

VILLAGE OF LIVERPOOL
LOCAL LAW NO. 4 of 2023

**A LOCAL LAW TO AMEND SECTION 368-35 OF ARTICLE XI OF
CHAPTER 368 OF THE CODE OF THE VILLAGE OF LIVERPOOL**

Be it enacted by the Village Board of Trustees of the Village of Liverpool as follows:

SECTION 1. LEGISLATIVE INTENT & PURPOSE

The Village of Liverpool recently prepared and introduced a Local Law amending Chapter 368 of the Code of the Village of Liverpool in order to regulate heavy vehicle traffic (trucks, tractors and tractor-trailer combinations) travelling through the Village pursuant to the statutory powers vested in the Village to regulate and control land use, and to protect the health, safety and welfare of its residents, as well the integrity of Village thoroughfares.

The Village Board undertook a review of existing penalties contained in Chapter 368 of for violations of the same. Because of the potential for dangerous and unsafe conditions for its residents as a result of trucks, tractors and tractor-trailer combinations utilizing certain streets, roads and highways located in the Village, the Village has found that a higher penalty scheme is warranted to deter dangerous and unsafe heavy vehicle traffic within the Village.

SECTION 2. AUTHORITY

This local law is enacted pursuant to the New York State Constitution, the New York Municipal Home Rule Law § 10 and New York State Vehicle and Traffic Law § 1640.

**SECTION 3. AMEND SECTION 368-35 OF ARTICLE XI OF CHAPTER 368 OF
THE CODE OF THE VILLAGE OF LIVERPOOL**

Section 368-35, "Penalties for offenses," shall be amended to read in its entirety as follows:

"§368-35. Penalties for all other offenses.

- A. The violation of any provision of this chapter shall constitute a traffic infraction.
- B. Every person convicted of a traffic infraction for a violation of any provision of this chapter, except violations of Article VIII which are addressed at Section 368-35(E), which is not a violation of any provision of the Vehicle and Traffic Law of the State of New York, shall, for a first conviction thereof, be punished by a fine of not more than \$50 or by imprisonment for not more than 15 days, or by both such fine and imprisonment; for a second such conviction within 18 months thereafter, such person shall be punished by a fine of not more than \$100 or by imprisonment of not more than 45 days, or both such fine and imprisonment; upon a third or subsequent conviction within 18 months, such person shall be punished by a fine of not more than \$250 or by imprisonment for not more than 90 days, or by both such fine and imprisonment.

- C. Any parking or standing violations shall be the responsibility of the registered owner or driver of the vehicle on the date of the violation.
- D. Parking fines and penalties.
- (1) Fire exits, fire lanes and fire hydrants. Any person who violates parking regulations of the Village pertaining to fire exits, fire lanes and fire hydrants shall be liable for a fine of not less than \$25.
 - (2) Handicapped parking.
 - (a) Any person who violates parking regulations of the Village pertaining to handicapped parking shall be liable for a fine of not less than \$50 nor more than \$75 for the first offense and \$75 to \$150 for the second offense within the Village of Liverpool.
 - (b) Handicapped parking fines shall be subject to an increase by \$50 upon failure to pay no later than the return date listed on the summons and shall be subject to an additional increase by \$50 upon failure to pay no later than 30 days after the return date of the summons and a further increase of \$50 upon failure to pay no later than 60 days after the return date of the summons.
 - (3) All other parking fines shall be \$15.
 - (4) Late fees. Except as otherwise provided herein, parking fines shall be subject to increase by \$10 upon failure to pay no later than the return date listed on the summons; shall be subject to an additional \$10 upon failure to pay no later than 30 days after the return date of the summons; and shall be subject to increase by another \$10 upon failure to pay within 60 days after the return date of the summons.
- E. Every person convicted of a traffic infraction for a violation of Article VIII of this chapter which is not a violation of any provision of the Vehicle and Traffic Law of the State of New York shall be punished as follows:

Total Weight of Vehicle, Including Load (In Tons)	Fine
Greater than or equal to 5, but less than 7.5	\$1,200
Greater than or equal to 7.5, but less than 10	\$1,700
Greater than or equal to 10, but less than 12.5	\$2,200
Greater than or equal to 12.5, but less than 15	\$2,700
Greater than or equal to 15, but less than 17.5	\$3,200
Greater than or equal to 17.5, but less than 20	\$3,700
Greater than or equal to 20, but less than 22.5	\$4,200
Greater than or equal to 22.5	\$4,700

SECTION 4. SEVERABILITY

If any clause, sentence, paragraph, section, article or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operations to the clause, sentence, paragraph, section, article, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION 5. EFFECTIVE DATE

This Local Law shall take effect upon filing with the Secretary of State.