

Local Law #7 for the year 2003

Seasonal Storage Law for East Lake Road in the Town of Conesus

§ Section 1. Purpose and Statutory Authorization:

This enactment is designed to promote the health, safety, general welfare and property of the people of the Town of Conesus by imposing regulations to help ensure the legal and safe conduct of storage along the portion of East Lake Road that is in the Town of Conesus.

This local law is enacted pursuant to Article 35, Section § 1603: Delegation of powers, of the Vehicle and Traffic Law of the State of New York, the General Municipal Law, the Town Law of the State of New York, the Municipal Home Rule Law of the State of New York, and the NYCRR Title 19 - "The New York State Uniform Code", as these same may be amended from time to time.

§ Section 2. Definitions:

The words and phrases used in this ordinance shall have the meanings normally accepted and/or respectively ascribed to them by Article 1 – Section #100 inclusive of the Vehicle and Traffic Law of the State of New York.

The following words and phrases, which are not defined by Article I of the Vehicle and Traffic Law of the State of New York, shall have the meanings respectively ascribed to them in this section for the purposes of this ordinance.

- CENTERLINE – This is the exact center of a roadway and measurement outward from this point shall be east and west, or north and south, for permitted distances. Where available the center painted line of the roadway may be used and considered the roadway center.
- CURBLINE - The prolongation of the lateral line of a curb or, in the absence of a curb, the lateral boundary line of the roadway, also to be known as the Right-Of-Way.
- OBJECT – See definition for PROPERTY.
- OFFICIAL TIME STANDARD - Whenever certain hours, dates, months or seasons are named herein or on traffic control devices, they shall mean the time standard that is in current use in this state.
- PROPERTY – As referred to in this local law shall have the accepted meaning and further be known to be the sum total of one’s possessions, tangible and intangible, or an item considered as part of one’s property. Also, ownership, right of possession or disposal of anything at that person(s) or group(s) disposal because of documented or implied personal or assigned ownership.
- RIGHT-OF-WAY (ROW) - Includes all portions of a roadway owned or maintained by the Town of Conesus or used for public travel in the Town of Conesus. The measurements thereof to be consistent with those Right of Way (ROW) measurements legally documented by the Town of Conesus Highway Department, the Livingston County Highway Department or the New York State Department of Transportation.
- STORM WARNING – This is as defined by the National Weather Bureau and may be received by the Town of Conesus over accepted telecommunication devices.

§ Section 3. Authority to install Signage:

The Highway Superintendent shall install and maintain signage to control storage when and as required under the provisions of this ordinance, to make effective the provisions of this ordinance, and may install and maintain such additional control devices as he may deem necessary to regulate, warn or guide traffic away from legally stored property under the Vehicle and Traffic Law of the State of New York, subject to the provisions of 1682 and 1684 of that law.

§ Section 4. Type of Signage and Distance Separation of Signs:

- Each sign installed shall be approximately 18 inches by 18 inches.
- The Official Time Standard and sign wordage shall read as follows: “NO STORAGE, FROM NOVEMBER 1ST TO MARCH 31ST, Within sixteen (16) feet from Centerline of this road. Town of Conesus - Local Law # 7-2003.”
- Distance separation shall be 500 feet between signs interspaced from the eastside to the westside of the roadway.
- Sign(s) to be produced by the County Highway Department Sign Shop at nominal cost to the Town.

§ Section 5. Seasonal parking restrictions:

- The storage of any property(s) within sixteen (16) feet east and west from centerline on all of East Lake Road (3.16 miles) that is located in the Town of Conesus is hereby prohibited.
- This ordinance shall be in effect from the first day of November in each year and continuing through the 31st day of March in the succeeding year.
- It shall be the responsibility of each property(s) owner, or operator responsible for such object(s), to remove said property(s) from the described restricted area during these dates.
- The Town of Conesus Highway Superintendent, or an appointed designee, shall have the authority to remove, or ask to have removed, when possible, any object(s) or vehicle(s) whenever snow removal operations are in progress, or immediately pending snow operations because of a designated “Storm Warning”.
- In no case or circumstance shall any property(s) be allowed closer than sixteen (16) feet to the centerline of the portion of East Lake Road located in the Town of Conesus during this seasonal time period for longer than twenty-four (24) hours.

§ Section 6 Removal and Storage of Property:

Part A. Authority to impound property.

- When any property(s) is stored or abandoned within the sixteen feet restriction area during a snowstorm, flood, fire or other public emergency that affects the aforementioned roadway or area, said property(s)

should be immediately removed by or under the direction of the Highway Superintendent or a designated representative.

- The Highway Superintendent, or a designated representative, shall have the power to cause the removal, disposal or storage of any property(s) in the restricted area of the aforementioned roadway left unattended for more than twenty-four (24) hours.
- When any object(s) or property(s) is found unattended or abandoned on or within the restricted area and said object(s) or property(s) constitute(s) an obstruction to traffic or a work operation, said object(s) or property(s) should be removed by or under the direction of the Highway Superintendent or a designated representative.
- When any of the aforementioned conditions exist, the Highway Superintendent, or a designated representative, may call the Livingston County Sheriff's Department or the New York State Police Department to enforce the requirements of this ordinance.

Part B. Storage and Fee Charges.

After removal of any object(s) as provided in this ordinance, the Highway Superintendent may store, or cause such property(s) to be stored, in a suitable place at the expense of the owner. Such owner or person in charge of the property(s) may redeem the same upon payment of the amount of all expenses actually and necessarily incurred in affecting such removal and storage to the person with whom stored.

Part C. Notice of removal.

- It shall be the duty of the Highway Superintendent to ascertain to the extent possible the owner of the property(s), or the person having the same in charge, and to notify him or her of the removal and disposition of such object(s) and of the amount which will be required to redeem the same. The Highway Superintendent or designated representative shall also without delay report the removal and disposition of any property(s) removed as provided in this ordinance to the Town Clerk.
- The Town Clerk shall keep a record of such for informational purposes to queries of property owner(s).
- The Town Highway Superintendent, or designated representative, or the Town Clerk, shall cause to be made, as to any property(s) removed pursuant to this ordinance, a report to the Livingston County Sheriff's Office and NYS Police as required under the Vehicle and Traffic Law. A phone call may suffice if approved by the aforementioned police agencies.
- Where the object(s) or property(s) has been in the possession of the town for more than thirty (30) days and is unclaimed, then the Town Superintendent of Highways, or other town official, as designated by the Town Board, may sell the same at public sale upon notice of such sale being posted at the Town Hall, and in one other accepted means of Public Notice, by the Town of Conesus at least five (5) days, weekends and holidays not included, before the date of sale. The official conducting the sale may, in his or her discretion, give other publicity to such sale, or he, or she, may delay the sale with just cause.

§ Section 7. Penalties for offenses:

Every person convicted of a violation of this local law shall be guilty of a traffic infraction. The penalty for a violation of any provision of this local law which is not a violation of any provision of the Vehicle and Traffic Law of the State of New York shall, for a first conviction thereof, be punished by a fine of not more than fifty dollars (\$50.) or by imprisonment for not more than fifteen (15) days, or by both such fine and imprisonment; for a second such conviction within three (3) months thereafter, such person shall be punished by a fine of not more than one hundred dollars (\$100.) or by imprisonment for not more than forty-five (45) days, or by both such fine and imprisonment; upon a third or subsequent conviction within eighteen (18) months after the first conviction, such person shall be punished by a fine of not more than two hundred fifty dollars (\$250.) or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment.

§ Section 8. Acceptance.

- Except those parts, if any, which are subject to approval under § 1684 of the Vehicle and Traffic Law of the State of New York, this ordinance and any regulations adopted hereunder shall take effect as provided by law and upon filing with the Secretary of State.
- Any part(s) of this ordinance and/or any regulation(s) adopted hereunder which are subject to approval under § 1684 of the Vehicle and Traffic Law of the State of New York shall take effect from and after the day on which approval, in writing, is received from the New York State Department of Transportation.

§ Section 9. Severability:

If any section, subsection, paragraph, sentence, clause or provision of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such adjudication shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the section, subsection, paragraph, sentence, clause or provision thereof directly involved in the controversy in which such judgments shall have been rendered.

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§ Section 4. Type of Signage and Distance Separation of Signs:

- The Official Time Standard and sign wordage shall read as follows: “NO STORAGE, FROM NOVEMBER 1ST TO MARCH 31ST, Within sixteen (16) feet from Centerline of this road. Town of Conesus - Local Law #7-2003.”

Example – 8/5/03

NO STORAGE
FROM NOVEMBER 1ST
TO MARCH 31ST
Within sixteen (16) feet
from Centerline of this road.
Town of Conesus
Local Law # 7–2003.