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

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 Boonville

Local Law No. 1 **of the year 20**24

A local law Parking Violations
(Insert Title)

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

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

of Boonville **as follows:**

See attached.

(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 2024 of the (County)(City)(Town)(Village) of Boonville was duly passed by the Board of Trustees on June 25, 2024, 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 w ith 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)*

* 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.

Chapter 360
Vehicles and Traffic

§ 360-29. Legislative intent.

The Board of Trustees recognizes that many parking tickets issued in the Village of Boonville for violations of local parking laws go unanswered and that appropriate fines that would be imposed upon conviction for violation of Village of Boonville Parking rules and regulations have gone uncollected.

§360-30. Towing for outstanding parking violations.

A. Legislative findings and purposes.

(1) The Village Board finds that significant numbers of vehicle owners fail to respond to parking summonses issued for violations of parking orders, rules, regulations and local laws; that a significant number of such owners are persistent violators; and that by reason of out-of-state registration of vehicles, transfer or ownership, reregistration of vehicles, and other circumstances, violators frequently are able to evade existing enforcement measures.

(2) By reason of the foregoing, the Village Board finds that the health, welfare, and safety of the Village will be served by the adoption of a local law providing additional means of enforcing parking orders, rules, regulations and local laws in the case of vehicle owners who fail to timely respond to summonses issued for Village parking violations.

B. Definitions. As used in this section, the following terms shall have the meanings indicated:

PARKING VIOLATION DEFAULT — A parking violation default is incurred when an unpaid parking summons has not been answered by the required appearance date.

§ 360-31. Vehicles affected.

A. In addition to any other penalties or fines imposed for the violation of the provisions of any local law, state law, rule or regulation, the provisions of this article shall apply to the following categories of vehicles:

(1) Vehicles operated or parked on any public street, public highway, any portion of the entire width between the boundary lines of any way publicly maintained when any part thereof is opened to the use of the public for purposes of vehicular travel or on any property leased by or in the possession or control of the Village of Boonville in violation of any provision of any local law, state law, rule or regulations.

(2) Vehicles which have four or more outstanding and unpaid parking violations issued against them and which, after mailing to the registered owner of a final notice, mailed regular first-class mail, are found operated or parked on any public street, public highway, any portion of the entire width between the boundary lines of any way publicly maintained when any part thereof is opened to the use of the public for purpose of vehicular traffic or on any property leased by or in the possession and control of the Village of Boonville.

§ 360-31. Vehicles affected.

B. Any such vehicle may be removed or caused to be removed by or under the direction of a member of the Police Department by towing or otherwise.

C. Within two business days after towing, the Police Department shall notify the owner of such Vehicle by regular mail of the fact of the towing, the place where the vehicle may be recovered and the conditions under which it will be released.

D. The Village shall provide warning signs, advising of the possibility of towing, on public streets where towing may be done and at the entrance to any Village parking lots where towing may be done.

§ 360-32. Release of vehicle to owner.

A. Generally. The individual attempting to redeem a vehicle that has been immobilized or towed under this article must demonstrate to the satisfaction of the Town of Boonville Justice Court Clerk that he or she is the owner of the vehicle or is authorized to act on behalf of the owner. It shall be a defense that the vehicle in question was stolen and thereafter parked illegally; however, this defense shall only be available when a bona fide report of the theft has been filed with a police department. In the event of a theft, the vehicle owner shall be responsible for paying the towing and storage fees associated with towing and storage of the vehicle.

B. Release of vehicles subject to towing.

(1) To obtain a vehicle subject to towing under this article, the owner of such vehicle shall visit the office of the Town Justice Court during normal Court hours and provide the Town Justice Court Clerk with payment in full of all outstanding Village parking tickets relating to the vehicle. Should an owner wish to contest any of the delinquent parking tickets, the owner shall post a cash bond equal to the amount of the fines due for the contested tickets along with any late fees. The cash bond will be held by the Town Justice Court Clerk pending disposition of the contested tickets. Upon receiving payment for all outstanding Village parking tickets or a combination of payment and cash bond, the Town Justice Court Clerk shall provide the owner with a certificate as proof of payment. At the same time, the Town Justice Court Clerk also shall provide the owner of the vehicle with the name and contact information of the tow company that towed and stored the vehicle.

(2) After obtaining the certificate described in Subsection B (1) above, the owner of the towed vehicle shall obtain from the Boonville Police Department a Police Department release form which form, along with the certificate described in Subsection B (1), shall be presented to the towing company where the vehicle is being stored. The owner of the towed vehicle shall pay the tow truck operator the required towing and storage fees as published in the Village's annual fee schedule before the towed vehicle can be released.

§ 360-33. Disposition of unclaimed vehicles.

A. Whenever a vehicle, other than an abandoned vehicle, that has been immobilized or towed pursuant to this article is not claimed within 10 calendar days, it shall be the responsibility of the Officer in Charge or designee to mail a notice of removal, via certified mail, to the last registered owner, if such can be ascertained with reasonable diligence. Such notice shall state:

(1) The date of towing and the place of storage.

(2) What must be done by the owner to secure release of the vehicle.

(3) That if the vehicle is not claimed within 10 calendar days of receipt of the notice the vehicle will be sold at a public auction by the Village of Boonville.

(4) That if personal property within the vehicle is unclaimed within 10 days of receipt of the notice, the property will become the property of the Village of Boonville and be disposed of according to law and procedures established by the Village Treasurer.

B. If the vehicle is not claimed within 10 calendar days of the date the owner receives the notice or of the date the postal service reports the notice was undeliverable to the owner, the Officer in Charge or designee shall notify the Village Treasurer who shall arrange for the vehicle to be sold at public auction. Further, if personal property within the vehicle is unclaimed within 10 calendar days of the notice, the Officer in Charge or designee shall be responsible to secure the property and turn the same over to the Village Treasurer for disposition.

C. Abandoned vehicles shall be disposed of in accordance with § 1224 of the Vehicle and Traffic Law.

§ 360-34 Proceeds from sale of unclaimed vehicles.

The proceeds from the sale of any vehicle sold as provided in § 360-33 of this chapter shall be applied first to the costs of the sale; second against towing charges; third against any storage charges; and fourth to any and all unpaid delinquent parking tickets issued in the Village of Boonville against the vehicle and any other vehicles registered to the owner. In the event that the sale proceeds exceed the above cost and charges, the excess shall be held without interest by the Village Treasurer for the benefit of the owner for a period of one year. If the proceeds remain unclaimed after the one-year period, the proceeds shall be paid into the Village's general fund.

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 1 above.

Wendy A. Lee
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date: 7-3-2024

STATE OF NEW YORK
DEPARTMENT OF STATE
ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001
HTTPS://DOS.NY.GOV

KATHY HOCHUL
GOVERNOR

WALTER T. MOSLEY
SECRETARY OF STATE

July 12, 2024

Village of Boonville
13149 State Route 12
Boonville, NY 13309

RE: Village of Boonville, Local Law 1 2024, filed on 7/9/2024

Dear Sir/Madam:

The above referenced material was filed by this office as indicated. Additional local law filing forms can be obtained from our website, www.dos.ny.gov.

Sincerely,
State Records and Law Bureau
(518) 473-2492