.** A person who believes a parking violation charge is unlawful or improper, may request an administrative review of the charge on a form provided by the Police Department. The Chief of Police, Captain, or an officer designated by the Chief to review such requests, may, for good cause shown, reduce or dismiss a parking violation charge. A request for an administrative review must be made in writing no later than 5 days after the date of the violation.
- 14.7. **Failure to Enter Plea within Time Allowed or Appear at Scheduled Hearing Date.** Where a person fails to plead to the alleged violation within the time set forth in section 12.4, or fails to appear at a hearing scheduled pursuant to § 14.5, it shall be deemed to be an admission of liability for the charged parking violation as set forth in the original notice of violation the City Court Clerk may enter a default judgment for the amount of the fine(s) and penalty payable under Schedule I. The Court Clerk may file a transcript of the docket of said judgment with the County Clerk.
- 14.8. **Records.** The Parking Violations Bureau shall keep records of all violations of which each person has been guilty, whether such guilt was established in court or in the bureau, and also a record of all fines collected and the disposition thereof. It shall also perform such other or additional duties and keep such other or additional records as shall be prescribed by the court and/or the Common Council.

ARTICLE 15. REPEAL OF CHAPTER 252; ENACTMENT OF CHAPTER 253; SAVINGS CLAUSE

- 15.1 City Code Chapter 252 is hereby repealed effective upon the effective date of Chapter 253.
- 15.2 City Code Chapter 253 is hereby enacted and shall become effective immediately upon approval by the Mayor and forty-five (45) days after filing with the Secretary of State.
- 15.3 The repeal by this Local Law of City Code Chapter 252, does not apply to an offense committed under Chapter 252 before the effective date of the repeal. For purposes of this section, an offense is committed before the effective date of the repeal if any element of the offense occurs before that date. An offense committed before the effective date of the repeal is covered by that subchapter as

it existed on the date on which the offense was committed, and the former law is continued in effect for that purpose.

Schedule I --- FINES AND PENALTIES FOR VIOLATIONS OF CHAPTER 253

- A. The Common Council hereby adopts the following fines and penalties for violations of Chapter 253.
- B. If a vehicle remains parked in violation of this ordinance for more than 24 hours, each consecutive 24 hour period, or part thereof, shall constitute a separate violation. See §12.3
- C. If a person fails to plead to a notice of violation within seven (7) days of the day it is served, in addition to the fine imposed he shall pay the penalty set forth below for each day such fine remains unpaid commencing on the 8th day after service through and including the day the fine is paid. . See §12.4

Schedule I --- FINES AND PENALTIES FOR VIOLATIONS OF CHAPTER 253

Chapter Article or Section	Type of Offense	Fine	Penalty
Article IV all sections	Stopping, Standing, Parking and Manner of Parking	\$15.00	0.75 per day
Article V	Time Limit Parking Zone	\$15.00	0.75 per day
Article VI	Certain Places		
6.1	Alleys	\$35.00	\$1.00 per day
6.2	Beyond Curb	\$35.00	\$1.00 per day
6.3	City Employee Lots	\$35.00	\$1.00 per day
6.4	Loading Zones	\$35.00	\$1.00 per day
6.5	Emergency Room	\$35.00	\$1.00 per day
6.6	Fire Lane	\$50.00	\$1.50 per day
6.7	Handicapped	\$75 1 st Offense 2 nd Offense within 2 years, not less than \$75 or more than \$150	\$3.00 per day
Article VII	Trailers and Motor Homes	\$35.00	\$1.00 per day
Article VIII	Overweight and Hazardous loads	Not less than \$50 or more than \$500.	\$3.00 per day
Article IX	Snow Emergencies	\$35.00	\$1.50 per day

Schedule II

State of New York
City Court City of Plattsburgh

In the Matter of the City of Plattsburgh
Traffic Violations Bureau aka
Parking Violations Bureau

ORDER

Pursuant to the authority granted to the Common Council of the City of Plattsburgh under General Municipal Law § 370 to establish a Traffic Violations Bureau (also called a Parking Violations Bureau under City Code Chapter 253) to assist the court in the disposition of infractions of traffic laws, ordinances, rules and regulations when such offenses shall not constitute the traffic infraction known as speeding or a misdemeanor or felony, and the provisions of Chapter 253 of the City Code, it is hereby :

Ordered: That the fixed fines and penalties set forth in Chapter 253, Schedule I are hereby approved and the Parking Violations Bureau is hereby authorized to advise persons charged with a violation of such Chapter that upon a plea of guilty the fine and penalty shall be in the amount shown in Schedule I; and it is further

Ordered: That where Schedule I establishes a minimum and maximum fine, the Parking Violations Bureau is hereby authorized to advise persons charged with a violation of such Chapter that upon a plea of guilty the fine and penalty shall be in the minimum amount shown in Schedule I, provided however, that the Parking Violations Bureau may request the court to set a fine that is higher than the minimum, in which case the fine shall be the amount set by the court; and it is

Ordered: That if a person pleads not guilty to an alleged violation, the City Police shall promptly advise the court of such plea so that a date may be set for trial; and it is

Ordered: That all moneys collected for fines and penalties shall accounted for under procedures established by the City and paid directly to the City Chamberlain.

Date March 8, 2007

Penelope D. Clute

Penelope D. Clute, City Judge

Schedule III

Authorized Tow and Storage Charges for Operators on the City's Preferred Towing List

1. Tow service operators responding to requests for tow service from authorized employees of the City of Plattsburgh shall not charge more than the following fees and charges plus sales tax, where applicable [fees and charges may be amended by resolution]:

A. Towing passenger cars and trucks with a gross weight under 8600 lbs. by means of a tow truck: up to \$80

B. Towing passenger cars and trucks with a gross weight under 8600 lbs. by means of a dolly or fiat bed truck: up to \$90

C. For responding to the scene a tow request that is cancelled before the vehicle is towed: up to \$25

D. Outdoor vehicle storage: up to \$30 per day, after 5pm the following business day.

E. Indoor vehicle storage (only if requested): up to \$50 per day.

F. Fees and charges for towing services not listed on this schedule, such as for larger vehicles and the retrieval of vehicles from difficult places, shall not be imposed unless the tow service operator first informs the city employee requesting the tow of the amount of the charge and obtains authorization.

Schedule IV – PLEA FORM AND POWER OF ATTORNEY

My name is: _____,

My date of birth is: _____

My driver's license is issued by _____ (state) and bears the identification number _____.

I reside at: _____

I am the owner of a registered vehicle described as:

_____ make
_____ model
_____ year
_____ VIN

I acknowledge receipt of a Notice of Violation for a parking infraction which bears the number _____.

PLACE YOUR INTIALS NEXT TO ONE OF THE FOLLOWING SECTIONS:

- A. _____ I hereby enter a plea of **GUILTY** to the Violation(s) charged. I understand that by pleading guilty I waive the right to appeal the violation.
- B. _____ I hereby enter a plea of **NOT GUILTY** to the Violation(s) charged and request that a date be set for a trial in City Court.
- C. _____ I hereby appoint _____ (name) whose address is _____ and whose telephone number is _____ my attorney in fact for the purpose of appearing on my behalf before the Traffic Violations Bureau or City Court and entering a plea _____ (initials) OF GUILTY
_____ (initials) OF NOT GUILTY to the violation(s) charged. **IF YOU INITIAL C, YOU MUST HAVE YOUR SIGNATURE NOTARIZED.**

Date: _____, 20_____

print

STATE OF _____)
COUNTY OF _____)

On this ____ day of _____, in the year, 20__ before me, the undersigned, a Notary Public in and for the said State, personally appeared _____ personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument.

Notary Public
Comm. Exp. _____

ⁱ 2.1, 2.2, 2.3 are defined in VTL 129, 145, 147 respectively and are included here for convenience and public understanding

(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. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, 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. _____ 3_____ of 2007____ of the ~~(County)(City)(Town)(Village)~~ of _____ Plattsburgh _____ was duly passed by the _____ Common Council _____ on 8 February 2007, and was (approved)~~(not approved)~~~~(repassed after disapproval)~~ by the _____ Mayor _____ and was deemed duly adopted on 15 February 2007, _____ *(Elective Chief Executive Officer*)* 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 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was submitted *(Elective Chief Executive Officer*)* 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 _____ 20____, in accordance with the applicable provisions of law.

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 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to *(Elective Chief Executive Officer*)* permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, 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 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 20_____ 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 _____ 20____, 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 20_____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, 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-----2-----, above.

Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body Keith A. Herkalo

(Seal)

Date: _____ 15 February 2007 _____

(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 Clinton

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 _____ John E. Clute

Title Corporation Counsel

~~County~~
City of Plattsburgh
~~Town~~
~~Village~~

Date: _____ 15 February 2007 _____