

June 1, 1998

Finance Committee: 5-18-98

RESOLUTION NO. 171-98

**ADOPTING PROPOSED LOCAL LAW C FOR THE YEAR 1998
ESTABLISHING A HANDICAPPED PARKING VIOLATION UNIT TO ASSIST IN
THE ENFORCEMENT OF HANDICAPPED PARKING LAWS OR ORDINANCES**

By Mr. Greenwood, Chair, Finance Committee

WHEREAS, the St. Lawrence County Board of Legislators is desirous of establishing a handicapped parking violation unit to assist the enforcement of handicapped parking law or ordinances, and

WHEREAS, the St. Lawrence County Board of Legislators held a public hearing on June 1, 1998,

NOW, THEREFORE, BE IT RESOLVED that the St. Lawrence County Board of Legislators hereby adopts Local Law C (No. 3) for the Year 1998.

**PROPOSED LOCAL LAW C (NO. 3) FOR THE YEAR 1998
ESTABLISHING A HANDICAPPED PARKING VIOLATION UNIT TO ASSIST IN
THE ENFORCEMENT OF HANDICAPPED PARKING LAWS OR ORDINANCES**

BE IT ENACTED by the Board of Legislators of the County of St. Lawrence, New York, as follows:

- Section 1: Purpose and Intent
The Board of Legislators of St. Lawrence County, pursuant to Section 1203-f of the Vehicle and Traffic Law of the State of New York, establishes a handicapped parking violation unit (appropriate unit) to assist in the enforcement of handicapped parking laws or ordinances. Persons appointed to such unit shall be volunteers, shall serve without compensation, and shall be authorized to provide evidence of violations of handicapped parking laws or ordinances to the appropriate law enforcement authorities.
- Section 2: Appropriate Unit
The appropriate unit is hereby designated as the St. Lawrence County Citizens Patrol.
- Section 3: Training Program
Each volunteer shall attend a training program to be set up and sponsored by the St. Lawrence County Sheriff of no less than two (2) hours in length and will require each volunteer to participate in and complete such training program. The Sheriff is to hold the training program at various times and certify each volunteer upon completion of the training. No volunteer will be authorized to participate under this section unless the training has been completed.
- Section 4: Identification Number and Equipment

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The Sheriff shall assign an identification number to each volunteer and provide official identification and equipment to assist the volunteer personnel in the conduct of their duties.

Section 5: Uniform Procedures

The Sheriff shall establish uniform procedures for volunteers in determining whether a violation has occurred as follows:

a) Establishing procedures for reporting violations

The Sheriff shall establish procedures for the uniform reporting of violations, which reporting shall include the identification number of the volunteer making the report.

b) Taking photographs

The volunteers shall be allowed to take photographs to aid in the reporting of violations. Only the enforcement agency will have the authority to process or to contract for the processing of all film submitted by volunteers; any photographs evidencing a violation are to be available for inspection in any proceeding to adjudicate the liability for that violation; a certificate sworn to or affirmed by a technician employed by the locality in which the charged violation occurred, or a facsimile thereof, based upon inspection of photographs produced from film submitted by volunteers, shall be prima facie evidence of the facts contained therein; and the use of photographs for any purpose other than as evidence of a handicapped parking violation is prohibited.

c) Notices of Violation

A notice of violation shall be sent by first class mail to each person alleged to be liable as the owner of the vehicle for a violation of the handicapped parking law or ordinance. A manual or automatic record of mailing prepared in the ordinary course of business shall be prima facie evidence of the facts contained therein; a notice of violation shall reference the law which was allegedly violated, and shall contain the name and address of the person alleged to be liable as an owner for a violation of a handicapped parking law or ordinance, the registration number of the vehicle involved in such violation, the location where such violation took place, the date and time of such violation, and the identification number of the volunteer who recorded the violation; a notice of violation shall contain information advising the person charged of the manner and the time in which he/she may contest the violation alleged in the notice, and shall also contain a warning to advise the persons charged that failure to contest the manner and time provided shall be deemed an admission of liability and that a default judgment may be entered thereon.

Section 6: Effective Date

This local law shall take effect immediately.

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Mr. Greenwood moved to adopt Resolution No. 171-98, seconded by Mr. Lacy, and carried unanimously by a roll call vote.