

# 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.

STATE OF NEW YORK  
DEPARTMENT OF STATE  
**FILED**  
DEC 15 2003

MISCELLANEOUS  
& STATE RECORDS

~~County~~  
~~City~~ of Schaghticoke  
Town  
~~Village~~

Local Law No. 2 of the year 2003

A local law Parking Regulations During Winter Months  
(Insert Title)

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

~~County~~  
~~City~~ of Schaghticoke as follows:  
Town  
~~Village~~

## Section 1. Authority

This Local Law is enacted pursuant to the authority of chapter 365 of the Laws of 1976 which added a new subparagraph (3) to paragraph d of subdivision 1 of section 10 of the Municipal Home Rule Law authorizing towns to adopt a local law which amends or supercedes any provision of the Town Law in relation to the property, affairs or government of the Town or in relation to any of the other enumerated subject matters in such section 10, unless there is a state legislative restriction on such amendment or supercession.

## Section 2. Purpose and Findings

This Local Law is enacted as Local Law 2 - 2003, adopted as part of the Code of the Town, and more particularly, section 116 of the Code, which provides for Vehicle and Traffic Law within the Town. The Town Board has determined that there exists in the Town of Schaghticoke a situation in that during winter months on-street parking needs to be regulated to allow for proper snow removal without damage to residents' vehicles, or delay to the Town's ability to make said streets passable. The Board has determined that a regulation on parking during the winter months is appropriate.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

Section 3.

Section 116 of the Town Code is hereby amended to create a chapter as follows:

Chapter 116 Vehicles and Traffic

Section 116 of the Town Code is hereby amended to include a new section 116-1 as follows:

Section 116-1. Establishment and implementation  
Emergency parking regulations shall be declared and implemented by the Town Supervisor.

Section 116 of the Town Code is hereby amended to include a new section 116-2 as follows:

Section 116-2. Winter Parking Restriction

Parking shall be restricted on Town and county highways from November 1 to April 1 of the calendar year on an odd/even side of the street basis as follows:

- A. Beginning at 7:00 a.m. on odd calendar days, parking shall be allowed only on the side of the street with odd numbered houses to 7:00 a.m. on the following day, such that on even calendar days, parking shall be allowed only on the side of the street with even-numbered houses from 7:00 a.m. on even calendar days to 7:00 a.m. the following day.

Section 116 of the Town Code is hereby amended to include a new section 116-3, as follows:

Section 116-3 Determination of odd/even sides of streets

- A. The west side of streets running north to south and the south side of streets running east to west are hereby designated the odd side of those streets.
- B. The east side of streets running north to south and the north side of streets running east to west are hereby designated the even side of those streets.

Section 116 of the Town Code is hereby amended to include a new section 116-4, as follows:

Section 116-4 Penalties for offenses

When any vehicle is parked on any road in violation of section 116-2 of this article, said vehicle is subject to removal by towing. All towing and storage fees and expenses shall be the responsibility of the owner of the towed vehicle.

Section 116 of the Town Code is hereby amended to include a new section 116-5, as follows:

Section 116-5 Enforcement

The Highway Superintendent and the Code Enforcement Officer and their designees are hereby authorized to identify vehicles in violation of this Local Law and to engage the services of the reputable towing agency for the towing and storage of said vehicles.

Section 116 if the Town Code is hereby amended to include a new section 116-6, as follows:

Section 116-6 Definitions

The words and phrases used in this article shall, for the purpose of this article, have the meanings respectively ascribed to them by Article 1 of the Vehicle and Traffic Law of the State of New York.

Section 4. Validity

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 Town Board of the Town of Schaghticoke hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

Section 5. Repeal

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

Section 6. Effective Date

This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

**(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 2003 of the (County)(City)(Town)(Village) of Schaghticoke was duly passed by the Town Board on April 9 2003, 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) (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

**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) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. 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.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

**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) (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.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

\* 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 \_\_\_\_\_, above.

James E. Salisbury  
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date: April 9, 2003

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK  
COUNTY OF Rensselaer

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Linda J. Mandel Clemente  
Signature  
Attorney for the Town  
Title

County \_\_\_\_\_  
City of Schaghticoke  
Town  
Village \_\_\_\_\_

Date: April 9, 2003