

Local Law Filing

41 STATE STREET, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Village of Minoa

Local Law No. Three (3) of the year 2008.

An amendment to the Village of Minoa Municipal Code relative to the obstruction of designated fire lanes on privately owned property devoted to public use.

Be it enacted by the Board of Trustees of the Village of Minoa as follows:

Section One (1). PURPOSE AND INTENT.

This local law provides for the establishment of, and the administration and enforcement of restrictions relative to the obstruction of designated fire lanes on privately owned real property on which the public is invited to travel for business purposes and for procedures for the imposition of remedies and penalties. It is the intent of this local law to serve the Village's compelling interest to promote, protect and improve the health, safety and welfare of the citizens of the Village by creating such restrictions, remedies and penalties. The Village Board of Trustees finds and declares that the health, safety and welfare of its citizens will be enhanced by the prohibition of stopping, standing or parking of motor vehicles in designated fire lanes on privately owned real property, and the effective enforcement of such prohibitions and other prohibitions presently contained in the Village of Minoa Code.

Section Two (2). Section 68-3 of the Code of the Village of Minoa is hereby deleted in its entirety and replaced with the following language:

- (a) The Chief of Police, Fire Chief or Codes Enforcement Officer may designate fire lanes on private property devoted to public use. A fire lane is a road or other passageway developed to allow the passage of fire apparatus or EMS vehicles. A fire lane is not necessarily intended for vehicular traffic other than fire apparatus or EMS vehicles.
- (b) Any fire lane established in accordance with subsection (a) hereof, shall be not less than 25 feet in width. Main fire lanes shall run horizontal to and immediately adjacent to the front (main entrance) of the building. Any other fire lane(s) is/are to be established by the Chief of Police, Fire Chief or Codes Enforcement Officer after consultation with the building's owners and/or lessors.
- (c) No person shall stop, stand or park a motor vehicle or trailer, or place any other obstruction within a fire lane established in accordance with subsection (a) hereof at any time.
- (d) The Village Codes Enforcement Officer and any authorized police agency may issue appearance tickets and otherwise prosecute violations of this Section 68-3 and Section 136-14(H) of the Village of Minoa Code.

Section Three (3). Section 136-14(H) of the Code of the Village of Minoa is hereby deleted in its entirety and replaced with the following language:

H. All owners and occupants of real property in the Village of Minoa shall ensure that no motor vehicle or trailer shall be stopped, parked or standing in a fire lane established pursuant to §68-3 of the Village Code, and that no motor vehicle or trailer, owned, possessed by or registered to him or her, that is inoperable, unregistered or uninspected, or where such registration or inspection has expired, or is without valid and current license plates affixed to them, shall be parked or placed on the premises or the public sidewalks, streets or ways contiguous to or fronting such real property, nor shall otherwise (except as permitted by the Zoning Code of the Village of Minoa or as an established nonconforming use as determined by the Zoning Board of Appeals) be parked or placed in a front, rear or side yard of such real property, as such terms are defined in the Village of Minoa Zoning Code.

Section Four (4). Section 136-15(E) of the Code of the Village of Minoa is hereby deleted in its entirety and replaced with the following language:

E. Reimbursement of Costs; Assessment Upon Real Property: Upon review by and a finding of the Village Board that the provisions of this Chapter 136, including in particular §§136-15(A) and (D) hereof, have not been complied with or satisfied, and in the case of §136-15(B) that a bona-fide emergency or exigent condition existed, the Village Board may adopt a resolution authorizing that the costs incurred by the Village in performance of the work be paid for out of general Village funds appropriated by the Village Board for such purpose. The Village shall be reimbursed for the cost of the work performed by direction of the Village Board, plus a service charge of 30% thereof to cover the cost of supervision and administration, and for any penalties assessed under Article IV, Section 136-18 hereof by assessment and levy upon the lots or parcels of land wherein such work was performed and supervised/administered, and the expenses so assessed shall constitute a lien and charge on the real property on which it is levied until paid or otherwise satisfied or discharged and shall be collected in the same manner and at the same time as other Village charges. In addition, in the event of a violation of §§136-14(H), 147-7, 8, 9, 9A or 68-3 of the Village Code, such vehicle may be immediately towed, flatbedded or otherwise removed upon the request of an official of the Village, Village Fire Department or police agency, and the cost of any towing, flat-bed or similar removal, plus 30% administrative costs shall be assessed in the foregoing manner upon the owner, registered person, or other user of such vehicle and upon the real property of any Owner or Occupant deemed to be the owner, registered person or person otherwise using such motor vehicle or trailer.

Section Five (5). A new Section 147-9A is hereby added to the Code of the Village of Minoa with the following language:

§147-9A. Obstruction of Fire Lanes.

No motor vehicle or trailer shall be parked, stored or standing in any fire lane designated pursuant to §68-3 of the Village Code at any time.

Section Six (6). Section 147-12 of the Code of the Village of Minoa is hereby deleted in its entirety and replaced with the following language:

The penalties for the violation of this chapter are contained in Title IX, Article 45 and §§1200(c),(d) and 1180 of the Vehicle and Traffic Law of the State of New York, and Chapter 113 of the Village of Minoa Code. In addition, a violation under §§147-7, 8, 9 or 9A of the Village of Minoa Code may be addressed and penalized as provided for at §136-15(E) of the Village of Minoa Code.

Section Seven (7). EFFECTIVE DATE.

This Local Law shall take effect immediately upon its filing in the office of the Secretary of State.

(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.3 of 2008 of the ~~(County)(City)(Town)~~(Village) of Minoa was duly passed by the Village Board of Trustees of the Village of Minoa on April 21, 2008 in accordance with the applicable provisions of law.

~~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 19__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____, 19__, and was (approved)(not approved)(repassed~~

~~_____ (Name of Legislative Body) disapproval) by the _____ and was deemed duly adopted on _____, 199__~~
~~(Elective Chief Executive Officer*)~~

~~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 199__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____, 19__, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 19__. Such local law was _____

(Elective Chief Executive Officer)*

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 _____ 19__, 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 19__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19__, and was (approved)(not approved)(repassed after

(Name of Legislative Body)

disapproval) by the _____ on _____ 19__ Such local law was subject to

(Elective Chief Executive Officer)*

permissive referendum and no valid petition requesting such referendum was filed as of _____ 19__, in accordance with the applicable provisions of law.

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 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 _____ 19__, 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 19__ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 19__, 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 one (1) above.



Suzanne Snider, Village Clerk

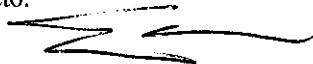
Date: April 28, 2008

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF ONONDAGA

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.



Signature
Steven J. Primo

Attorney for the Village
Title
County
City of Minoa
Town Village

Date: 4/28 2008

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a countywide 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.