

TOWN OF CHESTERFIELD PARKING REGULATION LOCAL LAW

LOCAL LAW #1 – 2020

A Local Law regulating parking on all Town roads, drives, streets, lanes and avenues in the Town of Chesterfield.

BE IT ENACTED by the Town Board of the Town of Chesterfield as follows:

Section 1. Title: This Local Law shall be known as “Town of Chesterfield Parking Regulation Local Law”.

Section 2. Purpose: The Town Board of the Town of Chesterfield, Essex County, New York, has determined it to be necessary and appropriate to institute certain prohibitive regulations incident to the parking of vehicles on all Town roads, drives, streets, lanes and avenues of the Town of Chesterfield, Essex County, New York, situate in the Town of Chesterfield, Essex County, New York, to promote, enhance and regulate the ordinary, reasonable and unobstructed passage, usage and travel thereof by vehicles and the proper and necessary repair, maintenance, cleaning and removal of snow and other obstacles thereof and therefrom and to promote the health, safety and welfare of users thereof and the persons and property in and of said Town.

Section 3. Definitions: The relevant provisions of Article I of the Vehicle and Traffic Law of the State of New York shall apply and be definitive of the verbiage used in this Local Law and as to the meaning thereof, save as hereinafter set forth, including but not limited to “vehicle”, “highway”, “park” and “parked”.

Section 4. Provisions:

- A. No person shall park, permit or allow the parking of a vehicle nor shall any vehicle be permitted to be parked, occupied or not, on all Town roads, drives, streets, lanes and avenues of the Town of Chesterfield, Essex County, New York, situate in the Town of

Chesterfield, Essex County, New York, at any time between the hours of 2:00 a.m. and 6:00 a.m. during the period of November 1 through April 1 of each year hereafter for any purpose safe hereinafter set forth.

- B. The highways of the Town of Chesterfield hereinabove referred to as Town highways where parking is prohibited between the hours of 2:00 a.m. and 6:00 a.m. during the period of November 1 through April 1 of each year hereafter are more particularly described at Schedule A attached hereto and made a part hereof.

Section 5. Exceptions:

(1) The prohibitive provisions of Section 4(A) and 4(B) hereof shall not apply to the parking of any such vehicles for the following purposes or reasons:

- a. When in compliance with the directives of a police officer or traffic control device, sign or signal.
- b. When parking temporarily for the purpose of and while actually engaged in the loading, unloading or discharge of merchandise, passengers or other personal property.
- c. When parking is exercised by a police officer, the operator of a fire fighting or fire protection vehicle or the operator of an Ambulance or other emergency vehicle while actually engaged in the actual conduct or exercise of the official duties of said police officer or operator.
- d. When there occurs an actual malfunction of a vehicle which prohibits further operation thereof, for a period of not greater than 4 hours.

With respect to the prohibitive provisions of Section 4(C), temporary parking for the purpose of and while actually engaging in the loading, unloading or discharge of passengers merchandise, or other personal property shall be expressly prohibited in order to ensure that emergency vehicles, school buses, regular traffic and pedestrians are protected.

Section 6. Violations (Towing of Vehicles):

1. **Removal of a Vehicle** – In addition to the applicable provisions referred to herein, any vehicle found to be parked in violation of the relative provisions of this Local Law may be removed, towed and impounded or stored and subsequently redeemed as hereinafter set forth:
 - a. Such vehicle shall be subject to such removal or towing by such firm, person, corporation or entity as so designated by the Town Board of the Town of Chesterfield.
 - b. The individual(s), firm, corporation or other entity (herein referred to as towing service) to be so contracted with the Town of Chesterfield to furnish such services shall meet the following criteria or services:
 - c. Any such vehicle so removed or towed shall be taken to, deposited and stored at impoundment or storage area of the towing service provider or at such impoundment or storage area as may hereinafter and from time to time be so designated by the Town Board of the Town of Chesterfield for such purpose.
 - d. Any such vehicle so impounded or stored shall be redeemed or released from such impoundment or storage by the owner thereof upon compliance with the provisions of this Local Law and/or such provisions, rules, fees and regulations as may be hereinafter promulgated and adopted by the Town Board of the Town of Chesterfield for such purpose.

Section 7. Towing Services Provide

- 1. The following towing services will be utilized, Rock's Garage, located on Bear Swamp Road in Peru, NY, or LaBounty's, located on US Avenue in Plattsburgh, NY, unless otherwise determined by the Town Board.**
 - i. Such towing service shall be available to provide towing service on a 24 hour basis.**
 - ii. Such towing service shall at all times have the necessary towing equipment to properly provide for the towing of motor vehicles, such equipment to be duly and properly licensed and insured for operations upon public highways within the State of New York.**
 - iii. If such towing services will utilize employees who are required to be covered by Workman's Compensation and/or Disability Insurance by the laws of the State of New York, such employees shall be so covered at all times when engaged in providing such services to the Town a copy of The towing service provider's insurance policy or policies or other indication of such coverage shall be provided to the Town.**
 - iv. Only operators duly licensed to operate the vehicle utilized for such services shall perform such services.**
 - v. All equipment so utilized shall be in good condition, properly maintained and equipment and suitable for the towing of motor vehicles as provided for by such Local Law.**
 - vi. Such towing service provider shall familiarize himself or herself or itself with the provision of this Local Law.**

Section 8. Redemption: The owner of any such vehicle so impounded or stored may redeem such vehicle from said impoundment in the following manner:

- (a) The owner should present to the Office of the Town Clerk of the Town of Chesterfield during normal business hours proof of ownership of such vehicle. Such proof shall constitute the exhibition of a current certificate of title or registration duly issued by the Department of Motor Vehicles of the State of New York or such similar licensing or registration agency, department or other entity of another State. The Town Clerk or his/her authorized deputy or representative shall have the right to require such additional proof of ownership and/or verification thereof as he/she or his/her authorized deputy or representative may deem to be necessary and proper in his/her discretion.
- (b) Upon receipt of such proof of ownership and payment by the owner of the actual towing and storage fees of the towing service provider as well as the impoundment charges as may be payable incident to the provisions of such rules, standards or fees to be promulgated by the Town Board as hereinafter set forth, then currently in effect, as well as a signed release from the owner releasing the Town of Chesterfield from any claims related to the towing and storage of such vehicle, the Town Clerk or his/her authorized deputy or representative shall give and present to such owner a receipt form and upon receipt of the same, the owner may thereafter retrieve such vehicle from such impoundment or storage.

Section 9. Regulations, Rules and Fees:

- (1) The Town Board of the Town of Chesterfield shall and is hereby authorized and empowered to hereafter and from time to time promulgate and establish such rules, provisions and regulations and schedule of fees or costs for towing, storage or impoundment in addition to those set forth in this Local Law which shall be applicable to this Local Law consistent with

the Vehicle and Traffic Law of the State of New York or as otherwise may be provided for by statute.

- (2) The Town Board of the Town of Chesterfield shall further adopt and establish such administrative forms, documents and procedures as it may deem necessary and appropriate incident to the enforcement of this Local Law and the implementation hereof including but not limited to release and receipt forms or documents, traffic infraction appearance forms consistent with forms prescribed by the Criminal Procedure Law of the State of New York and other forms and documents which may be appropriate for the administration and enforcement of this Local Law and, further, said Town Board is hereby authorized and empowered to designate and authorize personnel, being officers of the Town of Chesterfield or otherwise, to assist in the enforcement and implementation of this Local Law including by not limited to authorized personnel to assist the Town Clerk in the general operating procedure encompassed by this Local Law.

Section 10. Enforcement Procedures: Essex County Sheriff's Department may issue an appearance ticket for a violation of this Local Law subject to the following:

(a) Such appearance ticket shall be in form prescribed by the Criminal Procedure Law of the State of New York and shall be returnable before a Town Justice of the Town of Chesterfield.

(b) Such appearance ticket shall designate the date, time and place of the violation, the make, license plate number and State of issue thereof and color of the vehicle involved and the date, time and place of the required appearance before said Town Justice.

(c) If such a vehicle is occupied by a person seated in the left front seat of said vehicle being or appearing to be over the age of 16 years, then said appearance ticket shall be delivered to such occupant. Should such vehicle be occupied by a person not being seated in the left front seat of said vehicle, then the appearance ticket shall be delivered to such person and a copy

thereof affixed to the vehicle between the exterior front windshield thereof and the windshield wiper. If such a vehicle is unoccupied or occupied by a person being or appearing to be under the age of 16 years, said appearance ticket shall likewise be affixed to the vehicle between the exterior front windshield thereof and the windshield wiper.

(d) In addition thereto, the Essex County Sheriff may file a Complaint signed under oath or Information as the case may be alleging a violation of this Local Law with a Town Justice of the Town of Chesterfield specifying the date, time and place of the violation, make license plate number and State of issue thereof and color of the vehicle and such other pertinent information as such officer may deem necessary.

(e) Upon receipt by the Town Justice of any such Complaint or Information, the Town Justice may issue a Summons or appearance ticket requiring the owner and/or driver as the case may be to appear before him. If said Summons or appearance ticket is disregarded or, if an appearance ticket issued by an appropriate officer is disregarded, the Town Justice may issue a Warrant for the arrest of the owner and/or driver as the case may be of any such vehicle.

Section 11. Penalties: Any person who violates this Local Law shall be deemed to have committed a traffic violation under this Local Law and any person convicted of any such offense after a hearing thereon shall be punishable in accordance with the appropriate provisions of the Vehicle and Traffic Law of the State of New York including but not limited to Article 45 thereof or any other provisions relating thereto.

Section 12. Abandonment: The provisions of the Vehicle and Traffic Law of the State of New York and in particular Section 1224 thereof shall be applicable in the event of an abandonment of a vehicle which is in the custody of the Town of Chesterfield pursuant to the provisions of this Local Law.

Section 13. Severability: If one or more of the provisions of this Local Law is held to be invalid or unenforceable by a Court of proper jurisdiction, all of the other provisions hereof shall nevertheless be valid.

Section 14. This Local Law shall take effect upon the filing of the same with the Office of the Secretary of the State of the State of New York.

Dated: _____