

Board of Supervisors
Lyons, New York 14489

RESOLUTION 432-22: ADOPTION OF LOCAL LAW AMENDING LOCAL LAW IN RELATION TO REGULATING PARKING IN THE RESERVED PARKING AREA ADJACENT TO THE PEARL STREET OFFICE BUILDING

Mr. Chatfield presented the following:

WHEREAS, a proposed local law in relation to regulating parking in the reserved parking area adjacent to the Pearl Street Office Building was presented to the Board of Supervisors on June 21, 2022; and

WHEREAS, a public hearing on the proposed local law was held by the Board of Supervisors on July 19, 2022, in accordance with the notice of hearing duly posted and published in the manner prescribed by law; now, therefore be it

RESOLVED, that said local law is hereby adopted to read as follows:

**COUNTY OF WAYNE – STATE OF NEW YORK
LOCAL LAW NO. 3 FOR THE YEAR 2022**

A local law amending Local Law 5-1985, as amended by Local Law 2-1988, as amended by 4-1993, as amended by 4-2002 and Local Law 5-2003, in relation to regulating parking in the reserved parking area adjacent to the Pearl Street Office Building.

BE IT ENACTED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF WAYNE, as follows:

Section 1. The following words, when used in this local law shall have the meanings respectively ascribed to them in this section, except in those instances where the context clearly indicated otherwise:

- (a) "Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway.
- (b) "Person" means every natural person, corporation, association, or organization.
- (c) "Park" means the standing of a vehicle, whether occupied or not, other than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.
- (d) "County Office Building" means the Wayne County Office Building located at 9 Pearl Street in Lyons, New York.
- (e) "Sheriff" means the Sheriff of the County of Wayne.
- (f) "Handicapped Person" means any person operating a vehicle displaying a special municipal parking permit or a vehicle registered in accordance with Section 404-a of the Vehicle and Traffic Law and being used for the transportation of a handicapped person.
- (g) "Reserved Parking Area" means the county-owned land immediately south of and adjacent to the County Office Building.
- (h) "Owner" means any person, corporation, partnership, firm, agency, association, lessor, or organization who at the time of the issuance of a notice of violation:
 - (1) is the beneficial or equitable owner of such vehicle; or
 - (2) has title to such vehicle; or
 - (3) is the registrant or co-registrant of such vehicle which is registered with the Department of Motor Vehicles of this State of any other state, territory, district, providence, nation of other judiciary; or
 - (4) uses such vehicle in its vehicle renting and/or leasing business; or
 - (5) is an owner of such vehicle as defined by Section 128 of the Vehicle and Traffic Law or subdivision (a) of Section 2102 of the Vehicle and Traffic Law.
- (i) "Abandoned Vehicle" means any vehicle deemed to be an abandoned vehicle pursuant to the provisions of Section 1224 of the Vehicle & Traffic Law.
- (j) "Vehicle & Traffic Law" means the Vehicle & Traffic Law of the State of New York.

Section 2. The county-owned land immediately adjacent to the County Office Building is hereby designed as a reserved parking area for the following designated persons:

<u>Designated Person</u>	<u>Number of Parking Spaces</u>
County Clerk	1
Deputy County Clerk(s)	2
Handicapped Parking	1
Tourism Director	1
Tourism Vehicle	1
EDP Director	1
EDP Deputy	1
EDP Vehicle	1
Employee Parking	18

Section 3.

- (a) No person shall park a vehicle in the reserved parking area except those persons for whom parking spaces are reserved as designated in Section 2 of the local law.
- (b) No person, for whom a parking space is reserved, as designated in Section 2 of this local law, shall park a vehicle in the reserved parking area in any space other than a parking space which is marked "reserved" for such person.

(c) No undesignated vehicle shall be parked in the reserved parking area between the hours of 12:00 midnight and 6:00 a.m.

(d) No vehicle shall be parked in the reserved parking areas other than between the lines marking the parking spaces provided in such areas.

Section 4. It shall be the duty of the Sheriff to enforce the provisions of this local law.

Section 5. Whenever any vehicle is (a) parked in the reserved parking areas during snowstorms, floods, fires, or other public emergencies, or (b) found unattended in the reserved parking areas where it constitutes an obstruction to traffic, or (c) found abandoned in the reserved parking areas, the Sheriff is hereby authorized to provide for the removal of such vehicle, by means of towing or otherwise, to a suitable place of storage, and such removal and storage shall be at the sole risk and expense of the owner of such vehicle. Any vehicle so removed and stored shall be in the custody of the Sheriff and before the owner or person in charge of such vehicle shall be permitted to remove it from such custody, he shall furnish evidence of his identity and ownership or right to possession, pay the cost for such removal and storage, and sign a receipt for such vehicle.

Section 6. The Sheriff is hereby given the power and authority to engage, hire and contract with any person to remove, transport, and store vehicles for the purpose of this local law; provided, however, that the terms and conditions of any such engagement, hiring, or contacting shall be subject to the approval of the County Attorney.

Section 7.

(a) Whenever any vehicle is found parked in violation of this local law, the Sheriff shall serve a written notice of violation notifying the person charged that such vehicle has been parked in violation of the provisions of this local law and directing such person to appear in Justice Court of the Town of Lyons at a designated time to answer for such violation in accordance with this local law. The notice of violation shall be served personally upon the operator of a vehicle who is present at the time of service, and his name, together with the plate designation and the plate type as shown by the registration plates of said vehicle and the expiration date: the make or model, and the body type of the same vehicle, shall be inserted therein. The notice of violation shall be served upon the owner of the vehicle if the operator is not present, by affixing such notice to said vehicle in a conspicuous place. Whenever such notice is so affixed, in lieu of inserting the name of the person charged with the violation in the space provided for the identification of said person, the words 'owner of the vehicle bearing license' may be inserted to the following by the plate designation and plate type of said vehicle. Service of the notice of violation or a duplicate thereof, by affixation as herein provided shall have the same force and effect as through the same was personally served with the name of the person charged with the violation inserted therein.

(b) For the purposes of this local law 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 the agent of such owner to receive notices of violation, whether personally served on such operator or served by affix in the manner aforesaid, and service made in either manner as herein provided shall also be deemed to be lawful service upon such owner.

Section 8. A violation of any of the provisions of this local law shall constitute an offense, and a person guilty of such offense may be punished by a fine not exceeding One Hundred Dollars.

Section 9. 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.

Section 10. This local law shall take effect immediately upon the date it is filed in the Office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law of the State of New York.

Mr. Lasher moved the adoption of the resolution. Seconded by Mr. Johnson. Upon roll call, adopted.



This is to Certify that I, the undersigned, Clerk of the Board of Supervisors of the County of Wayne, have compared the foregoing copy of the resolution with the original resolution now on file in this office and which was duly adopted by the Board of Supervisors of said County at a session held on the 8th day of August, 2022 and that the same is a true copy of said original and of the whole thereof.

In Witness Whereof, I have hereunto subscribed my name and affixed the official seal of the Board of Supervisors of the County of Wayne, this 8th day of August, 2022.

Kelley P. Loveless, Clerk of the Board
Wayne County Board of Supervisors

