

Local Law Filing

Town of Brunswick

Local Law No. 1 of the year 2014

A LOCAL LAW REGULATING THE PARKING OF VEHICLES AND PROHIBITING THE PLACEMENT OF OBSTRUCTIONS ON ALL TOWN HIGHWAYS IN THE TOWN OF BRUNSWICK.

Be it enacted by the Town Board of the Town of Brunswick as follows:

SECTION 1: LEGISLATIVE INTENT, FINDINGS, AND STATEMENT OF PURPOSE.

The intent of this Local Law is to regulate the parking of vehicles and to prohibit the placement of any obstructions on Town highways within the Town of Brunswick in order to provide a safe environment for snow and ice removal operations.

The Town Board hereby finds that the unrestricted parking of vehicles on Town highways within the Town of Brunswick during periods of snow and/or ice weather events places a hardship on the Town of Brunswick Highway Department in its efforts to clear and make safe the highways maintained by the Town of Brunswick. Such unrestricted parking of vehicles on Town highways also creates a safety issue for the Town of Brunswick Highway Department drivers in their efforts to clear snow and ice. Additionally, during such period of time, unrestricted parking of vehicles on such highways within the Town of Brunswick unduly hampers and restricts ambulances, fire apparatus, police vehicles, and other emergency responders from moving freely on said highways to meet the emergency needs of Town residents.

The Town Board further finds that the placement of obstructions, including temporary and permanent basketball hoops or structures, within Town highways, shoulders, and public right-of-way, further places undue burden and hardship on the Town of Brunswick Highway Department in its efforts to clear and make safe the highways maintained by the Town of Brunswick.

The purpose of this Local Law is to protect the public health, safety, and general welfare of the people of the Town of Brunswick, and of the traveling public in general, and also the Town of Brunswick Highway Department employees, by regulating the parking of vehicles on Town highways during periods of snow and/or ice weather events, and also to prohibit the placement of obstructions within Town highways, in order to provide for safe and efficient snow removal operations by the Town of Brunswick Highway Department.

The Town Board acknowledges that Brunswick Local Law No. 5 of 2003 provides that upon the accumulation of four (4) inches of snow or more on any public highway in the Town of Brunswick, such highway is deemed to be an Emergency Route. Brunswick Local Law No. 5 of 2003 also provides that all such public highways deemed to be Emergency Routes shall continue to be Emergency Routes until the roads are cleared and plowed free of such snowfall, and further that parking on any public highway deemed to be an Emergency Route is prohibited. However, since its adoption and implementation, Brunswick Local Law No. 5 of 2003 has not proven to be effective in providing for safe and efficient snow removal operations. Accordingly, the intent and purpose of this Local Law to provide for the declaration of a weather emergency by the Town of Brunswick whenever a weather forecast warrants, without limitation on amount or number of inches of snowfall, and to further provide for the method of notification to the public of any declaration of a weather emergency so that adequate notice is provided to residents and visitors of the Town of Brunswick regarding parking restrictions prior to any storm event.

It is also the intent and purpose of this Local Law to relieve law enforcement personnel of the administration problems in connection with the issuance of appearance tickets for violations of parking restrictions established by this Local Law and to permit law enforcement personnel to devote its time to more serious problems of crime prevention, detection, and solution. Accordingly, it is the intent and purpose of this Local Law to authorize the Town of Brunswick Superintendent of Highways, the Town of Brunswick Deputy Superintendent of Highways, the Town of Brunswick Code Enforcement Officer, and the Town of Brunswick Deputy Code Enforcement Officer to issue appearance tickets for non-moving parking violations as provided herein.

SECTION 2: DEFINITIONS.

As used in this Local Law, the following terms shall have the meanings indicated:

- A. Highway: The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.
- B. Public Right-of-Way: The entire width of any real property owned by the Town of Brunswick for highway purposes and/or areas maintained by the Town of Brunswick for highway purposes.
- C. Park or Parking: 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 receiving or discharging passengers.

- D. Stand or Standing: The stopping of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise, or receiving or discharging passengers.
- E. Vehicle: Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, including, but not limited to, any motor vehicle, wagon, trailer, or any other vehicle or conveyance of any type or description.
- F. Person: Every natural person, firm, partnership, association, or corporation.

SECTION 3: DECLARATION OF WEATHER EMERGENCY.

A. Whenever the Town Supervisor or his designee finds that an accumulation of snow and/or ice is forecasted such that snow plowing, snow removal, sanding, salting, or other highway maintenance will be required by the Town of Brunswick Highway Department, the Town Supervisor or his designee shall have the authority to declare a weather emergency and, after such declaration, the parking regulations provided herein shall apply.

B. Whenever the Town Supervisor or his designee declares a weather emergency, the Town of Brunswick shall promptly notify local media outlets for publication of such declaration, and further shall promptly place notice of such declaration on the Town website.

SECTION 4: PROHIBITION OF PARKING ON HIGHWAYS.

Whenever a weather emergency has been declared pursuant to Section 3 hereof, there shall be no parking or standing of any vehicle on any highway under the jurisdiction of the Town of Brunswick, the shoulders of any such highway, or in any public right-of-way of such highway in the Town of Brunswick in order to facilitate the safe and efficient removal of snow and ice. No person shall stand or park any vehicle on any highway or public right-of-way under the jurisdiction of the Town of Brunswick during such weather emergency.

SECTION 5: VEHICLE REMOVAL AUTHORIZED.

A. Any vehicle standing or parked on any highway or public right-of-way under the jurisdiction of the Town of Brunswick in violation of this Local Law may be removed and conveyed by or under the direction of the Superintendent of Highways of the Town of Brunswick or the Deputy

Superintendent of Highways of the Town of Brunswick by means of towing the same to any garage designated by the Town of Brunswick whenever:

1. Such vehicle shall be found standing or parked in violation of Section 4 of this Local Law; or
 2. It is otherwise necessary to move such vehicle during or following a snow or ice storm to facilitate safe and efficient snow and ice removal.
- B. Whenever a vehicle is removed under circumstances set forth in Section 5.A. of this Local Law, such removal shall be at the owner's risk, and the owner shall be responsible for all costs of towing, storage, and care of such vehicle, and must pay the same before retrieving possession of such vehicle. The Town of Brunswick is authorized to hire private towing companies to remove any such vehicles in violation of this Local Law.
- C. Any removal of any vehicle pursuant to Section 5 of this Local Law shall be done without incurring any liability to the Town of Brunswick for damages to the vehicle.

SECTION 6: APPEARANCE TICKETS.

- A. Pursuant to the provisions of the Municipal Home Rule Law, the Superintendent of Highways of the Town of Brunswick, the Deputy Superintendent of Highways of the Town of Brunswick, the Town of Brunswick Code Enforcement Officer, and the Town of Brunswick Deputy Code Enforcement Officer are hereby authorized to issue appearance tickets for violations of the non-moving parking or standing provisions of this Local Law.
- B. It shall be the duty of the Superintendent of Highways of the Town of Brunswick, the Deputy Superintendent of Highways of the Town of Brunswick, the Code Enforcement Officer of the Town of Brunswick, and the Deputy Code Enforcement Officer of the Town of Brunswick to enforce the non-moving parking or standing provisions of this Local Law. Such violations shall be recorded on forms prescribed by the Town of Brunswick, and a notice thereof shall be left in a conspicuous place upon any vehicle found to be in violation of the provisions of this Local Law. An appearance ticket may be issued as herein provided upon a finding by the Highway Superintendent of the Town of Brunswick, the Deputy Superintendent of Highways of the Town of Brunswick, the Code Enforcement Officer of the Town of Brunswick, or the Deputy Code

Enforcement Officer of the Town of Brunswick that there exists reasonable evidence that a violation of this Local Law exists.

- C. An appearance ticket issued pursuant to the provisions of this Local Law shall be returnable before the Town Court of the Town of Brunswick. Such appearance ticket shall set forth the date on which the owner of such vehicle must appear in the Town Court of the Town of Brunswick. The fine set forth herein for violations of this Local Law may be paid in person at the office of the Brunswick Town Court Clerk at or prior to the appearance date set forth on the appearance ticket.
- D. Any person violating the provisions of this Local Law shall be subject to a fine of \$100. Upon failure to appear in the Town Court of the Town of Brunswick or make payment of the prescribed fine by the date set forth on the appearance ticket, the fine as provided herein shall double.

SECTION 7: PROHIBITION OF OBSTRUCTIONS.

The location of any obstruction, including but not limited to basketball hoops or structures, whether permanent or portable, is hereby prohibited on all highways and public rights-of-way under the jurisdiction of the Town of Brunswick. Consistent with New York Highway §§157 and 319, the Superintendent of Highways of the Town of Brunswick is hereby authorized to cause any such obstruction found on any such highway or public right-of-way to be removed and assess the cost of such removal upon the owner of any such obstruction. The owner of such obstruction shall be responsible for all costs incurred by the Town of Brunswick for the removal of any such obstruction, and also any costs for storage thereof.

SECTION 8: SUPERSESION.

Any limitations provided in law regarding the powers and/or duties of the Office of Superintendent of Highways of the Town of Brunswick and/or Office of the Deputy Superintendent of Highways of the Town of Brunswick, including but not limited to New York Town Law §32 and New York Highway Article 7 and 11, which are or may be inconsistent with the provisions of this Local Law are hereby superseded pursuant to the provisions of New York Municipal Home Rule Law §§10(1)(ii)(d)(3) and 22(1).

SECTION 9: SEVERABILITY.

If any provision of this Local Law shall be declared invalid or unenforceable, all other provisions shall remain valid and enforceable.

SECTION 10: REPEALER.

Brunswick Local Law No. 5 of 2003 is hereby repealed in its entirety, and shall have no further force or effect.

SECTION 11: EFFECTIVE DATE.

This Local Law shall take effect immediately.

LOCAL LAW ADOPTED BY THE FOLLOWING VOTE:

AYES: **5**

NOES: **0**

ABSTENTIONS: **0**

ABSENCES: **0**

DATE: March 13, 2014