

**VILLAGE OF ALLEGANY LL#2-2013**

**LOCAL LAW CONTROLLING PARKING ON PREMISES**

**OR PROPERTY OTHER THAN PUBLIC STREET**

Be it enacted by the Board of Trustees of the Village of Allegany as follows:

1. It shall be unlawful for any person to park, stand, store, or leave a motor vehicle upon any publicly or privately owned premises or property, parking areas or parking lots, without the consent and permission of the owner or lessee of such premises.
2. To effectuate the prohibition on such premises as above described, a conspicuous sign shall be posted at the entrances to such parking lot or parking area informing the public as to the permitted conditions of parking thereon. A sign as hereinafter described shall be deemed substantial compliance with this ordinance:

PARKING RESTRICTED (6 inches)

EXCEPT FOR (list persons or conditions)

PERMITTED ONLY (4 inches)

ALL OTHERS KEEP OUT (6 Inches)

UNDER PENALTY OF LAW (2 inches)

VIOLATION

ARTICLE 4, SEC. 5 OF CODE OF ORDINANCES (prior to 2013)

LOCAL LAW #2-2013 (after 2013)

POLICE ENFORCEMENT (2 inches)

3. Such sign shall be no more than three (3) feet high by four (4) feet wide. The words "Police Enforcement" and "Under Penalty of Law" on such signs shall be construed, among other things, to mean a request by the owner or lessee that the police or special patrolmen shall enforce the provisions of this section against persons parking, standing, storing, or leaving vehicles on such premises without the consent of the owner or lessee, and that the police are authorized to enter upon such premises to enforce the provisions of this division. Such sign shall state the conditions of parking or the persons authorized by the owner or lessee to use such premises for parking or both; and persons not included within such authorization or violating the regulations and conditions set out on such sign shall be deemed to be using such premises unlawfully without the authority and consent of the owner or lessee. This section may be enforced in the same manner as elsewhere provided for in this ordinance for the enforcement of traffic or

parking ordinances, including the use of tags, summonses and towing, and any other procedure authorized by law.

4. Proof of ownership of a vehicle shall be presumptive evidence in an action for enforcement of this section that the owner parked or caused his vehicle to be parked on such premises.
5. If such premises adjoin or abut a building or structure whose entrances or exits open upon such parking area, no vehicle shall be left parked, standing or placed in such a manner as to obstruct such entrances or exits to the street or public right-of way; such passageway shall be equal in width to the width of such entrances or exits in each instance, but in no case shall be less than five (5) feet wide, and shall permit persons to enter and leave such building or structure with safety. A free standing sign or a sign attached to building or structure at the place of such entrances or exits shall inform users of such parking area as to such restrictions, and failure to obey the regulations herein contained shall be deemed a violation of this section.
6. On demand of the police, any owner or lessee requesting police enforcement of this section, shall furnish to the police a statement, in writing, signed by him or his agent, to the effect that a specified vehicle was unlawfully parked, stored or left upon his premises at a certain time or during a certain period without his consent or permission, and such owner or lessee shall be available to testify to such facts in court at the request of the police. Failure of an owner or lessee to comply with the request of the police as above set out shall be sufficient cause for the Police Department to cease enforcing this section at the premises of such owner or lessee who fails to give the cooperation required herein.
7. Where any owner of any premises desires to prohibit completely parking thereon, he may notify the public to that effect by a conspicuous sign placed on such premises stating in substance:

NO PARKING  
POLICE ENFORCEMENT  
UNDER PENALTY OF LAW  
LOCAL LAW #2-2013

Such sign shall not be greater than two (2) feet in height by three (3) feet in width, with red lettering not more than four (4) inches high upon a white background.

Any person who parks or leaves a vehicle on such posted premises shall be deemed in violation of said law.

Ordinance passes July 1, 1974.

Motion by Joseph Catalano the Village adopt the proposed Ordinance Controlling Parking on Premises or Property Other than Public Street second by John Hyland. Joseph Catalano-Aye, John Hyland, Aye, Nicholas Augustini, Aye and Mayor Amato-Aye.

Reconsidered on November 4, 2013 by the Board of Trustees of the Village of Allegany at its regular board meeting . Motion by Trustee Nazemetz, second by Trustee Parker. Robert Parker-aye, Alexander Nazemetz-aye, Jerry Cummins, Sr.-aye, John Davis-aye.

**This law shall be effective upon filing with the Secretary of  
State of the New York State Department of State**