

NEW YORK STATE DEPARTMENT OF STATE

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**(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.

**County**  
**City**  
**Town of New Paltz**  
**Village**

**Local Law No.            of the year 2019**

A local law to amend the Code of the Town of New Paltz to add a new Chapter 119, "Parking, Stopping and Standing of Vehicles"

**Be it enacted by the Town Board of the**

**County**  
**City**  
**Town of New Paltz as follow:**  
**Village**

Be it enacted by the Town Board of the Town of New Paltz as follows:

Section 1. AMENDMENT

The Code of the Town of New Paltz is hereby amended to add a new Chapter 119, "Parking, Stopping and Standing of Vehicles" to read as follows:

ARTICLE I. Parking, stopping and standing

§119-1 Definitions

The following words and phrases when used in this chapter shall have the following meanings:

**Highway:** The entire width between the boundaries of every publicly maintained way within the Town of New Paltz, County of Ulster, State of New York, lying outside the geographical boundaries of the incorporated Village of New Paltz, when any part thereof is open to the use of the public for purposes of vehicular travel.

**Motor Vehicle:** Every vehicle operated or driven upon a public highway which is

propelled by any power other than muscular power, including (a) electrically/driven chairs being operated or driven by physically impaired person; (b) vehicles which run only upon rails or tracks (except construction vehicles actually engaged in the performance of work) and (c) snowmobiles as defined in this chapter.

Person: Every natural person, firm, partnership, association or corporation.

Parking: The standing of a motor vehicle, whether occupied or not, other than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or in receiving or discharging passengers.

Roadway: That portion of a highway improved, designed, marked, or ordinarily used for vehicular travel, exclusive of the shoulder and slope.

Shoulder: That improved portion of a highway contiguous with the roadway.

Slope: That portion of a highway exclusive of the roadway and shoulder.

Snowmobiles: Any motorized vehicle designed for travel on snow or ice, steered by skis or runners and supported in whole or in part by one or more skis, belts or cleats.

Standing: The stopping of a motor vehicle, whether occupied or not, other than temporarily for the purpose of and while engaged in receiving or discharging passengers.

Stopping: Any halting, even momentarily, of a motor vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control signal or sign.

Town: The Town of New Paltz, Ulster County, New York lying outside the geographical boundaries of the incorporated Village of New Paltz.

#### §119-2 General Prohibitions

The parking, stopping, or standing of any motor vehicle by any person upon any highway within the town in violation of this article is prohibited.

#### §119-3 Emergency conditions

The parking, stopping, or standing of any motor vehicle by any person upon the roadway or upon the shoulder or upon the slope of any highway within the town in the vicinity of any flood, fire or other public emergency where the parking, stopping or standing of motor vehicles constitutes an obstruction to traffic or to emergency or rescue operations, is prohibited.

#### §119-4 Snowfall conditions

A. The parking, stopping, or standing of any motor vehicle by any person upon the roadway or upon the shoulder or upon the slope of any highway within the town commencing from the time that the accumulation of snow reaches a level of at least two inches (2") and continuing until such time as the highway has been fully plowed and cleared;

B. It is the responsibility of the owner or operator of any vehicle parked on any highway within the Town or in a parking lot owned, leased or maintained by the Town to be aware of the forecast of weather conditions which may result in an accumulation of greater than two inches of snow.

#### §119-5 Temporary signs

A. In addition to any other lawful duty or responsibility, the Highway Superintendent is authorized to post temporary signs at locations along highways throughout the town prohibiting the parking, stopping or standing of motor vehicles for a designated period of time to facilitate the provisions, purposes and intents of this article.

B. The New Paltz Police Department, with the advice and consent of the Highway Superintendent, is authorized to post temporary signs at locations along highways throughout the town prohibiting the parking, stopping or standing of motor vehicles for a designated period of time to facilitate the provisions, purposes and intents of this article.

#### 119-6. Removal of vehicles

A. In addition to any other penalties imposed for a violation of this article, the Town of New Paltz Police Department is authorized to provide for the removal and storage of motor vehicles found in violation of this local law where such motor vehicle impairs, impedes or obstructs the movement of motor vehicles upon town highways or impairs, impedes or obstructs emergency or rescue operations or snow removal.

B. Except where a motor vehicle which is lawfully parked is caused to immediately be removed at the direction of the Town of New Paltz Police Department as the result of fire, flood, water or sewer main breaks or other condition which threatens or impairs the general health, safety or welfare, the payment of the reasonable charges for the removal and storage of motor vehicles removed pursuant to the provisions of this article shall be the sole and exclusive responsibility of the owner or operator of such motor vehicle.

1. The owner of the facility at which the vehicle is stored shall be entitled to collect a fee for storage as set from time to time by resolution of the Town Board.

2. The vehicle so removed shall be retained under the custody of the storage facility until such time that the removal and storage charges have been paid.

3. Any person who removes a motor vehicle from the premises to which it had been removed and is stored without payment of the removal and storage charges then due shall be

deemed to have committed a violation and, upon conviction, shall be liable to a fine not to exceed that set annually by resolution of the Town Board.

#### §119-7. Penalties for offenses

A. The violation of any of the provisions of this article shall constitute a violation as defined in the Penal Law of the State of New York.

B. Every person convicted of a violation of any provision of this article shall:

1. For a first conviction thereof be punished by a fine of not more than fifty dollars or by imprisonment for not more than fifteen days or by both such fine and imprisonment;

2. For a second such conviction within eighteen months thereafter by a fine of not more than one hundred dollars or by imprisonment for not more than forty-five days or by both such fine and imprisonment;

3. For a third or subsequent conviction by a fine of not more than two hundred fifty dollars or by imprisonment of not more than ninety days or by both such fine and imprisonment.

#### Section 2: SEVERABILITY

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, effect or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law or in its application to the person, individual, corporation, firm, partnership, entity or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

#### Section 3. EFFECTIVE DATE

This Local Law shall be effective upon filing with the Secretary of State and upon the completion of the erection of appropriate signs in form, content and at locations required by law.