

## 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 VICTORY

Local Law No. 2 of the year 20 22

A local law entitled "Village of Victory Parking Regulation Law"  
(Insert Title)

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

☐ County ☐ City ☐ Town ☒ Village  
(Select one:)

of Victory, Saratoga County, New York as follows:

See Attached

(If additional space is needed, attach pages the same size as this sheet, and number each.)

## VILLAGE OF VICTORY

### LOCAL LAW 2 OF 2022

#### A LOCAL LAW ENTITLED: "VILLAGE OF VICTORY PARKING LOCAL LAW"

BE IT ENACTED by the Village Board of the Village of Victory as follows:

##### Section 1: Title.

The title of this local law shall be "Village of Victory Parking Regulation Law." It may be cited as VOV LL 2-2022.

##### Section 2: Authority.

This local law is enacted pursuant to the authority of (a) Municipal Home Rule Law Section 10(1)(i), which authorizes a Village to adopt a local law not inconsistent with the provisions of the Constitution or not inconsistent with any general law relating to its property, affairs or government; (b) Vehicle and Traffic Law ("VTL") Section 1640, which authorizes the legislative body of any Village, subject to the limitations imposed by VTL Section 1684, to enact traffic regulations (including, without limitation, parking regulations, pedestrian crossing regulations, regulation of traffic at intersections and on through highways, and creation of one-way and limited access highways) in such Village by local law, ordinance, order, rule or regulation; and (c) Village Law ("VL") Section 20-2002, which provides that any orders, rules or regulations adopted by the Board of Trustees of a Village pursuant to VTL Sections 1640 and/or 1643 shall take effect immediately upon adoption (subject to the limitations imposed by VTL Section 1684), without notice or hearing, providing traffic control devices are placed and maintained in accordance with the Uniform Traffic Control Manual and Regulations of the New York State Department of Transportation.

##### Section 3: Legislative Intent; Conflict With Other Provisions.

It is the intent and purpose of this local law to enact parking regulations within the Village of Victory. Nothing herein shall be read to diminish any of the procedural or substantive rights of the Village of Victory established elsewhere in other local laws and ordinances of the Village of Victory.

##### Section 4: Parking Restrictions.

4.1 Definitions of Words and Phrases. For purposes of this local law, the following terms shall have the following meanings:

- 4.1.1 Any words or phrases used in this local law which are defined in Title I, Article 1 of the New York State Vehicle and Traffic Law shall have the meanings ascribed to them therein.

4.1.2 The following words and phrases, which are not defined in Title I, Article 1 of the New York State Vehicle and Traffic Law, shall have the meanings ascribed to them in this Section for the purposes of this local law:

4.1.2.1 COUNTY means the County of Saratoga.

4.1.2.2 EVEN NUMBERED DAYS are determined by the even-numbered dates of each month, such as 2, 4, 6, 8, and so forth.

4.1.2.3 EVEN NUMBERED SIDE means the side of the street that has house numbers that are even.

4.1.2.4 ODD NUMBERED DAYS are determined by the odd-numbered dates of each month, such as 1, 3, 5, 7, and so forth.

4.1.2.5 ODD NUMBERED SIDE means the side of the street that has house numbers that are odd.

4.1.2.6 OFFICAL TIME STANDARD – Whenever certain hours are named herein or on traffic control devices, they shall mean the time standard which is in current use in this state.

4.1.2.7 PUBLIC GARAGE means any building or facility where motor vehicles are parked, stored, serviced or repaired, and whose space and facilities are available to the public, with or without fee or charge, without regard to residence, business or employment of the motor vehicle owner or operator seeking such space of facilities.

4.1.2.8 STATE means the State of New York.

4.1.2.9 TOWN means the Town of Saratoga.

4.1.2.10 VILLAGE means the Village of Victory, Saratoga County, New York.

4.1.2.11 WINTER SEASON means the period from November 1 of each year to March 31 of the following year.

4.2 Parking Vehicles in Violation of Seasonal Alternate Parking Restrictions. No person shall park any vehicle on any public highway or bridge within the corporate limits of the Village of Victory, Saratoga County, New York in violation of the following seasonal, alternate-side parking restrictions:

4.2.1 Seasonal Alternate Parking. During the Winter Season, for twenty-four hour periods commencing at 8:00 p.m., Vehicles shall be parked in the Village only on the odd-numbered side of the street on odd-numbered days of the month and

only on the even-numbered side of the street on even-numbered days of the month. The date of the day at 8:00 p.m. determines the side on which parking is allowed. When a person parks on a side of a street where parking is allowed for 24 hours on odd days and it is an odd-numbered day of the month at the time the person is parking and it is after 8:00 p.m., the person may allow the vehicle to remain in that spot until 8:00 p.m. of the following day, when the vehicle must be moved to the other side of the street which will allow the same parking for 24 hours after 8:00 p.m. on the even-numbered date of the month.

4.3 Stopping, Parking or Standing Vehicles in Violation of Posted Signs. No person shall stop, park or leave standing any vehicle, whether attended or unattended, on any public highway, bridge, structure, access drive, or other place within the corporate limits of the Village of Victory, Saratoga County, New York, where posted to the contrary.

Section 5: Removal of Illegally Stopped, Parked or Standing Vehicles.

5.1 Authority To Remove. Any vehicle stopped, parked or standing on any public highway, bridge, structure, access drive or other place within the corporate limits of the Village of Victory, Saratoga County, New York, may be removed and conveyed by or under the direction of the Mayor of the Village or a member of the Village of Victory Public Works Department, by means of towing the same to any public garage whenever:

- 5.1.1 Such vehicle shall be found parked in violation of Sections 4.2 and 4.2.1 of this local law; or
- 5.1.2 Such vehicle shall be found stopped, parked or standing in violation of Section 4.3 of this Law, or in violation of any other Village, County or State ordinance, law, code rule or regulation; or
- 5.1.3 It is necessary to move such vehicle during or following a snow storm to facilitate snow removal or during flood, fire or other public emergency; or
- 5.1.4 Such vehicle is found within a no-parking-tow away zone, when posted, within the corporate limits of the Village of Victory.

5.2 Removal at Owner's Expense. Whenever a vehicle is removed under circumstances set forth in Section 5.1, such removal shall be at the owner's risk and the cost of removal and storage of any vehicle as herein authorized shall be a lien on any vehicle so removed and stored and may be collected by a public sale thereof.

5.3 Retrieval by Owner. Before the owner of a vehicle so removed and stored shall be permitted to remove such vehicle, he shall furnish to the Village Clerk:

- 5.3.1 Satisfactory evidence of identity and ownership;
- 5.3.2 A receipt from the garage or storage facility to which said vehicle was removed, indicating that all towing and storage charges have been paid; and

5.3.3 Proof that said vehicle shall be removed by and towed or driven by a person holding a valid operator's or chauffeur's license.

5.4 Clerk's Records. The Village Clerk shall keep a record of:

5.4.1 Owners of vehicles so removed and stored;

5.4.2 Other persons claiming the same;

5.4.3 License number of said vehicle; and

5.4.4 Such other descriptive matter as may identify said vehicle, and the nature and circumstances of removing and storing said vehicle as well as they may be ascertained.

5.5 Prosecution Rights Reserved. The provisions in Sections 5.1 through 5.4 of this local law regarding the removal of vehicles, shall not in any way be interpreted or construed so as to prevent or stay the prosecution of an owner or driver of a vehicle for the violation of any ordinance, law, code, rule or regulation on account of which said vehicle was removed and stored.

Section 6: Enforcement and Penalties. Any person who violates any provision of this local law, as amended from time to time, shall be guilty of a traffic infraction and shall, upon conviction, be subject to such fines and penalties as provided in Section 1800 of the Vehicle and Traffic Law of the State of New York, and the acts amendatory and supplemental thereto.

Section 7: Severability.

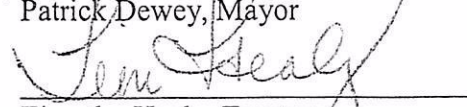
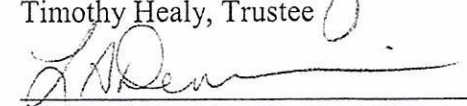
If any term or provision of this local law, or the application thereof to any person or circumstance, shall to any extent be determined by a court of competent jurisdiction to be invalid or unenforceable, the remainder of this local law, or the application of such term or provision to persons or circumstances other than those to which it is held invalid or unenforceable, shall not be affected thereby, and each term and provision of this local law shall be valid and be enforced to the fullest extent permitted by law.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

Section 8: Effective Date.

This local law shall take effect upon adoption and filing with the Secretary of State, as provided in Section 27(3) of the Municipal Home Rule Law.

ENACTED this 9<sup>th</sup> day of November, 2022 by the Board of Trustees of the Village of Victory, Saratoga County, New York.

  
\_\_\_\_\_  
Patrick Dewey, Mayor  
  
\_\_\_\_\_  
Timothy Healy, Trustee  
  
\_\_\_\_\_  
Leslie A. Dennison, Trustee

[SEAL]

ATTEST:

  
\_\_\_\_\_  
Maureen Lewsey, Village Clerk

**(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. 2 of 2022 of the (Village) of Victory was duly passed by the Board of Trustees of the Village of Victory on November 9 20 22, in accordance with the applicable provisions of law.  
(Name of Legislative Body)

**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 \_\_\_\_\_ above.

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

Date:

11/9/22

(Seal)