

PROPOSED LOCAL LAW 2-2019 (Vehicles and Traffic)

A Local Law amending Chapter 250 (Vehicles and Traffic) of the Village of Ossining Code.

BE IT ENACTED by the Board of Trustees of the Village of Ossining as follows:

Section 1. Chapter 250, Article VII (Enforcement of Traffic Tickets) is amended as follows with new matter underlined and deleted matter in [brackets].

§ 250-64 **Vehicles affected.**

[This article shall apply to the following vehicles:

- A. Any vehicle parked on a Village street;
- B. Any vehicle parked in a municipal parking lot owned or leased and maintained by the Village of Ossining;
- C. Any vehicle stopped on a public street within the corporate limits of the Village of Ossining by a Village of Ossining police officer for a violation of the Vehicle and Traffic Law or Penal Law of the State of New York committed by the operator of such vehicle; and
- D. Any vehicle involved in an accident on a public street within the corporate limits of the Village of Ossining investigated by a Village of Ossining police officer, that has been issued four or more unanswered tickets for a violation of Village of Ossining parking laws for which the aggregate permissible fines total \$500 or more.]

A. In addition to any other penalties or fines imposed for the violation of the provisions of any municipal ordinance, state law, rule or regulation, the provisions of this section shall apply to the following categories of vehicles:

(1) Vehicles operated or parked on any public street, public highway, any portion of the entire width between the boundary lines of any way publicly maintained when any part thereof is opened to the use of the public for purposes of vehicular travel or on any property leased by or in the possession or control of the Village of Ossining in violation of any provision of any municipal ordinance, state law, rule or regulations.

(2) Vehicles which have three or more outstanding and unpaid parking violations issued against them for which the aggregate permissible fines total \$500 or more and which, after mailing to the registered owner of a final notice, mailed regular first-class mail are found operated or parked on any public street, public highway, any portion of the entire width between the boundary lines of any way publicly maintained when any part thereof is opened to the use of the public for purpose of vehicular traffic or on any property leased by or in the possession and control of the Village of Ossining.

B. Any such vehicle may be removed or caused to be removed by or under the direction of a member of the Police Department by towing or otherwise. In addition

to or in lieu of towing, any such vehicle may be immobilized in such manner as to prevent its operation, except that no such vehicle shall be immobilized by any means other than by the use of a device or other mechanism which will cause no damage to such vehicle unless it is moved while such device or mechanism is in place. In any such case involving immobilization of a vehicle pursuant to this subsection, such member of the Police Department shall cause to be placed on such vehicle, in a conspicuous manner, notice as detailed in section 250-66C sufficient to warn any individual to the effect that any attempt to move such vehicle might result in damages to such vehicle.

C. Within 24 hours after towing or immobilization, the Police Department shall notify by telephone the owner or registrant of such vehicle of the fact of its towing or its immobilization, the place where it may be recovered and the conditions under which it will be released. In the event the owner or registrant of the vehicle cannot be notified by telephone within 24 hours of the immobilization or towing of the vehicle, the Police Department shall request the Corporation Counsel, acting in the capacity of Village Prosecutor, to send notice to such owner or registrant by certified mail, return receipt requested.

§ 250-65 Responsibility of Parking Violations Bureau.

- A. The Ossining Police Department shall obtain from the Town Justice Court a list of the license plates and, if known, the names and addresses of the last person contained on the motor vehicle registration of all vehicles that have been issued [four] **three** or more unanswered tickets for a violation of Village of Ossining parking laws for which the aggregate permissible fines total \$500 or more.
- B. The aforesaid list shall be updated from time to time, but at least monthly.
- C. The Ossining Police Department shall confirm with the Town Justice Court whether and when any parking ticket contained on the aforesaid list has been answered and/or the fines paid.

§ 250-66 Responsibility of Ossining Police Department and parking enforcement officers.

- A. The Ossining Police Department shall issue a copy of the aforesaid list, and each amendment thereof, to each patrol officer and parking enforcement officer.
- [B. Any police officer or parking enforcement officer who comes in contact with a motor vehicle contained on the aforesaid list shall immediately cause said vehicle to be immobilized by affixing or causing to be affixed thereto a device commonly known as a "boot."]
- [C.] **B** Upon immobilizing said vehicle, the police officer, Parking Enforcement. Officer or other Village personnel affixing the boot shall affix to the driver's side window a notice in substantially the form set forth herein:

THIS VEHICLE HAS BEEN IMMOBILIZED BY THE VILLAGE OF OSSINING BECAUSE IT HAS BEEN ISSUED [FOUR] **THREE** OR MORE UNANSWERED PARKING TICKETS FOR WHICH THE AGGREGATE PERMISSIBLE FINES TOTAL \$500 OR MORE.

YOU MAY REDEEM THIS VEHICLE AND HAVE THE BOOT REMOVED BY CALLING (914) 941-4099 AND PAYING TO THE VILLAGE OF OSSINING A BOOTING CHARGE OF \$100 AND DEPOSITING WITH THE COURT BAIL OR BOND IN THE AMOUNT EQUAL TO THE MAXIMUM FINES WHICH MAY BE IMPOSED UPON ALL OUTSTANDING PARKING TICKETS. THE ABOVE AMOUNTS MAY BE PAID BY CASH, BANK OR CERTIFIED CHECK OR MONEY ORDER.

DO NOT ATTEMPT TO REMOVE OR TAMPER WITH THE BOOT. THIS MAY CAUSE DAMAGE TO THE BOOT AND/OR THE VEHICLE. TAMPERING WITH THE BOOT IS AN OFFENSE PUNISHABLE BY A MAXIMUM FINE OF \$250.

IF THIS VEHICLE IS NOT REDEEMED WITHIN 48 HOURS FROM THE TIME OF BOOTING, IT WILL BE DEEMED TO BE AN ABANDONED VEHICLE AND DISPOSED OF PURSUANT TO LAW **OR SUBJECT TO TOWING.**

[D. If the owner, operator or registrant is not present at the time of booting, the Ossining Police Department shall make every effort to ascertain the name and address of the owner or registrant of said vehicle and attempt to notify said owner or registrant by telephone that said vehicle was immobilized pursuant to this article and the steps which must be taken to redeem said vehicle. If the owner or registrant cannot be notified by telephone within 24 hours, then the Police Department shall request the Corporation Counsel, acting in the capacity of Village Prosecutor, to send a notice to such owner or registrant by certified mail, return receipt requested.]

§ 250-67 Redemption of vehicle.

[A vehicle which has been immobilized pursuant to this article may be redeemed by:

- A. Presenting proof of identification and certificate of title to or registration of vehicle showing that the individual is the owner or registrant of the vehicle or, if said vehicle is rented, leased or borrowed, such other documentation acceptable to the Police Department showing that the individual has the right to possess said vehicle; and
- B. Paying to the Village of Ossining a \$100 administration charge to cover the cost of booting and releasing the vehicle; and
- C. Depositing bail with the Town of Ossining Justice Court by bank or certified check or money order or an approved surety bond in an amount equal to the maximum aggregate amount of the fines which may be imposed upon all unanswered parking tickets issued to said vehicle; and [Amended 12-20-2011 by L.L. No. 6-2011]
- D. Signing a receipt for the release of said vehicle.]

A. Release of vehicle.

(1) Before the owner or person in charge of any vehicle taken into custody or immobilized as above provided shall be allowed to repossess or to secure the release of said vehicle, the owner or his/her agent shall pay the following:

- (a) All sums legally due for any delinquent Village of Ossining parking violations issued and outstanding against such vehicle and any other vehicle registered to him/her. Should an owner wish to contest any of the delinquent parking summonses, such owner shall be permitted to post a cash bond equal to the amount of the fines due for those contested summonses, along with any late penalties that may be due. Such cash bond will be held by the Ossining Town Justice Court pending the disposition of the delinquent summons cases in that court.
- (b) All sums due the towing contractor for the Village of Ossining for the cost of towing as provided in the Village's fee schedule.
- (c) All sums due the towing contractor for the Village of Ossining for the cost of storage as provided in the Village's fee schedule.
- (d) If an auto restraining device has been placed on said vehicle, payment to the Village of Ossining of a fee as provided in the Village's fee schedule.
- (2) No such vehicle shall be released until the owner or his agent has established his identity and right to possession and has signed a proper receipt therefor.

§ 250-68 Release of vehicle.

Upon receipt of the payment of the [booting charge and bail] sums detailed in section 250-67(a) [as set forth in § 250-67 hereof,] to the Town Justice Court the [Village] **Town Justice** Court Clerk shall [cause a representative of the Village to release the boot affixed to said vehicle.] provide the owner or registrant with a certificate as proof of payment. After obtaining the certificate from the Court Clerk, the owner or registrant shall present the certificate to the Police Department and pay the fees detailed in section 250-67 (b, c and d). Upon receipt of all fees owed, the Police Department shall provide the certificate with the name, address and contact information for the towing company.

250-69 Unauthorized removal of vehicle.

- (1) If, after a vehicle has been towed or immobilized, any person shall remove such vehicle without complying with sections 250-67 and 250-68 or shall do any damage to the immobilization device, then the owner of such vehicle and the person removing such vehicle or doing such damage shall, in addition to any other fines or penalties provided for under this chapter, be liable for any damage done to the immobilization device or mechanism and, in addition, be subject to a fine not exceeding \$250.
- (2) The owner of such vehicle may, as a defense to this section, plead and prove that at the time of such removal or damage such vehicle was stolen but only if, prior to such act or acts, notice of a stolen vehicle has been given to the applicable police authority.

[§ 250-69 Tampering with, removing or damaging boot.

No person shall tamper with, attempt to remove, deface or damage a boot which has been affixed to a vehicle pursuant to the provisions of this article. A conviction for a violation of this section shall be punishable by a maximum fine of \$250.]

§ 250-70 Abandoned vehicles.

A vehicle which has been immobilized pursuant to this article shall be deemed illegally parked upon immobilization. Any vehicle which has not been redeemed within 48 hours after the same has been immobilized shall be deemed an abandoned vehicle and shall be disposed of in accordance with § 1224 of the Vehicle and Traffic Law of the State of New York **or subject to towing.**

Section 2. Effective Date.

This local law shall take effect immediately upon filing with the Secretary of State pursuant to Section 27 of the Municipal Home Rule Law.