

# 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 Briarcliff Manor

Local Law No. 1 of the year 20<sup>24</sup>

A local law A LOCAL LAW AMENDING CHAPTER 207 VEHICLES AND TRAFFIC  
(Insert Title)  
ARTICLE VII SNOW EMERGENCIES, ARTICLE VIII REMOVAL, STORAGE, AND  
RETRIEVEL OF VEHICLES, AND ARTICLE IX MISCELLANEOUS PROVISIONS  
IN THE CODE OF THE VILLAGE OF BRIARCLIFF MANOR

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

County  City  Town  Village  
(Select one.)

of Briarcliff Manor 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. 1 of 2024 of the (County)(City)(Town)(Village) of BRIARCLIFF MANOR was duly passed by the BOARD OF TRUSTEES on FEBRUARY 6 2024, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted *(Elective Chief Executive Officer\*)* on \_\_\_\_\_ 20   , in accordance with the applicable provisions of law.

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. *(Elective Chief Executive Officer\*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

\* 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.

**5. (City local law concerning Charter revision proposed by petition.)**


I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(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: 2-13-2024

(Seal)

A LOCAL LAW AMENDING CHAPTER  
207 VEHICLES AND TRAFFIC  
ARTICLE VII SNOW EMERGENCIES,  
ARTICLE VIII REMOVAL, STORAGE,  
AND RETRIEVAL OF VEHICLES, AND  
ARTICLE IX MISCELLANEOUS  
PROVISIONS IN THE CODE OF THE  
VILLAGE OF BRIARCLIFF MANOR

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

Section 1. Articles VII, VIII, and IX of Chapter 207 Vehicles and Traffic of the Code of the Village of Briarcliff Manor shall be deleted in their entirety and replaced with Article VII “Snow Emergencies” and Article VIII “Article VIII. Removal, Storage, and Retrieval of Vehicles” and Article IX “Miscellaneous Provisions” to read as follows:

## Article VII. Snow Emergencies

### § 207-43. Declaration of emergency.

A.

The Village Manager is hereby authorized to declare a snow emergency. Such declaration shall be promulgated by i) notifying the local radio stations and newspapers; ii) notifying the Board of Trustees; and iii) posting such declaration on the Village website.

B.

During such declared snow emergency, it shall be unlawful to stand or park a motor vehicle on any street within the village municipal boundaries, or to operate a motor vehicle not equipped with snow tires or tires designed for traction in snow or skid chains on any snow emergency street listed in Schedule XXIV: Snow Emergency Streets, which streets shall be posted with signs designating them snow emergency streets.

### § 207-44. On-street parking and standing during snow emergency.

During a declared snow emergency, it shall be unlawful to stand or park any motor vehicle either on private or public property within three feet from the edge of the pavement of any street or sidewalk in the Village of Briarcliff Manor between the hours of 6:00 a.m. to 8:00 p.m.

## Article VIII. Removal, Storage, and Retrieval of Vehicles

## § 207-45. Authority to impound vehicles; appeals and review.

A.

The Village Manager, Superintendent of Public Works, or any member of the Village Police Department may arrange for the removal and storage of any vehicle found to be in violation of this article. Removal and impoundment shall be under the exclusive jurisdiction of the Village of Briarcliff Manor Justice Court, which is hereby empowered to determine the respective rights of the Village and any interested parties, including the titled owner, any lien holder, or the cited driver of the vehicle, provided that the interested party commence a proceeding within twenty-one (21) days from the time the notice of seizure is sent to such interested party. Said proceeding shall review the legality of the seizure, the appropriateness of any fees and expenses to be charged in relation to the seizure and storage of the vehicle and determine the rights of possession in the vehicle at issue.

B.

The failure of an interested party to request a proceeding as prescribed hereabove, or to appear at such scheduled proceeding, shall waive such party's rights of appeal. In the event of such default, the Village Manager, in consultation with the Village Attorney, shall conduct a post-default review of the seizure to confirm the legality of the seizure and the appropriateness of any fees and expenses charged in relation to the seizure and storage of the vehicle. Following post-default review, the Village may take such further actions as are called for by law and policies and procedures, including the imposition of fees, seeking forfeiture or otherwise disposing of the vehicle.

## § 207-46. Vehicles subject to removal and impoundment.

A.

The following vehicles shall be subject to removal and impoundment:

(1)

Any vehicle parked or abandoned on any public highway or within any public parking lot or upon any public property within the Village during a snowstorm, flood, fire, road closure, or other public emergency.

(2)

Any vehicle found unattended on any public highway, within any public parking lot, or upon any property within the Village where said vehicle constitutes an obstruction to traffic, or otherwise impedes the health, safety, or welfare of the public.

(3).

Any vehicle found unattended for more than ninety-six (96) hours on any public highway, within any public parking lot, or upon any public property within the Village.

(4).

Any vehicle found on any public highway, public parking lot, or on any village property where said vehicle is found to have three or more outstanding or unpaid parking ticket, or where the

owner or operator has failed to pay civil penalties resulting from violations of this chapter as against the owner or operator of the vehicle that exceed five hundred dollars (\$500).

(5)

Any unoccupied vehicle found for more than six hours on any public highway, public parking lot, or on any village property with no number plates affixed thereto.

(6)

Any vehicle that is subject to impoundment by a law enforcement officer according to the rules and regulations of New York State Vehicle and Traffic Law,

## § 207-47. Notification of impoundment.

A.

Upon seizure of a vehicle as provided in this chapter, the Village shall, as soon practicable, ascertain the identity of the parties with property interests in the seized vehicle and notify them according to the documented policies of the Briarcliff Manor Police Department.

B.

Notification of seizure shall state that interested parties shall have the option to commence a proceeding within twenty-one (21) days under the exclusive jurisdiction of the Court of the Village of Briarcliff Manor to determine the respective rights of the Village and the interested parties in the vehicle or to contest any fees or payments related to such seizure or related impoundment.

## § 207-48. Storage, charges, and retrieval of impounded vehicles.

A.

In addition to any towing and storage facilities owned or operated by the Village, removal and impoundment of any vehicle under the provisions of this chapter may be performed by any suitable vehicle towing business previously approved by the Village Manager in consultation with the Chief of Police and included on a list of qualified businesses, which shall be reviewed and subject to amendment from time to time.

B.

Vehicles impounded hereunder may be released to the owner or permitted operator of such vehicle only upon payment of (i) towing and storage fees remitted directly to the provider of such services, or to the Village of Briarcliff Manor, as shall be determined by the Village and (ii) all outstanding violations, parking fines, and any related interest and administrative charges associated thereto, remitted to the Village of Briarcliff Manor in a manner defined by then current payment policies of the Briarcliff Manor Police Department and Village Court.

## § 207-49. Disposal of abandoned vehicles.

Abandoned vehicles shall be disposed of pursuant to § 1224 of the New York State Vehicle and Traffic Law and the regulations promulgated thereunder. In addition, the Village Manager is authorized to convert unclaimed abandoned vehicles to Village use pursuant to Subdivision 6(a) of § 1224 of the Vehicle and Traffic Law.

## Article IX. Miscellaneous Provisions

### § 207-50. Penalties for offenses.

Except as otherwise provided, every person convicted of a traffic infraction for a violation of any provision of this chapter 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 for not more than 45 days, or by both such fine and imprisonment; upon a third or subsequent conviction within 18 months after the first conviction, 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. Original fines hereunder that remain unpaid after 30 days may be doubled; original fines hereunder that remain unpaid after 60 days may be tripled; original fines hereunder that remain unpaid after 90 days may be quadrupled.

### § 207-51. When effective.

#### A.

Those parts of this chapter and any regulation adopted hereunder, which are not subject to approval under § 1684 of the Vehicle and Traffic Law of the State of New York, shall take effect as provided by law.

#### B.

Any part or parts of this chapter and any regulations adopted hereunder which are subject to approval under § 1684 of the Vehicle and Traffic Law of the State of New York shall take effect from and after the day on which approval, in writing, is received from the New York State Department of Transportation.

### § 207-52. Severability.

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

Section 2. Severability. The invalidity of any word, section, clause, paragraph, sentence, part or provision of this local law shall not affect the validity of any part of this local law which can be given effect without such valid part or parts.

Section 3. Effective Date. This local law shall take effect immediately upon filing in the Office of the Secretary of State of New York in accordance with the provisions of the Municipal Home Rule Law.