

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET
ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

- ☐ County
☐ City of BELFAST
☒ Town
☐ Village

Local Law No. ONE (1) of the year 20 08

A local law Authorizing the Town Superintendent of Highways to Remove Vehicles from Town Roads
(Insert Title)
and to Provide Disposition Procedures and Costs

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED
SEP 24 2008

MISCELLANEOUS
STATE RECORDS

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

- ☐ County
☐ City of BELFAST as follows:
☒ Town
☐ Village

Pursuant to section 1660 of the New York State Vehicle and Traffic Law, the Town Board of the Town of Belfast does hereby authorize the Highway Superintendent to remove vehicles from Town Roads, under the conditions and by the procedure enumerated below:

Section 1. Definitions.

- a. RIGHT OF WAY. The term "right of way" as used in this local law, shall mean all portions of a Town Road including, but not limited to, shoulders, ditches, culverts and bridges.
- b. ROAD. The term "road" as used in this local law shall mean a Town Road in the Town of Belfast Road System.
- c. PARKED OR PARKING. The terms "parked or parking" as used in this local law shall mean the standing of a vehicle, whether occupies or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.
- d. VEHICLE. The term "vehicle" as used in this local law shall mean every device in, upon or by which any person or property is or may be transported or drawn upon the right of way of a road, except devices moved by human power or used exclusively upon stationary rail or tracks.

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

- e. SUPERINTENDENT. The term "Superintendent" as used in this local law shall mean the Town Superintendent of Highways of the Town of Belfast.

Section 2. Removal of Vehicles.

The Superintendent shall have the power and authority to cause the immediate removal, from the right of way of any Town road, of any vehicle parked or abandoned during snowstorms, ice storms, floods, fires or other public emergencies, or found unattended where they constitute an obstruction to traffic or any place where stopping, standing or parking is prohibited. The Superintendent may call upon a service to perform this function or the Town Highway Department may perform this function themselves, in the absolute discretion of the Superintendent.

Section 3. Disposition of Removed Vehicle and Costs.

- a. The Superintendent shall cause the removal of such vehicle to a garage, automobile pound or other place of safety.
- b. The reasonable costs of such removal and storage shall be a charge against the registered and titled owner, or other person or entity lawfully entitled to the possession of such vehicle, payable in full, prior to the release of the vehicle, in a form acceptable to the Superintendent or other entity in possession of such vehicle.
- c. If such removal is performed by the Town Highway Department, the Superintendent shall maintain a log book of all vehicles removed and such shall contain the date of such removal, describe the vehicle by its vehicle identification number and license registration number, if available, or other identifying characteristics.
- d. If the removal of the vehicle is performed by the Town Highway Department, the removal charge shall not exceed Fifty (\$50.00) Dollars.
- e. If such storage is on Town controlled property, the storage charge shall not exceed Two (\$2.00) Dollars per day, or fraction thereof.
- f. The foregoing charges shall constitute a lien upon the vehicle, until paid in full. Such lien may be enforced in the same manner as a garage keepers lien, in accordance with the provisions of section 184 of the New York State Lien Law.

Section 4. Validity.

If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, nor invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.