

COUNTY OF ALLEGANY

Intro. No. 1-89

Print No. 1

A LOCAL LAW TO AUTHORIZE THE COUNTY SUPERINTENDENT OF PUBLIC WORKS TO REMOVE VEHICLES FROM COUNTY ROADS IN CERTAIN CIRCUMSTANCES AND TO PROVIDE DISPOSITION PROCEDURES AND COSTS

BE IT ENACTED by the Board of Legislators of the County of Allegany as follows:

Section 1. Definitions.

a. Right of Way. The term "right of way" as used in this local law, shall mean all portions of a County road including, but not limited to, shoulders, ditches, culverts and bridges.

b. Road. The term "road" as used in this local law, shall mean a County road in the County of Allegany Road System.

c. Parked or Parking. The term "parked" or "parking" as used in this local law, shall mean the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

d. Vehicle. The term "vehicle" as used in this local law shall mean every device, in, upon, or by which any person or property is or may be transported or drawn upon the right of way of a road, except devices moved by human power or used exclusively upon stationary rails or tracks.

e. Superintendent. The term "Superintendent" as used in this local law, shall mean the Superintendent of Public Works of the County of Allegany.

Section 2. Removal of Vehicles.

a. The Superintendent shall have the power to cause the immediately removal, from the right of way of any County road, of any vehicle parked during snowstorms, floods, fire or other public emergencies, or found unattended where it constitutes an obstruction to traffic or any place where stopping, standing or parking is prohibited.

Section 3. Disposition of Removed Vehicle and Costs.

a. The Superintendent shall cause the removal of such vehicle to a garage, automobile pound or other place of safety.

b. The reasonable cost of such removal and storage shall be a charge against the owner or other person lawfully entitled to the possession of such vehicle, payable before the vehicle is released.

c. If such removal is performed by the County Department of Public Works, the removal charge shall not exceed fifty dollars.

d. If such storage is on County controlled property the storage charge shall not exceed two dollars per day, or fraction thereof.

e. Until paid, the foregoing charges shall constitute a lien on the vehicle which may be enforced in the same manner as a garage keepers lien, in accordance with the provisions of section one hundred eighty-four of the Lien Law of the State of New York.

Section 4. Validity.

If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, nor invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 5. Effective Date.

This local law shall take effect immediately.