PART II – GENERAL LEGISLATION

Chapter 150 – Motor Vehicles and Traffic

[Amended and Adopted, December 27, 2012, to be included as Chapter 150 of the Code]

Article I – In General **Section 150-1 – 150-17**
[Amended and adopted as Local Law # 1 of 1980]
Article II – Operation **Section 150-18 – 150-29**
[Amended and adopted as Ord. of 11-17-64]
Article III – Stopping, Standing, and Parking **Section 150-30 – 150-46**
[Amended and adopted as Ord. of 12-27-60]
Article IV – Abandoned, Junked and Unregistered Motor Vehicles **Section 150-47 – 150-50**
[Adopted as Local Law # 3 of 1978]

Article I – In General

Section 150-1 – Words and Phrases Defined – The words and phrases used in this chapter shall for the purpose of this chapter have the meanings respectively ascribed to them by Article I of the Vehicle and Traffic Law of the State of New York.

Section 150-2 – Erection of traffic-control devices – The board of trustees of the village shall cause to be installed and maintained traffic-control devices when and as required under the provisions of this chapter, to make effective the provisions of this chapter, and may cause to be installed and maintained such additional traffic-control devices as it may deem necessary to regulate, warn or guide traffic under the Vehicle and Traffic Law, subject to the provisions of sections 1682 and 1684 of that law.

Section 150-3 – Electrical Timing Devices – Police officers or any other authorized officials may operate at any time, anywhere within the incorporated limits of the village, a speed watch, or other registered official electric timing device for regulating speed. All main entrances to the village shall be properly posted warning of such speed watch.

Section 150-4 – Vehicles To Be Properly Equipped – No person shall operate a motor vehicle or motorcycle within the limits of the village unless such motor vehicle or motorcycle is in good working order and is equipped in the manner, prescribed by the Vehicle and Traffic Law of the state.

Section 150-5 – Lamps and Other Equipment on Bicycles

(a) Every bicycle when in use during the period from one-half hour after sunset to one-half hour before sunrise shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least five hundred (500) feet to the front and with a red

reflector, at least three (3) inches in diameter, on the rear which shall, be visible from all distances from fifty (50) feet to three hundred (300) feet to the rear when directly in front of lawful upper beams of head lamps on a motor vehicle. A lamp emitting a red light visible from the rear may be used in addition to the red reflector.

(b) No person shall operate a bicycle unless it is equipped with a bell or other device capable of giving a signal audible for a distance of at least one hundred (100) feet, except that a bicycle shall not be equipped with nor shall any person use a siren or whistle upon any bicycle.

(c) Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheels skid on dry, level, clean pavement.

(d) Any person who shall violate any of the provisions of this section shall be liable to a penalty of fifty dollars ($50.00).

Section 150-6 –Vehicles In Excess of Five Tons Prohibited on Village Streets – Exceptions

(a) Legislative Intent – A clean, wholesome, quiet and attractive environment enhances the health and safety of the community and does not detract from the value of the properties located therein. Unrestrained use of streets within the village by motor vehicles (as defined in the New York State Motor Vehicle Law) of any weight, whether their destination be within or without the village, adversely affects the safety of village residents and property values along heavily used streets and creates additional maintenance responsibility upon the village.

(b) Applicability – This Section shall apply to all public streets, roads and highways within the Village of Marcellus, except North Street (New York State Route No. 174), which is maintained by the State of New York and Main Street (sometimes referred to as Seneca Turnpike), which is maintained by the County of Onondaga. This section shall apply to all motor vehicles (as defined in the New York State Motor Vehicle Law) except any motor vehicle making a local delivery to a location within the village, whether or not it may be making deliveries elsewhere, and, any motor vehicle owned by any municipal government or agency or department thereof. It is found and determined that there are other reasonable routes to traverse the village in a north to south or reverse direction other than through the village and upon South Street among other streets.

(c) Motor Vehicles in excess of five tons prohibited – All motor vehicles (as defined in the New York State Motor Vehicle Law) except those enumerated in paragraph (b) above, in excess of five (5) tons gross weight, including load, shall be excluded from all streets, roads and highways located within the Village of Marcellus, New York, except those streets excluded in paragraph (b) above.

(d) Penalty – A violation of this Section shall be considered as a traffic infraction and a person found to be in violation thereof, shall be fined a minimum of $50.00 and a maximum of $100.00 for each violation. A conviction hereunder shall not preclude the Village from seeking actual damages and injunctive relief in Supreme Court.

Section 150-7 – Violations and penalties – Any person violating any of the provisions of this chapter shall upon conviction be punished as provided by law.

Sections 150-8 – 150-17 – Reserved

Article II – Operation

Section 150-18 – Speed limits prescribed – No person shall operate a motor vehicle, automobile, motorcycle, or other vehicle upon any public highway or street within the corporate limits of the village at a rate of speed in excess of thirty (30) miles-per-hour unless authorized to do so by signs either temporarily or permanently posted. This section shall not apply to ambulances, fire vehicles or police vehicles on emergency calls.

Section 150-19 – Schedule designating through streets – A schedule designating through streets within the village shall be on file in the office of the Village Clerk. Said schedule shall not be revised or any addition made thereto or any deletion made therefrom unless a resolution has been entered upon the minutes of a regular meeting of the Board of Trustees by a majority vote and a written memorandum referring to said resolution has been attached to said schedule.

Section 150-20 – Required Obedience to Traffic Laws – It is unlawful and, unless otherwise declared in this Article II with respect to particular offenses, it is a traffic infraction for any person to do any act forbidden or fail to perform any act required in this Article II.

Section 150-21 – Maximum School Speed Limits – The maximum school speed limit of twenty miles per hour (20 mph) at which vehicles may proceed on or along Village streets is hereby established and/or continued for the following streets and locations:

Name of Street	Location
North Street	Between Reed Parkway and Mustang Hill
Reed Parkway	Between North Street and Second Street

Sections 150-22 – 150-29 – Reserved

Article III – Stopping, Standing, and Parking

Section 150-30 – Schedule designating areas in which parking prohibited or limited – A schedule designating the areas in which parking is prohibited or limited within the village shall be on file in the office of the Village Clerk. Said schedule shall not be revised or any addition made thereto or any deletion made therefrom unless a resolution has been entered upon the

minutes of a regular meeting of the Board of Trustees by a majority vote of said Board and a written memorandum referring to said resolution has been attached to said schedule.

Section 150-31 – Parking near intersection – It shall be unlawful to park any motor vehicle, vehicle, omnibus or motorcycle nearer than ten (10) feet from the intersection of any and all streets, public highways or roadways, notwithstanding any provisions of this article.

Section 150-32.1 – Parking of Trailers Prohibited – Parking of any trailer on any public street within the Village, not attached to any motor vehicle, is prohibited. A trailer is defined as any vehicle not propelled by its own power drawn on the public highways by a motor vehicle, and as otherwise defined in Section 156 of the Vehicle and Traffic Law.

Section 150-32.2 – Parking in driveways, intersections, crosswalks – It shall be unlawful to park any motor vehicle, vehicle, omnibus or motorcycle in any thoroughfare, intersection or across any public sidewalk.

Section 150-33 – Method of parking – No vehicle shall be parked on any street or public highway within the corporate limits of the village other than parallel with the edge of the street heading in a direction of traffic, and with the front and rear wheels not more than twelve (12) inches from the curb unless otherwise provided by this article.

Section 150-34 – Locations where diagonal parking allowed – Diagonal parking is not allowed on Village streets.

Section 150-35 – Night parking restrictions – No vehicle shall be parked on any street, roadway or public highway in the village between the hours of 2:00 a.m. and 7:00 a.m. between November 1st and April 1st of each year.

Section 150-36 – Leaving vehicle unattended – No person shall park any motor vehicle or leave the same standing unattended in any street or highway in the village with the motor running or without having the brakes securely applied so as to prevent such automobile from moving.

Section 150-37 – Fines for Parking Violations – The fine for a violation of Section 150-35 hereof (Night parking restrictions) between November 1st and April 1st of each year shall be the sum of $35.00. The fine for all other violations shall be the sum of $20.00. If the fine for any violation is not paid within thirty (30) days after the issuance of the ticket or notice therefore, a $10.00 penalty shall be added thereto.

Sections 150-38 – 150- 46 – Reserved

Article IV – Abandoned, Junked, and Unregistered Motor Vehicles

Section 150-47 – Legislative Intent – A clean wholesome and attractive environment enhances the health and safety of the community and does not detract from the value of the properties located therein. Unrestrained accumulation of abandoned, junked and unregistered motor vehicles can detract from the health, safety and welfare of village residents and can adversely affect property values of neighboring properties, which requires regulation of said activity.

Section 150-48 – Applicability of article – This article shall apply to any person, as hereafter defined, and all real property located within the Village of Marcellus, except that any motor vehicle sales, leasing, or repair facility or gasoline service station shall be excluded from the requirements of storage of unregistered motor vehicles as hereafter set forth.

Section 150-49 – Definitions – For purposes of this article, the following words impart the meaning hereafter ascribed:

Abandoned: A motor vehicle, which may be registered or not registered, and the owner cannot be located if registered, or determined if unregistered, and is located within the village for one (1) week without being moved or claimed. Such a vehicle may be operable or inoperable and found on public or private property.

Junked: A motor vehicle or any major portion thereof including at least half the chassis or body, or, the engine, no longer intended for or in operable condition for legal use or public highways, and in addition said motor vehicle or portion thereof would fail a New York State inspection.

Motor vehicle: As defined in the New York State Vehicle and Traffic Law (as amended).

Outdoor Storage: In the open and not contained within a garage or other building, which includes a roof and is enclosed.

Person: Any individual, firm, partnership, business or corporation irrespective of their relationship to the land where the subject vehicle is located, whether they be owner, tenant, agent, licensee or otherwise.

Private property: Real property owned by persons, including churches, other than real property of the State of New York or any municipal government thereof, including the Town and Village of Marcellus and the County of Onondaga.

Unregistered motor vehicle: A motor vehicle as described herein which remains unregistered under the Vehicle and Traffic Law for thirty (30) consecutive days.

Section 150-50 – Outdoor storage prohibited – No persons shall store or permit to be stored, parked or deposited an abandoned or junked motor vehicle upon the private property they occupy, whether owned by said persons or not, nor shall any person store or permit to be stored or parked any unregistered motor vehicle longer than thirty (30) days within the corporate boundaries of the Village of Marcellus, New York. Abandoned motor vehicles on public property shall be disposed of in accordance with section 1224 of the Vehicle and Traffic Law (as amended). Garages, service stations, sales, leasing and repair facilities of motor vehicles may store outdoors abandoned or junked motor vehicles for a maximum of sixty (60) days and unregistered motor vehicles for a maximum of six (6) months. Alleged violators shall have five (5) days to correct said violation upon written notice by the Village Clerk. The assessed owner of the real property shall be presumptively in violation of the article if the occupant of his or her land violates this article.

Section 150-51 – Notice to Remove

(a) Violations shall only be investigated based upon the written complaint to the Village Clerk or Village Police of any person as defined in section 150-49 hereof regardless of the residence of said person.

(b) In the event of violation, the Village Clerk shall serve a written notice upon the assessed owner of the real property involved, and also the occupant thereof if not owner-occupied, personally or by certified mail, return receipt requested, that a violation has occurred, describing the facts and the motor vehicle in question and mandating that said motor vehicle be removed within five (5) days from the date of said notice.

(c) Said notice shall also state that if the vehicle is not removed, said owner and/or occupant shall be subject to the penalties of this article as hereinafter described, including assessment of the cost of removal and disposal against the real property and/or a fine.

Section 150-52 – Violations, Procedure and Penalty

(a) Any person, whether the owner or occupant of the private property upon which the motor vehicle is determined to be abandoned, junked or unregistered is located, who refuses to remove same after service of the notice required by this article shall be in violation thereof.

(b) Any police or law enforcement officer shall have power to seize said abandoned, junked or unregistered motor vehicle and remove it from the private property where located for disposal; all costs of removal and storage shall be assessed against the assessed owner of the private real property where the vehicle was located at the time of notice and seizure herein; said

motor vehicle shall thereafter be disposed of pursuant to section 424 of the Vehicle and Traffic Law.

(c) In addition, the occupant of any private real property upon which such motor vehicle is located which is in violation of this article, whether he is the owner of said real property or not, shall be subject t a fine of a maximum of two hundred-fifty dollars ($250.00) per day before any local magistrate having jurisdiction thereof, for his refusal to remove after due notice thereof as required herein.

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