

The work session of the Village of Arcade (VOA) Board of Trustees, Wyoming County, New York was held on Tuesday, September 1, 2009 at 6:00pm there were:

**PRESENT**

Mayor Paul Burkett, Trustee Hugh Ely, Trustee Joanne Offers, Trustee Jay May, Trustee Ken Rule, Superintendent of Public Works Larry Kilburn, Clerk/Treasurer Pam Beiersdorf, and Deputy Clerk/Treasurer Jennifer Kraft

**ABSENT**

Police Chief John Laird

**PLEDGE OF ALLEGIANCE**

Mayor Burkett opened the meeting with the Pledge of Allegiance.

**WORK SESSION**

The purpose of the work session was to discuss proposed changes to the zoning local law. Discussions concentrated on proposed changes submitted by Zoning Officer Marv Zielonka.

The public hearing and regular meeting of the Village of Arcade (VOA) Board of Trustees, Wyoming County, New York was held on Tuesday, September 1, 2009 at 7:00pm there were:

**PRESENT**

Mayor Paul Burkett, Trustee Hugh Ely, Trustee Joanne Offers, Trustee Jay May, Trustee Ken Rule, Superintendent of Public Works Larry Kilburn, Clerk/Treasurer Pam Beiersdorf, Police Chief John Laird, and Deputy Clerk/Treasurer Jennifer Kraft

**ALSO PRESENT**

Anita Stewart

**PUBLIC HEARING - PROPOSED LOCAL LAW E-2009, TITLED "PARKING"**

Mayor Burkett opened the public hearing at 7:01pm to hear comments from citizens regarding the proposed local law E-2009, titled, "Parking."

There being no comments or concerns, Trustee Offers made a motion, seconded by Trustee Rule, the Board close the public hearing regarding proposed local law E-2009, titled, "Parking" at 7:04pm.

The motion was passed upon the following vote:

<b>VOTE</b>									
Mayor Paul Burkett	X	Yes		No		Abstain		Absent	
Trustee Hugh Ely	X	Yes		No		Abstain		Absent	
Trustee Jay May	X	Yes		No		Abstain		Absent	
Trustee Joanne Offers	X	Yes		No		Abstain		Absent	
Trustee Ken Rule	X	Yes		No		Abstain		Absent	
<b>VOTE TOTAL:</b>	5	Yes	0	No	0	Abstain	0	Absent	
<b>RESULTS</b>	<b>X</b>	<b>PASS</b>					<b>FAIL</b>		

**ADOPT LOCAL LAW 4-2009, "PARKING" (CHAPTER 34)**

Motion by Trustee Offers and seconded by Trustee Ely, the Village Board reviewed the changes to Chapter 34, Local Law 4-2009 titled "Parking," Clerk/Treasurer Beiersdorf duly advertised for the public hearing held on September 1, 2009, the Village Board considered such arguments as were presented for and/or against the adoption of Local Law 4-2009 and hereby adopts Local Law 4-2009. (See attached.)

The motion was passed upon the following vote:

<b>VOTE</b>									
Mayor Paul Burkett	X	Yes		No		Abstain		Absent	
Trustee Hugh Ely	X	Yes		No		Abstain		Absent	
Trustee Jay May	X	Yes		No		Abstain		Absent	
Trustee Joanne Offers	X	Yes		No		Abstain		Absent	
Trustee Ken Rule	X	Yes		No		Abstain		Absent	
<b>VOTE TOTAL:</b>									
	5	Yes	0	No	0	Abstain	0	Absent	
<b>RESULTS</b>									
	X	<b>PASS</b>					<b>FAIL</b>		

**APPROVE MINUTES**

Motion by Trustee Offers and seconded by Trustee May, the minutes from the regular meeting held on August 18, 2009 be approved as presented by Deputy Clerk/Treasurer Kraft.

The motion was passed upon the following vote:

<b>VOTE</b>									
Mayor Paul Burkett	X	Yes		No		Abstain		Absent	
Trustee Hugh Ely	X	Yes		No		Abstain		Absent	
Trustee Jay May	X	Yes		No		Abstain		Absent	
Trustee Joanne Offers	X	Yes		No		Abstain		Absent	
Trustee Ken Rule		Yes		No	X	Abstain		Absent	
<b>VOTE TOTAL:</b>									
	4	Yes	0	No	1	Abstain	0	Absent	
<b>RESULTS</b>									
	X	<b>PASS</b>					<b>FAIL</b>		

**TASER TRAINING**

Police Chief Laird reported that the Wyoming County Sheriff's Department will be issuing tasers and providing training to Wyoming County officers. Police Chief Laird explained that tasers can be a useful law enforcement tool and some incidents warrant their use versus the alternative deadly force weapons.

Motion by Mayor Burkett and seconded by Trustee Ely, Police Chief Laird be authorized to register full and part-time police officers for the taser training offered by the Wyoming County Sheriff's Department and authorized to expend the cost of taser cartridges (approximately \$40.00/cartridge).

The motion was passed upon the following vote:

<b>VOTE</b>									
Mayor Paul Burkett	X	Yes		No		Abstain		Absent	
Trustee Hugh Ely	X	Yes		No		Abstain		Absent	
Trustee Jay May	X	Yes		No		Abstain		Absent	
Trustee Joanne Offers	X	Yes		No		Abstain		Absent	
Trustee Ken Rule	X	Yes		No		Abstain		Absent	
<b>VOTE TOTAL:</b>									
	5	Yes	0	No	0	Abstain	0	Absent	
<b>RESULTS</b>									
	X	<b>PASS</b>					<b>FAIL</b>		

**PERMISSION TO HIRE PART-TIME OFFICER**

As recommended by Police Chief Laird, a motion was made by Mayor Burkett and seconded by Trustee May to hire Katherine J. George as a part-time **Police Officer** effective the first Monday following successful completion of Civil Service requirements at a starting rate of \$14.65/hr.

The motion was passed upon the following vote:

<b>VOTE</b>									
Mayor Paul Burkett	X	Yes		No		Abstain		Absent	
Trustee Hugh Ely	X	Yes		No		Abstain		Absent	
Trustee Jay May	X	Yes		No		Abstain		Absent	
Trustee Joanne Offers	X	Yes		No		Abstain		Absent	
Trustee Ken Rule	X	Yes		No		Abstain		Absent	
<b>VOTE TOTAL:</b>									
	5	Yes	0	No	0	Abstain	0	Absent	
<b>RESULTS</b>	<b>X</b>	<b>PASS</b>					<b>FAIL</b>		

**PERMISSION TO WAIVE EMPLOYEE RESIDENCY REQUIREMENT**

Motion by Mayor Burkett and seconded by Trustee Rule, per the recommendation of Police Chief Laird, the employee residency requirement shall be waived for Katherine J. George as her principal residence and domicile is in Strykersville, NY, approximately 15 miles from the Village Office. This waiver is effective during this employee's part-time status only.

The motion was passed upon the following vote:

<b>VOTE</b>									
Mayor Paul Burkett	X	Yes		No		Abstain		Absent	
Trustee Hugh Ely	X	Yes		No		Abstain		Absent	
Trustee Jay May	X	Yes		No		Abstain		Absent	
Trustee Joanne Offers	X	Yes		No		Abstain		Absent	
Trustee Ken Rule	X	Yes		No		Abstain		Absent	
<b>VOTE TOTAL:</b>									
	5	Yes	0	No	0	Abstain	0	Absent	
<b>RESULTS</b>	<b>X</b>	<b>PASS</b>					<b>FAIL</b>		

**LETTER OF SUPPORT REGARDING EROSION CONCERNS ALONG CATTARAUGUS CREEK**

Mayor Burkett reported that a sample letter of support has been developed and will accompany a cover letter to Village residents identified in the Streambank Erosion Assessment.

**SALARIED EMPLOYEE POLICY, REV. 3**

This topic was postponed until the September 15, 2009 regularly scheduled meeting.

**ZONING OFFICER APPOINTMENT (10/2009 - 04/2010)**

At the April 21, 2009 annual meeting, Mayor Burkett appointed Marv Zielonka as Zoning Officer with a term expiring October 2009. Mayor Burkett hereby announced he extends Marv Zielonka's appointment as Zoning Officer through April 5, 2010.

**CONSIDER ZONING AREA VARIANCE APPLICATION FEE WAIVER REQUEST FROM DEACON AND CHRISTINA BROOKS**

Motion by Trustee Rule and seconded by Trustee Ely, Clerk/Treasurer Beiersdorf be authorized to waive the \$100.00 zoning area variance application fee for Deacon and Christina Brooks of 33 Maple Street per their written request dated August 30, 2009.

The motion was passed upon the following vote:

<b>VOTE</b>								
Mayor Paul Burkett	X	Yes		No		Abstain		Absent
Trustee Hugh Ely	X	Yes		No		Abstain		Absent
Trustee Jay May	X	Yes		No		Abstain		Absent
Trustee Joanne Offers	X	Yes		No		Abstain		Absent
Trustee Ken Rule	X	Yes		No		Abstain		Absent
<b>VOTE TOTAL:</b>								
	5	Yes	0	No	0	Abstain	0	Absent
<b>RESULTS</b>		<b>X</b>	<b>PASS</b>				<b>FAIL</b>	

**DEFENSIVE DRIVING COURSES ANNOUNCED**

Mayor Burkett announced that the Wyoming County Workers' Compensation office is scheduling employee defensive driving courses during the week of October 5, 2009. Only employees that drive a municipal vehicle are eligible to take this class.

Mayor Burkett also announced that a 55 Alive Driver Safety course is being offered on October 12, 2009 at the VOA Park Cabin from 8:30am to 4:30pm.

**2009 SUMMER RECREATION CONCERN**

Trustee Offers reported that a meeting was held with the recreation staff and the recreation commission to discuss a concern that had been expressed by a parent of a child in the summer recreation program. The issue has been addressed and a response letter was sent to the concerned parent.

**PET WASTE SIGNS**

Trustee Ely reported that the Streets & Parks Department will purchase and erect approximately twelve to fifteen (12-15) signs throughout the Village at a cost not to exceed \$350.00 similar to the one shown below.



**100<sup>th</sup> ANNIVERSARY OF VOA ELECTRIC DEPARTMENT**

Trustee Ely reported that a brainstorming meeting was held on August 31, 2009 to gather ideas to celebrate the 100<sup>th</sup> anniversary of the Arcade Electric Department. Celebratory events are scheduled for Saturday, October 3, 2009. A follow-up meeting has been scheduled for Wednesday, September 9, 2009 at 5:00pm in the Village Board Room.

**AUDIT BILLS**

Motion by Mayor Burkett and seconded by Trustee May, the Village bills be audited and paid and that the Clerk be granted permission to transfer funds from the money market accounts to the checking accounts to cover such bills.

The motion was passed upon the following vote:

<b>VOTE</b>									
Mayor Paul Burkett	X	Yes		No		Abstain		Absent	
Trustee Hugh Ely	X	Yes		No		Abstain		Absent	
Trustee Jay May	X	Yes		No		Abstain		Absent	
Trustee Joanne Offers	X	Yes		No		Abstain		Absent	
Trustee Ken Rule	X	Yes		No		Abstain		Absent	
<b>VOTE TOTAL:</b>									
	5	Yes	0	No	0	Abstain	0	Absent	
<b>RESULTS</b>									
	X	<b>PASS</b>					<b>FAIL</b>		

**EXECUTIVE SESSION**

Motion by Mayor Burkett and seconded by Trustee Ely, the Board enter into executive session to discuss the following topic(s) at 7:47pm:

- sale of real property
- proposed acquisition of real property
- matters leading to the discipline of a particular person
- collective negotiations

The motion was passed upon the following vote:

<b>VOTE</b>									
Mayor Paul Burkett	X	Yes		No		Abstain		Absent	
Trustee Hugh Ely	X	Yes		No		Abstain		Absent	
Trustee Jay May	X	Yes		No		Abstain		Absent	
Trustee Joanne Offers	X	Yes		No		Abstain		Absent	
Trustee Ken Rule	X	Yes		No		Abstain		Absent	
<b>VOTE TOTAL:</b>									
	5	Yes	0	No	0	Abstain	0	Absent	
<b>RESULTS</b>									
	X	<b>PASS</b>					<b>FAIL</b>		

Motion by Trustee Offers and seconded by Trustee May, the Board exit executive session at 8:04pm.

The motion was passed upon the following vote:

<b>VOTE</b>									
Mayor Paul Burkett	X	Yes		No		Abstain		Absent	
Trustee Hugh Ely	X	Yes		No		Abstain		Absent	
Trustee Jay May	X	Yes		No		Abstain		Absent	
Trustee Joanne Offers	X	Yes		No		Abstain		Absent	
Trustee Ken Rule	X	Yes		No		Abstain		Absent	
<b>VOTE TOTAL:</b>									
	5	Yes	0	No	0	Abstain	0	Absent	
<b>RESULTS</b>									
	X	<b>PASS</b>					<b>FAIL</b>		

**PROJECTED NET REVENUES AND CASH FLOWS FOR THE ELECTRIC FUND INCLUDING THE IMPACT OF NOBLE ENVIRONMENTAL PAYMENTS**

Motion by Trustee Offers and seconded by Trustee May, Superintendent of Public Works Kilburn be hereby authorized to hire Bollam, Sheedy, Torani & CO, LLP to prepare a summary projection of the next five (5) years showing revenues, expenses, capital expenditures, net incomes, and cash flows for the Electric Fund and also show the impact of the Noble Environmental payments to the Electric Fund. The fee for this service will be in the range of \$2,000 to \$3,000.

The motion was passed upon the following vote:

<b>VOTE</b>									
Mayor Paul Burkett	X	Yes		No		Abstain		Absent	
Trustee Hugh Ely	X	Yes		No		Abstain		Absent	
Trustee Jay May	X	Yes		No		Abstain		Absent	
Trustee Joanne Offers	X	Yes		No		Abstain		Absent	
Trustee Ken Rule	X	Yes		No		Abstain		Absent	
<b>VOTE TOTAL:</b>									
	5	Yes	0	No	0	Abstain	0	Absent	
<b>RESULTS</b>		<b>X</b>	<b>PASS</b>				<b>FAIL</b>		

**REPORTS RECEIVED**

The following reports were received, reviewed, and placed on file:

- None.

**ADJOURN**

There being no further business to come before the Board the meeting duly adjourned at 8:05pm upon motion by Trustee Offers and seconded by Trustee May.

\_\_\_\_\_  
Clerk/Treasurer

VENDOR	AMOUNT	VENDOR	AMOUNT
ABRAM RENTAL	\$ 380.00	JAMESTOWN SOAP & SOLVENT	\$ 617.85
AFLAC NEW YORK	\$ 1,276.58	JOHN SIXT & SON, INC.	\$ 2,182.15
ALBERT J. MOGAVERO, CHAPTER 13	\$ 422.00	KOESTER ASSOC INC	\$ 563.39
ALMETER, HOLLY	\$ 720.00	LUBBOCK NATIONAL BANK	\$ 3,567.89
ARCADE HERALD	\$ 218.64	MATTHEW BENDER & CO INC.	\$ 38.30
ARCADE LUMBER & MILLWORK	\$ 901.90	MAYER, MARCIA	\$ 150.00
AT&T	\$ 498.86	McCLURG, DAN	\$ 300.00
AUTOZONE	\$ 97.92	NATIONAL FUEL GAS DISTRIB	\$ 18.97
BANK OF NEW YORK	\$ 1,781.89	NATIONAL GRID	\$ 51,812.59
BENCHMARK ANALYTICS, INC	\$ 101.48	NORTH EASTERN RESCUE VEHICLES,	\$ 35.77
BLUE APPLE PRODUCTIONS	\$ 3,981.00	NORTHERN SAFETY CO. INC.	\$ 513.25
BRASS SHURFINE	\$ 38.53	NYMPA	\$ 60,357.00
BRITE COMPUTERS	\$ 3,975.07	NYS & LOCAL RETIRE SYSTEM	\$ 2,647.92
BROWN WOOD PRESERVING CO, INC.	\$ 10,560.00	NYS DEPT OF PUBLIC SRVC	\$ 129,566.54
BUFFALO CONCRETE ACCESSORIES	\$ 1,548.50	NYS INCOME TAX	\$ 4,203.46
CARMICHAEL & REED MONUMENT CO.	\$ 15.00	NYS PARKS & RECREATION	\$ 90.00
CDI-CHEMICAL DIST INC	\$ 494.75	NYS SALES TAX	\$ 8,066.93
CDW GOVERNMENT INC	\$ 203.67	O'BRIEN, JONATHAN DBA ACTIVE I	\$ 2,257.50
CHASE BANK	\$ 120,000.00	PHILS TV & APPLIANCES	\$ 6.00
CID DIVISION OF WASTE MANAGEMEN	\$ 9,500.00	PIONEER FORD/MERCURY INC.	\$ 25.02
CID-DIV WASTE MANAGEMENT	\$ 100.00	QUILL CORP	\$ 497.30
CINTAS CORPORATION #782	\$ 124.05	RELCOMM, INC.	\$ 181.50
COMPLETE OFFICE SOLUTIONS	\$ 431.40	ROBERT KUTZUBA	\$ 1,400.00
COUNTY OF WYOMING	\$ 825.00	SAIA COMMUNICATIONS INC	\$ 105.00
CSEA	\$ 635.18	SHEEHE, DIAN	\$ 100.00
CSEA BENEFIT UNIT	\$ 1,189.28	SOUTER & SONS PRINTING	\$ 95.00
CSEA POLICE UNIT	\$ 139.53	SOUTHERN TIER SUPPLY	\$ 3,383.68
D & H EXCAVATING INC	\$ 572.00	SOUTHWORTH-MILTON INC	\$ 2,103.00
DALY PAVING	\$ 1,020.00	STANTEC CONSULTING SRVCS, INC	\$ 9,147.50
DE SIGN ART	\$ 48.00	STEINER, DAN	\$ 125.00
DEPOSITORY TRUST AND CLEARING	\$ 35,355.00	STUART C IRBY CO	\$ 122.09
DICK'S SPORTING GOODS	\$ 345.88	TECHNICAL ASSISTANCE AND	\$ 1,419.00
DIFILIPPO & FLAHERTY	\$ 150.00	TOMPKINS INSURANCE AGENCIES IN	\$ 23,940.00
DOLORES M DAWLEY	\$ 540.00	TRACTOR SUPPLY COMPANY	\$ 235.91
ENVIR. TOX. & CHEM/THE RESEARC	\$ 2,000.00	TRI-COUNTY SUPPLY INC	\$ 250.16
FASTENAL COMPANY	\$ 221.21	UNITED CHURCH OF CHRIST	\$ 100.00
FIRSTOUT RESCUE EQUIPMENT	\$ 464.00	UNIVAR USA INC.	\$ 956.98
FISHER CONCRETE, INC	\$ 11,500.00	UPSTATE REBAR	\$ 530.00
FORBES, EDITH E	\$ 70.00	UTZ TIRE SERVICE	\$ 12.00
GOTTOGO ELECTRIC	\$ 3,037.25	VERIZON WIRELESS	\$ 1,021.19
GROSJEAN ASSOCIATES	\$ 773.78	VILLAGE OF ARCADE	\$ 70.00
HALEY CONCRETE INC	\$ 6,907.50	WACO FORMWORKS	\$ 3,077.51
HENDRICKSON, BETTU	\$ 100.00	WESCO DIST. INC.	\$ 3,387.42
HERITAGE-CRYSTAL CLEAN, LLC	\$ 1,538.55	WYOMING COUNTY CHAMBER OF COMM	\$ 150.00
HOBIN, TERRANCE D. DBA TOTAL E	\$ 191.25	Z & M AG AND TURF	\$ 180.24
HOLTS, BRIAN	\$ 100.00	ZECHES, TAMMY	\$ 8.00
HUGHES, GERALD	\$ 100.00	ZEE MEDICAL SERVICE CO.	\$ 70.90
IIEP:IND ENERGY EFF PROG	\$ 8,210.57		
INDEPENDENT HEALTH PREMIUMS	\$ 22,757.56	<b>TOTAL COLUMN 2</b>	<b>\$ 319,689.91</b>
INTOXIMETERS, INC	\$ 30.00		
IRS - FEDRAL PAYROLL TAX PAYME	\$ 22,197.05	<b>OVERALL TOTAL</b>	<b>\$ 598,079.74</b>
<b>TOTAL COLUMN 1</b>	<b>\$ 278,389.83</b>		

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## CHAPTER 34

### PARKING

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

**PART 1 - Parking, Standing and Stopping.**

**Section 34-1.** Application of Chapter.

**Section 34-2.** Parallel Parking.

**Section 34-3.** All night parking.

**Section 34-4.** Parking prohibited in designated locations.

**Section 34-5.** Limited parking.

**Section 34-6.** Abandoned vehicle removal.

**Section 34-7.** Towing of vehicle violating parking regulations.

**Section 34-8.** Tagging and summons.

**Section 34-9.** Traffic recording fee and tag.

**PART 2 - Off Street and Prohibited Parking.**

**Section 34-10.** Off Street Parking.

**Section 34-11.** Prohibited Parking on Premises or Property Other than Street.

**Section 34-12.** Enforcement.

**PART 3 - Penalty and Effective Date.**

**Section 34-13.** Penalties.

**Section 34-14.** Time to Take Effect.

#### ***PART 1 - PARKING, STANDING AND STOPPING***

##### ***SECTION 34-1 APPLICATION OF CHAPTER***

Provisions of this Chapter shall apply except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official control device.

##### ***SECTION 34-2. PARALLEL PARKING***

Except where angle parking is authorized every vehicle stopped, standing, or parked upon a highway shall be so stopped, standing, or parked parallel with the edge of the roadway headed in the direction of lawful traffic and within twelve inches (12") of the right hand curb or edge of the roadway.

##### ***SECTION 34-3. ALL NIGHT PARKING***

The parking of vehicles is hereby prohibited on all highways within the Village, and in the Village parking lot except where otherwise designated between the hours of 2:00am and 6:00am.

##### ***SECTION 34-4. PARKING PROHIBITED IN DESIGNATED LOCATIONS***

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

1. On both sides of Liberty Street from Main Street to the corporation line.
2. On the north side of West Main Street between its intersection with Church Street westerly to the corporation line and on the south side of West Main Street between its intersection with Park Street westerly to the corporation line.



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3. On the north side of East Main Street between its intersection with Water Street easterly to the corporation line and on the south side of East Main Street from the East line of Liberty Street easterly to the corporation line, except where parking is permitted as indicated by appropriate signs or markers.
4. On both sides of Sanford Avenue except that parallel parking shall be permitted on the east side on Sundays as indicated by appropriate signs and markers.
5. On both sides of Water Street from Main Street to Water Street's intersection with North Street.
6. On the east side of Church Street from Main Street to the Cattaraugus Creek bridge except where parking is permitted as indicated by appropriate signs or markers.
7. On both sides of Church Street from the southerly end or approach of the Cattaraugus Creek bridge northerly to North Street,
8. On the east side of Pearl Street for entire length.
9. On the west side of Allen Street for entire length.
10. On both sides of Parkview Court for entire length.
11. On the west side of West Street for entire length.
12. On the entire length of the south side of Mill Street, and on the north side of Mill Street, from its intersection with Liberty Street to the right of way of the Arcade and Attica (A&A) Railroad, and on the north side of Mill Street from its intersection with Park Street, easterly two hundred feet (200').
13. On the west side of Park Street except where parking is permitted as indicated by appropriate signs or markers and on the east side of Park Street for the entire length.
14. On the south side of North Street from Church Street westerly to West Street, on the north side of North Street from Church Street easterly to Water Street, on both sides of North Street from West Street to Cramer Drive and on both sides of North Street from Cramer Drive westerly to the corporation line.
15. On both sides of Cramer Drive for its entire length.
16. On the west side of Prospect Street for the entire length and on the east side of Prospect Street from the intersection of Main Street southward a distance of two hundred seventy five feet (275').
17. No parking or standing on the south side of Main Street from the east line of Liberty Street to the east side of Clear Creek.
18. No parking or standing on the south side of Main Street from Park Street east to the railroad tracks except as stipulated in Section 34-5 **Error! Reference source not found.**
19. On both sides of Douglass Drive for the entire length.
20. In any area designated as being reserved for the handicapped, only vehicles displaying a handicapped parking permit or registration and actually engaged in the transportation of a handicapped person shall be parked in said designated area. Parking permit or registration shall be available upon application to the Village Clerk. The areas are hereby designated as follows:
  - 20.a. Village parking lot, Main Street, north side, the first row or parking spaces on the south side of the lot, with one space for the handicapped at the east end of the row and two spaces at the west end of the row.
  - 20.b. Village parking lot adjacent to the Village Office, one space on the west end of the parking lot.

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- 20.c. Village parking lot, north of the Village Office on Church Street. Two spaces marked on the west end of the parking spaces.
  - 20.d. Several spaces in the Arcade Village Park in the driveway, near the rear entrance of the Park Cabin.
  - 20.e. Two parking spaces on the west side of Church Street just south of the southern most school entrance.
21. On the south side of Main Street from the A&A tracks to Park Street, except where indicated by appropriate signs and markers.

**SECTION 34-5. LIMITED PARKING**

- 1. The parking of motor vehicles is hereby limited to a maximum of three hours from 6:00am to 6:00pm except for Sundays at the following locations:
  - 1.a. On the north side of Main Street from a distance of sixty three feet (63') east of Sanford Avenue westerly to the intersection of Main Street and Church Street.
  - 1.b. On the south side of Main Street from the east side of Clear Creek easterly to the beginning of the no parking zone.
  - 1.c. On the south side of Main Street east of the A&A Railroad property to the intersection of Main Street and Liberty Street.
- 2. The parking of motor vehicles is hereby prohibited in the following locations during school hours:
  - 2.a. On the west side of Church Street from the south driveway of the school to Cattaraugus Creek.
- 3. The parking of motor vehicles is hereby limited to a maximum of two (2) hours from 6:00am to 6:00pm except for weekends at the following location:
  - 3.a. On the west side of Church Street from Main Street to the south driveway of the school.
- 4. The parking of motor vehicles is hereby limited to a maximum of one (1) hour at the following location:
  - 4.a. On the south side of Main Street from the bump out curbing on the west side of the A&A Railroad tracks twenty feet ( 20') west.
- 5. Nothing in this section shall be construed so as to permit the parking of motor vehicles otherwise prohibited or restricted by the Chapter.

**SECTION 34-6. ABANDONED VEHICLE REMOVAL**

- 1. When any vehicle is parked or abandoned on any highway within this 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 Police Department.
- 2. When any vehicle is found unattended on any highway within this Village where said vehicle constitutes an obstruction to traffic, said vehicle may be removed by the Police Department.
- 3. When any vehicle is parked or abandoned on any highway, municipal parking lot, or other public place or within this Village where stopping, standing, or parking is prohibited, said vehicle may be removed by the Police Department.

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***SECTION 34-7. TOWING OF VEHICLE VIOLATING PARKING REGULATIONS***

Whenever any vehicle shall be found parked or standing in violation of any of the provisions of this Chapter, such vehicle may be removed and conveyed by or under the directions of a member of the department of police by means of towing.

***SECTION 34-8. TAGGING AND SUMMONS***

Provided, however, in lieu of towing such vehicle to the said pound, a police officer may secure and serve upon the owner, operator, chauffeur or driver of said vehicle a summons in accordance with the uniform Justice Court Act; or in the event the owner, operator, chauffeur or driver of said vehicle cannot be promptly located, a tag may be affixed to said vehicle by a police officer as hereinafter provided.

***SECTION 34-9. TRAFFIC RECORDING FEE AND TAG***

Whenever any vehicle shall be found parked or standing in violation of any provisions of this Chapter and its owner, operator, chauffeur or driver cannot be promptly located, the said police officer in lieu of causing the said vehicle to be removed to the vehicle pound, may affix a yellow tag containing a notice of the particular violation, directed to the said owner, operator, chauffeur or driver, and requiring such person within twenty four (24) hours to take said tag to the Arcade Justice Court and there give the name and address of the owner, the time it was left parked or standing as stated in said notice and pay the sum of \$25.00 in payment of said traffic recording fee or it may be mailed to the Arcade Justice Court, 17 Church Street, Arcade, New York 14009. If such person does not appear, send or mail payment within twenty four (24) hours a summons shall be issued for his/her appearance in the Village court as above provided.

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Each of said tags and the stubs thereof shall contain at least the following wording:

**SAMPLE TAG**

**TAG**      N<sup>o</sup> 4365

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**ARCADE POLICE DEPARTMENT**

---

Motor Vehicle  
(Make)

---

STATE	LIC. NO.	
Viol. of SEC.	Sub. Div.	Ordinances

---

Occurred At

---

DATE	HOUR
OFFICER NAME	

**ARCADE POLICE DEPARTMENT**

---

**TAG**      N<sup>o</sup> 4365

---

Motor Vehicle  
(Make)

---

STATE	LIC. NO.	
Viol. of SEC.	Sub. Div.	Ordinances

---

Occurred At

---

DATE	HOUR
OFFICER NAME	

**To the Owner, Operator or Chauffeur  
of the Vehicle Bearing Above  
State License Number**

This vehicle has been left parked or standing in violation of the traffic ordinances of the Village of Arcade as above indicated. You are required within twenty-four hours of the date herein to take or mail this tag to

**THE ARCADE JUSTICE COURT  
AT 17 CHURCH STREET  
DURING REGULAR OFFICE HOURS  
and pay a traffic recording fee of  
TWENTY-FIVE DOLLARS**

after giving the name and address of the owner, operator, chauffeur or driver who had charge of the said vehicle at the time it was left parked or standing aforesaid. Upon your failure to so appear a warrant will be obtained for your arrest.

**ARCADE POLICE DEPARTMENT**

(See Other Side)

**ARCADE POLICE DEPARTMENT**

- Blocking driveway or sidewalk
- Improperly parked
- Over twelve inches from curb
- Wrong side of street
- Within fifteen feet of fire hydrant
- Restricted zone
- Parked between 2 a.m. and 6 a.m.
- In taxi stand
- Standing within intersection
- Loading zone
- Between building or sidewalk and curb line
- No parking at any time
- Police or fire emergency signs
- Other violation:

NAME: .....

ADDRESS: .....

RECEIPT NO.: .....

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**PART 2 - OFF STREET AND PROHIBITED PARKING**

**SECTION 34-10. OFF STREET PARKING**

Parking on premises or property other than street.

- 1. No person shall 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 of parking on such premises as above described, a conspicuous sign or signs shall be posted at the entrances to such parking lots or parking areas informing the public as to the permitted conditions of parking thereon. A sign as hereinafter described shall be deemed substantial compliance with this section:

PARKING RESTRICTED (6 inches)
EXCEPT FOR (List persons or conditions permitted)
ONLY (4 inches)
ALL OTHERS KEEP OUT (6 inches)
UNDER PENALTY OF LAW SECTION 27 CHAPTER 34 VILLAGE CODE (2 inches)
POLICE ENFORCEMENT (2 inches)

- 3. Such sign or signs shall be at least three feet high by four feet wide (3' x 4'), with red lettering of a size not less than above, indicated upon a white background. 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 chapter. Such sign or signs shall state the conditions of parking or the persons authorized by the owner or lessee to use said premises for parking or both, and persons not included within such authorization or violating the regulations and conditions set out on said signs shall be deemed to be using said premises unlawfully without the authority and consent of the owner or lessee.
- 4. If such premises adjoin or abut upon a building or structure whose entrances or exits open upon such parking area, no vehicle shall be left parked standing or placed in such manner as to obstruct such entrance or exits, and a clear unobstructed passage shall be maintained and left open from such entrances or exits to the street or public right of way; such passageway shall be equal in width to the width of said entrances or exits in each instance, but in no case shall be less than five feet (5') wide, and shall permit persons to enter and leave such 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.

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**SECTION 34-11. PROHIBITED PARKING ON PREMISES OR PROPERTY OTHER THAN STREET.**

1. Where an owner of premises desires to prohibit completely parking thereon, he/she may notify the public to that effect by a conspicuous sign or signs placed on said premises stating in substance:

<p>NO PARKING POLICE ENFORCEMENT UNDER PENALTY OF LAW SECTION 28, CHAPTER 34 VILLAGE CODE</p>
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Such sign shall be not less than two feet in height by three feet in width (2' x 3') , with red lettering not less than four inches (4") high upon a white background.

2. Where an owner of premises has a designated area for handicap only parking in compliance with 1203-c of the New York State Vehicle and Traffic Law, no person, owner, or chauffeur shall cause any vehicle to be parked in said marked and designated parking space unless said person, owner or chauffeur is the holder of a handicapped parking permit which shall be displayed in the interior, front portion of said motor vehicle.
  - 2.a. A conviction for a violation of this section shall be punishable by a fine of not more than \$100.00.

Any person who parks or leaves a vehicle on such posted premises shall be deemed to be in violation of this section.

**SECTION 34-12. ENFORCEMENT**

1. This part may be enforced by the police or special patrolment in the same manner as elsewhere provided for in this chapter for the enforcement of traffic or parking ordinances, including the use of tags, summonses, towing and any other procedure authorized by law.
2. Proof of ownership of a vehicle shall be presumptive evidence in an action for enforcement that the owner parked or caused his/her vehicle to be parked on such premises.
3. On demand of the police, any owner or lessee requesting police enforcement shall furnish to the police a statement in writing, signed by him or his/her agent, to the effect that a specified vehicle was unlawfully parked, stored or left upon his/her premises at a certain time or during a certain period without his/her 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 Chief of Police or his/her subordinates to cease the enforcement of this part at the premises of such owner or lessee who fails to give the cooperation required herein.

**PART 3 - PENALTY AND EFFECTIVE DATE SECTION**

**SECTION 34-13. PENALTIES**

Every person convicted of a traffic infraction for a violation of any of the provisions of this Chapter, other than wherever a specific penalty is provided, and which conviction is not a violation of any provision of the Vehicle and Traffic Law of the State of New York, shall for the first conviction thereof, be punishable by a fine of not more than \$25.00; for a second such conviction within eighteen (18) months thereafter, such person shall be punishable by a fine of not more than \$50.000; upon a third conviction within eighteen (18) months after the first conviction, a fine of not more than \$100.00.

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**SECTION 34.14 EFFECTIVE DATE**

This Local Law shall take effect once filed with the Secretary of State or as noted below.

Local Law No. 2-1968

Continuation

Adopted: February 22, 1969

Posted February 27, 1969

Published: February 28, 1969

Effective: March 10, 1969

Amended

Local Law No. \_\_\_-1973

Adopted: June 25, 1973

Filed:

Amended

Local Law No. \_\_\_-1974

Adopted: July 14, 1974

Filed:

Amended -

Local Law No. 2-1982

Adopted: November 16, 1982

Filed: November 29, 1982

Amended

Local Law No. 1-1985

Adopted:

Filed:

Amended

Local Law No. 3 1988

Adopted: November 1, 1988

Filed: November 10, 1988

Amended

Local Law No. 4 1994

Adopted: November 1, 1994

Filed: November 9, 1994

Amended:

Local Law No. 2-1998

Adopted: April 21, 1998

Filed: April 24, 1998

Amended:

Local Law No. 1-1999

Adopted: January 5, 1999

Filed: January 11, 1999

Amended:

Local Law No. 8-2003

Adopted: December 16, 2003

Filed: December 22, 2003

Amended:

Local Law No. 2-2009

Revision: 10

Adopted: April 21, 2009

Filed: June 8, 2009

Amended:

Local Law No. 4-2009

Revision: 11

Adopted: September 1, 2009

Filed: