



VILLAGE OF JOHNSON CITY

MUNICIPAL BUILDING
243 MAIN STREET • JOHNSON CITY, NY 13790
www.villageofjc.com

Village Board

Gregory Deemie, Mayor

Bruce King, Deputy Mayor
Clark Giblin, Trustee

Richard Balles, Trustee
John Walker, Trustee

AGENDA - REGULAR MEETING OF THE VILLAGE BOARD

Tuesday, June 19, 2018 @ 7:30pm • Village Hall, 243 Main St., 2nd Floor, Johnson City, NY

We kindly request that you turn off or mute all cell phones and pagers.

We kindly request that if anyone wishes to read from a prepared statement, please provide the Clerk with a copy so that the minutes can be as accurate as possible.

ORDER OF BUSINESS:

1. **PLEDGE OF ALLEGIANCE**

2. **FIRE EXITS**

3. **MAYOR'S ANNOUNCEMENTS**

- [3.1] A Special Meeting of the Binghamton-Johnson City Joint Sewage Board will be Thursday, June 28, 2018 at 3:00pm at the Binghamton-Johnson City Joint Sewage Treatment Facility New Administration Building, 1st Floor Conference Room, Vestal, NY.
- [3.2] The next Binghamton-Johnson City Joint Sewage Board Meeting will be Tuesday, July 10, 2018 at 3:00pm at Johnson City Village Hall.
- [3.3] The next regular Village Board Meeting will be Tuesday, July 17, 2018 at 7:30pm with a work session at 5:30pm.
- [3.4] Johnson City Partners Cruze-In will be held from 5-8pm on Thurs., June 21st in the Village Hall Parking lot.
- [3.5] The US Army Corps of Engineers and NYSDEC will be holding a public meeting regarding the 12 Broome County levee systems on July 18, 2018, 6:30 pm – 8:30 pm. The venue is to be determined.

4. **APPROVAL OF BOARD MINUTES**

- [4.1] Minutes of May 15, 2018 regular meeting and work session.

5. **BIDS**

- [5.1] Bids were opened and read at 10:00am on Friday, June 15, 2018 at Village Hall for Hydrants as follows:

<u>Contractor</u>	<u>Bid Amount</u>
Core & Main	\$2,241.55 per hydrant
F.W. Webb	\$2,298.00 per hydrant
Ferguson Waterworks	\$2,309.50 per hydrant
EJ Prescott	no bid

6. **PUBLIC HEARINGS** – None

7. **PETITIONS RECEIVED**– None

8. **PRIVILEGE OF THE FLOOR – VISITORS**

9. **COMMUNICATIONS**

[9.1] 30-Day Advanced Notice to Local Municipality for The Grapevine Cafe, LLC

10. **COMMITTEE/BOARD REPORTS**

[10.1] Minutes of the May 16, 2018 Town of Union Board Meeting.

[10.2] Minutes of the June 6, 2018 Town of Union Board Meeting.

[10.3] Minutes of the April 24, 2017 regular meeting of the Village of Endicott

11. **DEPARTMENT REPORTS**

[11.1] Fire Department Overtime Report for the weeks of May 3 – May 16, 2018

[11.2] Fire Department Overtime Report for the weeks of May 17 – May 30, 2018

[11.3] Fire Department Overtime Report for the weeks of May 31 – June 13, 2018

[11.4] Police Department Overtime Report for the weeks of May 3 – May 16, 2018

[11.5] Police Department Overtime Report for the weeks of May 17 – May 30, 2018

[11.6] Police Department Overtime Report for the weeks of May 31 – June 13, 2018

[11.7] DPW Overtime Report for May 2018

[11.8] Town Of Union Code Enforcement May 2018 Monthly Reports

12. **PAYROLL AND BILLS PRESENTED**

Abstract #1 of the 2018 - 2019 Fiscal bills

GENERAL FUND	\$ 832,646.94
WATER FUND	\$ 1,197,105.91
SEWER FUND	\$ 125,631.25
REFUSE FUND	\$ 71,246.28
JSTP	\$ 5,117,316.39

13. **UNFINISHED BUSINESS** – No new business

14. **NEW BUSINESS**

FINANCE & RULES (All Board Members)

Resolution #2018 – 95

Motion to declare the village’s 1987 Pierce 105 ft. Aerial Truck serial nos. 9983W/9984T as surplus and to authorize the sale of the Village’s truck, sold as is, and no delivery to Markus Black for \$10,000; the truck was advertised on Municbid Auction Site and the sales price was the highest bid and which therefore represents fair market value.

Resolution #2018 – 96

WHEREAS, a local law entitled “A LOCAL LAW AMENDING THE VILLAGE ZONING MAP” a copy of which is attached hereto, was introduced at this meeting, and

WHEREAS, the Village Board desires to hold a public hearing with respect to the adoption of said Local Law.

NOW, THEREFORE, BE IT RESOLVED that a public hearing will be held by the Village Board of the Village of Johnson City with respect to the adoption of the aforesaid Local Law at 7:35 p.m. on July 17, 2018, at the Village Hall, 243 Main Street, Johnson City, New York, and it is further

RESOLVED, that the Village Clerk is hereby authorized and directed to cause public notice of said hearing to be given as provided by law.

Resolution #2018 – 97

WHEREAS, a local law entitled “A LOCAL LAW AMENDING CHAPTER 258 OF THE VILLAGE CODE ENTITLED ‘TOWING’” a copy of which is attached hereto, was introduced at this meeting, and

WHEREAS, the Village Board desires to hold a public hearing with respect to the adoption of said Local Law.

NOW, THEREFORE, BE IT RESOLVED that a public hearing will be held by the Village Board of the Village of Johnson City with respect to the adoption of the aforesaid Local Law at 7:40 p.m. on July 17, 2018, at the Village Hall, 243 Main Street, Johnson City, New York, and it is further

RESOLVED, that the Village Clerk is hereby authorized and directed to cause public notice of said hearing to be given as provided by law.

Resolution #2018 – 98

WHEREAS, a local law entitled “A LOCAL LAW OF THE VILLAGE OF JOHNSON CITY ENTITLED ‘LITTERING’” a copy of which is attached hereto, was introduced at this meeting, and

WHEREAS, the Village Board desires to hold a public hearing with respect to the adoption of said Local Law.

NOW, THEREFORE, BE IT RESOLVED that a public hearing will be held by the Village Board of the Village of Johnson City with respect to the adoption of the aforesaid Local Law at 7:45 p.m. on July 17, 2018, at the Village Hall, 243 Main Street, Johnson City, New York, and it is further

RESOLVED, that the Village Clerk is hereby authorized and directed to cause public notice of said hearing to be given as provided by law.

Resolution #2018 – 99

WHEREAS, a local law entitled “A LOCAL LAW AMENDING CHAPTER 264 OF THE VILLAGE CODE ENTITLED ‘VEHICLES AND TRAFFIC’” a copy of which is attached hereto, was introduced at this meeting, and

WHEREAS, the Village Board desires to hold a public hearing with respect to the adoption of said Local Law.

NOW, THEREFORE, BE IT RESOLVED that a public hearing will be held by the Village Board of the Village of Johnson City with respect to the adoption of the aforesaid Local Law at 7:50 p.m. on July 17,

2018, at the Village Hall, 243 Main Street, Johnson City, New York, and it is further

RESOLVED, that the Village Clerk is hereby authorized and directed to cause public notice of said hearing to be given as provided by law.

Resolution #2018 – 100

Authorize the settlement of DEC Matter, case no. PBS. OT.7-600246.7.2018 and authorize the Mayor to execute the consent and to take any other actions necessary to settle the matter.

Resolution #2018 – 101

Authorize the Mayor to sign a Memorandum of Agreement between the Frank A. Johnson Post 758 and the Village of Johnson City for the purpose of transferring control of the World War II Monument.

Resolution #2018 – 102

Authorize the Mayor to sign the three year Cooperation Agreement between the Town of Union and the Village of Johnson City for Federal Fiscal Years 2020, 2021 & 2022 for the purpose of undertaking a Town Community Development Program pursuant to the Housing & Community Development Act of 1974.

Resolution #2018 – 103

Approve a request from Kimberly Wheaton, resident of 20 Colville Ave – corner of Balch and Colville to close Balch Avenue on Sunday, June 24, 2018 from 4:00pm – 9:00pm for a Graduation Party.

Resolution #2018 – 104

Appoint Laila Davis-Clark to the temporary position of part time Zombie Properties Clerk effective the 18th day of June, 2018 contingent upon the successful completion of a back ground check with the salary being paid through the Zombie Properties Grant from the NY Attorney General's office.

Resolution #2018 – 105

Authorize the Mayor to sign a Memorandum of Understanding with Binghamton University student Laila Davis-Clark for a Masters of Public Administration Internship for June 2018 through September 2018, or through the completion of the required 300 hours.

Resolution #2018 – 106

Authorize and direct the Mayor to execute the Village of Johnson City's application in regards to the NYS Homes and Community Renewal for funding under the New York Main Street Program.

WHEREAS, the Village of Johnson City desires to apply financial assistance through the 2018 Consolidated Funding Application (CFA) under the Main Street Program and

WHEREAS, the application proposes funding to assist property owners to complete building renovations to downtown "main street" buildings on Main Street between Arch Street and Jennison Avenue; and

WHEREAS, the proposed funding will contribute to ongoing community revitalization efforts; and

WHEREAS, the grant application requires that the applicant obtain the approval and endorsement of the governing body of the municipality in which the project will be located.

NOW, THEREFORE, BE IT RESOLVED, that the Board of the Village of Johnson City approves and endorses the 2018 NY Main Street application for assistance prepared and to be submitted by Village Grant Writer Dai Korba.

Resolution #2018 – 107

RESOLVED, that the Village of Johnson City supports and endorses grant Writer Dai Korba to submit an application for financial assistance through the 2018 Consolidated Funding Application process from the New York State Office of Parks, Recreation and Historic Preservation (“OPRHP”) under the Title 9 of the Environmental Protection Act of 1993 for the purpose of funding the restoration of the historic Square Deal Arch.

Resolution #2018 – 108

Approve a request from St. John Ukrainian Orthodox Church to close St. John’s Parkway at Virginia Avenue on July 14 & 15, 2018 for their annual Ukrainian Day Festival contingent upon the church obtaining an amusement license, the Village receiving proof of the required liability insurance and acceptable security/safety plans.

Resolution #2018 – 109

Approve a request from Jennifer Johnson and Patricia Stacconi, on behalf of the residents of Victory Street and Cyndy Street, to close the cul-de-sac where Victory meets Cyndy on Saturday, July 28, 2018 from 3:00pm – sunset for a neighborhood Block Party contingent upon obtaining the required street permit and coordination with the DPW and Police Department for the street closures.

Resolution #2018 – 110

WHEREAS, the Village of Johnson City, Board of Trustees desire to approve and accept the Final Johnson City Health and Cultural iDistrict Revitalization Strategy from Bergmann Associates.

WHEREAS, the Village Board, after due deliberation, finds it in the best interest of the Village to adopt said Strategy.

NOW, THEREFORE, BE IT RESOLVED that the Village Board hereby adopts said Final Johnson City Health and Cultural iDistrict Revitalization Strategy from Bergmann Associates.

PUBLIC SAFETY

FIRE (Trustees Balles & Walker) – No new business

POLICE (Trustees Balles & Walker)

Resolution #2018 –111

Authorize the auction of the following Police Department property:

- 1) 2010 Chevrolet Impala VIN 2G1WD5EM2A1250068 (JCPD Det. Car 722) – vehicle has a transmission problem which is not cost effective to repair – unexpected replacement.
- 2) 2008 Dodge Durango VIN 1D8HB38N88F115034 (JCPD Patrol Car 716) – vehicle is experiencing significant body/frame rust and has reached end of expected life – planned replacement under fleet schedule.

- 3) 13 empty rifle storage cases – used to ship rifles from the manufacturer to the Department and are not needed
- 4) Surplus lightbars and misc equipment from decommissioned vehicles
- 5) Surplus Blackhawk Serpa X26 Taser Holsters and X26 Taser batteries – no longer needed as all X26 Tasers were upgraded to a new model.

Resolution #2018 – 112

Authorize Sergeant Brian Bailey be promoted to the rank of Lieutenant with the Johnson City Police Department effective June 21st, 2018 from Civil Service list #77-276A at the base salary determined by the Collective Bargaining Agreement.

Resolution #2018 – 113

Authorize Detective David Williams be promoted to the rank of Sergeant with the Johnson City Police Department effective June 21st, 2018 from Civil Service list #73-128A at the base salary determined by the Collective Bargaining Agreement.

PUBLIC WORKS (Trustees Balles & King)

Resolution #2018 – 114

Authorize the Drug Free Communities with support from the Broome County Promise Zone to hold their annual “Family Fun Nights In The Park” event at CFJ Park on Wednesday, August 15, 2017 from 5:30 – 8:00pm, contingent upon the submittal of the appropriate liability insurance, security details and the completion of a parks reservation form.

Resolution #2018 – 115

Appoint Phillip Francisco to the position of Water Distribution Operator-Trainee from Broome County Certified List #67-379 at a salary \$17.10 per hour effective June 25, 2018 contingent upon the successful completion of a background investigation and the required drug test.

Resolution #2018 – 116

Appoint Abayomi Durham to the position of Water Distribution Operator-Trainee from Broome County Certified List #67-379 at a salary \$17.10 per hour effective July 9, 2018 contingent upon the successful completion of a background investigation and the required drug test.

Resolution #2018 - 117

Award the bid for Hydrants in the amount of \$2,241.55 per hydrant to Core & Main as the lowest responsive bid.

RECREATION (Trustees Balles & King) – No new business

PLANNING, ZONING & CODE ENFORCEMENT (Trustees Walker & Giblin)

Resolution #2018 – 118

Appoint Kevin Crull with NY Atlantic Inland, Inc. as the electrical inspector until December 31, 2019.

JOINT SEWAGE TREATMENT BOARD (Trustees King & Giblin) – No new business

15. PRIVILEGE OF THE FLOOR – VISITORS

16. ADJOURNMENT

To contact Village Board members via e-mail please use the following addresses:

Mayor Gregory Deemie - jcmayor@villageofjc.com

Deputy Mayor Bruce King - bking@villageofjc.com

Trustee Richard Balles - rballes@villageofjc.com

Trustee Clark Giblin - cgiblin@villageofjc.com

Trustee John Walker - jwalker@villageofjc.com

**VILLAGE OF JOHNSON CITY
LOCAL LAW NO. 9 FOR THE YEAR 2018**

A LOCAL LAW AMENDING THE VILLAGE ZONING MAP

Section 1. The Zoning Map of the Village of Johnson City shall be amended as follows:

59 Lester Avenue (Tax Map No. 143.58-1-19) is rezoned from the
Industrial District to the General Commercial District

[The remainder of the Zoning Map shall remain the same]

Section 2. Remainder

Except as hereinabove amended, the remainder of the Code of the Village of Johnson City shall remain in full force and effect.

Section 3. Separability

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words, or parts of this local law or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this local law would have been adopted if such illegal, invalid, or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and as if such person or circumstance, to which the local law or part thereof is held inapplicable, had been specifically exempt therefrom.

Section 4. Effective Date

This Local Law shall take effect immediately upon filing with the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

**VILLAGE OF JOHNSON CITY
LOCAL LAW NO. 10 FOR THE YEAR 2018**

**A LOCAL LAW AMENDING CHAPTER 258
OF THE VILLAGE CODE ENTITLED "TOWING"**

Section 1. Chapter 258 of the Village Code entitled "Towing" shall be deleted in its entirety and replaced with the following:

§ 258-1. Policy intent.

The intent of this procedure is to provide for the prompt and safe removal of vehicles that are disabled, abandoned, or otherwise need to be removed via tow truck from public roadways at the direction of the Police Department under an established fair and uniform regulation. It is important for the safety and convenience to other motorists that said vehicles are removed as promptly as possible, that delay in removal can result in unnecessary traffic congestion, confusion, and delay and may result in secondary crashes. This policy shall not supersede any specific orders issued by the Chief of Police either through special or general orders of the Chief addressing specific situations such as vehicles impounded for criminal investigative purposes.

§ 258-2. Rotational Tow Lists.

There shall be a regular duty towing rotational list for passenger vehicles or small trucks less than 10,000 lbs., and a separate rotational heavy duty towing list for larger vehicles 10,000 lbs. or more. The procedure for selection from the rotational tow list and dispatch of a tow firm upon the request by the Police Department is handled by the 911 Communications Center, pursuant to the Policy and Procedures of the Broome County Office of Emergency Services.

§ 258-3. List of Towing Firms.

The towing firms can participate on either or both the light and/or heavy tow list at any time. Vacancies on the list shall be filled on a first-come, first-served basis from eligible applicants.

§ 258-4. Eligibility requirements and Application Process.

The requirements for placement on a rotational towing list shall be as follows:

- A. The towing firm must have a minimum insurance liability policy of one million dollars (\$1,000,000.) protecting their activities while operating within the Village of Johnson City. A copy of said certificate of insurance shall be approved by the Village Attorney and filed with the Village of Johnson City Police.
- B. The towing firm must supply the Johnson City Police, Traffic Division, with a list of all equipment at their disposal, including truck weights, capacities, make, year and registration numbers. Required towing equipment for placement on the Regular Duty Towing Rotational List must be at least one (1) conventional tow truck with wheel-lift, and one (1) rollback. Required towing equipment for placement on the Heavy Duty Towing Rotational List must be at least one (1) large capacity tow truck with a rating of at least twenty (20) tons. Towing firm trucks must also meet the following requirements:

1. Must be clearly marked and lettered with the towing firm's name and phone number in at least 3" lettering of contrasting color.
 2. Must have at least one or more amber light affixed and visible to all approaching traffic from a distance of five hundred feet and said lighting shall be displayed when the tow truck is engaged in a hazardous operation.
 3. Must be equipped with speedy dry or similar absorption material to clean minor spills, as well as a broom, shovel, and other proper equipment to clean up the scene.
- C. The towing firm must provide a twenty-four-hour service, accept all calls given to it by the Village Police Department (staffing permitting) and maintain a response time of twenty (20) minutes or less.
- D. The towing firm must supply the Police Department, Traffic Division, with a photo copy of the driver's license for each employee who operates their equipment; all drivers must maintain a valid license applicable to the class of tow truck they operate. The Police Department must be supplied with an updated photo copy of the driver license of any new employee after initial application and assignment to the Rotational Tow List.
- E. The towing firm must supply the Police Department, Traffic Division, with a complete listing of all current towing, storage, additional and/or incidental fees that will be charged for services rendered. The Police Department must be supplied with a new list if any said fees are changed.
- F. The towing firm shall provide a storage lot which is located within the limits of the Village of Johnson City, or within one (1) mile of the boundaries of the Village of Johnson City. The storage lot shall be lighted and secured and insured to store towed vehicles. Reasonable measures shall be taken to prevent theft and/or damage to the vehicles. Towing firms shall furnish a key to the Police Department to allow access to said storage lot so that officers will have access to finish their investigations.
- G. The towing firm shall tow all vehicles to their determined storage lot located in the Village of Johnson City, or within one (1) mile of the boundaries of the Village of Johnson City, and shall not tow vehicles outside of the Village unless directed to by the owner or the police. No towed vehicle shall be stored on a public street.
- H. All towing company premises, including the location of the towing company and the location of the vehicle storage facility, shall be in compliance with all local zoning, building, and fire safety codes, and shall comply with all New York State and Federal regulations limiting or otherwise governing the use of said properties.
- I. Towing firms shall maintain complete and accurate records concerning all vehicles towed. Such records shall be maintained for at least one (1) year after a towed vehicle has been retrieved or has otherwise been released out of the possession of the towing firm. These records shall be readily available for inspection by the Chief of Police or designee.

- J. All towing firms shall be required to remove all debris related to the incident to which they are called, in accordance with New York State Vehicle and Traffic Law § 1219(c). A towing firm called to the scene of a crash involving serious injury or death, or where a police investigation is ongoing, shall not remove or otherwise cause to be disturbed any debris or move or reposition any vehicles until directed by police personnel on scene to do so.
- K. All towing firms shall maintain all licenses and insurance required by the New York State Vehicle and Traffic Law, and all equipment used shall comply with the Vehicle and Traffic Law and the Rules and Regulations of the Commissioner of Motor Vehicles (Title 15 of the NYCCR). All equipment used shall be in good operating condition, and all towing firm personnel shall be properly trained and fully competent to perform their functions and shall perform those functions in a courteous and orderly manner.
- L. Any towing firm that meets the eligibility requirements may complete and submit an application to be added to the Rotational Tow List. The application shall contain the following:
1. The name and address of the owner and operator of the towing firm;
 2. The address where the towing firm is or will be located;
 3. The address where motor vehicles towed by the towing firm shall be stored;
 4. The name and address of the owner of the premises where towed vehicles are to be stored;
 5. If the towing firm is owned or will be owned by a partnership, corporation, or other business entity or association, then the names and addresses of each partner, officer, principal, or owner or part owner however titles shall be listed on the application;
 6. All names listed on the application shall be full legal names, and all addresses shall be homes addresses, listing street and number of each such residence;
 7. The telephone number to be called for the retrieval of any motor vehicle towed by the towing firm;
 8. The hours of operation the towing firm will be open for the towing of motor vehicles;
 9. The hours of operation the towing firm will be open for towed vehicles to be retrieved;

The above notwithstanding, the Police Department may require such additional information as may be necessary in order to fully enforce and administer this Local Law.

- M. Upon receipt of an application, the Police Department shall investigate the proposed location of the vehicle storage facility to determine compliance with this Local Law and to determine whether public safety problems exist. The Department shall also make such investigation as is deemed appropriate or necessary regarding the background of any information listed on the license application.
- N. Towing Firms' position on the Rotational List, once assigned, is not transferable. Towing Firms are not permitted to subcontract any tow call to another towing firm. All towing

firms must have their own tow truck available and able to respond in order to fulfill a request for service made by the Police Department.

§ 258-5. Denial of Application.

The Police Department shall give written notice to an applicant of the reason or reasons for the denial.

§ 258-6. Expiration of List.

The Rotational Tow List shall remain valid until a Towing Firm withdraws from the List, a Towing Firm's status on the List is revoked as a result terms as set forth by this Local Law, or the List is disbanded by resolution of the Village Board.

§ 258-7. Complaints.

- A. Anyone wishing to file a complaint with the Police Department will do so in writing and submit it to the Police Department.
- B. All complaints will be investigated with all parties involved and the complainant will be advised of the outcome in writing.

§ 258-8. Penalties; Suspension or Revocation from List.

- A. The Chief of Police or designee is charged with ensuring compliance with this Local Law.
- B. A towing firm's assignment to the List may be suspended or revoked if the towing firm violates any Federal, New York State, or local law, ordinance, rule or regulation regarding the operation of the towing business or the fitness to conduct that business.
- C. Any towing firm that refuses calls by the Police Department (unless said Firm is unavailable due to being on another service call which prohibits being able to timely respond) or fails to answer calls from the Police Department three (3) times within a six (6) month period, will have their assignment to the list revoked and must reapply to be reinstated to the List. The Police Department shall provide written notice to the towing firm for each incident outlining the failure by the towing firm.
- D. For a violation of this Local Law, the Police Department shall issue written notice to the towing firm containing a statement of the manner in which the firm is alleged to be in violation of this law and the date of the hearing to be held within 10 days after written notice is given to the firm either in person or by registered mail addressed to the licensee on file.
- E. A towing firm's assignment to the list shall not be revoked without the hearing first taking place; however, the Chief of Police may suspend the firm's assignment to the list where there are safety concerns or concerns that the alleged violation may be repeated prior to the holding of the hearing. In the event that the towing firm's assignment to the List is suspended, the Firm shall have the right to file a written notice of appeal with the Chief of Police within ten (10) days of the date of the notice of suspension or revocation.

Determination of appeals should be made by the Chief of Police or his or her designee within thirty (30) days of receipt of the appeal.

§ 258-9. Information to vehicle owner.

Each towing firm on the Rotational Tow List must supply the owner/operator of a vehicle who is at the scene with a card containing their business name, address, phone numbers, hours of operation and summary of the expected charges.

§ 258-10. Owner's preference / AAA request.

Nothing within this chapter shall prevent a vehicle owner from choosing to call a tower who is not on the Village towing list or to request a AAA tow; provided, however, that should that owner be unable to respond in what the police officer at the scene feels is a reasonable period of time and the police officer at the scene has safety concerns regarding the vehicles' location, the officer may supersede the desires of the owner and call a tower based upon the lists.

§ 258-11. Rates and Charges.

The towing firm on the Rotational Tow List, upon completion of a tow or roadside service rendered, shall levy charges against the rightful owner of the vehicle. No fee may be levied for a response that does not result in either the removal of a vehicle or any on-scene roadside service rendered. The cost of the towing or service shall be the responsibility of the vehicle owner or operator.

§ 258-12. Documentation of requirements.

All towing firms desiring to be on the Rotational Tow lists must provide the Village Police Department with proof of all of the requirements set forth here in advance of the effective date of this chapter. Following the establishment of the initial Rotational Tow List, the Village will update the list, based upon any new applications, as needed.

§ 258-13. Indemnification of Village.

Each towing service operator on a rotational tow list shall agree to defend, indemnify, and hold harmless the Village from any claims or liabilities which may occur as a result of performing service at the request of the Police Department.

Section 2. Remainder

Except as hereinabove amended, the remainder of the Code of the Village of Johnson City shall remain in full force and effect.

Section 3. Separability

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words, or parts of this local law or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this local law would have been adopted if such illegal, invalid, or

unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and as if such person or circumstance, to which the local law or part thereof is held inapplicable, had been specifically exempt therefrom.

Section 4. Effective Date

This Local Law shall take effect immediately upon filing with the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

**VILLAGE OF JOHNSON CITY
LOCAL LAW NO. 11 FOR THE YEAR 2018**

A LOCAL LAW OF THE VILLAGE OF JOHNSON CITY ENTITLED "LITTERING"

Section 1. The Village Code shall be amended by inserting the following Chapter:

CHAPTER ____ LITTERING

GENERAL REFERENCES

- § 84-5 - Additional application requirements.
- § 196-19 - Littering of streets and public places by vendors.
- § 238-7 - Stormwater pollution prevention plans.
- § 300-70.2{32} - Definitions.

§ ____ . Declaration of intent.

It is hereby declared and found that litter carelessly deposited in the Village of Johnson City is the cause of civic disgrace; that litter is a health, fire and safety hazard and pollutant; that an all-out litter-control campaign can result in substantial savings to taxpayers of the village; and that litter is a matter affecting the public interest and consequently should be subject to supervision and administrative control for the purpose of safeguarding the public health, safety and general welfare of the people of the village.

§ ____ . Definitions; word usage.

- A. Terms defined – As used in this chapter, the following terms, phrases, words and their derivations shall have the meanings indicated.
- B. When not inconsistent with the context, words used in the present tense include the future; words used in the plural number include the singular number; and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

COMMERCIAL PLACE

Any store or building or group thereof, including shopping centers, shopping plazas and other similar places wherein mercantile activities and services are offered to the public and shall include all parking areas thereat.

GARBAGE

- (1) Every waste accumulation of animal, vegetable, fruit or similar organic matter that attends the preparation, use, dealing in or storage of meat, fish, fowl, fruit or vegetable; metal containers, paper cartons or other containers that have contained food materials and beverages; discarded paper, rubber (excluding tires), cloth, leather, sweepings, as well as inorganic waste such as glass, porcelain or other similar waste materials that ordinarily accumulate around a home, business or industry. Garbage shall not, however, include those items designated by ordinance, rule or regulations as recyclables.

(2) Further exclusions. Prohibited materials include flammable or explosive substances, paint, paint thinners or solvents, pesticides, acids, caustics, or similar wastes, oil, tires, batteries, garbage or trash generated outside the Village and medical waste.

LITTER

Garbage, refuse and rubbish, as defined herein, and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare or creates unsightliness. Any quantity of uncontainerized paper, metal, plastic, glass or miscellaneous solid waste which may be classified as trash, debris, garbage or junk.

PARK

A park, reservation, playground, beach, recreation center or any other public area in the village, owned or used by the village and devoted to active or passive recreation.

PERSON

Any person, firm, partnership, association, corporation, company or organization of any kind.

PRIVATE PREMISES

Any house, building or other structure designed or used, either wholly or in part, for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building or other structure.

PUBLIC PLACE

Any and all sidewalks, public parks, squares, spaces, grounds and buildings.

REFUSE

All putrescible and non-putrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles and solid market and industrial wastes.

RESPONSIBLE PERSON

In all cases, the property owner; additionally, when readily identifiable, shall also mean the tenant whose solid waste is at issue.

RUBBISH

Non-putrescible solid wastes consisting of both combustible and noncombustible wastes, such as yard clippings, leaves, wood, glass, bedding, crockery and similar materials.

SOLID WASTE

All material described as garbage, yard waste and trash as defined in this chapter.

TRASH

Discarded household furniture, bedding and mattresses, and other bulky household materials not specifically prohibited by this chapter, too large to place in standard refuse containers, except those items designated by ordinance, rule or regulation as recyclables. Trash shall not include concrete, cinder, block, stone or other masonry materials.

VEHICLE

Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively upon stationary rails or tracks.

VILLAGE

The Village of Johnson City in the County of Broome.

YARD WASTE

Grass clippings, garden materials, leaves and brush trimmings

§ _____. Litter in public places.

- A. It is unlawful to deposit or throw litter in or upon any sidewalk or other public place within the village, except in containers or areas lawfully provided therefor.
- B. It shall be unlawful for any person to sweep into or deposit in any gutter, street or other public place within the Village the accumulation of litter from any building or lot, or from any public or private sidewalk or driveway.
- C. It shall be unlawful to throw or deposit litter in any fountain, pond, lake, stream, river or any other body of water in a park or elsewhere within the Village or on the banks of any such body of water within the Village.

§ _____. Placing litter in receptacles to prevent scattering.

Persons placing litter in public receptacles or in private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any sidewalk or other public place or upon private property.

§ _____. Litter in gutters.

No person shall sweep or deposit in any gutter or other public place within the village the accumulation of litter from any building or litter from any public sidewalk or driveway.

§ _____. Litter from vehicles.

- A. No person shall throw or deposit litter from any vehicle upon any street or other public place within the Village, or upon private property.
- B. It shall be unlawful for any person, firm, corporation or organization to transport any loose cargo by truck or other motor vehicle within the limits of the Village unless said cargo is secured and covered in such a manner as to prevent depositing of litter.
- C. Vehicles used to transport upon the street any garbage or other offensive liquid or substance shall have watertight boxes or vessels so as to prevent the contents from leaking.
- D. No person shall drive or move any truck or other vehicle within the village unless such vehicle is so constructed or located as to prevent any load, contents or litter from being blown or deposited upon any public place; nor shall any person drive or move any vehicle or truck within the village the wheels or tires of which carry onto or deposit in any public place any mud, dirt, sticky substances, litter or foreign matter of any kind.

§ _____. Litter in parks.

No person shall throw or deposit litter in any park within the village, except in public receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any public place. Where public receptacles are not provided, all such litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere, as provided herein.

§ _____. Litter on publicly patronized or used establishments; maintenance of containers.

To facilitate proper disposal of litter by pedestrians and motorists, publicly patronized or used establishments and institutions such as, but not limited to, fast-food outlets, shopping centers, convenience stores, supermarkets, commercial parking lots, motels and schools shall provide, regularly empty and maintain in good condition adequate containers that meet the standards as prescribed by the Village by its Public Services Department and/or Code Enforcement.

§ _____. Litter in public waters.

No person shall throw or deposit litter in any fountain, pond, lake, stream, bay or any other body of water in a park or elsewhere within the village.

§ _____. Litter on private and commercial premises.

No person shall throw or deposit litter on any occupied private property or commercial place within the village, whether owned by such person or not, and whether occupied or vacant, except that the owner or person in control of such private property or commercial place may maintain authorized private receptacles for collection in such manner that litter will be prevented from being carried or deposited by the elements upon any public place or upon any private property. The owner or person in control of private property or any portion thereof shall at all times maintain the premises, or that portion controlled by him or her, free of litter. This requirement applies not only to removal of loose litter, but to materials that already are, or become, trapped in such locations as fences and wall bases, borders, embankments and other lodging points

§ _____. Owners to maintain commercial premises litter-free.

Each owner or person in control of any commercial place, including shopping centers and delivery and parking areas thereat, shall keep said places, parking fields, parking areas, delivery areas and other open areas which are a part of such commercial place free from litter.

§ _____. Owners to maintain private premises litter-free.

The owner or person in control of any private property shall at all times maintain the premises free from litter; provided, however, that this section shall not prohibit the storage of litter in authorized private receptacles for collection.

§ _____. Litter on vacant lots.

No person shall throw or deposit litter on any open or vacant private property within the village, whether owned by such person or not.

§ _____. Notice to remove.

Any Peace Officers and any Code Enforcement Officers are hereby authorized and empowered to notify the owner of any open or vacant private property or commercial place within the village or the agent of such owner to properly dispose of litter located on such owner's property, which litter is a nuisance or dangerous to public health, safety or welfare.

§ _____. Penalties for offenses and enforcement.

- A. Violation of any of the provisions of this chapter shall be punishable by a fine of not less than \$150 and/or 20 hours of community service, but not exceeding \$700 and/or 20 hours of community service. The penalties for a second offense within a two-year period shall be a minimum fine of \$700 and/or 40 hours of community service, but not exceeding \$1,000 and/or 40 hours of community service, imprisonment not exceeding 15 days, or by both such fine, community service or imprisonment. The penalties for a third offense within a three-year period shall be a minimum fine of \$1,000, but not exceeding \$1,500 and/or imprisonment not exceeding 15 days. Each day's violation shall constitute a separate offense.
- B. Any Peace Officer and any Code Enforcement Officer may enforce this chapter and report a violation. The officer shall file with the Village Court an Information charging the violation of the appropriate section and serve, either in person or by regular mail, the respondent with the Information. However, any person who observes an individual violating the respective sections and committing any violation as described thereunder, may file a signed Information under oath with the Village Justice specifying the specific violative conduct, the date thereof, the place where the conduct was observed and the name of the individual committing the violation. Thereafter, the Court shall issue a notice of violation, which shall be served either personally or by regular mail upon the individual.
- C. Nothing contained in this chapter shall prevent the Village of Johnson City from seeking judicial or equitable relief to abate violations of this Chapter. Nothing contained herein shall require notice as a prerequisite to the issuance of a summons or appearance ticket for a violation of any of the provisions of this chapter.

Section 2. Remainder

Except as hereinabove amended, the remainder of the Code of the Village of Johnson City shall remain in full force and effect.

Section 3. Separability

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words, or parts of this local law or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this local law would have been adopted if such illegal, invalid, or unconstitutional provision, clause, sentence, subsection, word or part had not been included

therein, and as if such person or circumstance, to which the local law or part thereof is held inapplicable, had been specifically exempt therefrom.

Section 4. Effective Date

This Local Law shall take effect immediately upon filing with the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

**VILLAGE OF JOHNSON CITY
LOCAL LAW NO. 12 FOR THE YEAR 2018**

A LOCAL LAW AMENDING CHAPTER 264 OF THE VILLAGE CODE
ENTITLED "VEHICLES AND TRAFFIC"

Section 1. Chapter 264 of the Village Code shall hereby be amended as follows:

§ 264-88. Schedule XIV: No Stopping.

A. *Insert:*

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
Lester Avenue	West	From Harry L. Drive to Pratt Avenue
Lester Avenue	East	From 112 Lester Avenue to Harry L. Drive

B. *Remains the same.*

C. *Remains the same*

[The remainder of this section remains the same]

§ 264-89. Schedule XIV: No Standing.

A. *Remains the same.*

B. *Delete:*

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
Lester Avenue	West	From Harry L. Drive to Pratt Avenue
Zoa Avenue	West	From House No. 37

Insert:

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
Zoa Avenue	West	Entire length from Hillside Street to Harry L. Drive

[The remainder of this section remains the same]

Section 2. Remainder

Except as hereinabove amended, the remainder of the Code of the Village of Johnson City shall remain in full force and effect.

Section 3. Separability

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words, or parts of this local law or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this local law would have been adopted if such illegal, invalid, or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and as if such person or circumstance, to which the local law or part thereof is held inapplicable, had been specifically exempt therefrom.

Section 4. Effective Date

This Local Law shall take effect immediately upon filing with the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.