

**DISTRIBUTION LIST**

**Richard Donovan, Mayor**  
**Edmond Theobald, Trustee**  
**Ronald Cronk, Trustee**  
**William Brazill, Trustee**  
**John Champagne, Trustee**  
**Steven Primo, Attorney**  
**Thomas Petterelli, DPW Superintendent**  
**Janet Stanley, Justice**  
**Richard J. Greene, Codes Enforcement Officer**  
**Chief Pat Flannery**  
**Town of Manlius**  
**Village of Fayetteville**  
**Donna DeSiato, Superintendent ESM School District**  
**Manlius Historical Society**  
**Minoa Library**  
**John Regan**

April 21, 2008

**PUBLIC HEARING  
LOCAL LAW #3 FOR  
2008 – FIRE LANES**

Upon due notice to all members of the Village Board, a Public Hearing was held on Monday, April 21, 2008 at 7:25 p.m. at the Municipal Building, 240 N. Main Street, Minoa, NY. The purpose was to consider the enactment of Local Law #3 for 2008 for the Village of Minoa relating to the amendment the Village of Minoa Municipal Code relative to the obstruction of designated fire lanes on privately owned property devoted to public use.

**PRESENT:** Mayor Donovan  
Trustee Cronk  
Trustee Brazill  
Attorney Primo  
Clerk/Treasurer Snider

**ALSO PRESENT:** Dave Matthes, Jr., Nicholas Erard, Jr., Eric Christensen,  
Thomas Petterelli, John Sears, and Dave Matthes, Sr.

**ABSENT:** Trustee Champagne and Trustee Theobald

**PROOF OF  
PUBLICATION**

A motion was made by Trustee Brazill and seconded by Trustee Cronk agreeing to waive the reading of the Proof of Publication of Public Hearing. All in favor. Motion carried.

**PURPOSE OF PUBLIC  
HEARING**

Mayor Donovan called the Public Hearing to order at 7:26 p.m. for Local Law #3 for 2008 for the Village of Minoa relating to the amendment the Village of Minoa Municipal Code relative to the obstruction of designated fire lanes on privately owned property devoted to public use.

Mayor Donovan turned the Public Hearing over to Attorney Primo for an overview of the proposed Local Law.

Below is the proposed Local Law #3 for 2008:

**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.
- (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.

**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 Subdivision (h) of §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.

Attorney Primo said there were a few changes to the original proposed law as made by Richard Greene, Codes Enforcement Officer, which defined the definition of a Fire Lane as stated by the New York State Uniform Code. Attorney Primo said the law would authorize the Codes Enforcement Officer and police agencies to provide appearance tickets on violations. He said there were fire lanes in the previous code, but did not provide authorization to ticket violations. Attorney Primo said the proposed law would enable the Village of Minoa to tow away vehicles and assess the vehicle and/or owner of the property the associated towing fees plus 30% administration fees.

Mayor Donovan said the law came to life due to continued violations at The Crossings and statements made from the Town of Manlius Police.

**COMMENTS FROM  
THE VILLAGE**

Trustee Cronk said that it was a good law, but was sorry that they had to go to such extremes.

## BOARD

**PUBLIC COMMENTS** Dave Matthes, Jr., Assistant Chief of the Minoa Fire Department asked if the definition of “fire apparatus” could be expanded to include EMS vehicles. Attorney Primo said the original definition came from the New York Uniform Code, but could be updated to include EMS vehicles. Mayor Donovan agreed that it should cover any vehicle responding to an alarm.

Mr. Matthes, Jr. expressed concern about physically moving a vehicle in the event of an emergency and the potential damage to the vehicle. Mr. Matthes, Jr. asked who would be ultimately responsible for the damages. Attorney Primo said there are a different set of laws that apply when moving vehicles in an emergency situation. Attorney Primo said there are extensive degrees of immunity to the municipality in such an event.

Mr. Matthes, Jr. said while recently responding to a fire drill they were unable to get within 25 feet of the building and they were hesitant to move the vehicles. Attorney Primo said the proposed law does not address the case of an emergency, but addresses the persistent violator, tickets them accordingly and will hopefully deter them in the future from parking in a fire lane. Attorney Primo said that in a true emergency they would need to move the vehicle as necessary.

Mr. Matthes, Jr. said they would prefer not to physically move cars, but if it was a life or death situation they would have to move the vehicle.

Mayor Donovan said that when the law is approved by the Village of Minoa it is then forwarded to New York State for approval. Upon their approval the Village Office will notify the Town of Manlius Police, who will then ticket appropriately as needed. Mayor Donovan said if they are on a working fire call, then they would have to move the vehicle and do what is reasonable during an emergency situation.

Nicholas Erard, Jr., suggested that they put markings on the pavement, along with signage verifying that it is a fire lane. Mayor Donovan said they cannot force them to place signs on private property, but he will speak with the director at The Crossings about signage. Mayor Donovan said there are a few consistent violators and believes that once they’ve been ticketed or towed it should resolve the problem.

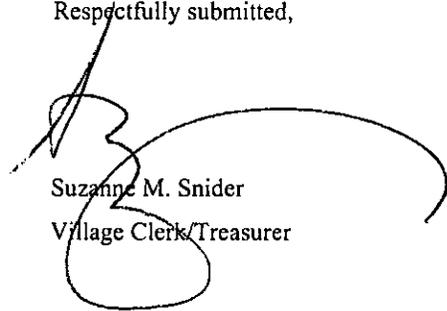
Mr. Erard, Jr. stated that there was a car and a van parked in the fire lane at ESM school and said that had there been an emergency a fire truck wouldn’t have been able to get in to respond correctly. Mayor Donovan said the issue had been addressed and he didn’t think that it would happen again.

Attorney Primo said there isn't anything in the code that requires signage and striping and it is not included in the drafted law, so would be difficult to force them to provide the signage on private property. Attorney Primo said that it would make sense that signage and striping be directed by the Codes Enforcement Officer.

**PUBLIC HEARING  
CLOSED**

A motion was made by Trustee Brazill and seconded by Trustee Cronk to adjourn the Public Hearing for Local Law #3 for 2008 at 7:41 p.m. All in favor. Motion carried.

Respectfully submitted,

A large, stylized handwritten signature in black ink, appearing to be 'Suzanne M. Snider', written over the typed name and title.

Suzanne M. Snider  
Village Clerk/Treasurer