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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.

Town of Red Hook

Local Law No. F (Proposed) of 2011

A LOCAL LAW AMENDING CHAPTER 131 ENTITLED VEHICLES AND
TRAFFIC, ADDING PROVISIONS FOR SEASONAL PARKING

Be it enacted by the Town Board of the Town of Red Hook as follows:

SECTION 1. LEGISLATIVE INTENT

The Town Board of the Town of Red Hook has determined that the overnight parking of motor vehicles interferes with the orderly removal of accumulated snow and creates unnecessary and undue risk and difficulty for members of the Town Highway Department in the performance of their duties and to any passing motorist. The Town Board finds that prohibiting overnight parking of motor vehicles during the winter months would benefit the health, safety, and welfare of the public.

SECTION 2. SEQR DETERMINATION

The Town Board of the Town of Red Hook has determined, as lead agency pursuant to the State Environmental Quality Review Act (SEQR), that passage of this Local Law constitutes a Type II action which will not have a significant effect on the environment.

SECTION 3. APPLICATION

This Local Law shall only apply to the unincorporated lands within the Town of Red Hook.

SECTION 4. SEVERABILITY

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this Local Law shall not affect the validity of any other part of this Local Law, which can be given effect without such part or parts.

SECTION 5. AMENDMENT OF CHAPTER 131 OF
THE TOWN OF RED HOOK CODE

[HISTORY: Adopted by the Town Board of the Town of Red Hook on January 15, 2008 by LL No. 3 of 2008, amended _____, 2011 by LL No. __ of 2011; see Ch. 1, General Provisions, Art. I.]

Chapter 131 of the Town of Red Hook Code is hereby amended to read as follows:

CHAPTER 131: VEHICLES AND TRAFFIC

§ 131-1. Statutory Authority

This Chapter is adopted pursuant to Section 1660 of the New York State Vehicle and Traffic Law and the New York State Municipal Home Rule Law.

§ 131-2. Definitions

All terms used in this Chapter shall be given their meanings as defined in the New York State Vehicle and Traffic Law unless otherwise defined herein.

§131-3. Parking, Standing, and Stopping of motor vehicles prohibited in certain areas.

No person shall park, stand, nor stop a motor vehicle at the following locations, except to the extent expressly authorized pursuant to Chapter 44, Public Assemblies, or Chapter 95, Parades and Processions, of the Town Code:

- A. The Red Hook Recreation Park located at Linden Avenue, between the hours of 11:00 p.m. and 5:00 a.m., except as may be permitted pursuant to park regulations approved from time to time by resolution of the Town Board.
- B. Rockefeller Lane, on either side, from its intersection with Mill Road to a point 1000 feet to the east of such intersection, Monday through Friday, between the hours of 6:00 a.m. and 9:00 a.m. and between the hours of 2:00 p.m. and 5:00p.m.

§131-4. Parking prohibited at certain times.

The parking of vehicles is hereby prohibited on all public roads within the Town of Red Hook from 11:00 p.m. until 7:00 a.m. from November 15th until April 1st or at any other time when the presence on the public road of such vehicle may interfere with, hinder or hamper snow plowing or snow removal operations. Nothing in this chapter shall be construed to prohibit compliance with the directions of a police officer or law enforcement official nor to prohibit an emergency vehicle from access in the course of an emergency.

§131-5. Removal of Vehicles.

- A. When any vehicle is parked or abandoned on the highways within the Town during a snowstorm, flood, fire or other public emergency which affects that portion of the highway upon which said vehicle is parked or abandoned, said vehicle may be removed under the direction of a law enforcement agent or under the direction of the Superintendent of Highways or his/her designated deputy.
- B. When any vehicle is found unattended on any highway within the town where said vehicle constitutes an obstruction to traffic, said vehicle may be removed by a law enforcement agent or under the direction of the Superintendent of Highways or his/her designated deputy.
- C. When any vehicle is parked or abandoned on any highway within the town where stopping, standing or parking is prohibited, said vehicle may be removed by a law enforcement agent or the direction of the Superintendent of Highways or his/her designated deputy.

§131-6. Storage and redemption; Notice of Removal.

- A. After removal of any vehicle as provided in this chapter, the law enforcement agent or Highway Superintendent or his/her deputy may cause such vehicle to be stored in a suitable place at the expense of the owner.
- B. Such owner or person in charge of the vehicle may redeem the same upon payment to the person with whom stored of the amount of all expenses actually and necessarily incurred in effecting such removal.
- C. It shall be the duty of the law enforcement agent or the Highway Superintendent or his/her designated deputy to ascertain, to the extent possible, the owner of the vehicle or the person having the same in charge and to notify him or her of the removal and deposition of such vehicle and the amount which will be required to redeem same.

§131-7. Applicability.

The provisions of this chapter shall apply on all roads in the Town of Red Hook except for State Highways and roads in the incorporated Villages of Tivoli and Red Hook.

§131-8. Penalties for offenses.

- A. A violation of Section 131-3 of this Chapter is hereby declared to be a traffic infraction punishable by a fine of not more than \$100.00.

- B. Every person convicted of a violation of Section 131-4 shall, for a first conviction thereof, be punished by a fine of not more than fifty dollars (\$50.) for a conviction of a second violation, both of which were committed within a period of eighteen (18) months, such person shall be punished by a fine of not more than one hundred dollars (\$100.) ; upon a conviction of a third or subsequent violation, all of which were committed within a period of eighteen (18) months, such person shall be punished by a fine of not more than two hundred fifty dollars (\$250.) or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment.

SECTION 6. EFFECTIVE DATE

This local law shall take effect immediately upon filing with the Secretary of State as provided in section twenty-seven of the Municipal Home Rule Law.