

LOCAL LAW NO. 4 OF 2021
A LOCAL LAW MODIFYING PENALTIES FOR
VIOLATIONS OF PARKING REGULATIONS
ON PUBLIC ROADWAYS AND STATE HIGHWAYS
LOCATED WITHIN THE TOWN OF DEERPARK,
ORANGE COUNTY, NEW YORK

Purpose – The Town Board of the Town of Deerpark recognizes the potential danger created by the improper parking of motor vehicles resulting from the congregation and illegal/improper parking of numerous motor vehicles on Public Roadways and State Highways in the Town of Deerpark, including but not limited to the Section of NYS Route 97 commonly known as “The Hawks Nest”, Guymard Turnpike, Prospect Hill Road, and the section of Hook Road in the vicinity of an access to the Number 2 Bridge. The Town of Deerpark, therefore, deems it appropriate to control the parking of motor vehicles within the Town in a manner compatible with the health, safety, and general welfare of the residents of the Town and the property within the Town as set forth herein. This Local Law specifically supersedes and replaces the penalties provided for in previously enacted Local Law #7 of 2000; Local Law #2 of 2009; and Local Law #1 of 2020,

Definitions – For the purposes of this chapter, the following terms are defined as follows:

AUTHORIZING AGENCY – Defined as the New York State Department of Transportation.

ENFORCEMENT AGENCY – Defined as the New York State Police, Orange County Sheriff’s Department, and Town of Deerpark Police Department.

PARKING/STANDING – For a motor vehicle (all types) to be stopped, for any period of time, with its engine on or off, whether in a designated area or on the roadway, for any reason other than to avoid an imminent collision with a person, other motor vehicle, or other object in or alongside the roadway.

SHOULDER – That portion of a highway immediately adjacent to the side of a roadway, customarily

used for emergency travel or parking/standing.

STATE – The State of New York.

STATE PROPERTY – All land owned, or leased, by the State of New York, including State highways and roads and the shoulders thereof, trails and parklands, and any private land over which the State of New York possesses an easement.

TOWN – The Town of Deerpark, Orange County, New York.

Conditions and Restrictions of use –

Registration and Permit – All motor vehicles must be registered and permitted as required under Title IV of the Vehicle and Traffic Law of the State of New York.

Parking/Standing on State Highways – Any motor vehicle shall be permitted to be parked or standing on State Highways, or the shoulders thereof, only in a manner consistent with signage regulating same and the Vehicle and Traffic Laws of the State of New York.

Enforcement Agencies – The Town of Deerpark hereby authorizes and designates the following agencies as having the authority and responsibility of enforcing the provisions of this Local Law, as well as constructing and placing signage regarding parking of Motor Vehicles:

The Town of Deerpark Highway Department as directed by the Town Board;

The New York State Department of Transportation; and

The State of New York via pertinent provisions of the Vehicle and Traffic Law as it pertains to issues of parking on State Highways in the Town of Deerpark, Orange County, New York.

Penalties for Offenses; Enforcement – For any violation of the terms of this law, prohibited acts, and conditions of use, the offender shall be liable for a penalty not less than One Hundred 00/100 Dollars (\$100.00) nor to exceed Five Hundred 00/100 Dollars (\$500.00) or a term of imprisonment not to

exceed Thirty (30) Days, or both, for each separate item and incident in violation of this Chapter.

Impoundment, Cause for Removal, Confiscation and Redemption. In addition to the penalties set forth in this Chapter, a police officer or peace officer may immediately impound or cause to be removed, the motor vehicle if the identity of the owner/operator is unknown to the officer and cannot be determined based upon the documentation (registration information) readily visible upon external inspection of the motor vehicle.

The period of impoundment for the motor vehicle shall be for such period of time as is necessary for police purposes, which shall include the use of the machine for identification in any court action. Any person wishing to have a motor vehicle released from impoundment must make a motion before the appropriate court, and said motor vehicle shall only be released upon court order. Upon said order the motor vehicle shall be released upon payment of any and all impoundment fees to the proper authority and/or towing or storage facility.

In the case of a second or subsequent violation by the same person, the Court may order the confiscation of said motor vehicle in lieu of any fine and/or imprisonment. Any motor vehicle which is confiscated pursuant to this section will be sold at public auction according to the appropriate procedures and law affecting public actions by a municipality.

State Law – Nothing herein shall prohibit or excuse the obligation of individuals to comply with the provisions of the Vehicle and Traffic Law of the State of New York regarding the vehicles and operation of same herein.

PLEASE TAKE NOTICE TO THE EXTENT THAT THIS LOCAL LAW MAY CONFLICT WITH APPLICABLE PORTIONS OF THE TOWN LAW OF THE STATE OF NEW YORK, IT IS THE STATED INTENTION OF THE TOWN TO EXERCISE ITS AUTHORITY TO SUPERSEDE AND AMEND, AS GRANTED UNDER THE MUNICIPAL HOME RULE LAW OF THE STATE OF NEW

YORK, SECTION 10. THE TOWN HEREBY PROVIDES NOTICE THAT IT IS EXERCISING ITS
AUTHORITY TO SUPERSEDE AND AMEND PURSUANT TO MUNICIPAL HOME RULE LAW
OF THE STATE OF NEW YORK, SECTION 22.