

Offered by Public Safety Committee

County Attorney

TITLE: ADOPTION OF LOCAL LAW INTRO. NO. 10 - 80, PRINT NO. 1, DESIGNATING COUNTY PARKING AREAS; ADOPTING RULES AND REGULATIONS GOVERNING THE USE OF SUCH AREAS AND PROVIDING FOR THE ENFORCEMENT THEREOF

RESOLVED:

- 1. That proposed Local Law, Intro. No. 10-80, Print No. 1, is hereby adopted without any change in language, to wit:

A LOCAL LAW DESIGNATING COUNTY PARKING AREAS; ADOPTING RULES AND REGULATIONS GOVERNING THE USE OF SUCH AREAS AND PROVIDING FOR THE ENFORCEMENT THEREOF

BE IT ENACTED by the Board of Legislators of the County of Allegany as follows:

Section 1. 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 a person or property is or may be transported upon a highway except a device which is operated upon rails or tracks.
b. The word "person" shall mean and include every natural person, firm, co-partnership, association, corporation or organization.
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 the stopping of a vehicle and leaving such vehicle unattended by a person capable of operating it.
e. The words "restricted parking areas" shall mean and include that portion of county-owned lands described in section two of this law.
f. The words "non-restrictive parking area" shall mean and include that portion of county-owned lands described in section three of this law.
g. The word "sheriff" shall mean the sheriff of the county of Allegany.

I, Frances S. Barnes, Clerk of the Board of Legislators of the County of Allegany, State of New York do hereby certify that the foregoing constitutes a correct copy of the original on file in my office and the whole thereof of a resolution passed by said Board on the ___ day of ___, 19__.

Dated at Belmont, New York this ___ day of ___, 19__

Clerk, Board of Legislators, Allegany County

Offered by _____

County Attorney JAF

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h. The word "committee" shall mean the county-owned property committee of the Allegany county board of legislators or such other committee as said board shall designate by resolution.

i. The word "county" shall mean the county of Allegany.

j. The words "county-owned lands" shall mean lands owned by the county of Allegany in the Village of Belmont, New York, that are situate adjacent to Court Street and Wells Lane in said village and more commonly known as the county courthouse-county office building complex.

§ 2. The following areas of county-owned lands are designated as restricted parking areas:

a. The parking area immediately north of and adjacent to the county office building and designated as a parking area for county employees.

b. The parking area immediately north of and adjacent to the county courthouse and designated as a parking area for county employees.

§ 3. The following area of county-owned lands is designated as a non-restricted parking area:

a. The parking area immediately south of the county courthouse building and bounded west by Wells Lane; south by the south line of county-owned lands, being also the north line of the Belmont Hotel property; east by the Genesee River and north by the north bounds of such parking area which is approximately one hundred and ninety-eight (198) feet from the south bounds of the county-owned lands.

§ 4. Parking of a vehicle by a person or operator on the restricted parking areas is prohibited unless such person or operator shall have a parking permit sticker duly issued by the sheriff pursuant to section six of this law.

§ 5. All parking in restricted and non-restricted parking areas shall be in places designated by signs and markings or other directions posted by order of the sheriff, or his designee; and it shall be unlawful for any person or operator to improperly park outside of such places or otherwise than is designated by signs or to use such areas unreasonably and contrary to the intent of this law.

I, Frances S. Barnes, Clerk of the Board of Legislators of the County of Allegany, State of New York do hereby certify that the foregoing constitutes a correct copy of the original on file in my office and the whole thereof of a resolution passed by said Board on the _____ day of _____, 19____.

Dated at Belmont, New York this _____ day of _____, 19____

Offered by _____

County Attorney JK

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§ 6. A person's or operator's privileges to park in restricted parking areas shall be indicated by placing on a vehicle, in a conspicuous position, a small marking permit sticker, properly inscribed, and the committee is hereby authorized to approve the form and design of such stickers which shall be placed in the exclusive possession of the sheriff who is hereby authorized to issue the same to the justices of the supreme court, judges of the county court, county officers, members of the board of legislators of Allegany County, such county employees as may be certified to the sheriff by county department heads as being entitled thereto and to such others as come within the intent of this local law, subject to the approval of the committee. The sheriff shall keep a record of such stickers and place a number on each sticker so delivered.

§ 7. Any person may park a vehicle in the non-restricted parking area subject to the conditions, restrictions and limitations imposed by this law.

§ 8. In any prosecution or proceeding hereunder, the failure to display such parking permit sticker on any vehicle shall be presumptive evidence that said vehicle is parked in violation of these regulations, and the registration plate displayed on a motor vehicle shall be presumptive evidence that the owner of such vehicle was the person who parked such vehicle at the place where any violation of these regulations occurred.

§ 9. No vehicle shall be parked in the restricted parking areas between the hours of 8:00 A.M. and 5:00 P.M. except vehicles displaying an authorized parking permit sticker unless specifically authorized by the sheriff. No vehicle shall be parked in the restricted or non-restricted parking areas between the hours of 11:00 P.M. and 8:00 A.M. except a vehicle displaying an authorized parking permit sticker and a vehicle of a person attending a public function or meeting on county-owned lands unless specifically authorized by the sheriff.

§ 10. a. When any vehicle is parked or abandoned in the restricted or non-restricted parking areas during a snowstorm, flood, fire or any other public emergency which affects that portion of county-owned lands upon which said vehicle is parked or abandoned, said vehicle may be removed by the sheriff or his duly authorized designee.

b. When any vehicle is found unattended within the confines of county-owned lands, where said vehicle constitutes an obstruction to traffic, said vehicle may be removed by the sheriff or his duly authorized designee.

I, Frances S. Barnes, Clerk of the Board of Legislators of the County of Allegany, State of New York do hereby certify that the foregoing constitutes a correct copy of the original on file in my office and the whole thereof of a resolution passed by said Board on the _____ day of _____, 19____.

Dated at Belmont, New York this _____ day of _____, 19____

Clerk, Board of Legislators, Allegany County

Sponsored by _____

VOTE: Ayes _____

Nays _____

Absent _____ Voice _____

Offered by _____

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c. When any vehicle is found unattended within the confines of county-owned lands parked in such a manner as to be in violation of this local law, said vehicle may be removed by the sheriff, or his duly authorized designee.

d. Whenever any vehicle is found parked in violation of this law and is removed by the sheriff or his duly authorized designee, the sheriff or his duly authorized designee, may store such vehicle in a suitable place. 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 or his duly authorized designee, he shall furnish evidence of his identity and ownership or right to possession of said vehicle, pay the charges therefor and sign a receipt for such vehicle. Such charges shall be established by order of the sheriff.

§ 11. The sheriff is hereby given the power and authority to engage, hire and contract with any person to tow away and to store motor vehicles and to otherwise carry out the purposes of this law.

§ 12. Whenever any vehicle is found parked in violation of this law, the sheriff shall place on such vehicle a notice to the owner thereof that such vehicle has been parked in violation of the provisions of this law, and shall thereby summon such owner to appear at a time indicated on such summons before a local criminal court to answer for such violation in accordance with this law. Such summons may permit the owner, as he may elect, to plead guilty to the offense indicated thereon, signing his true and correct name thereto as such election, and to authorize thereby his appearance in said local criminal court at the time prescribed to be noted, and to pay a fine of one dollar for the first such parking offense and two dollars for the second such parking offense within a six month period from the first offense. This election shall not be permitted to an owner committing more than three such offenses within a six month period from the first offense. Such voluntarily paid fine shall be paid to the local criminal court.

§ 13. No person shall operate any vehicle upon any county-owned lands at a speed in excess of ten miles per hour. Whenever any vehicle be found to be operated in excess of the ten mile per hour speed limit, the sheriff shall issue to the operator of said vehicle a summons noting that such vehicle has been operated in excess of said ten mile per hour speed limit in violation of the provisions of this law and shall thereby summon such operator to appear at a time indicated on such summons before a

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Dated at Belmont, New York this _____ day of _____, 19____

Clerk, Board of Legislators, Allegany County

Recorded by _____ Secorded by _____ VOTE: Aves _____ Noes _____ Absent _____ Voice _____

Offered by _____

County Attorney 

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local criminal court to answer for such violation in accordance with this law. Every person convicted of a violation of the ten mile an hour speed limit imposed by this law shall for a first conviction thereof be punished by a fine of not more than fifty dollars or by imprisonment for not more than fifteen days or by both such fine and imprisonment; for a second such conviction within eighteen months thereafter such person shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than forty-five days or by both such fine and imprisonment; upon a third or subsequent conviction within eighteen months after the first conviction such person shall be punished by a fine of not more than two hundred and fifty dollars or by imprisonment of not more than ninety days or by both such fine and imprisonment.

§ 14. If any section, part of a section, sentence, clause or phrase of this local law shall be held unconstitutional or invalid, the remaining provisions thereof shall nevertheless remain in full force and effect.

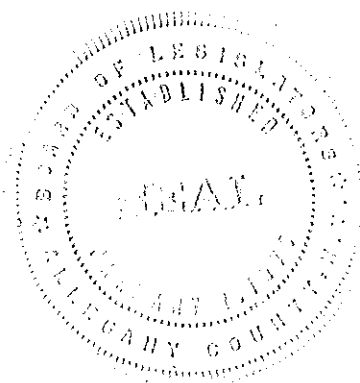
§ 15. This local law shall take effect immediately.

Local Law No. 3 of 1980

Adopted by Resolution No. 220-80

November 18, 1980

Amended by Local Law No. 1-1993 and 5-2012



I, Brenda Rigby Riehle, Clerk of the Board of Legislators of the County of Allegany, State of New York, do hereby certify that the foregoing constitutes a correct copy of the original on file in my office and the whole thereof of a resolution passed by said Board on the 10th day of November 1980.

Brenda Rigby Riehle
Clerk, Board of Legislators, Allegany County

Dated at Belmont, New York, this 19th day of August 2019.

Moved by: Mr. Hasper Seconded by: Mr. Hollod/Burton VOTE: Ayes 9 Noes 6 Absent: Voice:
Voting No: Hitchcock, Kramer, Shelley, Shine, Sprague, Watson)