

DEC 13 2017

VILLAGE OF WASHINGTONVILLE

LOCAL LAW NO. 6 OF 2017

DEPARTMENT OF STATE

**A LOCAL LAW AMENDING CHAPTER 162 OF THE VILLAGE OF
WASHINGTONVILLE CODE ENTITLED "VEHICLES AND TRAFFIC"**

Be it enacted by the Board of Trustees of the Village of Washingtonville, County of Orange, State of New York, as follows:

Section 1. Purpose.

This Local Law is enacted for the purpose of amending existing regulations to prohibit parking of commercial vehicles in certain locations and times within the Village of Washingtonville.

Section 2. Amendment.

The portion of the Village of Washingtonville Code entitled **Chapter 162. VEHICLES AND TRAFFIC** shall be and hereby is amended by this Local Law as follows:

Article I. General Provisions

§ 162-1 Definitions

Add the Following Definition:

Commercial Vehicle

For the purpose of parking rules in this section, a vehicle or combination of vehicles designed, maintained, or used primarily for the transportation of raw materials or property, or for the provision of commercial or professional services and bearing commercial license registration plates shall be deemed a commercial vehicle. Any vehicle which has any of the following characteristics shall be deemed a commercial vehicle:

1. Two axles,
2. Six tires;
3. Three or more axles;
4. A vehicle that displays the registrant's or business owner's name permanently affixed in characters at least three inches high on both sides of the vehicle, with such display being in a color contrasting with that of the vehicle and placed approximately midway vertically on doors or side panels and bearing commercial registration plates.

Vehicles bearing commercial or equivalent registration plates from other states or countries are included in this definition.

Article III. Parking, Standing and Stopping.

Amend existing Section 162.16 to read as follows:

§162.16. Parking prohibited at all times.

No person shall park a vehicle at any time upon any of the streets or parts thereof described in Schedule XI (162-40) and Schedule XIV (162-43)

Add the following Schedule:

§ 162-43 Schedule XIV: No Parking

In accordance with the provisions of Village Code §162.16, no person (defined herein as an individual, corporation, limited liability company or partnership) shall park, store, maintain, or display for sale a commercial vehicle, bus, house coach, trailer, contractor's equipment, or roll off trash container upon any street, roadway, highway or public right of way upon any of the Village streets or parts of thereof:

1. For the purposes of this section, a delivery truck actively making deliveries or pickup at a property within the Village or a service truck actively engaged in the performance of a service at a property within the Village (e.g. lawn service, plumbing service, electric repairs, etc) are exempt from this section. Notwithstanding this exemption, no parking of any such commercial vehicle shall obstruct or constitute a hazard to traffic flow or pedestrians. Nothing contained herein shall create the right to park a commercial vehicle overnight upon any street, roadway, highway or public right of way upon any of the Village streets or parts of thereof (*italics is new*)

Article IV. Removal and Storage of Vehicles:

§162-26. Parking Restrictions On Private Residential Property.

Add new subsection "C" as follows:

1. Every commercial vehicle as defined in the Vehicle and Traffic Law of the State of New York is hereby prohibited and banned from parking, standing or stopping on or upon private residential property within the Village of Washingtonville between the hours of 7:00 p.m. and 7:00 a.m. on Monday through Friday, inclusive, and is prohibited from parking, standing or stopping at any time on Saturday, Sunday or holidays.
2. Not more than one commercial vehicle which is nine feet or under in height may be parked or stored in a garage on residential property within the Village of Washingtonville. Whether a structure constitutes a legal garage shall be determined by the ordinances and local laws of the Village of Washingtonville. Notwithstanding anything contained herein, not more than two commercial

vehicles such as a van or truck may be stored on the driveway of the premises provided it is licensed and its height does not exceed seven feet six inches with fully inflated tires.

3. Under no circumstances or exceptions shall any commercial vehicle which is more than nine feet in height be parked anywhere on any residential property within the Village of Washingtonville.

Article V. Penalties

§ 162-29. Penalties for offenses

Add new subsection "C" as follows:

- C. Any person convicted of a parking violation under Article III of this chapter shall be subject to fines as follows:
 1. For the first occurrence, no less than \$50.00 and no more than \$100.00.
 2. For the second occurrence within a twelve month period, no less than \$100.00 and no more than \$200.00.
 3. For the third occurrence within a twelve month period, no less than \$200.00 and no more than \$350.00.
 4. For each subsequent occurrence within a twelve month period, no less than \$350.00 and no more than \$500.00.

Any person who does not answer a summons within the time specified, in addition to any other action authorized by law, shall be subject to an administrative fee to be assessed by the presiding judge in an amount between \$50.00 and \$100.00.

Any person charged with a parking violation in any other section of this chapter not mentioned heretofore shall be punished by a fine of \$50.00 for each occurrence.

Section 3. Severability

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Board of Trustees of the Village of Washingtonville hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

Section 4. Repeal

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

Section 5. Authority

This Local Law is enacted pursuant to the Municipal Home Rule Law. This Local Law shall supersede the provisions of Village Law to the extent that it is inconsistent with the same, and to the extent permitted by the New York State Constitution, the Municipal Home Rule Law, or any other applicable statute.

Section 6. Effective Date

This law shall become effective upon filing with the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.