

Chapter 139

VEHICLES AND TRAFFIC

[HISTORY: Adopted by the Town Board of the Town of Liberty as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Streets, highways and sidewalks — See Ch. 128.

Towing and road service — See Ch. 136.

ARTICLE I

Seasonal Parking [Adopted 1-14-1965]

§ 139-1. Definitions.

For the purposes of this article, the words "vehicle," "owner" and "park" shall have the meanings as defined in the Vehicle and Traffic Law of the State of New York.

§ 139-2. Night parking prohibited during winter season.

No vehicle shall be parked on any County or Town road within the Town of Liberty between the hours of 1:00 a.m. and 7:00 a.m. during the period beginning December 1 and ending March 31 of each year.

§ 139-3. Penalties for offenses. [Amended 7-8-1996 by L.L. No. 4-1996]

The penalties for violation of this article shall be those set forth in § 1800 of the Vehicle and Traffic Law of the State of New York.

§ 139-4. Removal of vehicles.

When any vehicle is parked or abandoned on any County or Town road within the Town of Liberty between the hours of 1:00 a.m. and 7:00 a.m. during the period beginning December 1 and ending March 31 of each year or during snow removal operations by any department in the Town of Liberty or during flood, serious fire or other extreme public emergency which affects that portion of the County or Town road upon which said vehicle is parked or abandoned, said vehicle may be removed by the Town Superintendent of Highways or any of the Town Superintendent of Highways' employees or agents.

§ 139-5. Redemption of vehicles. [Amended 7-8-1996 by L.L. No. 4-1996]

After such removal, the Town Superintendent of Highways may store such vehicle in a suitable place at the expense of the owner. Such owner or person in charge of the vehicle may redeem the same upon payment to the Town Superintendent of Highways of the amount of all expenses actually and necessarily incurred in effecting such removal, such charges shall be as set forth

from time to time by the Town Board.¹

§ 139-6. Report of removal; notice.

The Town Superintendent of Highways shall, without delay, report the removal and the disposition of such vehicle to the Town Clerk of Liberty, and it shall be the duty of such Town Clerk to ascertain the owner of such vehicle or person having the same in charge and to notify said owner of the removal and disposition of such vehicle and of the amount which will be required to redeem the same.

ARTICLE II
Prohibited Parking
[Adopted 6-3-1965]

§ 139-7. Applicability.

The provisions of this article 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 an official traffic control device.

§ 139-8. Stopping, standing and/or parking prohibited in designated locations. [Amended 7-1-1992 by L.L. No. 3-1992; 9-8-1993 by L.L. No. 4-1993; 8-18-2014 by L.L. No. 1-2014]

The stopping, standing and/or parking of vehicles is hereby prohibited at the following designated locations:

- A. On both sides of the Town road known as "Main Street" in the Hamlet of Parksville from County Bridge No. 336 to the Parksville Synagogue.
- B. On both sides of the road known as "Old Route 17" from High View Acres Road to Hall Hill Road.
- C. On both sides of Old White Lake Turnpike (Town Road 83) for its entire distance from its intersection with Stanton Corner Road (County Road 74) to the Town of Bethel town line.

§ 139-9. Penalties for offenses; towing of improperly parked vehicles. [Amended 7-1-1992 by L.L. No. 3-1992; 8-18-2014 by L.L. No. 1-2014]

- A. Any person convicted for a violation of any of the provisions of this article shall for a first conviction thereof be punished by a fine of not less than \$50 or more than \$100; for a conviction of a second violation, both of which were committed within a period of 18 months, such person shall be punished by a fine of not less than \$75 or more than \$125; upon a conviction for a third or subsequent violation, all of which were committed in a period of 18 months, such person shall be punished by a fine of not less than \$100 or more than \$150.
- B. Any vehicle improperly parked along the roads in the Town of Liberty where parking is prohibited may be towed on the direction of any peace officer of the Town of Liberty,

1. Editor's Note: A fee schedule is located in Chapter A152, Fees.

County of Sullivan or State of New York at the expense of the owner of the vehicle, who shall be required to pay the towing charge as permitted in Chapter 136, Towing and Road Service, of the Code of the Town of Liberty.

ARTICLE III

Stop Intersections

[Adopted 11-9-1967; amended in its entirety 7-8-1996 by L.L. No. 4-1996]

§ 139-10. Stop intersections designated.

The Superintendent of Highways shall install stop signs at the following intersections in the Town of Liberty where designated by the Superintendent of Highways.

Stop Sign on	Number of Signs	At Intersection of
Ahrens Road	2	Tanzman Road
Airport Road	2	Clements Road
Anderson Road	1	Lily Pond Road
Barton Road	1	Ferndale Loomis Road
Bennett Road	1	Cutler Road
Benton Hollow Road	2	Revonah Hill Road
Benton Road	1	Lenape Lake Road
Big Woods Road	1	East Mongaup Road (Section A)
Budnick Road	2	Tanzman Road
California Avenue	1	Cold Spring Road
Carr Road	1	Queen Mountain Road
Castle Hill Road	1	Ahrens Road
Chaffe Road	1	Old Loomis Road
Cold Spring Road	1	Aden Road
Corrigan Road	1	Old Loomis Road
Cox "B" Road	1	Heinle Road
Cross Road	2	Denman Road
Cutler Road	1	Willi Hill Road
East Mongaup Road ("A")	1	Old Monticello Road
East Mongaup Road ("B")	2	East Mongaup Road (Section A)
Edge Water Drive	2	Pine Boulevard
Elk Point Road	3	Benton Hollow Road
Fishman Road	1	Lily Pond Road
Flynn Road	1	Anderson Road

Fox Mountain Road	1	Golub Hill Road (Part 1)
Frankie Lane	1	Loomis Road
Golub Hill Road (Part 2)	1	Fox Mountain Road
Hector Road	1	East Hill Road
Heinle Road	1	Shore Road
Herner Road	1	Denman Road
Highview Avenue	1	Cold Spring Road
Huschke Road	1	East Mongaup Road (Section A)
Infirmery Road	1	Airport Road
Kelly Avenue	1	Cold Spring Road
Kelly Bridge Road	1	Ferndale Loomis Road
Lake Marie Road	1	Townsend Road
Lakeview Drive	1	Pine Boulevard
Lenape Lake Road	1	Midway Road
Lenape Lake Road Extension	1	Lenape Lake Road
Lennon Road	1	Revonah Hill Road
Long Avenue	1	Parksville-Main Street
Loomis Road	1	Old Loomis Road
Loomis Village	2	Old Loomis Road
Loomis Village Spur	2	Loomis Village
M.T. Morris Road	1	Scheibe Road
Mager Avenue	1	Cold Spring Road
Marx Street	1	Cross Road
Meadowmere Lane	1	Lake Marie Road
Menderis Road	2	East Hill Road
Mineral Springs Road	2	Schoolhouse Road
Muhlig Road	4	Aden Road
Mullen Road	1	West Lily Pond Road
Nature Lake Road	1	Hy-Sa-Na Road
O'Keefe Hill Road	1	Hall Hill Road (Section A)
Par Avenue	2	Long Drive
Park Avenue	1	Cold Spring Road
Parks Road	2	Lenape Lake Road
Pearl Lake Road	1	Breezy Hill Road

Pine Boulevard	2	Post Road
Post Road	2	Pine Boulevard
Queen Mountain Road	1	Radcliff Road
Radcliff Road	1	Queen Mountain Road
Robertson Road	1	Midway Road
Scheibe Road	1	Old Loomis Road
Skyview Drive	2	Lennon Road
Stacy Lane	1	Aden Road
Stacy Lane Spur	1	Stacy Lane
Stafford Road	1	Heinle Road
Steiglitz Road	2	Huschke Road
Summit Avenue	1	Cold Spring Road
Tanzman Road	2	Aden Road
Taylor Road	1	Breezy Hill Road
Thomas Avenue	2	Youngs Kill Road
Townsend Road	1	Shore Road
Tremper Road	1	Old State Road 52
Twin Bridge Road	2	Old Monticello Road
Upper Ferndale Road	1	Ferndale Loomis Road
Wards Road	1	Cattail Road
West Lily Pond Road	1	Lily Pond Road
Weston Way	1	Aden Road
Wilbur Klein Road	1	Dessecker Road
Willi Hill Road	1	East Hill Road
Wood Avenue	1	Loomis Road
Woodland Avenue	1	Cold Spring Road

§ 139-11. Penalties for offenses.

The penalties for violations of this article shall be those set forth in § 1800 of the Vehicle and Traffic Law of the State of New York.

ARTICLE IV
Handicapped Parking
 [Adopted 1-10-1991 by L.L. No. 1-1991]

§ 139-12. Statutory authority.

This Article is enacted pursuant to Municipal Home Rule Law § 10 and the Vehicle and Traffic Law §§ 1203-a, 1203-b and 1660, Subdivision (a)25.

§ 139-13. Purpose.

The purpose of this article is to implement Vehicle and Traffic Law § 1203-a by providing for the issuance and use of parking permits for handicapped persons and by requiring a designated number of parking spaces for handicapped persons.

§ 139-14. Definitions.

A. The following definitions shall be applicable to this article:

HANDICAPPED PERSON — Such person or persons within the meaning, intent and usage of such phrase in Vehicle and Traffic Law §§ 1203-a, 1203-b and 1203-c, and shall include a severely disabled person as defined by Vehicle and Traffic Law § 404-a, Subdivision (4).

TEMPORARILY DISABLED PERSON — Any person who does not have a permit issued pursuant to Vehicle and Traffic Law § 1203-a or pursuant to this article or a motor vehicle registered pursuant to Vehicle and Traffic Law § 404-a, but by reason of physical or mental defect or incapacity, is temporarily and significantly restricted in his or her vision or ability to walk, ambulate or move about.

VEHICLE — Any motor vehicle, as defined by Vehicle and Traffic Law § 125, or motorcycle, as defined in Vehicle and Traffic Law § 123, or house coach as defined in Vehicle and Traffic Law § 119.

B. For purposes of this article, those definitions established or guidelines used by the State Advocate for the Disabled shall be applicable to this article and are incorporated herein.

§ 139-15. Permit agent; issuance of permits.

A. The Town Clerk of the Town of Liberty is herein designated as the authorized issuing agent for special parking permits to handicapped residents of the Town of Liberty.

B. Upon submission of an application for a handicapped parking permit to the issuing agent and by submission of a statement from a licensed physician setting forth that the applicant is a handicapped person or is temporarily disabled and is in need of special parking privileges, the issuing agent shall issue a handicapped parking permit to the applicant, to be issued in accordance with the provisions of the Vehicle and Traffic Law of the State of New York and this article. Said permits may be issued on a permanent or temporary basis depending upon the applicants need as indicated by the physician's statement. The issuing agent shall have authority to impose any other reasonable conditions upon said permit.

§ 139-16. Revocation or suspension of permit.

The issuing agent may suspend or revoke any permit or refuse to renew any permit upon finding that:

A. The applicant has made a material false statement in the application;

- B. The applicant has used or permitted the use of the permit contrary to the conditions set forth in the permit and in this article;
- C. The applicant has failed to comply with or observe any of the conditions of the application and/or of the permit; or
- D. The applicant shall have failed to notify the issuing agent of any change of address or disability within 10 days after such change.

§ 139-17. Designation of handicapped parking spaces.

- A. The Town shall designate certain parking spaces to be parking spaces for handicapped persons and/or temporarily disabled persons. These handicapped parking spaces so designated by the Town shall be set forth and maintained in a register in the Town Clerk's office located in the Town Government Center in the Town of Liberty.
- B. The establishment of handicapped parking spaces by the Town of Liberty shall be in addition to any handicapped parking spaces that are established by the owners of real property in the Town of Liberty. It shall not be a defense to the prosecution of a violation of this article that a parking space which has been marked as a handicapped parking space is not designated in the register of handicapped parking spaces.

§ 139-18. Parking in designated spaces without permit prohibited.

After establishment of specially marked parking spaces for handicapped persons or temporarily disabled persons by the Town of Liberty or any owner of real property, no person shall park any vehicle in such space or otherwise block or impede parking in such spaces unless a handicapped person or temporarily disabled person is either a passenger, driver or occupant of the vehicle and the vehicle displays a handicapped parking permit issued by the Town of Liberty or the vehicle displays a designation issued by the Commissioner of Motor Vehicles pursuant to Vehicle and Traffic Law § 404-a.

§ 139-19. Requirements for number and location of spaces; site plan compliance; enforcement.

The required number of handicapped parking spaces set forth herein shall apply as follows:

- A. Any shopping center or facility with at least five separate retail stores and at least 20 off-street parking spaces which are provided for use by the shopping public must designate as only for the handicapped and clearly mark for use by the handicapped a minimum of 5% of such parking spaces or 10 spaces, whichever is less.
- B. All other new and existing nonresidential sites that are available to the public having a parking area for 10 or more vehicles, including but not limited to stores, shops, restaurants, office buildings, warehouses, storage buildings, professional offices, convalescent homes, schools and public buildings, shall designate the following number of parking spaces:

Total Parking (number of spaces)	Handicapped Parking (number of spaces)
10 to 20	1
21 to 40	2
41 to 60	3
61 to 80	4
81 to 100	5

- C. For all sites having total parking spaces in excess of 100, the number of handicapped spaces shall be determined by the Code Enforcement Officer.
- D. Parking spaces for handicapped persons shall be located as close as possible to elevators, ramps, walkups and entrances and shall be so located that the handicapped person is not compelled to wheel or walk behind parked vehicles to reach entrances, ramps, walkups and elevators.
- E. The exact location of parking spaces shall be determined by the Code Enforcement Officer of the Town of Liberty.
- F. Site plans submitted to the Planning Board and Town Board for proposed facilities shall illustrate compliance with this article. No site plan containing off-street parking shall be approved if not in compliance with this article.
- G. The Town Board shall designate any person or persons on behalf of the Town of Liberty to conduct a survey of existing handicapped parking spaces for new or existing sites affected by this article and to coordinate and ensure compliance of such sites with this article.

§ 139-20. Marking of spaces; exceptions.

- A. Each space designated for handicapped parking shall be not less than 10 feet wide, in addition to an adjacent access aisle, which shall be not less than five feet wide and crosshatched on each side of a handicapped parking space. In the event that two handicapped parking spaces are adjacent, one common five-foot crosshatched area may be used to service the adjacent handicapped parking stalls.
- B. Each space shall be designated by signs and white lettering against a blue background and bear the wording "handicapped parking" and shall display the international symbol of access. Each sign shall be at least 18 inches in height and 12 inches in width. Each sign shall be erected in the center of the handicapped parking stall at a point in the back of the stall so as to be easily visible to the driver of the vehicle when the driver enters the parking stall and the driver's car is in the proposed parking position. The center of each sign shall be at a height of four feet above the parking surface. There shall be one sign for each handicapped parking stall. Such signs shall be erected, installed and maintained by and at the expense of the owner of the real property upon which the handicapped parking stall is

located.

- C. Exceptions and variances from these standards must be approved by the Code Enforcement Officer.

§ 139-21. Penalties for offenses. [Amended 7-8-1996 by L.L. No. 4-1996]

- A. Any person who violates the provisions of §§ 139-16 and 139-18 shall be guilty of an offense punishable by a fine not to exceed \$250.
- B. Any person who knowingly destroys or defaces any handicapped parking space or a sign or pavement marking designating such handicapped parking space shall be guilty of an offense punishable by a fine not to exceed \$250.
- C. In addition to any other penalty or cost provided herein, any person who knowingly refuses to provide the required number of handicapped parking spaces established by this article or any state law shall be guilty of an offense punishable by a fine not to exceed \$250.²

² Editor's Note: Former Art. V, Surcharge Pursuant to Vehicle and Traffic Law § 1808-d, which article comprised §§ 139-22 through 139-25, as added 10-18-2004 by L.L. No. 3-2004, was repealed 2-22-2005 by L.L. No. 3-2005.