

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 LAKE STREET, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

Village of WATKINS GLEN, NEW YORK

Local Law No. 7, of the Year 2003

A Local Law to regulate the use of engine brake retarders in the Village of Watkins Glen

Be it enacted by the Board of Trustees of the

Village of Watkins Glen as follows:

§1. Engine Brake Retarder Nuisance. The Board of Trustees of the Village of Watkins Glen, New York, finds as a fact that the operation of engine brake retarder on a gasoline-powered or diesel-powered motor vehicle not equipped with exhaust mufflers or equipped with defective or modified exhaust mufflers, so as to create excessive noise through the use of said engine brake retarder, adversely affects the public health, safety and welfare of the residents of the Village of Watkins Glen, New York and, therefore, is a nuisance in fact.

§2. Prohibited Areas. No gasoline-powered or diesel-powered motor vehicle shall be operated within the Village, utilizing, in said operation, an engine brake retarder, without exhaust mufflers or with defective or modified exhaust mufflers permitting excessive noise to be created by said motor vehicle through the use of engine brake retarder.

§3. Exceptions. This Part shall not apply to emergency driving situations requiring the utilization of an engine retarder to protect the safety and property of the residents of the Village of Watkins Glen, other motor vehicle operators, pedestrians and the operator and passengers of the motor vehicle involved in said emergency situation.

§4. Signs. Signs shall be erected within the Village limits advising motor vehicle operators of the prohibition of the use of engine brake retarders consistent with this local law.

§5. Penalties. Any person, firm or corporation who shall violate any provision of this local law shall, upon summary conviction before a Village Justice having jurisdiction, be sentenced to pay a fine of not more than one thousand dollars (\$1,000.00) and costs of prosecution, and in default of the payment thereof, shall be sentenced to undergo imprisonment for a period not to exceed ten (10) days.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 7- of 20⁰³ of the ~~(County)(City)(Town)~~(Village) of Watkins Glen was duly passed by the ~~Village Board~~ on April 17 20⁰³, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20_____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20_____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20_____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances

5. (City local law concerning Charter revision proposed by petition.)

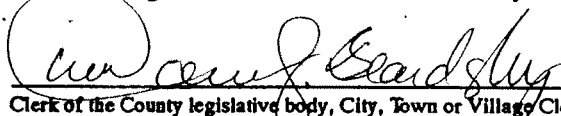
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20_____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20_____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____, above.



Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body
DCNNA J BEARDSLEY, VILLAGE CLERK

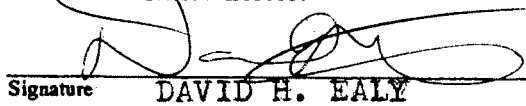
Date: November 21, 2003

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF Schuyler

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.



Signature DAVID H. EALY

VILLAGE ATTORNEY

Title

County
~~City~~ of Watkins Glen, New York
~~Town~~
Village

Date: Nov. 21, 2003