

INCORPORATED VILLAGE OF BELLEROSE: LOCAL LAW #2 OF YEAR 2018

A local law to amend Chapter 204, of the Code of the Village of Bellerose, by adding a new §204-19.2 thereof, to permit the Village Clerk or Traffic Commissioner to immobilize any motor vehicle with three or more outstanding summonses, warrants or any unpaid fines.

BE IT ENACTED by the Board of Trustees of the Inc. Village of Bellerose as follows:

Add BVC §204-19.2, as follows:

Section 1. Immobilization of vehicles owned or operated by parking scofflaws.

A. The Village Clerk and the Traffic Commissioner of the Village of Bellerose are hereby authorized to and shall, at either's direction, authorize the immobilization and/or towing of any motor vehicle, on which there are three or more outstanding parking violations, warrants for non-appearance or unpaid fines. Said vehicles shall be immobilized by use of a wheel lock, other immobilization device, or towed by a licensed towing and vehicle storage service.

B. Any vehicle immobilized or towed pursuant to Subsection A shall be promptly released to its owner by the Village Clerk or his/her designee, upon the posting of a cash bond equal to the maximum potential fines for outstanding summons and unpaid fines and penalties already imposed, together with an administration immobilization fee of \$250 together with the towing and storage costs, if any; or, in the alternative, upon the proper disposition of such summonses, by a plea of guilty and payment in full of the appropriate fines and penalties along with such administrative, towing and storage fees. If all of the summonses are dismissed or the defendant is found not guilty, said bond shall be returned and the administrative, towing and storage fees shall be waived, except such fees shall remain due, if a warrant shall have issued.

C. At the time said vehicle is immobilized, the Traffic Commissioner or Village Code Enforcement Officer shall affix to the windshield of such vehicle a notice containing the following information:

- (1) The location and identifying characteristics of the vehicle.
- (2) Date and time of placement of the device and signature of the installer.
- (3) Notice that further parking restrictions will be waived during the immobilization period.
- (4) Notice that any person tampering with the device or the vehicle will be subject to prosecution and liable for any loss to the Village.
- (5) The procedure to obtain the release of the vehicle.
- (6) Such other information as the Traffic Commissioner shall from time to time deem necessary.

D. The Board of Trustees may adjust the administration immobilization fees from time to time by Resolution duly adopted.

E. Any person who tampers with, removes or damages an immobilization device, or moves or attempts to move a vehicle upon which such device has been installed by the police, shall be guilty of an offense punishable as provided in § 1-5 of this Code, and liable for all attendant costs.

Section 2. Effective Date.

This local law shall take effect immediately upon adoption, subject to filing with the Secretary of State.