

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 Hewlett Neck _____

Local Law No. 6 of the year 2018

A local law to amend the Code of the Village of Hewlett Neck, in relation to
(Insert Title)
penalties for traffic and parking violations, including parking, standing, stopping,
registration and inspection violations, in the Village of Hewlett Neck.

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

County City Town Village
(Select one:)

of Hewlett Neck _____ as follows:

Section one. The Code of the Village of Hewlett Neck is hereby amended, by amending section 140-24, to read as follows:

§140-24. Penalties.

A. Penalties for violations other than parking, standing, stopping, registration and inspection violations.

Unless otherwise provided, any person convicted of a traffic infraction for a violation of this Chapter, other than parking, standing, stopping, registration and inspection violations, 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 \$100 or by imprisonment for not more than 15 days, or by both such fine and imprisonment; for a second such conviction within 18 months thereafter, such person shall be punished by a fine of not more than \$200 or by imprisonment for not more than 15 days, or by both such fine and imprisonment; and upon a third or subsequent conviction within 18 months after the first conviction, such person shall be punished by a fine of not more than \$300 or by imprisonment for not more than 15 days, or by both such fine and imprisonment.

B. Fines for enumerated parking violations.

Any person convicted of a violation of any of the parking regulations of this Chapter shall be fined for each such violation in an amount as determined by resolution of the Board of Trustees, as set forth in §140-43.

C. Fine for unregistered vehicle.

Any person convicted of owning or operating an unregistered motor vehicle in violation of §140-41 of this Chapter shall be fined in accordance with the provisions of the Vehicle and Traffic Law of the State of New York.

D. Fine for uninspected vehicle.

Any person convicted of owning or operating an unregistered motor vehicle in violation of §140-42 of this Chapter shall be fined in accordance with the provisions of the Vehicle and Traffic Law of the State of New York.

E. Fines for stopping violations.

Any person convicted of a violation of any of the stopping regulations of this Chapter shall be fined for each such violation in an amount as determined by resolution of the Board of Trustees, as set forth in §140-44.

F. Fines for other parking and standing violations.

Any person convicted of a violation of any parking regulation not listed in §140-43 or a violation of any of the standing regulations of this Chapter shall be fined for each such violation in an amount as determined by resolution of the Board of Trustees, as set forth in §140-45.

Section two. The Code of the Village is hereby amended, by adding Article VII, including sections 140-41 and 140-42, to Chapter 140, to read as follows:

Article VII. Vehicle Registration and Inspection.

§140-41. Valid motor vehicle registration.

No person or entity shall own or operate a motor vehicle within the Village unless such motor vehicle is registered properly with the New York State Department of Motor Vehicles or an agency of some other state or jurisdiction that has valid authorization to register such vehicle, and the vehicle bears such current and valid registration on the front windshield.

§140-42. Valid motor vehicle inspection.

No person or entity shall own or operate a motor vehicle within the Village unless such vehicle bears a current motor vehicle inspection sticker or similar device or authorization issued by the New York State Department of Motor Vehicles or an agency of some other state or jurisdiction where such motor vehicle is registered currently.

Section three. The Code of the Village is hereby amended, by adding Article VIII, including sections 140-43, 140-44, 140-45 and 140-46, to Chapter 140, to read as follows:

Article VIII. Schedules of Fines and Penalties.

§140-43. Fines for Enumerated Parking Violations.

In accordance with the provisions of §140-24(B), any person convicted of a violation of any of the parking regulations of this Chapter as enumerated herein shall be fined the following amounts, as set by resolution of the Board of Trustees, for each such violation:

Violation	Fine
Prohibited parking (§140-15(B))	\$50
Overnight parking (§140-15(A))	\$50
Limited time parking (§140-15(A))	\$50
Loading Zones (§140-18)	\$50
Taxi Stands (§140-19)	\$50
Bus stops (§140-20)	\$50
Parking at driveways (§140-15(C))	\$50
Parking left side to curb (§140-15(D))	\$50
Handicapped spaces (§140-15(E))	\$90
Fire Hydrant (§14015(F))	\$85

§140-44. Fines for Stopping Violations.

In accordance with the provisions of §140-24(E), any person convicted of a violation of any of the stopping regulations of this Chapter (§140-17) shall be fined the following amount, as set by resolution of the Board of Trustees, for each such violation:

Violation	Fine
Stopping prohibited (§140-17)	\$50

§140-45. Fines for other Parking and Stopping Violations.

In accordance with the provisions of §140-24(F), any person convicted of a violation of any parking regulation not listed in §140-43 or a violation of any of the standing regulations of this Chapter shall be fined the following amounts, as set by resolution of the Board of Trustees, for each such violation:

Violation	Fine
Parking: snow emergency route	\$50
Double parking	\$50
Parking violations not listed in §140-43	\$50
Standing prohibited (§140-16)	\$50

§140-46. Penalties for failure to answer appearance ticket or summons.

A. Legislative findings and intent.

The Board of Trustees of the Village of Hewlett Neck finds that the disregard by persons of appearance tickets or summons issued for violations of laws, ordinances, rules or regulations involving parking, standing or stopping of vehicles is detrimental to the health, safety and welfare of the residents of Hewlett Neck and that such disregard may contribute to the development of an attitude of lack of respect for local laws and the enforcement thereof. It is therefore the intent of the board of Trustees of the Village of Hewlett Neck, as an exercise of its police power, to promote the general health, safety and welfare of the residents of Hewlett Neck by enacting this section.

B. Failure to answer appearance ticket or summons; penalties for offenses.

Upon the failure of a person or owner of a vehicle to appear or answer, on or before the return date or any subsequent adjourned date, an appearance ticket or summons charging that said person or owner permitted a vehicle to be parked, stopped or standing in violation of the provisions of this Chapter, late penalties shall be imposed as follows:

1. If the appearance ticket is not answered or the fine is not paid on or before the return date of the appearance ticket or summons or the person or owner fails to appear on, or pay any fine on or before, any subsequent adjourned date, a late penalty equal to the original fine shall be added to the fine.
2. If the appearance ticket is not answered or the fine is not paid within 60 days of the return date of the appearance ticket or summons or of a subsequent adjourned date, a late penalty equal to the original fine shall be added to the fine.
3. If the appearance ticket is not answered or the fine is not paid within 90 days of the return date of the appearance ticket or summons or of a subsequent adjourned date, a late penalty equal to the original fine shall be added to the fine.
4. If the appearance ticket is not answered or the fine is not paid within 120 days of the return date of the appearance ticket or summons or of a subsequent adjourned date, a late penalty equal to the original fine shall be added to the fine.

Section four. Any local law, ordinance, or resolution of the Village of Hewlett Neck in conflict with this local law is hereby repealed to the extent of such conflict, except that such repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of such local law, ordinance or resolution prior to the effective date of this local law.

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

Section six. This local law shall take effect immediately upon adoption and filing of such law pursuant to the Municipal Home Rule Law.

(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. 6 of 2018 of the ~~(County)~~(City)~~(Town)~~(Village) of Hewlett Neck was duly passed by the Board of Trustees on March 27, 2018, in accordance with the applicable *(Name of Legislative Body)* 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) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* on _____ 20__, 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) *(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 *(Elective Chief Executive Officer*)* 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 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.

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.

Michelle Okin

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date: March 27, 2018