

Local Law Introductory No. 3 of the Year 2022

A LOCAL LAW TO AMEND THE CODE OF THE VILLAGE OF CROTON-ON-HUDSON TO REFLECT THE ABOLISHMENT OF THE POSITION OF VILLAGE JUSTICE EFFECTIVE JANUARY 1, 2023 AND THE CONSOLIDATION OF THE VILLAGE JUSTICE COURT WITH THE TOWN OF CORTLANDT JUSTICE COURT

Be it enacted by the Board of Trustees of the Village of Croton-on-Hudson as follows:
(deleted language in ~~strikeout~~, added language in bold)

Section 1. Legislative Intent. The Board of Trustees of the Village of Croton-on-Hudson hereby determines to abolish the position of Village Justice effective January 1, 2023 at which time the Justice Court will be consolidated with the Town of Cortlandt Justice Court.

Section 2. Section 50-1 Residency Within State, Certain Village Officers, Subsection E. Assistant Court Clerk and Subsection H. Court Clerk are hereby deleted.

Section 3. Chapter 58 Traffic Violations Bureau of the Code of the Village of Croton-on-Hudson is hereby deleted in its entirety.

Section 4. Section 215-47 Towing and Booting for Outstanding Parking Violations of the Code of the Village of Croton-on-Hudson, Subsection E is amended to read as follows:

E. Release of vehicle to owner.

(1) Generally.

(a) The individual attempting to redeem a vehicle that has been immobilized or towed must demonstrate to the satisfaction of the ~~Village~~ Court Clerk that he or she is the owner of said vehicle or is authorized to act on behalf of such owner.

(b) It shall be a defense that the vehicle in question was stolen and thereafter parked illegally; however, this defense shall only be available when a bona fide report of the theft has been filed with a police department. In the event of a theft, the owner of the vehicle shall still be responsible for paying the towing and storage fees associated with towing and storage of the vehicle directly to the tow company.

(2) Release of immobilized vehicles.

(a) To obtain the release of an immobilized vehicle, the owner of said vehicle shall visit the office of the ~~Village~~ **Town** Justice Court during normal business hours and provide the Justice Court Clerk with payment in full of all outstanding Village parking violations relating to the vehicle. Upon receiving payment for all outstanding Village parking violations, the Justice Court Clerk shall provide the

owner with a certificate as proof of payment.

(b) After obtaining the certificate described above in Subsection E(2)(a), the owner of an immobilized vehicle shall visit the office of the Police Department during normal business hours and present said certificate. Thereafter, the Chief of Police, his duly designated agent, or the Parking Enforcement Officer shall remove the vehicle immobilization device in a reasonably prompt manner.

(c) New parking summonses may be issued to a vehicle that has been fitted with a vehicle immobilization device, and penalties will continue to accrue until payment is made.

(3) Release of vehicles subject to towing.

(a) To obtain the release of a vehicle subject to towing, the owner of said vehicle shall visit the office of the ~~Village~~ **Town** Justice Court during normal business hours and provide the Justice Court Clerk with payment in full of all outstanding Village parking violations relating to the vehicle. Upon receiving payment for all outstanding Village parking violations, the Justice Court Clerk shall provide the owner with a certificate as proof of payment. At the same time, the Justice Court Clerk shall also provide the owner of the vehicle with the name and contact information of the tow company that towed and is storing the vehicle.

(b) After obtaining the certificate described above in Subsection E(3)(a), the owner of a vehicle subject to towing shall visit the tow company and present said certificate. Thereafter, the owner of the vehicle shall pay the tow company the required towing and storage fees. Towing and storage fees shall be as established by resolution of the Village Board of Trustees from time to time. Upon payment of the tow company's fees, the company shall release the vehicle to the owner in a reasonably prompt manner.

Section 5. Severability. If any section, subsection, clause, phrase or other portion of this Local Law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, such portion shall be deemed a separate distinct and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

Section 6. Effective Date. This local law shall take effect on January 1, 2023. This local law is subject to a permissive referendum and thus may not be filed with the Secretary of State until the applicable time period has elapsed to file a petition or a referendum has been conducted approving this local law.