

TITLE: ADOPTION OF LOCAL LAW INTRO. NO. 5, PRINT NO. 1 TO AMEND LOCAL LAW NUMBER THREE OF NINETEEN HUNDRED EIGHTY, AS AMENDED BY LOCAL LAW NUMBER ONE OF NINETEEN HUNDRED NINETY-THREE, ENTITLED "A LOCAL LAW DESIGNATING COUNTY PARKING AREAS; ADOPTING RULES AND REGULATIONS GOVERNING THE USE OF SUCH AREAS AND PROVIDING FOR THE ENFORCEMENT THEREOF" IN RELATION TO ESTABLISHING ADDITIONAL PARKING AREAS, DESIGNATING HANDICAPPED PARKING AND INCREASING FINES

Offered by: Public Works Committee

RESOLVED:

1. That proposed Local Law, Intro. No. 5-2012, Print No. 1, is adopted without any change in language, to wit:

COUNTY OF ALLEGANY

Intro. No. 5-2012

Print No. 1

A LOCAL LAW TO AMEND LOCAL LAW NUMBER THREE OF NINETEEN HUNDRED EIGHTY, AS AMENDED BY LOCAL LAW NUMBER ONE OF NINETEEN HUNDRED NINETY-THREE, ENTITLED "A LOCAL LAW DESIGNATING COUNTY PARKING AREAS; ADOPTING RULES AND REGULATIONS GOVERNING THE USE OF SUCH AREAS AND PROVIDING FOR THE ENFORCEMENT THEREOF" IN RELATION TO ESTABLISHING ADDITIONAL PARKING AREAS, DESIGNATING HANDICAPPED PARKING AND INCREASING FINES

BE IT ENACTED by the Board of Legislators of the County of Allegany, State of New York, as follows:

Section 1. Subdivisions a., b. and c. of section two of Local Law Number Three of Nineteen Hundred Eighty, as amended by Local Law Number One of Nineteen Hundred Ninety-Three are amended to read as follows:

a. The parking area immediately north of and adjacent to the County Office Building is designated as a parking area for County employees who hold a special parking permit issued by the County Administrator's office. In addition, official vehicles shall be allowed to park without a special permit. Finally, parking shall be

allowed in specially designated spaces for County judges, emergency vehicles, County-owned vehicles and spaces marked for handicapped individuals displaying a properly issued handicap parking tag.

b. The parking area immediately north and east of and adjacent to the County Courthouse is designated as a parking area for County employees who have been issued and display a special parking permit by the County Administrator's office. In addition, official vehicles shall be allowed to park without a special permit. Finally, parking shall be allowed in specially designated spaces for County judges, emergency vehicles, County-owned vehicles and spaces marked for handicapped individuals displaying a properly issued handicap parking tag.

c. The parking area immediately south of and adjacent to the County Office Building on the north and further bounded on the south by Court Street; on the east by the entrance road to the parking area described in section two of this local law; and, on the west by the exit road from such described parking area is designated as a parking area for County employees except that five parking spaces in such parking area shall be designated by order of the Sheriff, or his designee, that are suitable for use exclusively by the physically handicapped, be they County employees or not.

Section 2. Section three is amended to read as follows:

Section 3. The following area of County-owned or County-leased lands is designated as a non-restricted parking area:

Section 3. Subdivision a. of section three of such local law is amended to read as follows:

a. The parking area immediately south of the County Courthouse building and bounded west by Wells Lane; south by the south line of County-owned lands, being also the north line of the Belmont Hotel property; east by the Genesee River and north by the north bounds of such parking area which is approximately one hundred and ninety-eight (198) feet from the south bounds of the County-owned lands and designated for public use except that two parking spaces in such parking area shall be designated by order of the Sheriff, or his designee, that are suitable for use exclusively by the physically handicapped. Except for parking spaces designated for handicapped parking, parking in spaces adjacent to the sidewalk running parallel to the front of the Courthouse building shall be limited to thirty-minute parking and marked accordingly. Also, parking in spaces contiguous with

and running parallel to Wells Lane shall be limited to one-hour parking and marked accordingly.

Section 4. Section three of such local law is amended to add new subdivisions b. and c. to read as follows:

b. The parking area lying south of Court Street that is currently leased from the First Baptist Church of Belmont known as the church lot.

c. The parking area lying north of Court Street known as the Presutti lot.

Section 5. Section four of such local law is amended to read as follows:

Section 4. Parking of a vehicle by a person or operator on the restricted parking areas is prohibited unless such person or operator shall have a parking permit sticker and also, for those restricted parking spaces immediately north and east of the County Office Building and County Courthouse, a special permit or tag duly issued by the County Administrator pursuant to section six of this law.

Section 6. Section six of such local law is amended to read as follows:

Section 6. A person's or operator's privileges to park in restricted parking areas shall be indicated by placing on or in a vehicle, in a conspicuous position, a small parking permit sticker and/or tag, properly inscribed, and the committee is hereby authorized to approve the form and design of such stickers or tags which shall be placed in the exclusive possession of the County Administrator who is hereby authorized to issue the same to the justices of the Supreme Court, judges of the County Court, County Officers, members of the Board of Legislators of Allegany County, such County employees as may be certified to by County department heads as being entitled thereto and to such others as come within the intent of this local law, subject to the approval of the committee. The County Administrator shall keep a record of such stickers or tags and place a number on each sticker or tag so delivered.

Section 7. Section eight of such local law is amended to read as follows:

Section 8. In any prosecution or proceeding hereunder, the failure to display such parking permit sticker and/or tag on any vehicle shall be presumptive evidence that said vehicle is parked in violation of these regulations, and the registration plate displayed on a motor vehicle shall be presumptive evidence that

the owner of such vehicle was the person who parked such vehicle at the place where any violation of these regulations occurred.

Section 8. Section twelve of such local law is amended to read as follows:

Section 12. Whenever any vehicle is found parked in violation of this law, the Sheriff shall place on such vehicle a notice to the owner thereof that such vehicle has been parked in violation of the provisions of this law, and shall thereby summon such owner to appear at a time indicated on such summons before a local criminal court to answer for such violation in accordance with this law. Such summons may permit the owner, as he may elect, to plead guilty to the offense indicated thereon, signing his true and correct name thereto as such election, and to authorize thereby his appearance in said local criminal court at the time prescribed to be noted, and to pay a fine of fifteen dollars for the first such parking offense and thirty dollars for the second such parking offense within a six-month period from the first offense. This election shall not be permitted to an owner committing more than three such offenses within a six-month period from the first offense. Such voluntarily paid fine shall be paid to the local criminal court.

Section 9. This local law shall take effect immediately.

Local Law No. 5-2012

Adopted by Res. No. 186-12, 12/10/12

Effective Date: December 14, 2012

I, Brenda Rigby Riehle, Clerk of the Board of Legislators of the County of Allegany, State of New York, do hereby certify that the foregoing constitutes a correct copy of the original on file in my office and the whole thereof of a resolution passed by said

Board on the 10th day of December, 20 12.

Brenda Rigby Riehle Dated at Belmont, New York this 15th day of August, 20 19
Clerk, Board of Legislators, Allegany County

Moved by Fanton Seconded by Fuller VOTE: Ayes 12 Noes 3 Absent 0 Voice _____

Voting No: Cady, O'Grady, Ungermann