

Local Law Filing

(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 City Town Village
(Select one:)

FILED
STATE RECORDS

of MARBLETOWN

NOV 12 2020

DEPARTMENT OF STATE

Local Law No. 3 of the year 2020

A local law "A LOCAL LAW TO AMEND THE TOWN OF MARBLETOWN CODE:
(Insert Title)
PARKING REGULATIONS"

Be it enacted by the TOWN BOARD of the
(Name of Legislative Body)

County City Town Village
(Select one:)

of MARBLETOWN as follows:

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

Article I
Parking Regulations

[Adopted 8-14-1985 by L.L. No. 1-1985]

§ 183-1 Purpose.

The purpose of this article is to protect the public health, safety and welfare by regulating parking on roads and highways in the Town other than state highways, by providing for the removal of vehicles illegally parked or parked in tow-away zones on all highways in the Town, and by instituting related highway safety measures.

§ 183-2 Statutory authority.

This article is enacted pursuant to the authority vested in the Town of Marbletown by the Town Law, the Municipal Home Rule Law, the Vehicle and Traffic Law and other applicable laws of the State of New York.

§ 183-3 Definitions.

The following words and phrases will have the following definitions for purposes of this article. Whenever used in this article, those words and phrases defined in Article 1 of the Vehicle and Traffic Law of New York State, unless otherwise expressly stated or unless the context or subject matter requires a different meaning, shall have the meanings respectively ascribed to them by Article 1 of the Vehicle and Traffic Law. All other words shall have their common meanings.

OWNER

The legal owner of a vehicle or the person lawfully in charge of same by authority of the legal owner.

TOWN

The Town of Marbletown, Ulster County, New York.

TOWN BOARD

The Town Board of the Town of Marbletown, Ulster County, New York.

TOWN CLERK

The Town Clerk of the Town of Marbletown, Ulster County, New York.

TOWN SUPERINTENDENT OF HIGHWAYS

The Superintendent of Highways of the Town of Marbletown, Ulster County, New York.

TOWN SUPERVISOR

The Town Supervisor of the Town of Marbletown, Ulster County, New York.

§ 183-4 Emergency vehicles.

This article shall not apply to lawful emergency vehicles actually and reasonably engaged in a real emergency situation.

§ 183-5 Prohibited parking.

The parking of any vehicle is hereby prohibited:

- A. On all Town roads and highways between the hours of 12:01 a.m. and 6:00 a.m. beginning on the 15th day of November in each year and continuing through to and including the 15th day of April in the next succeeding year;

- B. On all Town property except where parking is specifically authorized by the Town Board, the Town Supervisor or the Town Superintendent of Highways;
- C. On all Town roads, highways and property for a continuous period of more than 24 hours;
- D. In any no-parking zone lawfully established and posted on any highway or public property in the Town;
- E. On the sidewalk or within the traveled roadway of any Town road or highway;
- F. In any tow-away zone lawfully established and posted on any highway in the Town; and
- G. In any emergency no-parking zone temporarily established and posted on any Town road, highway or property by order of the Town Supervisor or Town Superintendent of Highways.

§ 183-6 No-parking zones.

No-parking zones are as follows. From time to time, the Town Board may add additional no-parking zones.

Name of Street	Side	Location
Mohonk Road [Added 5-10-1989]	Both	From 27 Knolls Road to the New Paltz Town line

§ 183-7 Authority to issue tickets, remove and impound vehicles.

Any vehicle parked in violation of § 183-5 of this article may be ticketed, removed and impounded as provided by this article, by the order of any police officer of the State of New York, the County of Ulster, or the Town, ~~or any peace officer,~~ or any town board duly appointed Code Enforcement Officer, having jurisdiction in the Town whose duties are to enforce the laws, rules and regulations of the Town, of the Town Supervisor, or of the Town Superintendent of Highways. See Ch. 5 Appearance Tickets L.L. #2 of 1987.

§ 183-8 Notification of removal or impoundment.

- A. Any person who shall have ordered the removal and impoundment of a vehicle pursuant to § 183-7 hereof, regardless of whether or not he or she has notified the owner or driver of the vehicle of such removal and impoundment, shall as soon as reasonably possible notify the Town Clerk thereof, and shall supply the Town Clerk with the following information with respect to such removal and impoundment:
 - (1) The time and date thereof;
 - (2) The location from which such vehicle was removed;
 - (3) A description of such vehicle, including the type, model manufacture, color, year of manufacture if possible, and license number;
 - (4) The location where the vehicle has been impounded; and
 - (5) The name and address of the owner of the impounded vehicle.
- B. Upon receipt of such information, the Town Clerk shall notify the owner of the impounded vehicle as soon as reasonably possible and by any reasonable means that the Town Clerk deems appropriate that his or her vehicle has been removed and impounded, of the location of such vehicle, and of the procedure by which such person can recover his or her vehicle.

§ 183-9 Impoundment location.

Any vehicle removed and impounded pursuant to § 183-7 hereof shall be stored at:

- A. The premises of the tow truck operator who removed such vehicle;
- B. Any location designated by previous resolution of the Town Board for the storage of impounded vehicles; or
- C. Any location designated and authorized by the Town Supervisor, the Town Superintendent of Highways or the Town Clerk.

§ 183-10 Fees and charges.

The owner of an impounded vehicle may recover his or her vehicle upon payment of the amount of all expenses actually and necessarily incurred in effecting the removal and impoundment of such vehicle, together with all appropriate storage charges, and an additional processing fee as set from time to time by resolution of the Town Board, payable to the Town Clerk. If the vehicle has been removed by a private tow truck operator and the Town has not paid the towing charges, the owner shall pay said charges directly to the tow truck operator, together with all appropriate storage charges. If the Town has paid the towing charges pursuant to § 183-11 hereof, the owner shall reimburse the Town Clerk for the same and shall be directly responsible to the tow truck operator for any and all storage fees. If the impounded vehicle has been stored on Town property, the owner shall pay the Town Clerk storage charges for each full or partial day of storage in an amount as set from time to time by resolution of the Town Board. The towing charges to be incurred by the Town for removing any illegally parked vehicle shall not exceed \$75, unless such excess charges are due to the extraordinary size or weight of the vehicle. In no event shall the impounded vehicle be released to the owner until the owner provides the person storing the impounded vehicle with a signed written statement from the Town Clerk stating that all fees and charges required to be paid to the Town have been paid and stating that the impounded vehicle may be released to the owner, which statement shall be issued by the Town Clerk upon payment of all fees and charges due to the Town pursuant to this article.

§ 183-11 Payment by Town.

In the event that the owner of any impounded vehicle shall not recover said vehicle within 30 days of removal, the Town shall pay the towing charges, and the impounded vehicle shall not be released to the owner until the owner has reimbursed the Town for such charges and has produced a paid receipt from the Town Clerk therefor.

§ 183-12 Liability disclaimer.

The Town of Marbletown shall not be liable for personal injury or damage to or loss of property occurring as a result of the removal or impoundment of vehicles pursuant to this article, unless such injury, damage or loss was caused by the gross negligence of the Town or any official or employee thereof acting within the scope of his or her duties.

§ 183-13 Penalties for offenses.

Every person convicted of violating any provision of this article shall, for a first conviction thereof, be punished by a fine of not more than \$150 or by imprisonment for not more than 15 days, or by both such fine and imprisonment; for a conviction of a second violation, both of which were committed within a period of 18 months, such person shall be punished by a fine of not more than \$300 or by imprisonment for not more than 45 days, or by both such fine and imprisonment; upon a conviction of a third or subsequent violation, all of which were committed within a period of 18 months, such person shall be punished by a fine of not more than \$450 or by imprisonment for not more than 90 days, or by both such fine and imprisonment. Said fine

shall be in addition to any other fees or charges that may be required or allowed by law, including all fees and charges authorized by this article.

§ 183-14 **Conflict with state law.**

Nothing in this article shall be deemed to vary or modify any federal or state law, rule or regulation, except to the extent that the Town can lawfully supersede or modify same by local law, in which case the provisions of this article shall control over any conflicting provision of such other law, rule or regulation.

(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. 3 of 2020 of the ~~(County)(City)(Town)(Village)~~ of MARBLETOWN was duly passed by the TOWN BOARD on OCT 20 20 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. _____ 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 _____ and was deemed duly adopted on _____ 20 , 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 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____.~~
(Name of Legislative Body)
(Elective Chief Executive Officer*)

~~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 _____ 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 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.)

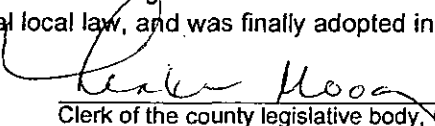
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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 _____ above.



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

Date: NOVEMBER 6, 2020

(Seal)

Effective Date of this Local Law

This Local Law shall be effective upon filing with the office of the Secretary of State, and the Town Clerk is directed to immediately file a copy of this Local Law with the New York State Secretary of State as required by law.

I hereby certify that the local law annexed hereto, designated as Local Law No. 3 of 2020 of the Town of Marbletown, was duly passed by the Town Board on October 20, 2020 in accordance with the applicable provisions of law.

I further certify that I have compared the preceding local law with the original on file in this office and 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 above.

(Seal)

Heather Moody, Town Clerk

Heather Moody, Town Clerk

Date: 11/6/2020

STATE OF NEW YORK
COUNTY OF ULSTER



TOWN OF MARBLETOWN

A regular meeting of the Town Board of the Town of Marbletown operating under New York State Executive Order 202.1 was convened Via the phone and internet, New York on October 5, 2020 at 6:00 o'clock P.M. local time. The meeting was called to order by Supervisor Rich Parete, and, upon roll being called, the following were:

PRESENT: Supervisor Parete, Councilman LaFera, Councilman Stewart, Councilwoman Foote and Councilman Hunt

ABSENT:

The following Resolution was offered by Councilman LaFera and seconded by Councilman Stewart:

RESOLUTION #84-2020; SET A PUBLIC HEARING FOR PROPOSED LOCAL LAW #3-2020; "TO AMEND THE TOWN OF MARBLETOWN CODE, CHAPTER 183: PARKING REGULATIONS"

WHEREAS, the Town Board of the Town of Marbletown has proposed amendments to Chapter 183 of the Marbletown Code "Parking Regulations".

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Marbletown hereby schedules a public hearing, via Zoom, on October 20, 2020 at 6:20pm to hear all interested parties.

BE IT FURTHER RESOLVED that the Town Clerk of the Town of Marbletown is hereby directed and authorized to legally advertise same; and

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call which resulted as follows:

Councilman Stewart	Voting <u>Aye</u>
Councilman Lafera	Voting <u>Aye</u>
Councilman Foote	Voting <u>Aye</u>
Councilman Hunt	Voting <u>Aye</u>
Supervisor Parete	Voting <u>Aye</u>

Resolution #84-2020 was thereupon adopted.

Heather Moody, Town Clerk/Tax Collector

Dated: October 5, 2020



TOWN OF MARBLETOWN

A regular meeting of the Town Board of the Town of Marbletown operating under New York State Executive Order 202.1 was convened Via the phone and internet, New York on October 20, 2020 at 6:00 o'clock P.M. local time. The meeting was called to order by Supervisor Rich Parete, and, upon roll being called, the following were:

PRESENT: Supervisor Parete, Councilman LaFera, Councilman Stewart and Councilman Hunt

ABSENT: Councilwoman Foote

The following Resolution was offered by Councilman LaFera and seconded by Councilman Hunt:

RESOLUTION #90-2020 TO ADOPT AMENDMENTS TO THE TOWN OF MARBLETOWN CODE
"PARKING REGULATION" CHAPTER 183 LOCAL LAW #3-2020

WHEREAS, the proposed amendments to Parking Regulations Chapter 183 "Parking Regulations" was introduced to the Town Board at a meeting held on 10/5/2020 to consider said proposed amendments, and said public hearing having been held and all persons appearing at said public hearing deeming to be heard having been heard; and,

WHEREAS, said amended local law was duly adopted after a public hearing.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Marbletown, New York, does hereby enact and adopt amendments to the Chapter 183 of the Marbletown Code "Parking Regulations" Local Law #3- 2020. Town of Marbletown, State of New York, which local law is annexed hereto and made a part hereof; and,

BE IT FURTHER RESOLVED, that this local law shall take effect immediately upon filing with the New York State Secretary of State.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call which resulted as follows:

Councilman Stewart	Voting <u>Aye</u>
Councilman Lafera	Voting <u>Aye</u>
Councilman Foote	Voting <u>Absent</u>
Councilman Hunt	Voting <u>Aye</u>
Supervisor Parete	Voting <u>Aye</u>

Resolution #90-2020 was thereupon adopted.

Heather Moody, Town Clerk/Tax Collector

Dated: October 20, 2020