

Local Law Filing

(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.

County City Town Village

(Select one:)

of Nunda

Local Law No. 1 _____ of the year 20²⁰ _____

A local law Regulation of Maximum Speed on Village Highways and Streets
(Insert Title)

Be it enacted by the Nunda Village Board of Trustees _____ of the _____
(Name of Legislative Body)

County City Town Village

(Select one:)

of Nunda

as follows:

Attached.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(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. 1 _____ of 20____ of the (County)(City)(Town)(Village) of Nunda _____ was duly passed by the Nunda Village Board of Trustees _____ on February 11 2020 _____, in accordance with the applicable provisions of law.

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) (Name of Legislative Body) _____ (repassed after disapproval) by the _____ and was deemed duly adopted (Elective Chief Executive Officer*) _____ on _____ 20____, in accordance with the applicable provisions of law.

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) (Name of Legislative Body) _____ (repassed after disapproval) by the _____ on _____ 20____. (Elective Chief Executive Officer*)

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.

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) (Name of Legislative Body) _____ (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.

* 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, 1 above.

Terry L. Wood

Clerk of the county legislative body, City, Town or Village Clerk or
officer designated by local legislative body

(Seal)

Date: FEBRUARY 28, 2020

LOCAL LAW NO. 1-2020
VILLAGE OF NUNDA
REGULATION OF MAXIMUM SPEED ON VILLAGE HIGHWAYS AND STREETS

Be it enacted by the Board of Trustees of the Village of Nunda in the County of Livingston on February 11, 2020, this local law shall be known as "Regulation of Maximum Speed on Village Highways and Streets".

Section 1: FINDINGS AND INTENT

The Village of Nunda (hereafter "Village") hereby finds and declares that the manner and method of public use of various streets and other highways within the Village impacts the public health, safety, and general welfare of the residents of the Village of Nunda. The intent of this law is to promote the safe and orderly use of such streets and highways by the establishment of maximum speed limits upon which vehicles may proceed on such streets or highways in order to protect the public health, safety, and general welfare of the residents of the Village of Nunda.

Section 2: REPEAL OF PRIOR ORDINANCE GOVERNING MAXIMUM SPEED

This Local Law is intended to and does hereby fully repeal and replace the Ordinance adopted by the Nunda Village Board of Trustees on March 8, 1965 that previously established the maximum speed that vehicles were permitted to travel within the Village.

Section 3: DEFINITIONS

The following terms shall be defined as set forth below for purposes of the use of such words within this Local Law:

HIGHWAY – The entire width between the boundary lines of every publicly maintained roadway or right-of-way when any part thereof is open to the use of the public for purposes of vehicular travel, which shall include any street or roadway that is owned and maintained by the Village and any private road or lanes which are open to motor vehicle traffic, but specifically excludes any highway, street or roadway that is owned and maintained by Livingston County or the State of New York.

STREET – The entire width between the boundary lines of every publicly maintained roadway or right-of-way when any part thereof is open to the use of the public for purposes of vehicular travel, which shall include any Highway or Street that is owned and maintained by the Village and any private road or lanes which are open to motor vehicle traffic, but specifically excludes any highway, street or roadway that is owned and maintained by Livingston County or the State of New York.

VILLAGE - The Village of Nunda, County of Livingston, State of New York.

Section 4: BASIC RULE OF CARE WHILE DRIVING:

A. No person shall drive a vehicle on Highways or Streets within the Village of Nunda at a speed greater than is reasonable and prudent under the conditions and

having regard to the actual and potential hazards existing.

B. The driver of every vehicle shall, consistent with the requirements of Subsection A. of this section, drive at an appropriate reduced speed when approaching and crossing an intersection or railway grade crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding Highway or Street, and when any special hazard exists with respect to pedestrians or other traffic by reason of weather or highway conditions, including but not limited to a highway construction or maintenance work area.

Section 5: MAXMIMUM SPEED LIMITS ON VILLAGE HIGHWAYS AND STREETS:

A. Pursuant to its authority as set forth in New York State Vehicle and Traffic Law §1643, the Village Board of the Village of Nunda does hereby establish the maximum speed limit for all vehicles travelling on Highways and Streets within the Village of Nunda, to be thirty miles per hour (30 M.P.H.), excepting in school zones, where such maximum speed limit shall be twenty miles per hour (20 M.P.H.) during posted time periods in and around when school is in session.

B. Except when in a designated school zone or if a special hazard exist that requires lower speed for compliance with Section 4 A. above, no person shall drive in excess of thirty miles per hour (30 M.P.H.) on any Highway or Street within the Village of Nunda.

C. Except when a special hazard exist that requires lower speed for compliance with Section 4 A. above, no person shall drive in excess of twenty miles per hour (20 M.P.H.) on any Highway or Street within any designated school zone located in the Village of Nunda, during school days at such times as posted within such zones.

Section 6: FINES/PENALTIES AND SURCHARGES FOR SPEED VIOLATION

A. Fines. Every person convicted of a violation of this section shall, for a first conviction thereof, be punished by a fine of not less than \$100 nor more than \$250, or by imprisonment for not more than 30 days, or by both such fine and imprisonment; for a conviction of a second violation, both of which violations were committed within a period of 18 months, such person shall be punished by a fine of not less than \$200 nor more than \$350, or by imprisonment for not more than 90 days, or by both such fine and imprisonment; upon a conviction of a third or subsequent violation, all of which violations were committed within a period of 18 months, such person shall be punished by a fine of not less than \$300 nor more than \$500, or by imprisonment for not more than 180 days, or by both such fine and imprisonment.

B. Surcharges for conviction or plea of guilty. Whenever proceedings in the Village Justice Court result in a conviction (including a plea of guilty) for a violation of this Local Law, there shall be levied a mandatory surcharge, in addition to any fines or penalties required or permitted by this Local Law, in an amount set periodically by the Village Board of Trustees.

C. Administrative fee for late payments. In the event that a fine or surcharge is assessed for a conviction (or plea agreement which results in a conviction) of any provision of this Local Law and a payment plan is agreed to by the defendant and the People and/or the Village Justice Court

and the defendant fails to pay such fine at the time agreed to, the defendant shall also be assessed a late fee in an amount to be set by the Board of Trustees, such late fee to be on a per month basis (or portion thereof) that the payment is late. In the event that the payment plan is split into multiple payments, late fees shall be applied to each individual partial payment which is late. Late fees shall be automatically added to the amount owed, but the Village Justice shall have the power to waive such fee upon application and a showing of unavoidable lateness.

Section 7: ENFORCEMENT

A. Violations of the above regulations may be enforced and/or prosecuted by any officer of the Village Police Department or other designated law enforcement official in the manner provided by law.

B. The Village Board is authorized to appropriate and make available reasonable funds for the erection of signs to advise the public of the above regulations.

Section 8: SEVERABILITY

If any provision of this Law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair or invalidate the remaining terms, parts, provisions, sections and paragraphs.

Section 9: EFFECTIVE DATE

This Law shall become effective upon filing with the New York Department of State.