

Local Law Filing

(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 ☐ Village
(Select one:)

of Deerpark

Local Law No. 1 of the year 20²⁰

A local law Enforcement of Parking Regulations on State Highways Located Within the Town of

(Insert Title)

Deerpark, Orange County, New York

Be it enacted by the Town Board of the
(Name of Legislative Body)

☐ County ☐ City ☒ Town ☐ Village
(Select one:)

of Deerpark as follows:

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 20 of the (County)(City)(Town)(Village) of Deerpark was duly passed by the Town Board on August 3, 2020, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. of 20 of the (County)(City)(Town)(Village) of was duly passed by the on 20 , and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the and was deemed duly adopted (Elective Chief Executive Officer*) on 20 , in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. of 20 of the (County)(City)(Town)(Village) of was duly passed by the on 20 , and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the on 20 . (Elective Chief Executive Officer*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on 20 , in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. of 20 of the (County)(City)(Town)(Village) of was duly passed by the on 20 , and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the on 20 . Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of 20 , in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

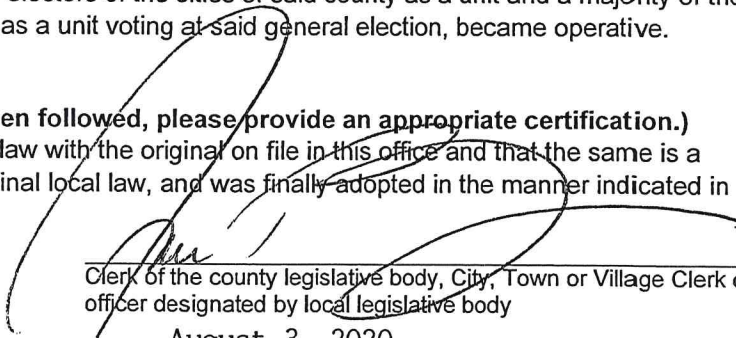
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____ above.



Clerk of the county legislative body, City, Town or Village Clerk or
officer designated by local legislative body

Date: August 3, 2020

(Seal)

LOCAL LAW NO. 1 OF 2020
A LOCAL LAW AUTHORIZING
ENFORCEMENT OF PARKING REGULATIONS
ON 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 use of motor vehicles at excessive speeds and in unsafe manners, including but not limited to racing, resulting in and from the congregation and illegal/improper parking of numerous motor vehicles on State Highways in the Town of Deerpark, including but not limited to the Section of NYS Route 97 commonly known as “The Hawks Nest” and; therefore, deems it appropriate to control their use 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.

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.

Operation on State Highways – All motor vehicles shall be operated on state highways, in a manner consistent with the Vehicle and Traffic Laws 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, signage constructed and placed by the New York State Department of Transportation and pertinent provisions of the Vehicle and Traffic Law as it pertains to issues of operation and 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 to exceed \$250.00 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:

- 1) The identity of the owner/operator is unknown to the officer.
- 2) The motor vehicle was involved in an accident causing personal injury or death while operated in violation of this chapter.
- 3) The motor vehicle operator is suspected of operation of same under the influence of drugs or alcohol.

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 nay and all impoundment fees to the proper authority. 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.

Local Law Filing

Instructions

New York State Department of State
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001
www.dos.ny.gov/corps

PLEASE OBSERVE THESE INSTRUCTIONS FOR FILING LOCAL LAWS WITH THE SECRETARY OF STATE

1. Each local law shall be filed with the Secretary of State within 20 days after its final adoption or approval as required by section 27 of the Municipal Home Rule Law. The cited statute provides that a local law shall not become effective before it is filed in the office of the Secretary of State.
 2. Each local law to be filed with the Secretary of State shall be an original certified copy.
 3. Each local law shall be filed on a form provided by the Department of State. If additional pages are required, they must be the same size as the form. Typewritten copies of the text may be attached to the form. Only legible copies will be accepted.
 4. File only the number, title and text of the local law.
 5. In the case of a local law amending a previously enacted local law, the text must be that of the law as amended. Do not include any matter in brackets, with a line through it, italicized or underscored to indicate the changes made. The printed number of the bill and explanatory matter must be omitted.
 6. For the purpose of filing a local law with the Department of State, number each local law consecutively, beginning with the number one for the first local law filed in each calendar year. The next number in sequence should be applied to each local law when it is submitted for filing, regardless of its date of introduction or adoption. The date of filing of a local law is the date on which the local law is placed on file by the Department.
- It is suggested that municipalities use introductory identifying bill numbers for proposed local laws. After the local law is enacted (and approved by the voters, if required), the local law should then be numbered with the next consecutive local law number, as described above, and then submitted to the Department for filing.
7. Each copy of a local law filed with the Secretary of State shall have affixed to it a certification by the Clerk of the County legislative body or the City, Town or Village Clerk or other officer designated by the local legislative body. Certification forms are provided herewith.
 8. A copy of each local law may be mailed or delivered to:
NYS Department of State
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231.

(DO NOT FILE THIS INSTRUCTION SHEET WITH THE LOCAL LAW.)