

Local Law Filing

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County City Town x Village

(Select One)

of Island Park

Local Law No. 1 of the year **2023**

A local law entitled Immobilization and Removal of Illegally Parked Vehicles, Vehicles with Delinquent tickets and Vehicles of Scofflaw is hereby adopted to read as follows:

A. Definitions.

- (1) Illegally Parked Car: any motor vehicle parked or left standing upon any Village-owned property, public street or highway of the Village of Island Park in violation of an ordinance or regulation issued by an agency authorized to promulgate parking ordinances and regulations
- (2) Immobilize/immobilization: the act of placing on a parked motor vehicle a mechanical device known as a boot, designed to be attached to the wheel or tire or other part of such vehicle so as to prohibit its usual manner of movement.
- (3) Delinquent: a parking ticket, warrant or summons that that not been answered by the required appearance date of for which adjudged fines and applicable surcharges have not been paid in the amount of \$300.00 or more.
- (4) Removal: act of towing a parked motor vehicle, which shall be placed and stored in a location designated by the Village and shall be held until its released or disposed of pursuant to applicable law

B. Application

In addition to any other penalties or fines imposed for the violation of this chapter, 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 open to the use of the public for purposes of vehicular travel or on any property leased by or in the possession and control of the Village of Island Park in violation of any provision of any local law, state law, rule or regulation.
- (2) Vehicles which have one or more outstanding and unpaid parking violations issued against them and which, after mailing to the registered owner a final notice, 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 open to the use of the public for purposes of vehicular travel, or on any property leased by or in the possession and control of the Village of Island Park.

C. Immobilization and Removal of vehicles

- (1) In addition to any other authority, the Village, subject to the procedures in this local law, is hereby authorized to cause the immobilization and removal of a) illegally parked vehicles; and b) vehicles with delinquent tickets.
- (2) A vehicle subject to the procedures herein may be immobilized or removed, or both, by a private contractor retained by the Village, at the direction of the Village Clerk, at any time the Village may lawfully enforce traffic and parking laws or regulations.
- (3) Any such vehicle may be immobilized or removed or caused to be removed by or under the direction of the Village Clerk by towing or otherwise, and impounded. In addition to or in lieu of towing and impounding, 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 case involving immobilization of a vehicle pursuant to this subsection, such Village employee shall cause to be placed on such vehicle, in a conspicuous manner, notice sufficient to warn any individual to the effect that any attempt to move such vehicle might result in damage to such vehicle.

D. Notification of owner; failure to secure release of immobilized vehicle.

(1) When an immobilization device is used, the Village (or a contractor retained by the Village) shall cause to be attached to the immobilized vehicle a notice containing the following information:

- a) the location and identifying characteristics of the vehicle;
- b) the date and time of placement of the device and the signature of the installer of the device
- c) notice that tampering with the device is prohibited by law
- d) the steps the owner must take to obtain release of the vehicle;
- e) such other information, statements notices and warnings as the Village (or contractor retained by the Village to immobilize vehicles) may from time to time determine.

(2) Within two (2) business days after immobilization, if an immobilization device has not been removed, the Village Clerk can direct that such vehicle be towed and impounded.

(3) Notice. Within two (2) business days following the removal of a vehicle under this local law, the Village Clerk, or employee at her direction, shall notify the owner of such vehicle of the fact of its towing and impounding or immobilization, the place where it may be recovered and the conditions under which it will be released.

E. 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 secure the release of said vehicle, the owner or his agent shall pay the following:

- (a) All sums legally due for any Village of Island Park parking violations issued and outstanding against such vehicle, plus an administrative processing fee in an amount established, and amended from time to time, by resolution of the Board of Trustees.

(b) To the towing company, the cost of towing and impounding such vehicle and the cost of storage for each day or portion of a day that such vehicle is so stored in excess of the first 24 hours.

(2) No such vehicle shall be released until the owner or his agent has established his identity and right to possession and signed a proper receipt therefor.

F. Any person who, after having had his vehicle towed and impounded or immobilized, shall remove such vehicle without complying with Subsection E (1) and (2) shall, in addition to the charges provided for in said subsection, be liable for any damage done to the immobilization device or mechanism and be subject to a fine of up to a maximum of \$1,000.

G. If an impounded vehicle has not been properly and lawfully released within 30 days after the Village Clerk notifies the owner of such vehicle of the impounding pursuant to Subsection D above, then such vehicle shall be deemed to be an abandoned motor vehicle.

(1) The Village Clerk shall make an inquiry concerning the last owner of such abandoned vehicle as follows:

(a) If the abandoned vehicle had number plates affixed to it, the inquiry shall be directed to the jurisdiction which issued such number plates.

(b) If the abandoned vehicle did not have number plates affixed to it, inquiry shall be directed to the Department of Motor Vehicles.

(2) The Village Clerk shall notify the last owner, if known, that the vehicle has been recovered as an abandoned vehicle and that, if it is not claimed, it will be sold at public auction, by bid, or the ownership of such vehicle may be transferred to the tow company in lieu of towing and storage charges after 30 days from the date of notice. If the agency notified as per Subsection G (1) above notifies the Village Clerk that a lien or other security interest exists, a notice will be promptly sent to the lienholder or party in interest. This notice shall be given in the manner presented by the Commissioner of Motor Vehicles. Any party claiming the abandoned vehicle shall be required to pay the amounts described in Subsection E (1) above.

- (3) If the Village Clerk determines that an abandoned vehicle is not suitable for operation on the public highways, he or she shall sell the vehicle or cause the vehicle to be delivered to a vehicle dismantler or scrap processor who is registered or certified pursuant to the Vehicle and Traffic Law § 415-a.
- (4) If the abandoned vehicle is not released by the owner or lienholder in accordance with Subsection E above, the Village may
 - (a) Sell the vehicle at auction and apply the proceeds as follows:
 - [1] To the towing service, the cost of storage for each day; then
 - [2] The costs of towing and impounding incurred by the Village of Island Park; then
 - [3] All sums legally due the Village of Island Park for parking violations issued and outstanding against such vehicle and the impound administrative fee; then
 - [4] The remainder to the owner and any known lienholder.
 - (b) Convert unclaimed vehicles to Village use.
 - [1] The Village may convert in any calendar year up to 1% of its unclaimed abandoned vehicles not affected by Subdivision 2 of § 1224 of the Vehicle and Traffic Law or two such vehicles, whichever is greater, to its own use.
 - [2] Any proceeds from the sale of an abandoned vehicle less expenses incurred by the Village shall be held by the Village without interest for the benefit of the owner of such vehicle for a period of one year. If not claimed within such one-year period, such proceeds shall be paid into the general fund of the Village.

G. The last owner of an abandoned vehicle shall be liable to the Village for the costs of removal and storage of such vehicle.

H. Procedures.

The Village Board, with the cooperation of the Village Clerk and Village Code Enforcement shall develop procedures necessary to effectuate the purposes and provisions of this local law, including but not limited to specifications for the manner and context of notice to the public concerning the operation of this title, the content of notice to the registered owner of the vehicle immobilized or removed under this local law; the place and storage of such vehicles, the time and place such vehicles may be released; and the fees for immobilization or removal of a vehicle that shall compensate the Code Enforcement and/or a contractor that performed such functions of

the Village's behalf for such immobilization or removal, as well as the administrative costs of the vehicle removal program.

Be it enacted by the BOARD OF TRUSTEES of the
(Name of Legislative Body)

County City Town x Village
(Select One)

of Island Park **as follows:**

This local law shall take effect immediately upon filing with the Secretary of State.