

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

of Philmont

Local Law No. 3 of the year 2024

A local law amending Chapter 144 of the Code of the Village of Philmont to provide
for Vehicle Towing and Storage.

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

County
City
Town
Village

of Philmont as follows:

Section 1. Be it enacted by the Village Board of Trustees of the Village of Philmont that Chapter 144 of the Code of the Village of Philmont is hereby amended to add Article XV to read as follows:

Section 2. ENACTMENT.

ARTICLE XV Vehicle Towing and Storage

§ 144-54. Legislative Intent.

Pursuant to the New York State Vehicle and Traffic Law § 1640 the Village of Philmont is enabled to regulate, prohibit, restrict, or limit the parking of vehicles upon public highways maintained by the Village within Village limits. The Village Board of the Village of Philmont has determined that vehicles are being left in violation of village parking regulations on village streets where not permitted. Vehicles are being abandoned on village streets and lots

where not permitted. Such disregard of the parking regulations, and/or improper long term parking and/or abandonment can constitute a hazard to the health, safety and welfare of the citizens of the Village of Philmont and constitutes a public nuisance.

§ 144-55. Towing and Removal of abandoned or illegally parked vehicles.

A vehicle may be removed by or under the direction of any Village police officer:

- A. When any vehicle is parked or abandoned on any village street or parking lot during a snowstorm, flood, fire, or other public emergency which affects that portion of the public street upon which said vehicle is parked or abandoned.
- B. When any vehicle is found unattended on any street in this Village where said vehicle constitutes an obstruction to traffic.
- C. When the vehicle may be deemed hazardous or any emergency by the Village police.
- D. When any vehicle is parked or abandoned on any street or parking lot in this Village where stopping, standing, or parking is prohibited.

§ 144-56. Signage.

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.

§ 144-57. Vehicle Towing.

Where a vehicle is found parked in violation of the provisions of this chapter, a Village of Philmont Police Officer:

- A. Shall issue a parking violation to said vehicle containing the identifying information for the vehicle, such as the license plate number, VIN Number, registration number, color and make of vehicle, date and time of violation and location of the tow away zone.
- B. Shall immediately contact a designated a duly licensed towing company to remove the vehicle to a suitable location as designated by the Officer in Charge of the Village Police Department.
- C. The owner of said vehicle shall be responsible for any and all charges billed by the towing company.
- D. The vehicle may be redeemed upon payment to the towing company of the amount for towing and storage as set from time to time by resolution of the Village board, representing the actual and necessary expenses incurred for the towing and storage services.

- E. If the owner of the vehicle being towed is not present at the time of said tow, the Police Department shall have the duty to ascertain, to the reasonable extent possible, the owner of the vehicle or a person having charge of same, and to notify them of the removal and disposition of the vehicle and the estimated fee which will be required to redeem same.

§ 144-58. Unclaimed Vehicles, Charges.

Any vehicle unclaimed by the owner may be disposed of by the Village of Philmont, and any fees or charges paid for by the sale of said vehicle. Any proceeds of sale shall become the property of the Village of Philmont. Any fees or charges remaining due after disposition of the vehicle shall become a charge enforceable against the vehicle owner.

§ 144-59. Title. This article may be referred to as the "Village of Philmont Vehicle Towing and Storage law."

Section 3. VALIDITY AND SEVERABILITY.

If any section or part of this local law is declared invalid or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect of any other section of this local law.

Section 4. EFFECTIVE DATE.

This local law shall be effective in accordance with the applicable law after filing with 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 2024 of the Village of Philmont was duly passed by the Village Board of Trustees on 7/8/24,
(Name of Legislative Body)
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 20____ of the (County) (City) (Town) (Village) of _____ was duly passed by the _____ on _____, 20____, and was (approved)(not approved)(repassed after
(Name of Legislative Body)
disapproval) by the _____ and was deemed duly adopted on _____, 20____,
(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 20____ of the (County) (City) (Town) (Village) of _____ was duly passed by the _____ on _____, 20____, and was (approved)(not approved)(repassed after
(Name of Legislative Body)
disapproval) by the _____ on _____, 20____. Such local law was
(Elective Chief Executive Officer*)
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 (approved)(not approved)(repassed after
(Name of Legislative Body)
disapproval) by the _____ on _____, 20____. Such local law was subject
(Elective Chief Executive Officer*)
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 chairman 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.

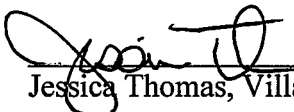
5. ~~(City local law concerning Charter revision proposed by petition.)~~

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 _____, _____, 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.



Jessica Thomas, Village Clerk

(Seal)

Date: July 8, 2004