

TOWN OF CLIFTON PARK
COUNTY OF SARATOGA
STATE OF NEW YORK

NOTICE OF PUBLIC HEARING REGARDING
PROPOSED AMENDMENTS TO CHAPTER 194 OF THE TOWN CODE
RELATIVE TO PARKING ENFORCEMENT AND ADMINISTRATION

Please take notice that the Town Board of the Town of Clifton Park will conduct a public hearing on March 11, 2019, at 7:10 p.m. in the Wood Memorial Meeting Room in the Town Office Building, located at One Town Hall Plaza, Town of Clifton Park, County of Saratoga, State of New York to consider amendments to the Town's code relative to parking enforcement and administration.

The proposed legislation would establish an administrative parking violations agency within the Town, provide a streamlined mechanism for responding to and contesting parking tickets within the Town, reduce maximum fines in the first instance and impose a 25% penalty for failure to answer parking violations. The proposal would also eliminate outdated provisions for traffic provisions related to traffic surcharges and moving violations.

Copies of the proposed local law are posted at <https://cliftonpark.org/government/legal-notices.html>, and are available for review in the Town Clerk's office during normal business hours.

Patricia O'Donnell, Town Clerk

Chapter 194
Vehicles and Traffic

[HISTORY: Adopted by the Town Board of the Town of Clifton Park as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Streets and sidewalks — See Ch. 176.

Article I
Parking and/or Operation of Motor Vehicles

[Adopted 8-13-1991 by L.L. No. 14-1991]

§ 194-1 Purpose.

The purpose of this article is to protect the public health, welfare and safety by prohibiting and/or regulating the parking and/or operating of motor vehicles within the Town of Clifton Park.

§ 194-2 Definitions.

The following words when used in this article shall, for the purpose of this article, have the meanings respectively ascribed to them in this section.

PARKING

When parking is prohibited by this article, no person shall park a vehicle, whether occupied or not, but may stop or stand temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers or in the event of an emergency.

PERSON

Every natural person, firm, partnership, association or corporation.

TRAFFIC AND PARKING VIOLATIONS AGENCY

The Traffic and Parking Violations Agency will consist of the Town Attorney and Assistant Town Attorneys, as well as other employees and individuals as may be appointed by the Town Board, and shall have the authority to adjudicate all parking tickets issued pursuant to this Chapter, pursuant to Article II of this Chapter.

STOP or STOPPING

When prohibited, means any halting, even momentarily, of any vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic, to comply with the directions of a police officer or traffic control sign or signs or in the event of an emergency.

VEHICLE

Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or devices used exclusively upon stationary rails or tracks.

§ 194-3 Authority.

Pursuant to Vehicle and Traffic Law § 1660-a, Subdivision 10, and upon the written request of any of those individuals set forth in § 1660-a of the Vehicle and Traffic Law, the Town Board of the Town of Clifton Park does hereby:

- A. Add the position of Security Officer and continue the position of Parking Enforcement Officer and Code Enforcement Officer (hereinafter "Officer"), whose duties shall include enforcement of this article. This article may also be enforced by any other local law enforcement agency. **[Amended 7-15-2002 by L.L. No. 6-2002]**
- B. Authorize the Officer to designate, in accordance with the New York State Uniform Fire Prevention and Building Code, certain parking spaces as places for parking for handicapped persons to whom a permit has been issued pursuant to Vehicle and Traffic Law § 1203-a and for severely disabled persons to whom a special registration has been issued pursuant to Vehicles and Traffic Law § 404-a.

[C]. § 194-4 Handicapped Parking.

[Amended 3-20-1995 by L.L. No. 3-1995]

- A. The Clifton Park Town Board recognizes the importance of providing individuals with disabilities with accessible parking spaces within the Town of Clifton Park. In order to ensure that such parking spaces are readily available, [it is appropriate to raise fines for persons convicted of] parking in a space reserved for [people with disabilities] handicapped parking without special plates or a special parking permit is prohibited.
- B. No person shall stop, stand or park a vehicle in any space designated as a place for handicapped parking unless the vehicle bears a permit issued under Vehicle and Traffic Law § 1203-a or a registration under Vehicle and Traffic Law § 404-a and, in all cases, such vehicle is being used for the transportation of a handicapped or severely disabled person.

[C. Penalties. [Amended 5-2-2005 by L.L. No. 4-2005]

- (1) A conviction for the violation of parking in a space reserved for people with disabilities, without valid special plates or a valid special parking permit, shall be punishable by a fine not to exceed \$200, or a term of imprisonment not to exceed 15 days, or by both such fine and imprisonment.
- (2) For conviction of a second offense committed within 18 months of the first, the court shall impose a fine not less than \$150, nor more than \$300, or a term of imprisonment not to exceed 15 days, or both such fine and imprisonment.
- (3) For a conviction of a third or subsequent offense committed within 18 months of the first, the court shall impose a fine of not less than \$250, nor more than \$500[, or a term of imprisonment not to exceed 15 days, or both such fine and imprisonment].

§ 194-5 Stopping, Parking and Standing Regulations.

- A. [C.] No person shall stop, park or leave standing any vehicle, whether or not attended and/or occupied, upon the paved part or the main traveled part or along the shoulder of that portion of Clifton Park Center Road lying between Hemlock Drive and Beechwood Drive, Ivy Court, Evergreen Avenue, Elm Place and Biette Road. **[Amended 4-6-1998 by L.L. No. 2-1998]**
- B [D.] No person shall park or leave unattended any vehicle on any public or Town highway, road or street on the roads known and designated as Tallow Wood Drive and Heartwood Court during the time period of 11:00 p.m. through 6:00 a.m.
- C [E] No person shall park and leave unattended any vehicle on the road known and designated as Tracey Court during the time period of 7:00 a.m. through 4:00 p.m. Monday through Friday. **[Added 11-17-2003 by L.L. No. 11-2003]**

D. [E] No person shall park or leave unattended any vehicle on the street or road known as Parkside Trail at any time where no-parking signs are posted. [Added 4-5-2010 by L.L. No. 2-2010]

F. [§ 194-6] **Parking During Snowfalls.**

No person shall park or leave unattended any vehicle on the pavement or shoulder of any Town highway, road or street during a period of snowfall, sleet, freezing rain or other winter-type weather and for a forty-eight-hour period after the precipitation ceases.

G. [§ 194-7] **Recreational Vehicles.**

No person shall park or leave unattended any recreational vehicle, boat and/or trailer on any Town highway, road or street for longer than a forty-eight-hour period.

H [§ 194-12] **Parking Near Emergency Locations.**

No person shall park any vehicle other than emergency vehicles upon the street or roadway in front of any firehouse or ambulance station or within a radius of 15 feet of any fire hydrant or within 500 feet of any building or area where a fire is located.

I [§ 194-13] **Parking in Fire Lanes.**

[Amended 10-17-1994 by L.L. No. 8-1994]

J. No person shall park or leave unattended any vehicle in any fire lane. In certain posted areas, vehicles in violation of this section may be towed away as provided in § 73-15 of this Code.

§ 194-6 [8] **Parklands.**

[Amended 4-6-1998 by L.L. No. 2-1998]

A. [§ 194-11] **Parking in designated areas only.**

No person shall park or leave unattended any vehicle in any area of the Clifton Commons or other Town-owned parks other than in designated areas and/or spaces.

B. [194-8] **Operation of a Motor Vehicle in Town Parks.**

No person shall operate or drive a vehicle on Town parklands other than on the recognized and customarily traveled, paved and/or graveled roadways and/or parking lots. Additionally, the use of motorized vehicles shall be restricted on Town-wide trails as provided in § 152-4 of the Town Code.

[§ 194-7] **Driving on shoulders of highways.**

No person shall operate or drive a vehicle on the shoulder of any highway within the Town of Clifton Park, absent emergency circumstances.]

C. [§ 194-9 [10] **Reckless and Destructive Driving.**

No person shall operate or drive a vehicle on Town Property, or within any Park or Preserve property, parking lot, or access road in an unsafe, reckless or destructive manner nor operate or drive any vehicle in a manner that creates a public nuisance or annoyance.

§ 194-[14] **Penalties For Offenses.**

[Amended 3-20-1995 by L.L. No. 3-1995; 5-2-2005 by L.L. No. 4-2005]

A. A violation of any section of this article shall be deemed a traffic infraction.

B. Except as otherwise set forth in § [194-4] 194-7F, upon a conviction of a violation of this article, such violation shall be punishable by a fine not to exceed [\$150] \$100.00. [, or a term of imprisonment not to exceed 15 days, or by both such fine and imprisonment]. [Amended 3-20-1995 by L.L. No. 3-1995]

C. Except as otherwise set forth in § [194-4] 194-7F, upon a second conviction of a violation of this

article, both committed within 18 months, such violation shall be punishable by a fine not to exceed [250] \$200. [, or a term of imprisonment not to exceed 15 days, or by both such fine and imprisonment].

- D. Except as otherwise set forth in § [194-4] **194-7F**, upon a third or subsequent conviction of a violation of this article, all committed within 18 months, such violation shall be punishable by a fine not to exceed \$[500] \$300. [or a term of imprisonment not to exceed 15 days, or by both such fine and imprisonment].
- E. Where no answer has been made, or appearance entered, upon any such citation or violation within 20 days after the violation date, the Traffic and Parking Violations Agency may impose a penalty upon each violation upon plea, conviction or default.
- F. Penalties for Handicapped Parking Violations. Penalties. [Amended 5-2-2005 by L.L. No. 4-2005]
- (1) A conviction for the violation of parking in a space reserved for people with disabilities shall be punishable by a fine not to exceed \$200.
- (2) For conviction of a second offense committed within 18 months of the first, the court shall impose a fine not less than \$150, nor more than \$300.
- (3) For a conviction of a third or subsequent offense committed within 18 months of the first, the court shall impose a fine of not less than \$250, nor more than \$500. (Note- references to Imprisonment in former 194-4 C are removed.)
- (4) Where no answer has been made, or appearance entered, upon any such citation or violation within 20 days after the violation date, the Traffic and Parking Violations Bureau may impose a penalty upon each violation upon plea, conviction or default.
- G For violations of sections 194-6-8, driving on Town Property, or Reckless driving within Town Parks or Preserves, a fine not to exceed \$500 may be imposed and, as well as an orders of restitution in cases of damage to persons or property may be issued.

**[§ 194-15 Reimbursement for blood test expenses.
[Added 6-17-1996 by L.L. No. 4-1996]**

Anyone convicted in the Town Court for an alcohol or drug related driving offense shall reimburse the Town for any blood test expenses the Town incurs with regard to such person within 30 days of such conviction.]

[Article II **Vehicles and Traffic Surcharge**

[Adopted 10-4-2004 by L.L. No. 2-2004]

§ 194-16 Purpose.

The purpose of this article is to impose a local surcharge on convictions rendered in the Town Justice Court pursuant to the enabling authority of § 1809-D of the New York State Vehicle and Traffic Law, as added by Chapter 56 of the Laws of 2004.

§ 194-17 Local surcharge on convictions.

For convictions rendered in the Town of Clifton Park Justice Court for violations committed between the effective date of this article and September 1, 2005, which convictions are subject to a mandatory surcharge imposed pursuant to § 1809 of the New York State Vehicle and Traffic Law, there shall be an additional surcharge of \$10 per violation.

§ 194-18 Payment to Clerk of Court; Disposition of Surcharge.

The surcharge authorized by § 194-16 of this article shall be paid to the clerk of the court that rendered the conviction. Within the first ten days of the month next succeeding the collection of such surcharge, the court shall pay the surcharge upon application to the chief fiscal officer of the Town which imposed such surcharge. Such chief fiscal officer shall require such proof as is necessary in order to determine whether a refund is required by law.

§ 194-19 Refunds.

Any person who has paid a surcharge authorized by this article which is ultimately determined not to be required by this article shall be entitled to a refund of such surcharge upon application to the chief fiscal officer of the Town which imposed such surcharge. Such chief fiscal officer shall require such proof as is necessary in order to determine whether a refund is required by law.]

**ARTICLE [III] II
ADMINISTRATION AND ENFORCEMENT**

§ 194-[20] 8 Traffic and Parking Violations Agency.

- A. Pursuant to Article 14B of the New York State General Municipal Law, there is hereby established a Traffic and Parking Violations Agency, hereinafter referred to as TPVA, which shall have the authority to adjudicate all parking tickets issued pursuant to this Article.
- B. The Town Attorney and Assistant Town Attorneys are hereby designated to be a Judicial Hearing Officer to perform the duties set forth in Section 1806-a(4) of the New York State Vehicle and Traffic Law.

§ 194- [21] 9 Powers and Duties.

The powers and duties of the TPVA shall be as follows:

- A. To establish a schedule of fines which may be listed on the parking ticket.
- B. To assess fines, accept pleas and fines and to provide a mechanism for the efficient administration of this chapter.
- C. To accept fines and issue receipts to those who plead guilty or are found guilty.
- D. To resolve the claims of those who either plead guilty with an explanation or not guilty and mitigate the prescribed fine, in whole or in part, or refuse to mitigate the same.
- E. To keep a record of all violations issued, fines assessed and fines collected of which each person has pled or been found guilty during the preceding 36 months.
- F. Where an answer has not been made to a parking ticket within 20 days after the ticket was issued, to enter and file a default judgment of a fine not to exceed the maximum penalty allowed this section as determined by a judicial hearing officer pursuant to the provisions of Section 1806-a(4) of the Vehicle and Traffic Law.
- G. To perform such other or additional duties and keep such other and additional records as shall be prescribed by the Town Board of the Town of Clifton Park.
- H. To provide that a person who has received a parking ticket may answer and enter an appearance though a web-based application, by mail, or in person at the TPVA.

- I. The Agency is authorized to impose a penalty or enhanced fine upon each violation for failure to respond to the citation within the first 20 days after the date of violation.

§ 194-[22] 10. Entry Of A Plea.

A person who has received a parking ticket pursuant to this chapter may answer by appearing in person at the TPVA, by mail or on a web-based application and plead:

- A. Not guilty, whereupon the case will be transferred to the Clifton Park Town Court for a trial.
- B. Not Guilty with an explanation. The TPVA shall determine whether such explanation and/or documentation warrants the dismissal of the ticket and notice of said determination shall be sent to such person. If the TPVA determines that the ticket should not be dismissed, the case will be transferred to the Clifton Park Town Court for a trial.
- C. Guilty and pay the fine listed on the parking ticket.
- D. Guilty with an explanation. The TPVA shall determine whether such explanation and/or documentation warrants a mitigation of the fine, in whole or in part, or refuse to mitigate the same and notice of said decision shall be sent to such person.
- E. The TVBA shall retain authority to negotiate Plea agreements and compromise cases transferred to Clifton Park Town Court pursuant to section 194-22 A or B up to the time of trial.

§ 194-[22] 11. Right To A Trial.

Prior to the entry of a default judgment pursuant to Subdivision F of Section 194-21, a person who is not able to reach an agreement with the TPVA on the disposition of a parking ticket may request that the matter be transferred to the Clifton Park Town Court which shall conduct a trial.

§ 194-[23] 12. Right Of Counsel.

Any person appearing before the TPVA may be represented by an attorney.

§ 194-[24] 16. Fines.

All fines collected pursuant to this chapter shall be paid to the TPVA .

§ 194-[28] 17 Severability.

If any section, provision or part thereof in this chapter shall be adjudged invalid or unconstitutional by a court of competent jurisdiction, such adjudication shall not affect the validity of the chapter as a whole or any section, provision or part thereof not so adjudged invalid or unconstitutional.

§ 194-[29] 18 When Effective.

This chapter shall be effective April 1 2019 and shall also apply to all traffic tickets currently pending in the Clifton Park Town Court which shall be transferred to the Traffic and Parking Violations Bureau.