

Chapter 222: VEHICLES AND TRAFFIC

§ 222-1. Title and Purpose.

This chapter shall be known and may be cited hereinafter as the "Vehicle and Traffic Law of the Village of South Blooming Grove." It is the aim of the Village Board of the Village of South Blooming Grove to provide for safety of motor vehicle operation on Village roads and highways; and for regulation, maintenance and management of vehicular safety in public places with respect to movement of traffic, parking, ingress and egress; and vehicular safety in shopping centers and other places accessible to the public in the Village of South Blooming Grove. This chapter shall not apply to individual residential lots.

§ 222-2. Legislative intent.

It is the aim of the Village Board of the Village of South Blooming Grove to promote the public health, welfare and safety of its residents by:

- A. Regulating the use and operation of motor vehicles upon the streets, highways and public places accessory to or connected with industrial, commercial, professional, educational or recreational facilities and other services or facilities accessible to the public in the Village.
- B. Regulating the construction, reconstruction, management and maintenance of open areas, avenues of access or parking spaces for motor vehicles at the foregoing or similar uses and activities.
- C. Designating fire lanes or zones in shopping centers.
- D. Disposing of unattended and abandoned motor vehicles in fire lanes or other public places or zones duly marked restricted by the Police Department or on any other public road or public area similarly restricted during periods of public emergency by a Village of South Blooming Grove agency in the interest of safety or during the winter season where the same impedes or interferes with snow removal or safe motor vehicle traffic.

§ 222-3. Word usage; definitions.

- A. All words, terms and phrases herein relating to the use and operation of motor vehicles shall be defined as set forth in the Vehicle and Traffic Law of the State of New York; and, if no specific definition is set forth therein, all words shall have their usual meanings in the English language.

- B. As used in this chapter, the following terms shall have the meanings indicated:

CHIEF OF POLICE — The Chief of the Police Department of any Department then serving the Village.

FIRE ZONE — An unobstructed passageway marked or designated to permit free ingress and egress of police and other emergency vehicles and equipment from a public highway.

HIGHWAY DEPARTMENT — The Highway Department of any Department then serving the Village.

OWNER — The registered owner of a vehicle found in violation of this chapter shall be presumed to be the "owner" and shall be held prima facie responsible for compliance with any requirement hereunder or violation thereof or of any other section hereof.

PARKING, PARK or PARKED — Stopping upon any public road or highway and leaving a motor vehicle or motorcycle unattended by a person lawfully permitted to operate it.

PERSON — A person, firm, partnership, association, corporation, company or organization of any kind.

Chapter 222: VEHICLES AND TRAFFIC

POLICE DEPARTMENT — The Police Department of any Department then serving the Village.

PROPERTY — Any real property within the Village which is not a street or highway.

SIDEWALKS — The paved portion of the street between the physically established curb lines and the designated property lines.

STANDING – When standing is prohibited by this chapter, no person shall wait, park or stop a vehicle to load or unload packages or merchandise at curbside, but may stop temporarily for the purpose of expeditiously dropping off or picking up passengers only.

STOPPING - When stopping is prohibited by this chapter, no person shall stop, stand or park a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal.

STREET or HIGHWAY — The entire width between the boundary lines of every publicly maintained way or road when any part thereof is open to the public for use or vehicular travel.

SUPERINTENDENT OF HIGHWAYS — The duly elected or appointed head of the Highway Department serving the Village.

VILLAGE — The Village of South Blooming Grove.

VEHICLE — An automobile, truck, trailer, motorcycle, tractor, buggy and wagon or any other machine propelled by motive power and designed to travel along the ground on wheels, treads, runners or slides and to transport persons or property or pull machinery.

§ 222-4. Speed limit.

No person shall operate his or her motor vehicle upon any public highway, private road or other area open to motor vehicle traffic within the Village of South Blooming Grove at a rate of speed in excess of 30 miles per hour. This section shall not apply to ambulances, fire vehicles or police vehicles when on emergency trips, and they shall operate as required with due regard to the emergency and due observance of safety in the circumstances; nor shall this section apply to state highways maintained by the State of New York.

§ 222-5. Trucks excluded.

- A. No highways within the Village of South Blooming Grove may be used for travel or operation by trucks, commercial vehicles, construction equipment, tractors or tractor-trailer combinations except the following:
 - (1) Clove Road (Orange County Highway).
 - (2) State Route 208 (New York State Highway).
 - (3) Mountain Road (Orange County Highway).
- B. In addition to the foregoing streets, roads or highways, the prohibition shall likewise apply to all other public roads, which have been duly posted by the Police Department to indicate such prohibition or restriction.
- C. Notwithstanding the foregoing, this section shall not be construed to prevent the delivery to or pickup of merchandise or other property with respect to dwellings situated along such highways; nor shall any person be prevented from traveling on said highways to and from his place of residence.

§ 222-6. Commercial buses excluded; exemptions.

- A. All commercial buses for hire and other coach-type buses for the carrying of

Chapter 222: VEHICLES AND TRAFFIC

passengers for hire are excluded from the use for travel or operation of all streets and highways within the Village of South Blooming Grove and/or under the jurisdiction of the Village of South Blooming Grove, except for the following streets, roads and highways:

- (1) Clove Road (Orange County Highway).
 - (2) State Route 208 (New York State Highway).
 - (3) Mountain Road (Orange County Highway).
- B.** The following vehicles are specifically exempt from the application of this section:
- (1) Buses carrying children for school, educational or recreational purposes, provided that such buses use the excluded highways for the purpose of picking up or discharging children at their respective homes.
 - (2) The following buses operated by the County of Orange: for Physically Handicapped and Senior Citizens (TRIPS) and Transport of Orange buses.
 - (3) Buses utilized for the transportation of senior citizens on organized tours, provided that such buses use the excluded highways for the purpose of picking up or discharging senior citizens at senior citizen complexes.
- C.** Notwithstanding the foregoing, this section shall not be construed to prevent the delivery or pickup of merchandise or other property along the highways from which such vehicles are otherwise excluded.
- D.** (1) Notwithstanding anything set forth herein this Section, the Village Board of Trustees by Resolution may allow as determined by the Village Board of Trustees from time to time additional exemptions or exceptions within this Section based upon a demonstrated need for additional private commercial buses or the restriction of existing private commercial bus operations within the Village. In determining whether or not any additional exemptions or exclusions shall be permitted (or if such current exemptions or exclusions shall be changed) the Village Board of Trustees are to consider the following factors:
1. The current ability of Village residents to obtain access to commercial buses for transportation purposes;
 2. The impact upon maintenance of roads and the conditions of roads within the Village with regard to any existing or potential additional commercial bus services;
 3. The demonstrated ability of any operator of commercial buses to provide safe and sound commercial bus operations;
 4. The safety record of any company or drivers that will be operating any commercial buses within the Village;
 5. The safety of all Village residents with regard to the determination of pick-up points and discharge points for any passengers utilizing any commercial bus within the Village;
 6. The degree to which the company operating any such commercial buses has previously complied with all applicable Federal, State, County and Local Laws, rules and regulations regarding safe transportation for commercial bus vehicles;
 7. The impact upon the environment, including but not limited to, pollution and energy efficient operation of any such commercial buses within the Village;
 8. The length of time any such authorization is appropriate for the exemptions or exclusions of commercial buses, but in no event should any authorization be allowed beyond the period of one year from the date of any such authorization allowed;
 9. The existence of any currently operating commercial buses or other buses within the Village so that a duplication of services does not take place that would unreasonably interfere with utilization of Village roads and streets by other Village Residents

Chapter 222: VEHICLES AND TRAFFIC

vehicles;

10. The Village Board of Trustees shall be authorized to impose such other requirements, including but not limited to methods to identify vehicles authorized pursuant to this Section; the change of routes as well as places of pick-up and discharge; together with such other restrictions, requirements and other conditions that are reasonable and proper based upon the health, safety and welfare of the Village residents.

(2) Notwithstanding the foregoing, the Village Board of Trustees shall be permitted to authorize any such additional exclusions or exemptions as well as dimension and weight limitations for such private commercial bus vehicles, not inconsistent with applicable New York State Law, for limited periods of time to determine whether or not the operation, continued operation or cessation of operation by commercial buses is consistent with the safety, health and welfare of all Village residents.

(3) In addition to all other remedies permitted by law, any bus company owner or operator or driver who violates any condition of any Resolution enacted pursuant to this Section shall be guilty of a violation of law and shall be subject to such lawful punishments and/or fines as permitted by the Criminal Procedure Law and/or Penal Law for any such violation. Each and every day any such violation exists shall constitute a separate and distinct violation of law

§ 222-7. Handicapped parking.

A. Use of permit.

- (1) Any vehicle bearing handicapped parking permit issued pursuant to § 1203-a of the Vehicle and Traffic Law of the State of New York is authorized to park in any area in the Village of South Blooming Grove designated for parking for the handicapped.
- (2) The Village Clerk-Treasurer shall keep a list of designated parking areas in the Village of South Blooming Grove, a copy of which can be obtained at the Village Clerk-Treasurer's office.

B. Establishment of spaces for parking for handicapped persons. The Planning Board of the Village of South Blooming Grove is hereinafter empowered to require the inclusion of spaces for handicapped parking in any site plan for the construction of shopping centers and all office uses in the Village of South Blooming Grove.

C. Use of permit by unauthorized person. Any person to whom a permit has not been issued and who shall use a permit issued pursuant to this chapter for any purpose other than parking a motor vehicle while transporting a physically handicapped person shall be guilty of a traffic infraction within the meaning of § 2220 of the Vehicle and Traffic Law.

D. Parking permit; limitations on use. A vehicle bearing such parking permit for the handicapped shall be deemed in violation of the applicable rules and regulations governing parking in the Village of South Blooming Grove when such vehicle shall be parked in a bus stop, a taxi stand, within 15 feet of a fire hydrant, a fire zone, a fire lane, a firehouse, a driveway, a crosswalk or is double parked.

E. Violation.

- (1) Whenever any motor vehicle which does not bear a parking permit for the handicapped is found parked in an area designated for handicapped parking, the Police Department and/or the Building Inspector or his / her designee, code enforcement officer or his / her designee, shall have the power, right and authority to issue an appearance ticket, as the same is defined in Article 150 of the Criminal Procedure Law of the State of New York, for the violation of this section.

Chapter 222: VEHICLES AND TRAFFIC

- (2) If there is no response in the Justice Court to the appearance ticket issued, the court shall issue a summons to the owner of the motor vehicle to which the appearance ticket was affixed and direct that the same be served upon said owner. In any prosecution charging a violation of this section, proof that the vehicle was parked in violation of this section, together with proof that the defendant named in the summons issued by the court was at the time of the violation the registered owner thereof, shall constitute a presumption that the registered owner of such vehicle was the person who parked or placed the vehicle at the point where and for the time during which such violation occurred or who gave his or her consent to the person who parked or placed the vehicle at the point where and for the time during which such violation occurred.
- (3) **Penalties for violation.** Every person convicted of a traffic infraction for a violation of any provision of this section 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 less than \$50 nor 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 less than \$100 nor more than \$200, or by imprisonment for not more than 45 days, or by both such fine and imprisonment; 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 90 days, or by both such fine and imprisonment.

§ 222-8. Towing away of vehicles.

- A. Any motor vehicle found standing in an established fire zone or violating other provisions of the chapter may, upon the direction of a police officer, be towed to any public or private parking facility, and the expense of such towing and subsequent storage shall be borne by the registered owner of such vehicle.
- B. No motor vehicle shall remain or stand unattended in any unrestricted public place or parking lot unless the engine is stopped and the ignition is shut off and the ignition key removed from the vehicle, with brake effectively set thereon; and, when standing upon any grade, the front wheels turned to the curb or side of the highway or otherwise secured as required in the circumstances.
- C. Whenever any police officer shall find a motor vehicle standing unattended with the ignition key in the vehicle, in violation of this section, such police officer is authorized to remove such key from such vehicle and to deliver such key to the police officer in charge of the police headquarters of the Police Department of any Department then serving the Village, and said vehicle may be dealt with or disposed of as set forth in § 222-10 herein or otherwise as may seem indicated in the circumstances.
- D. No vehicle shall be parked in front of any private driveway or in front of or within 10 feet, measured along the curb, of the entrance to any theater, auditorium, church or other public building or any firehouse, police headquarters, ambulance building, except for such reasonable time as may be necessary for taking on or discharging passengers or merchandise.

§ 222-9. Prohibited acts; exceptions.

- A. The following acts are hereby prohibited:
- (1) The parking of unlicensed automobiles upon any part of the public street.
- (2) **"All-night parking"** is hereby defined as continuous parking between the hours of 12:00 midnight and 6:00 a.m. during the period from November 1 to April 15, inclusive. This prohibition shall be in addition to any other elsewhere imposed herein on motor

Chapter 222: VEHICLES AND TRAFFIC

vehicles.

- (3) Abandoning any vehicle with the Village or leaving any vehicle at any place within the Village for such time and under such circumstances as to give a reasonable appearance of abandonment.
- (4) Leaving any partially dismantled, non-operating wrecked or junked vehicle on any street or highway within the Village.
- (5) Allowing any partially dismantled, non-operating, wrecked, junked or discarded vehicle to remain longer than 24 hours on the property of any owner, tenant, occupant, lessee or other person in charge or control thereof, and no person shall leave any such vehicle on any property within the Village for a longer time than 24 hours.
- (6) Parking or standing of vehicles in restricted areas at the time of hazard or emergency.
- (7) Parking or standing of any commercial vehicle, trailer, flatbed, and/or equipment on village roads. (Except where permitted by the Village Board)
- (8) Notwithstanding the foregoing, this section shall not be construed to prevent the delivery to or pickup of merchandise or other property with respect to dwellings situated along such highways or village roadway; nor shall any person be prevented from traveling on said highways to and from his place of residence.

B. Exceptions. This chapter shall not apply to any vehicle:

- (1) In an enclosed building;
- (2) Operated in a lawful place and manner on the premises of a business enterprise when necessary to the operation of such business enterprise; or
- (3) In an appropriate storage place or depository maintained by the Village or any private person performing a similar function as herein provided for.

§ 222-10. Impounding of vehicles.

- A.** The Chief of Police and/or the Superintendent of Highways, as the circumstances may warrant, are hereby authorized to remove or have removed any vehicle left at any place within the Village under circumstances which reasonably indicate that such vehicle is in violation of this chapter or lost, stolen or unclaimed or, where it constitutes an obstruction to traffic or is a hazard during a storm, flood, fire or other public emergency duly declared by the Mayor.
- B.** Such vehicle shall be impounded by the Chief of Police or the Superintendent of Highways, as the case may be, and stored in such place as shall be authorized by the Mayor. If a vehicle is removed from private property listed on the tax rolls of the Village, the Mayor shall, within 10 days after impounding, send a notice by registered letter to the owner of the land, at the last address shown on the Tax Assessor's records, advising that the vehicle has been impounded and must be reclaimed within 30 days. Vehicles may be reclaimed and shall be subject to a mandatory towing charge as provided in the Schedule of Fees and a storage charge not to exceed the prevailing rates customarily charged for such storage. If the vehicle is not reclaimed within 30 days from impounding, the Village shall dispose of the vehicle impounded and deposit such funds received, if any, to the credit of the general fund.
- C.** Abandoned vehicles impounded by the Village at the written request or consent of the owner of the land upon which the vehicle has been abandoned may be disposed of by the Village as soon as reasonably feasible after impounding upon direction of the Mayor, and any funds received shall be deposited to the credit of the general fund.
- D.** Storage and charges. After removal of any vehicles as provided in this chapter, the Chief of Police or Highway Superintendent may store such vehicle in a suitable public or private place at the expense of the owner. Such owner or person in charge of the vehicle may redeem the same upon payment to the Village of the amount of all towing expenses actually and

Chapter 222: VEHICLES AND TRAFFIC

necessarily incurred, together with any charges for storage, such storage charges not to exceed the prevailing rates customarily charged for such storage.

ARTICLE I Parking, Standing and Stopping Restrictions

§ 222-11. Parking, Standing and Stopping of vehicles prohibited at certain times.

- A. It shall be unlawful between November 1 and April 15 next ensuing in each year hereafter for anyone to leave any motor vehicle, trailer or other vehicle parked or standing upon any portion of a public highway within the Village of South Blooming Grove outside of villages and state highways maintained by the state, unless such vehicle is attended by a person legally capable of operating such vehicle.
- B. The parking and standing of vehicles on village roadways is prohibited during a snowfall, and during any time that snow remains on village roadways after a snowfall.

§ 222-12. Parking prohibited in designated locations.

The parking of vehicles is hereby prohibited in any of the following locations:

- A. Entire length of State Route 208
 - B. Entire length of Mountain Road.
 - C. Peddler Hill Road from Tanager Road to State Route 208.
 - D. On both sides of Stone Gate Road within the Rolling Hills Condominium complex.
 - E. On both sides of Tanager Road within the Rolling Hills Condominium complex.
 - F. On the North side of Sgt. Matt Kelly Square.
 - G. On the South side of Dallas Drive from Fort Worth to Pine Hill.
-

ARTICLE II Removal and Storage of Vehicles

§ 222-13. Authority to impound vehicles.

- A. When any vehicle is parked or abandoned on any highway within the Village during a snowstorm, flood, fire or other public emergency which affects that portion of the public highway upon which said vehicle is parked or abandoned, said vehicle may be removed by the duly elected or appointed head of the Highway Department serving the Village or any Police Officer of any Department then serving the Village.
- B. When any vehicle is found unattended on any highway within the Village where said vehicle constitutes an obstruction to traffic, said vehicle may be removed by the duly elected or appointed head of the Highway Department serving the Village or any Police Officer of any Department then serving the Village.
- C. When any vehicle is parked or abandoned on any highway within the Village where stopping, standing or parking is prohibited, said vehicle may be removed by the duly elected or

Chapter 222: VEHICLES AND TRAFFIC

appointed head of the Highway Department serving the Village or any Police Officer of any Department then serving the Village.

§ 222-14. Storage and charges.

After removal of any vehicle as provided in this article, the duly elected or appointed head of the Highway Department serving the Village or any Police Officer of any Department then serving the Village, may store such vehicle in a suitable place at the expense of the owner. Such owner, or person in charge of the vehicle, may redeem the same upon payment to the Village Clerk of the amount of all expenses actually and necessarily incurred in effecting such removal. Removal charges shall not exceed \$225 and storage charges shall not exceed \$50 per day or fraction thereof.

§ 222-15. Notice of removal.

The duly elected or appointed head of the Highway Department serving the Village or any Police Officer of any Department then serving the Village, shall without delay report the removal and the disposition of any vehicle removed as provided in this article to the Village Clerk- Treasurer and it shall be the duty of such Village Clerk- Treasurer to ascertain to the extent possible the owner of the vehicle or person having same in charge and notify him of the removal and disposition of such vehicle and of the amount which will be required to redeem same.

ARTICLE III Stop Intersections

§ 222-16. Stop intersections designated.

The following intersections are hereby designed as stop intersections:

Stop Sign On	At Intersection Of	Direction of Travel
Alamo Court	Duelk Avenue	Northwest
Arlington Drive	Virginia Avenue	Northwest
Dallas Drive	Duelk Avenue	Southwest
Dallas Drive	Forth Worth	Southeast
Duelk Avenue	Duelk Avenue	North
Emily Lane	Prospect Road	East
Fort Worth Place	Dallas Drive	West
Galveston Drive	Fort Worth Place	East
Green Road	Pine Hill Drive	West
Hawks Nest Road	Lake Shore Drive	South
Hawthorne Drive	Pine Hill Drive	East
Holland Court	Roanoke Drive	North
Houston Avenue	Dallas Drive	West
Houston Avenue	Fort Worth Place	South
Laredo Court	Duelk Avenue	Southwest
Lee Avenue	Duelk Avenue	Northeast

Chapter 222: VEHICLES AND TRAFFIC

Merriewold Lane North	Lakeshore Drive	Southwest
Merriewold Lane South	Sears Road	East
Midland Court	Dallas Drive	West
Pecos Court	Duelk Avenue	West
Peddler Hill Road	Prospect Road	Northwest
Penn Avenue	Merriewold Lane South	Northwest
Pine Hill Drive	Dallas Drive	Southwest
Pine Hill Drive	Mangin Road	Northeast
Prospect Road	Round Hill Road	Northeast
Roanoke Drive	Virginia Avenue	Northwest
San Antonio Circle	Duelk Avenue	Southwest
Strawberry Drive	Old Town Road	Northwest
Stonegate Drive	Route 208	East
Tanager Road	Lake Shore Drive	North
Tanager Road	Peddler Hill Road	South
Tanager Road	Stone Gate Drive	North
Tanager Road	Stone Gate Drive	South
Tappan Drive	Merriewold Lane North	Southeast
Virginia Avenue	Merriewold Lane South	Northwest

ARTICLE IV Trucks Exclusion & Weight Limits

222-17. Trucks Exclusion.

- A.** No village roadways within the Village of South Blooming Grove may be used for travel or operation by commercial trucks, commercial vehicles, tractors or tractor-trailer combinations, **Excluding the following roadways:**
- (1) State Route 208 (State owned and maintained).
 - (2) Mountain Road (County owned and maintained).
 - (3) Clove Road (County owned and maintained).
- B.** In addition to the foregoing streets, roads or highways, the prohibition shall likewise apply to all other public roads, which have been duly posted to indicate such prohibition or restriction.
- C.** Notwithstanding the foregoing, this section shall not be construed to prevent the delivery to or pickup of merchandise or other property with respect to dwellings situated along such highways and / or roadways; nor shall any person be prevented from traveling on said highways and / or roadways to and from his place of residence.

§ 222-18. Designation of Weight Limits on Village roads.

- A.** Weight limits of no more than 5 Tons for any vehicle regardless of sizes, is hereby

Chapter 222: VEHICLES AND TRAFFIC

established for all village owned and maintained roadways located within the Village of South Blooming Grove, and said weight limits shall be posted accordingly,

Excluding the following roadways:

- (1) State Route 208 (State owned and maintained)
 - (2) Mountain Road (County owned and maintained)
 - (3) Clove Road (County owned and maintained)
- B. Notwithstanding the foregoing, this section shall not be construed to prevent the delivery to or pickup of merchandise or other property with respect to dwellings situated along such highways and / or roadways; nor shall any person be prevented from traveling on said highways and / or roadways to and from his place of residence.

ARTICLE V Parking of Commercial Vehicles

§ 222-19. Parking of commercial vehicles.

Notwithstanding any local law to the contrary:

- A. No person (defined herein as corporation, individual or partnership) shall park, store, maintain, or display for sale a commercial truck, vehicle, contractors equipment, or roll off trash container upon any street, roadway, highway or public right of way, or any unpaved area, or lawn or grassy area in the Village of South Blooming Grove.
- B. For the purposes of this article a delivery truck actively making deliveries or pickup at a premises or a service truck actively engaged in the performance of a service to a premises (e.g., lawn service, plumbing service, electrical repairs, etc.) are exempt from this article. Notwithstanding this exemption, no parking of any such commercial vehicle shall obstruct or be a hazard to traffic flow or pedestrians.
- C. No person shall display, offer for sale or sell any wares, goods, commodities or any article of any nature whatsoever unless licensed or permitted by appropriate Village agency or official, and or Orange County or state official or agency.

ARTICLE VI Obstructions at Sidewalks, Pedestrian Pathways and Public Road Rights-of-Way by Play and Sports Equipment

§ 222-20. Legislative intent.

This section is intended to promote the health, safety, welfare, of Village Residents, Village personnel and equipment, motorists, and pedestrians who are in the public right-of-way and public sidewalks by prohibiting the placement of portable or permanent: basketball hoops, play equipment, and/or sports equipment on public sidewalks and public rights-of-way during the snow removal / winter weather season starting on November 1st and ending on April 15th. This section is not intended to regulate the placement or use of such equipment on private property.

§ 222-21. Word usage; definitions.

For the purpose of this article, the following terms mean:

Chapter 222: VEHICLES AND TRAFFIC

- A. Basketball hoop:** means a backboard, hoop with or without a net, or supporting apparatus designed or intended to be used to play basketball.
- B. Public right-of-way:** means a paved or unpaved highway, street or road, including lawn extensions and the portion of a driveway on public property, maintained by the Village of South Blooming Grove for the use by the public.
- C. Roadway Right-of-way:** the area located between the roadway and/or curbing and the private property line.
- D. Street:** The entire width between the boundary lines of every publicly maintained way or road that is open to the public for use or vehicular travel.
- D. Public sidewalk:** a paved area between the curb lines or the lateral sides of the roadway and the adjacent property lines intended for the use of pedestrians.
- E. Supporting apparatus:** a post, pole or similar object that is either:
 - a. Attached to a moveable support base and is designed or intended to support a basketball hoop with or without a net; or
 - b. Affixed to the ground and is designed or intended to support a basketball hoop with or without a net.
- F. Sports and/or play equipment:** any fixed or portable equipment required to play an individual sport or athletic game

§ 222-22. Prohibited acts.

It is unlawful to set out, install or maintain, or to allow the setting out, installation, or maintenance of any sports / play equipment, supporting apparatus, basketball hoops; or other obstructions on or along any sidewalk, pedestrian pathway, public right-of-way, and/or street right-of-way on any sidewalk, or within the street.

The permanent installation of sports and/or play equipment, supporting apparatus, and basketball hoops in street / public rights-of-way are strictly prohibit as they cannot be removed during the snow removal / winter weather season which starts on November 1st and ends on April 15th.

§ 222-23. Authority to remove sports - play equipment and basketball hoops in street / public rights-of-way and sidewalks.

- A.** Starting on November 1st and ending on April 15th of each and every year, sports and/or play equipment and basketball hoops (portable or fixed) located on a street / public right-of-way or public sidewalk in violation of this local law, may be removed by the village or a code enforcement officer or a law enforcement officer, with or without prior notice.
- B.** Any sports and/or play equipment and basketball hoops (portable or fixed) located on a street that obstructs the free flow of traffic and/or creates a clear and present danger may be removed with or without prior notice at any time.

§ 222-24. Notice of removal.

Any department of the village and/or department serving the village, shall without delay report the removal and the disposition of any sports / play equipment, supporting apparatus, basketball hoops (portable or fixed) removed as provided in this article to the Village Clerk and it shall be the duty of such Village Clerk to ascertain to the extent possible the owner of the removed equipment or person having same in charge and notify them of the removal and disposition of such equipment and of the amount which will be required to redeem same. The removal charge to be levied will be determined by the village board and so posted on the village's schedule of fees.

Chapter 222: VEHICLES AND TRAFFIC

§ 222-25. Violation.

- A. Any person who shall violate any of the terms of this provision shall, upon conviction and / or plea thereof, forfeit said equipment and pay a fine of not less than \$50.00 for the first offense and not more than \$200.00 fine for each subsequent offense. A separate offense shall be deemed committed on each day during or on which a violation occurs and / or continues.
- B. Any person who shall violate any of the terms of this provision shall be liable for any and all damages caused by setting out, installing or maintaining, or to allow to be set out, installed, or maintained of any sports and/or play equipment and basketball hoops (portable or fixed) or other obstructions on or along any sidewalk, pedestrian pathway, public right-of-way, and/or street right-of-way on any sidewalk, or within the street.

ARTICLE VI Penalties, Enforcement, Judicial Review, Supersession, Authority

§ 222-26. Violations.

It is a traffic infraction for any person to violate any of the provisions of this chapter unless such violation is by any other law declared to be a misdemeanor or felony. Any enforcement officers may issue a warning or verbal instruction, for any offense within this chapter.

§ 222-27. Penalties for offenses.

Any violation of this chapter shall be punishable as follows:

- A. **For a first offense**, by a fine not less than \$50.00 and not to exceed \$200.00 or imprisonment for not more than 15 days, or both.
- B. **For a second conviction** within 18 months, by a fine not less than \$150.00 and not to exceed \$300.00 or imprisonment for not more than 45 days, or both.
- C. **For a third conviction** within 18 months, by a fine not less than \$250.00 and not to exceed \$400.00 or imprisonment for not more than 90 days, or both.
- D. **Parking Offense**, by a fine not less than \$25.00 and not to exceed \$50.00 for the first offense within a 24-hour period.
- E. **For a Violation of Article VI** of this Chapter (obstructions at sidewalks, pedestrian pathways and public road rights-of-way by play and sports equipment) shall, upon conviction and / or plea thereof, forfeit said equipment and pay a fine of not less than \$50.00 for the first offense and not more than \$200.00 fine for each subsequent offense. A separate offense shall be deemed committed on each day during or on which a violation occurs and / or continues.

§ 222-28. Penalties for offenses.

Except as otherwise provided herein, any person convicted of violating any provision of this chapter shall be guilty of a traffic infraction and subject to the penalties provided by § 2220 of the Vehicle and Traffic Law.

Chapter 222: VEHICLES AND TRAFFIC

§ 222-29. Enforcement.

All provision of this Article will be enforced by any Police Officers, Building Inspector, Village Engineer, Code Enforcement Officer or any other person authorized by resolution of the Village Board. All such enforcement officers shall have the right and authority to issue appearance tickets for the violation of any provision of this section or any prohibition or limitation imposed pursuant to this section.

§ 222-30. Judicial review.

Any persons aggrieved by any decision or determination made by the Village Board pursuant to this article may bring a proceeding to review such determination in the manner provided by Article 78 of the Civil Practice Law and Rules.

§ 222-31. Application.

No statement in this article shall be construed to interfere with any additional requirements that may be imposed by any federal, state or local authority having jurisdiction.

§ 222-32. Supersession of other laws.

This chapter supersedes, and is in derogation of, Chapter 222 of the Code of the Town of Blooming Grove, County of Orange, and State of New York.

§ 222-33. Authority.

The adoption of this Local Law is in accordance with Section 10 and Section 20 of the New York Municipal Home Rule Law and section 1640 of the New York Vehicle & Traffic Law.

§ 222-34. Repeal.

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

§ 222-35. Effective Date.

This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.
