

Proposed Local Law 02-2026 Parking Violation, Tickets and Penalties

1. Purpose and Findings

A. Purpose

The purpose of this local law is to modernize and clarify the Town of Orchard Park's regulations governing parking violations, ticketing, fines, and enforcement, to promote public safety, ensure turnover of parking spaces, support winter maintenance operations, and provide fair, transparent procedures for residents and visitors.

B. Legislative findings

The Town Board finds that:

- Existing regulations governing prohibited and time-limited parking require clearer penalties and procedures.
- Consistent enforcement of overnight and seasonal parking restrictions is necessary for safe snow removal and emergency response.
- A standardized parking ticket and appeal process will improve fairness and administrative efficiency.

2. Pursuant to New York State Vehicle and Traffic Law §1660(a)(25), this local law amends Chapter 131, "Vehicles and Traffic," of the Code of the Town of Orchard Park

This local law amends Chapter 131, "Vehicles and Traffic," of the Code of the Town of Orchard Park, by adding a new Article establishing specific provisions for parking tickets, penalties, and procedures, and by updating cross-references to parking restrictions already authorized in Chapter 131.

3. New Article: Parking Violations, Tickets and Penalties

§131- 14 Definitions

For the purposes of this Article:

- "Parking violation" means any stopping, standing, or parking of a vehicle in violation of any provision of this chapter or any schedule, map, or resolution adopted pursuant to this chapter.
- "Parking ticket" means the written notice of a parking violation issued by a police officer or other authorized enforcement officer of the Town of Orchard Park.

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- “Restricted parking district” refers to areas and times designated by the Town Board where parking is regulated or prohibited, including seasonal overnight restrictions.
- “Town Court” means the Town of Orchard Park Justice Court.

§131-14 Parking ticket issuance

A. Authority to issue

Parking tickets for violations of this chapter may be issued by any police officer of the Town of Orchard Park and by any other officer or employee authorized by resolution of the Town Board.

B. Contents of ticket

Each parking ticket shall contain, at a minimum:

- Date and time of issuance.
- Alleged Section of Law Violated.
- Location of alleged violation.
- License plate number and state of registration.
- Make or description of the vehicle.
- A brief description of the violation (e.g., “Overnight parking during restricted hours,” “Parking in fire lane,” “Parking in bus stop”).
- Fine amount and any applicable surcharges, or reference to a fine schedule on file with the Town Clerk.
- Instructions on how and where to pay the fine or contest the ticket, and the deadline for doing so.

C. Service

A parking ticket may be served by affixing it securely to the vehicle in a conspicuous place or by mailing it to the registered owner’s last known address, in accordance with applicable law.

§131-14 Schedule of fines and surcharges

A. Establishment of fine schedule

The Town Board shall, by resolution, adopt a schedule of fines and surcharges for parking

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violations under this chapter, which may differentiate among types of violations including, but not limited to:

- Overtime or time-limited parking.
- No-parking or no-standing zones.
- Overnight or seasonal parking restrictions (including November 1–April 1 or such other dates as the Board may establish).
- Parking in fire lanes or within designated fire zones.
- Blocking a driveway, crosswalk, or sidewalk
- Parking in bus stops, cab stands, loading zones, and safety zones.
- Parking in handicapped/accessible spaces without proper authorization (subject also to applicable state law).
- Uninspected Motor Vehicle.
- Unregistered Motor Vehicle.

B. Base fines

Unless otherwise specified by state law, each parking violation shall be subject to a base fine within a range established by Town Board resolution (for example, not less than \$50 and not more than \$250 for a first offense).

C. Repeat offenses

The fine schedule may provide for increased fines for subsequent violations by the same registered owner within a specified period, consistent with state law.

D. Surcharges and costs

State-mandated surcharges, administrative fees, towing and storage charges, and booting/immobilization fees may be collected in addition to the base fine, in amounts established by law or by Town Board resolution.

§131-14 Payment and disposition

A. Time for payment

Unless otherwise provided by law, a person to whom a parking ticket is issued shall pay the applicable fine and surcharges, or contest the ticket as provided herein, within ten (10) days after the date of issuance or mailing.

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B. Methods of payment

The Town Board may authorize payment:

- In person at locations designated by the Town.
- By mail, payable to the appropriate Town office.
- By approved online payment system.

C. Failure to respond

Failure to pay or contest a parking ticket within the prescribed time may result in additional penalties, referral to collections, immobilization or towing of the vehicle for repeated offenders, and notification to the New York State Department of Motor Vehicles as permitted by law.

§131-14 Contests and appeals

A. Right to contest

Any person who believes a parking ticket was issued in error may contest the ticket by requesting a hearing before the Town Justice Court, in the manner and within the time period stated on the ticket.

B. Procedure

- The person may appear in person or through counsel, as allowed by court rules.
- The court may dismiss, reduce, or sustain the violation, and may impose applicable fines and surcharges consistent with state law and the Town's fine schedule.

C. Waiver

Failure to timely request a hearing shall constitute a waiver of the right to contest the ticket, and the fine shall be due and payable.

§131- 14Towing, removal, and immobilization

A. Authority

In addition to any other penalty, vehicles may be towed, removed, or immobilized where:

- They are parked in violation of posted no-parking or fire lane restrictions presenting a safety hazard.

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- They obstruct snow removal or emergency operations during posted seasonal or emergency parking restrictions.
- They have accumulated multiple unpaid parking violations, as established by Town Board resolution.

B. Costs

The owner or operator of any vehicle removed, towed, stored, or immobilized shall be liable for the payment of all towing, storage, and immobilization charges, in addition to any fines and surcharges.

§131-14 Relationship to existing parking regulations

A. Existing restrictions

All existing provisions of Chapter 131 relating to:

- Designation of no-parking zones.
- Time-limited parking.
- Loading zones, safety zones, bus stops, taxicab stands.
- Fire lanes and other restricted zones.
remain in full force and effect and are enforceable by means of parking tickets under this Article.

B. Schedules and maps

All schedules of streets and parking restrictions adopted by the Town Board and maintained on file in the office of the Town Clerk are hereby incorporated by reference as if fully set forth herein.

§131-14 Severability; effective date

A. Severability

If any clause, sentence, paragraph, subdivision, section or part of this local law or the application thereof to any person, firm or corporation, or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof.

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B. Effective date

This local law shall take effect upon filing with the Secretary of State in accordance with the provisions of the Municipal Home Rule Law.