

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.)

of Ballston Spa

FILED
STATE RECORDS
AUG 28 2024

DEPARTMENT OF STATE

Local Law No. 3 of the year 2024

A local law Adding Chapter 192, Vehicle and Traffic, to the Code of the Village of Ballston Spa
(Insert Title)

Be it enacted by the Board of Trustees of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of Ballston Spa as follows:

see attached

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

(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 2024 of the [REDACTED] (Village) of Ballston Spa was duly passed by the Board of Trustees [REDACTED] on July 8, 2024, in accordance with the applicable provisions of law.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]


* 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.

[REDACTED]

[REDACTED]

(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 1 above.



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

Date: 7/18/2024

(Seal)

Chapter 192: Vehicles and Traffic

Be It Enacted by the board of trustees of the Village of Ballston Spa that Chapter 192, entitled Vehicles and Traffic, is hereby added as follows:

Article 1. General Provisions

§ 192-1. Purpose; findings; adoption of regulations by resolution.

The purpose of this chapter, enacted pursuant to Municipal Home Rule Law § 20, Vehicle and Traffic Law § 1640(a)(6), and Village Law § 20-2002, is to simplify the procedure by which vehicle and traffic controls can be established without the necessity in every case of enacting a local law. This section enables the Board of Trustees to act by resolution while, at the same time, providing a mechanism by which the public will be adequately apprised of traffic regulations affecting Village streets. The Board of Trustees continues to rely upon the New York State Manual of Uniform Traffic Control Devices. This chapter also gives to the Clerk of the Village a mandate with respect to maintaining records concerning requirements established by the Board of Trustees.

§192-2. Authority of Board of Trustees.

A. Pursuant to the provisions of the Vehicle and Traffic Law of the State of New York and the Village Law of the State of New York, the Board of Trustees is hereby authorized to adopt by resolution, rules, and regulations:

1. Governing traffic on public streets
2. Governing traffic on property owned or leased by the Village.
3. Providing for the issuance of permits to park on property owned or leased by the Village.
4. Establishing a system of fees to be charged for the use of public parking fields or lots owned or leased by the Village, if deemed appropriate.

B. The Board of Trustees shall also, by resolution, provide for the installation and maintenance of traffic control devices by the Superintendent of Public Works when and as required under the provisions of this chapter, to make effective the provisions of this chapter, and may install and maintain from time to time such additional traffic control devices as it may deem necessary to regulate, warn or guide traffic under and pursuant to the Vehicle and Traffic Law of the State of New York, subject to the provisions of §§ 1682 and 1684 of that law. Section 1682 mandates the placement and maintenance of traffic control devices conforming to the State Manual. Section 1684 limits the local authority's power to regulate traffic on state highways maintained by the state unless Department of Transportation approval is obtained prior thereto.

25. Angle parking.

26. Bus stops.

D. In addition, the Board of Trustees shall establish and designate by resolution the following additional categories:

1. Emergency no parking.
2. Private roads.
3. Private parking areas and driveways.
4. Limitation on responsibility.
5. Impoundment of vehicles.
6. School crossings.
7. Dead-ends

§192-3. Schedule of Regulations.

For the purpose of maintaining an accurate record of all regulations adopted pursuant to resolutions under the provisions of this chapter, the Clerk of the Village is directed to establish a system of schedules, maintaining the same in a separate file, in which shall be entered all regulations after adoption or promulgation of such resolution. The schedule shall include but not be limited to the following categories:

1. Traffic control signals.
2. One-way streets.
3. Prohibited turns at intersections.
4. Prohibited turns on red signals.
5. U-turns.
6. Through highways.
7. Stop intersections.
8. Yield intersections.
9. Speed regulations.
10. Streets.

persons seeking to avoid the time limitations for parking of motor vehicles in or on public streets within the Village or in or upon premises within the Village which are subject to traffic regulation by the Village.

B. It is hereby declared to be a violation of this section for any person or persons, with intent to avoid the time limitations for parking of motor vehicles in Village parking spaces:

- (1) To remove or cause to be removed chalk or other markings placed on a motor vehicle's tires by a police or other governmental officer when such markings were placed to assist in determining the length of time said motor vehicle is parked therein.
- (2) To remove or cause to be removed a motor vehicle from one Village parking space and to place said motor vehicle in another Village parking space within the same block of the street.
- (3) To remove or cause to be removed a motor vehicle from one Village parking space in a Village parking field or lot to another Village parking space in the same Village parking field or lot, regardless of the distance between the parking spaces.

C. Presumptions.

- (1) The removal of a chalk or other marking from the tires of a motor vehicle parked in a Village parking space, which chalk or other marking was placed by a police or other governmental officer to assist in determining the length of time said motor vehicle is parked in a Village parking space, is presumptive evidence of an intent to avoid the time limitations for parking of motor vehicles in Village parking spaces.
- (2) The removal of a motor vehicle from one Village parking space and the placing of that motor vehicle in another Village parking space on the same block of the street, is presumptive evidence of an intent to avoid the time limitations for parking of motor vehicles in Village parking spaces.
- (3) The removal of a motor vehicle from one Village parking space in a Village parking field or lot to another Village parking space in the same Village parking field or lot, regardless of the distance between the parking spaces, is presumptive evidence of an intent to avoid the time limitations for parking of motor vehicles in Village parking spaces.

Article II. Handicapped Parking

§ 192-6. Scope; purpose.

This article shall apply to public streets, Village parking fields and lots and nonresidential sites which provide off-street parking spaces for 20 or more vehicles. It is intended to provide access

Article IV. Areas Hazardous for Parking

§ 192-11. Designation of areas hazardous for stopping, standing, and/or parking; criteria; contents of resolution.

A. The Board of Trustees, by resolution, from time to time, may designate areas on public streets and/or within municipal parking lots that it deems hazardous for the parking, standing, and/or stopping of vehicles and may designate the fines that shall be imposed for illegally parking, standing, and/or stopping in any such areas.

B. Such designation shall be based upon such area's:

- (1) Proximity to an intersection;
- (2) Proximity to a building used for school, religious, or other public assembly purposes;
- (3) Proximity to a building or lot used to park or store emergency vehicles;
- (4) Location on a narrow a street; or
- (5) For such other reason as may be set forth in the resolution.

C. Such resolution shall state if the prohibition is for the stopping, standing, and/or parking of vehicles and the specific fine that shall be imposed for a violation of such prohibition.

§ 192-12. Prohibition of stopping, standing, and/or parking; notice.

A. No vehicle shall be stopped, standing, or parked in an area that has been designated by the Board of Trustees as hazardous for the stopping, standing, and/or parking of vehicles.

B. Notice of such designation shall be posted as to whether the stopping, standing, and/or parking of vehicles is prohibited and shall set forth the fine that shall be imposed for a violation of such prohibition. So long as the amount of the fine is posted, the words "Area Hazardous for Stopping, Standing, and/or Parking," as may be pertinent, shall not be required to be posted.

Article V. Parking

§ 192-13. Definitions.

As used in this article, the following terms shall mean and include:

MOTOR VEHICLE

Every vehicle which is or is designed to be operated or driven upon a public highway which is propelled by any power other than muscular power. For the purposes of this

B. No person shall park, stand, or stop a motor vehicle upon any public highway in violation of any lawful instruction of any police officer or other traffic officer.

C. No person shall park, stand, or stop a motor vehicle:

- (1) On the roadway side of any vehicle parked, standing, or stopped at the edge or curb of a street;
- (2) On a sidewalk;
- (3) In a bus stop;
- (4) Within an intersection, except when permitted by official signs or parking meters on the side of a street opposite a street which intersects but does not cross such street;
- (5) On a crosswalk;
- (6) Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless a different distance is indicated by official signs, markings, or parking meters;
- (7) Alongside or opposite any street excavation or obstruction when parking, standing, or stopping would obstruct traffic;
- (8) Within 6 feet of a fire hydrant except when such motor vehicle is attended by an individual licensed by the State of New York to operate such motor vehicle who is seated in the front operator's seat and who can immediately move such motor vehicle in case of emergency, unless a different distance is indicated by official signs, markings, or parking meters, and, in no event, when such motor vehicle impairs or hinders the access of a fire vehicle to a fire hydrant while such fire vehicle is engaged in an emergency operation;
- (9) On a street or in a public parking lot when the motor vehicle does not have a current registration affixed in the location required by New York State law;
- (10) On a street or in a public parking lot when the motor vehicle does not have a current inspection sticker affixed in the location required by New York State law;
or
- (11) On a street or in a public parking lot when the motor vehicle does not have a current and unobstructed license plate securely affixed in the location required by New York State law.
- (12) In whole or in part on any portion of a municipal street where there is no pavement.

motor vehicle shall be facing in the direction of authorized traffic movement on the adjacent travel lane.

F. No person regularly engaged in the sale or repair of motor vehicles shall park a motor vehicle upon any street or public parking lot for the purpose of:

- (1) Displaying such motor vehicle for sale;
- (2) Greasing or repairing such motor vehicle, except for such repairs as may be necessitated by an emergency; or
- (3) General storage of vehicles whether long-term or for a time longer than 30 minutes.

G. The Village may remove and store motor vehicles parked, standing, or stopped in the public parking lots, streets, and other public areas during snowstorms, floods, fires, or other public emergencies, or otherwise found abandoned or unattended, where they constitute an obstruction to traffic or where parking, standing, and/or stopping is prohibited, and provide for the payment of such reasonable charges for such removal and storage by the owner or operator of any such vehicle as shall be determined from time to time by resolution of the Board of Trustees.

H. When a motor vehicle is parked, standing, or stopped in violation of this chapter, and there is a person operating the motor vehicle at the time of the violation, the operator shall be guilty of such violation. If there is no person operating the motor vehicle at the time, or if the operator refuses to provide to the enforcement officer a valid operator license with the operator's name and address, the owner, as the person responsible for the motor vehicle, shall be conclusively deemed guilty of such violation.

I. Proper display of stickers and permits.

- (1) No motor vehicle shall stop, stand, or park on any public highway or in any public parking lot that does not have a current certificate of inspection affixed to its windshield or other location as required by the State of New York or such other state within which the vehicle has been registered.
- (2) No motor vehicle shall stop, stand, or park on any public highway or in any public parking lot that does not have a current registration sticker affixed to its windshield or other location as required by the State of New York or such other state within which the vehicle has been registered.
- (3) No motor vehicle shall stop, stand, or park in any public parking lot in a parking space that is designated by signage as restricted to parking by holders of parking permits issued by the Village that does not have a current parking permit issued by the Village for the parking space in which it is located that is prominently and unobstructedly displayed through its rear window. It shall be an affirmative defense that for the particular vehicle and/or the particular parking permit at issue,

B. Each day that a violation of this article shall continue shall be deemed a separate and distinct offense.

STATE OF NEW YORK
DEPARTMENT OF STATE

ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001
[HTTPS://DOS.NY.GOV](https://dos.ny.gov)

KATHY HOCHUL
GOVERNOR

WALTER T. MOSLEY
SECRETARY OF STATE

August 19 2024

Village Clerk
Village of Ballston Spa
66 Front Street
Ballston Spa NY 12020

Village of Ballston Spa Local Laws 2 ,3 2024

To Whom it may concern:

We are returning the enclosed Local Laws for the following reason:

The Local Law you sent in says see attached, but there was no attached Local Law.

Sincerely
State Records
(518) 473-2492



**Department
of State**