



VILLAGE OF JOHNSON CITY

MUNICIPAL BUILDING

243 MAIN STREET • JOHNSON CITY, NY 13790

www.villageofjc.com

Village Board

Gregory Deemie, Mayor

Deputy Mayor Clark Giblin

Trustee Martin Meaney Trustee John Walker Trustee Adam Brown

AGENDA—REGULAR MEETING OF THE VILLAGE BOARD

Tuesday, September 21, 2021 @ 7:30pm via Zoom

<https://us02web.zoom.us/j/86391764530?pwd=UmdJckVMYjY3Y2hiSThDUStsTIFTdz09>

Meeting ID: 863 9176 4530

Passcode: 079091

ORDER OF BUSINESS

1. PLEDGE OF ALLEGIANCE

2. EXECUTIVE ORDER

3. MAYOR'S ANNOUNCEMENTS

- [3.1] The Village Planning Board Meeting will be held Tuesday, September 28, 2021 at 7:30pm with a work session at 7:00pm in the Village Board Room.
- [3.2] The next regular Village Board Meeting will be Tuesday, October 5, 2021 at 7:30pm with a work session at 5:00pm with the option of going virtual.
- [3.3] The next Town of Union Board Meeting will be held on Wednesday, October 6, 2021 at 7:00pm with a work session at 5:00pm.

4. APPROVAL OF BOARD MINUTES

- [4.1] September 7, 2021 Village Board Meeting Minutes

5. BIDS – None

6. PUBLIC HEARINGS

[6.1] Local Law amending Chapter 264 of the Village Code entitled “Vehicles and Traffic” regarding Impoundment and Storage Fees for Motor Vehicles.

[6.2] Local Law amending Chapter 264 of the Village Code entitled “Vehicles and Traffic” regarding Removal and Storage Fees of ATVs and Personal Vehicles.

[6.3] Local Law amending Chapter 108 of the Village Code entitled “Bicycles, Rollerblades, and Skateboards”.

[6.4] 11 Ukranian Hill Road structure - Unsafe and Dangerous.

7. PETITIONS RECEIVED – None

8. PRIVILEGE OF THE FLOOR – VISITORS

9. COMMUNICATIONS

- [9.1] Correspondence from Carol Helmich regarding 110 Virginia Avenue's water bill.

- [9.2] Correspondence from Gene and Jennifer Slocum dated September 14, 2021 regarding vandalism to their property.

10. COMMITTEE/BOARD REPORTS

- [10.1] Code Enforcement – No report submitted
- [10.2] Court – No report submitted
- [10.3] Joint Sewage Treatment Board – No report submitted
- [10.4] Library – No report submitted
- [10.5] Newsletter - No report submitted
- [10.6] Planning Board – Nothing to Report
- [10.7] Public Safety – Nothing to Report
- [10.8] Public Works – Nothing to Report
- [10.9] Zoning Board – Nothing to Report

11. DEPARTMENT REPORTS

- [11.1] Fire Department Overtime Report for the weeks of September 2, 2021 – September 15, 2021
- [11.2] Police Department Overtime Report for the weeks of September 2, 2021 – September 15, 2021
- [11.3] Town of Union Monthly Permits and Code Violations Report for July and August, 2021
- [11.4] Police Department Monthly Report for August, 2021

12. PAYROLL AND BILLS PRESENTED

Abstract #6 of the 2021 - 2022 Fiscal bills as stated and or amended and attached to the work session minutes.

GENERAL FUND	\$957,400.09
WATER FUND	\$250,482.50
SEWER FUND	\$380,674.38
REFUSE FUND	\$63,115.31
JSTP	\$0
VARPUR	\$9,754,034.28
CAPITAL	\$0
DEBT SERVICE	\$285,081.56

13. UNFINISHED BUSINESS

Resolution #2021 – 100

Authorize reduction of water bill for Jenna Mauro and Kyle McKillop, 197/201 Zoa Avenue due to continuing water issues.

14. NEW BUSINESS

FINANCE & RULES (All Board Members)

Resolution #2021 – 141

WHEREAS, Notice was given that the Village Board scheduled a public hearing for September 21, 2021 at 7:35 p.m. at Village Hall, 243 Main Street, Johnson City, NY for Local Law No. 6 of the year 2021 entitled “A LOCAL LAW AMENDING CHAPTER 264 OF THE VILLAGE CODE ENTITLED ‘VEHICLES AND TRAFFIC’”; and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Village and posted on the Village Clerk's sign board; and

WHEREAS, said public hearing was duly held on the 21st day of September, 2021 at 7:35 p.m. and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof; and

WHEREAS, pursuant to the State Environmental Quality Review Act ("SEQRA"), it has been determined by the Village Board that adoption of the proposed Local Law constitutes a Type II Action as defined under 6 NYCRR 617.5(26) and (33); and

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

NOW, THEREFORE, BE IT RESOLVED that the Village Board hereby adopts said Local Law as Local Law No. 6 of 2021 entitled "A LOCAL LAW AMENDING CHAPTER 264 OF THE VILLAGE CODE ENTITLED 'VEHICLES AND TRAFFIC'", a copy of which is attached hereto and made a part hereof; and

BE IT FURTHER RESOLVED the Village Clerk be and hereby is directed to enter said Local Law in the minutes of this meeting and to give due notice of the adoption of said Local Law to the Secretary of State; and

BE IT FURTHER RESOLVED that this resolution will take effect immediately upon filing with the Department of State.

Resolution #2021 – 142

RESOLUTION ESTABLISHING A FEE SCHEDULE

WHEREAS, pursuant to NYS Village Law and Village of Johnson City Code Vehicles and Traffic Chapter 264, the Village Board of Trustees has authority to establish a fee schedule; and

NOW, THEREFORE BE IT RESOLVED that the Village Board of the Village of Johnson City hereby adopts the Fee Schedule attached hereto as Exhibit "A".

EXHIBIT "A"

Fee Schedule

IMPOUNDMENT AND STORAGE FEES FOR MOTOR VEHICLES

Impoundment \$85.00 per day

Oversized vehicles will be charged based upon the number of spots taken:

 \$85 per day times the number of spots taken

Additional Administrative fees and charges for non-public storage:

 \$0 per day per vehicle

Resolution #2021 – 143

WHEREAS, Notice was given that the Village Board scheduled a public hearing for September 21, 2021 at 7:35 p.m. at Village Hall, 243 Main Street, Johnson City, NY for Local Law No. 7 of the year

2021 entitled “A LOCAL LAW AMENDING CHAPTER 264 OF THE VILLAGE CODE ENTITLED ‘VEHICLES AND TRAFFIC’”; and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Village and posted on the Village Clerk’s sign board; and

WHEREAS, said public hearing was duly held on the 21st day of September, 2021 at 7:35 p.m. and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof; and

WHEREAS, pursuant to the State Environmental Quality Review Act (“SEQRA”), it has been determined by the Village Board that adoption of the proposed Local Law constitutes a Type II Action as defined under 6 NYCRR 617.5(26) and (33); and

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

NOW, THEREFORE, BE IT RESOLVED that the Village Board hereby adopts said Local Law as Local Law No. 7 of 2021 entitled “A LOCAL LAW AMENDING CHAPTER 264 OF THE VILLAGE CODE ENTITLED ‘VEHICLES AND TRAFFIC’”, a copy of which is attached hereto and made a part hereof; and

BE IT FURTHER RESOLVED the Village Clerk be and hereby is directed to enter said Local Law in the minutes of this meeting and to give due notice of the adoption of said Local Law to the Secretary of State; and

BE IT FURTHER RESOLVED that this resolution will take effect immediately upon filing with the Department of State.

Resolution #2021 – 144

RESOLUTION ESTABLISHING A FEE SCHEDULE

WHEREAS, pursuant to NYS Village Law and Village of Johnson City Code Vehicles and Traffic Chapter 264, the Village Board of Trustees has authority to establish a fee schedule; and

NOW, THEREFORE BE IT RESOLVED that the Village Board of the Village of Johnson City hereby adopts the Fee Schedule attached hereto as Exhibit “A”.

EXHIBIT “A”

Fee Schedule

REMOVAL AND STORAGE FEES of ATVS AND PERSONAL VEHICLES

First time Impoundment within 12 month period:	\$100 plus \$60 per day
Second time Impoundment within 12 month period:	\$175 plus \$60 per day
Third and all additional Impoundments within 12 month period:	\$250 plus \$60 per day

Resolution #2021 – 145

WHEREAS, Notice was given that the Village Board scheduled a public hearing for September 21, 2021 at 7:35 p.m. at Village Hall, 243 Main Street, Johnson City, NY for Local Law No. 8 of the year 2021 entitled “A LOCAL LAW AMENDING CHAPTER 108 OF THE VILLAGE CODE ENTITLED “BICYCLES, ROLLERBLADES, AND SKATEBOARDS””; and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Village and posted on the Village Clerk’s sign board; and

WHEREAS, said public hearing was duly held on the 21st day of September, 2021 at 7:35 p.m. and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof; and

WHEREAS, pursuant to the State Environmental Quality Review Act (“SEQRA”), it has been determined by the Village Board that adoption of the proposed Local Law constitutes a Type II Action as defined under 6 NYCRR 617.5(26) and (33); and

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

NOW, THEREFORE, BE IT RESOLVED that the Village Board hereby adopts said Local Law as Local Law No. 8 of 2021 entitled “A LOCAL LAW AMENDING CHAPTER 108 OF THE VILLAGE CODE ENTITLED “BICYCLES, ROLLERBLADES, AND SKATEBOARDS””, a copy of which is attached hereto and made a part hereof; and

BE IT FURTHER RESOLVED the Village Clerk be and hereby is directed to enter said Local Law in the minutes of this meeting and to give due notice of the adoption of said Local Law to the Secretary of State; and

BE IT FURTHER RESOLVED that this resolution will take effect immediately upon filing with the Department of State.

Resolution #2021 – 146

RESOLUTION ESTABLISHING A FEE SCHEDULE

WHEREAS, pursuant to NYS Village Law and Village of Johnson City Code Vehicles and Bicycles, Rollerblades, And Skateboards Chapter 108, the Village Board of Trustees has authority to establish a fee schedule; and

NOW, THEREFORE BE IT RESOLVED that the Village Board of the Village of Johnson City hereby adopts the Fee Schedule attached hereto as Exhibit “A”.

EXHIBIT “A”

Fee Schedule

REMOVAL AND STORAGE FEES - BICYCLES

First time Impoundment within 12 month period:	\$25 plus \$10 per day
Second time Impoundment within 12 month period:	\$50 plus \$10 per day
Third and all additional Impoundments within 12 month period:	\$75 plus \$10 per day

REMOVAL AND STORAGE FEES - BICYCLE WITH ELECTRIC ASSIST OR ELECTRIC SCOOTER

First time Impoundment within 12 month period:	\$50 plus \$20 per day
Second time Impoundment within 12 month period:	\$100 plus \$20 per day
Third and all additional Impoundments within 12 month period:	\$150 plus \$20 per day

Resolution #2021 – 147

WHEREAS, a local law entitled “A LOCAL LAW AMENDING SECTIONS OF THE VILLAGE CODE RELATING TO CANNABIS USE” 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 October 5, 2021; 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 #2021 – 148

WHEREAS, the Town of Union Code Enforcement Officer issued a report determining that the building located at 11 Ukrainian Hill Road, Village of Johnson City, New York, Tax Map No. 143.26-4-11, is unsafe or dangerous to the public, pursuant to § 118-3 of the Village Code of the Village of Johnson City, and has ordered it to be made safe and secure; and

WHEREAS, on September 21, 2021, the Village Board held a public hearing in regard to the structure at 11 Ukrainian Hill Road, Johnson City, NY; and

WHEREAS, notice of said public hearing has been published, filed at the County Clerk’s Office, and served in accordance with the Village Code; and

WHEREAS, after due deliberation, the Village Board finds that the building is unsafe and has deteriorated significantly; furthermore, a weather event on July 11, 2021 has caused further damage to the property. There are numerous piles of garbage and inoperable vehicles and trailers on the property.

NOW, THEREFORE, BE IT RESOLVED, pursuant to Part 617 of the implementing regulations pertaining to Article 8 of the State Environmental Quality Review Act, it has been determined by the Village Board that securing the building at 11 Ukrainian Hill Road does not constitute an “action” as defined under the SEQRA regulations. Said action will not have a significant adverse impact on the environment and the Village Board adopts a negative declaration with respect to the same; and further

RESOLVED that the Village Board of the Village of Johnson City hereby determines that the building at 11 Ukrainian Hill Road, Johnson City, NY is unsafe or dangerous to the public and orders it to be immediately secured. Because the property owner has neglected or refused to repair and secure the same within the time provided, the Village Board hereby determines said building may be secured by whatever means it deems appropriate and may assess all costs and expenses incurred by the Village of

Johnson City and/or the Town of Union in connection with securing the building, against the land on which said building is located; and further

RESOLVED that in the event of refusal or neglect of the owners to comply with this Resolution and the prior notices, the owners must start the actions required by the Code Department by October 21, 2021 and end it by December 20, 2021, and if upon inspection of the structure(s) by the Code Enforcement Officer there is confirmation that the actions have not been completed by December 20, 2021 as ordered by the Village Board and set forth in the notice and herein, that the Village shall take such actions necessary and shall assess such expenses to the property; and further

RESOLVED that this Resolution shall take effect immediately.

Resolution #2021 – 149

Authorize reimbursement of the late fee on the July water bill for Carol Helmich, 110 Virginia Avenue due to post office delivery issues.

PUBLIC SAFETY

FIRE (Trustees Giblin & Meaney) – No new business

POLICE (Trustees Giblin & Meaney)

Resolution #2021 – 150

Promote Patrolman Matthew Kushner to the rank of Sergeant with the Johnson City Police Department, to be effective September 23rd, 2021 at the base salary determined by the Collective Bargaining Agreement.

Resolution #2021 – 151

Approve a police department travel request for Dan VanWie, Mike Kushner, Dustin Klinko, Matt Hepler for the SWAT Training from September 29, 2021 – October 2021 in Fort Drum, NY at a cost of \$1,700.00 from budget line A3120.4.930.

Resolution #2021 – 152

Approve a police department travel request for Dan Gavin for the Police K-9 Seminar from October 25, 2021 – October 29, 2021 in Lower Township, PA at a cost of \$1,148.50 from budget line A3120.4.930.

PUBLIC WORKS (Trustees Giblin & Walker) – No new business

RECREATION (Trustees Giblin & Walker) – No new business

PLANNING, ZONING & CODE ENFORCEMENT (Trustees Brown & Meaney) – No new business

JOINT SEWAGE TREATMENT BOARD (Trustees Brown & Giblin)

Resolution #2021 – 153

Approve the Binghamton-Johnson City Joint Sewage Board's request that the Owners pass legislation to amend the 2021 Budget by increasing the appropriations for Personal Services (J8130.51000) by \$54,250, increase Social Security Expense by \$4,150.25 (J9030.58000B) and State

Retirement by \$7,638.75 (J9010.58000A) with a corresponding reduction in the appropriations for Contingency (J8130.55000) in the amount of \$66,039.03.

15. **ADJOURNMENT**

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

Mayor Gregory Deemie - jcmayor@villageofjc.com

Deputy Mayor Clark Giblin – cgiblin@villageofjc.com

Trustee Martin Meaney – mmeaney@villageofjc.com Trustee John Walker - jwalker@villageofjc.com

Trustee Adam Brown – abrown@villageofjc.com

**VILLAGE OF JOHNSON CITY
LOCAL LAW NO. 6 FOR THE YEAR 2021**

**A LOCAL LAW AMENDING CHAPTER 264 OF THE VILLAGE CODE
ENTITLED “VEHICLES AND TRAFFIC”**

Section 1. Section 264-61 of the Village Code entitled “Storage and charges” shall hereby be amended as follows:

Add:

- E. If a vehicle has been impounded or immobilized pursuant to any section of this chapter or any other legal authority, and if the vehicle is being stored at a public location, the Village has the ability to set storage fees and charges pursuant to a resolution; which can be changed from time to time. Additionally if a vehicle has been impounded or immobilized pursuant to any section of this chapter or any other legal authority and if the vehicle is being stored a site other than a public location, the village has the ability to set additional administrative fees and charges pursuant to a resolution; which can be changed from time to time. These administrative fees and charges are additional to those already in place.

[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. Severability

The provisions of this Local Law are severable 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. 7 FOR THE YEAR 2021**

**A LOCAL LAW AMENDING CHAPTER 264 OF THE VILLAGE CODE
ENTITLED “VEHICLES AND TRAFFIC”**

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

Insert new Article VIII as follows:

Article VIII All-terrain vehicles

§ 264-106 Definitions.

As used in this Article VIII, the following terms shall have the meanings indicated:

ATV

Any all-terrain vehicle as defined under Vehicle and Traffic Law §2281.

PERSONAL VEHICLE

A personal vehicle for purposes of this Article VIII shall be any motorized or otherwise self-propelled vehicle, including but not limited to scooters, minibikes and other motorized bikes and vehicles that are intended to be for the transport of either one or two individuals. For purposes of this Article VIII a personal vehicle does not include a motorcycle which is properly registered with the New York State Department of Motor Vehicles and is operated in accordance with the Vehicle and Traffic Law of the State of New York.

§ 264-107 Prohibited acts.

It shall be unlawful to operate an ATV or personal vehicle in the following locations and/or manner:

- A. Upon public property at any time without express written consent or permit issued by the government agency owning or controlling said property. Any such consent or permit must be filed with the Village Clerk.
- B. In violation of the requirements and regulations of the Department of Motor Vehicles of the State of New York. Should the Department of Motor Vehicles require registration or licensing of said vehicles, it shall be unlawful to operate said vehicle without proper registration, licensing and insurance.
- C. In a careless, reckless or negligent manner so as to endanger the safety of any person, including the operator, or the property of any person.
- D. In a manner that is disturbing and bothersome to adjoining property owners, by reason of resulting noise, dust or other condition arising from the operation of such vehicles.
- E. Without an operable muffler to reduce the sound emitted from the vehicle at a noise level of 75 decibels or below at a property or street boundary line.
- F. On any public roadway.

G. While under the influence of alcohol or drugs as defined in the Vehicle and Traffic Law.

H. Between the hours of 9:00 p.m. and 7:00 a.m., prevailing time.

§ 264-108 Impoundment; Redemption.

- A. A police officer may impound any ATV or personal vehicle upon notice to the owner and operator if:
1. The operator of the ATV or personal vehicle has no evidence of permission to operate the ATV or personal vehicle on private property not owned by the operator or operator's immediate family; or
 2. The ATV or personal vehicle was operated in violation of any provision of this Article or of any state law or regulation.
- B. The Village shall store any ATV or personal vehicle which is impounded in a suitable place at the expense of the owner.
- C. The Village shall, to the extent possible, ascertain the identity of the owner and custodian of the ATV or personal vehicle and notify the owner of the impoundment and the requirements to redeem the same.
- D. The owner may redeem the ATV or personal vehicle from impoundment upon production of proof of ownership, payment of any fines imposed under § 264-110, and payment of all removal and storage fees as may be set from time to time by resolution of the Village Board of Trustees to cover the costs to the Village of the removal and storage.
- E. Any ATV or personal vehicle which is not redeemed within 10 business days of notification to the owner of the impoundment if the owner can be identified, or within 10 business days of the impoundment if the owner or the owner's address are not known, shall be treated as an abandoned vehicle under § 1224 of the Vehicle and Traffic Law.

§ 264-109 Enforcement.

- A. This Article VIII shall be enforced by the Village Police Department and any other police agency with jurisdiction. The Police Department or other such police agency shall have the right and authority to issue an appearance ticket or simplified appearance ticket pursuant to law.
- B. A declaration signed by an owner of private property and filed with the Village Clerk, stating that operation of ATVs on the property is not permitted or that such operation is a trespass, shall be prima facie evidence of a violation of this Article VIII by any person operating an ATV or personal vehicle on such property.

§ 264-110 Penalties for offenses.

- A. A violation of this Article VIII shall be an offense. Upon conviction of an offense, the offender shall be subject to a fine not to exceed \$500 for a first offense and \$750 for a second offense and each subsequent offense committed within a twelve-month period measured from the date of the first offense. Each violation of any provision of this Article VIII shall be deemed a separate and distinct

offense. A person may be charged with more than one offense and shall be subject to imposition of a fine for each such offense.

- B. Aggravated offense. It shall be an aggravated offense if the use of an ATV or personal vehicle in violation of this Article VIII results in injury to any person. The person found to have committed an aggravated offense shall be subject to doubling of the fines set forth in this Article VIII.

§ 264-111 Exclusions.

This Article VIII shall not apply to the operation of any ATV or personal vehicle in the regular course of a lawful business or to the operation of the ATV or personal vehicle under circumstances regulated by any agency of the State of New York, or to any ATV or personal vehicle operated by a public official or public employee in his official capacity for a public purpose, including emergency service, police protection, fire protection and public works activity.

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. Severability

The provisions of this Local Law are severable 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. 8 FOR THE YEAR 2021**

**A LOCAL LAW AMENDING CHAPTER 108 OF THE VILLAGE CODE
ENTITLED “BICYCLES, ROLLERBLADES, AND SKATEBOARDS”**

Section 1. Chapter 108 of the Village Code shall be amended as follows:

§ 108-1. Applicability of traffic regulations.

Insert the following after the word “bicycle”: ,bicycle with electric assist, electric scooter.

§ 108-2. Obedience to police officers, traffic-control devices.

Insert the following after the word “bicycle”: ,bicycle with electric assist, electric scooter.

§ 108-3. Operations generally.

Insert the following after the word “bicycle”: ,bicycle with electric assist, electric scooter.

§ 108-4. Speed.

Insert the following after the word “bicycle”: ,bicycle with electric assist, electric scooter.

[§ 108-5. Riding on bicycles generally.](#)

A. *Insert the following after the word “bicycle”:* ,bicycle with electric assist, or electric scooter.

B. *Insert the following after the word “bicycle”:* ,bicycle with electric assist, or electric scooter.

[§ 108-6. Riding on right; care to be used in passing.](#)

Insert the following after the word “bicycle”: ,bicycle with electric assist, electric scooter.

[§ 108-7. Emerging from alley or driveway; duty to yield right-of-way.](#)

Insert the following after the word “bicycle”: ,bicycle with electric assist, or electric scooter.

[§ 108-8. Parking.](#)

Insert the following after each use of the word “bicycle”: ,bicycle with electric assist, or electric scooter.

[§ 108-9. Clinging to vehicles.](#)

Insert the following after the word “bicycle”: ,bicycle with electric assist, electric scooter.

[§ 108-10. Riding in groups.](#)

Insert the following after the word “bicycle”: ,bicycle with electric assist, electric scooter.

[§ 108-11. Carrying packages, etc.](#)

Insert the following after the word “bicycle”: ,bicycle with electric assist, electric scooter.

[§ 108-12. Riding on sidewalks.](#)

A. *Insert the following after the word “bicycle”:* ,bicycle with electric assist, electric scooter.

B. *Insert the following after the word “bicycle”:* ,bicycle with electric assist, electric scooter.

C. *Insert the following after the word “bicycle”:* ,bicycle with electric assist, electric scooter.

§ 108-13. Riding in public parks, playgrounds.

Insert the following after the word "bicycle": ,bicycle with electric assist, electric scooter.

§ 108-14. Authority to impound.

When any bicycle, bicycle with electric assist, or electric scooter is parked, abandoned or kept motionless on any sidewalk, not in accordance with § 108-8 hereinabove described, said bicycle, bicycle with electric assist, or electric scooter may be removed by the Village of Johnson City Police.

- A. When any bicycle, bicycle with electric assist, or electric scooter is found unattended on any public highway in the Village of Johnson City where such bicycle constitutes an obstruction of traffic, such bicycle, bicycle with electric assist, or electric scooter may be removed by the Village of Johnson City Police.
- B. When any bicycle, bicycle with electric assist, or electric scooter is parked or abandoned within the Village of Johnson City where parking, stopping or standing is prohibited or said bicycle, bicycle with electric assist, or electric scooter is parked upon private property without the consent of the owner of such property, such bicycle, bicycle with electric assist, or electric scooter may be removed by the Village of Johnson City Police.
- C. Any bicycle, bicycle with electric assist, or electric scooter operated or possessed in violation of this chapter may be removed by the Village of Johnson City Police.

§ 108-15. Redemption.

- A. Prior to releasing any bicycle, bicycle with electric assist, or electric scooter removed by the Village of Johnson City Police under the authority of the preceding sections, the alleged owner of the bicycle, bicycle with electric assist, or electric scooter shall execute a sworn affidavit, under penalty of perjury, describing the bicycle, bicycle with electric assist, or electric scooter and alleging ownership of the bicycle, bicycle with electric assist, or electric scooter by the affiant. Such sworn statements shall be a record kept and maintained by the Village of Johnson City Police Department.
- B. The owner of the impounded bicycle, bicycle with electric assist, or electric scooter shall also be required to pay an impound charge for the removal, a charge for attempting to notify the owner and a storage fee for every day after removed, such total amount to be paid to the desk sergeant before release of the bicycle, bicycle with electric assist, or electric scooter. Such charges and fees shall be set by resolution of the Village of Johnson City Board of Trustees.
- C. An impound form shall be used by the Village of Johnson City Police for each removal.
- D. Redemption of any bicycle, bicycle with electric assist, or electric scooter shall be made from the Village of Johnson City Police Department during the hours of 8:30 a.m. to 3:30 p.m., Monday through Friday, excluding holidays.

§ 108-16. Disposition of any unclaimed bicycle, bicycle with electric assist, or electric scooter.

The disposition of any unclaimed bicycle, bicycle with electric assist, or electric scooter shall be governed by Article 7-B of the Personal Property Law as may be modified by resolution of the Village of Johnson City Board of Trustees pursuant to General Municipal Law § 250.

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. 9 FOR THE YEAR 2021**

**A LOCAL LAW AMENDING SECTIONS OF THE VILLAGE CODE
RELATING TO CANNABIS SALE AND USE**

Be it enacted by the Village Board of the Village of Johnson City as follows:

Section 1. Chapter 188 of the Village Code shall be amended as follows:

§ 188-20 Alcoholic beverages, tobacco, cannabis and illegal substances.

No person shall offer for sale or be under the influence of any beer, wine, liquor, tobacco product, cannabis product or other intoxicating beverage or any illegal substance, drug, stimulant, depressant or hallucinating agent within any park or park facility. No person shall possess, consume or use any beer, wine, liquor, tobacco products, cannabis product or any illegal substance, drug, stimulant, depressant or hallucinating agent within any park or park facility.

Section 2. Chapter 250 of the Village Code shall be amended as follows:

§ 230-5 Use of cannabis products and tobacco products prohibited.

Use of cannabis products and tobacco products within all publicly owned or leased swimming pools and pool grounds, public parks, playgrounds, ball fields, spectator areas and all other recreational areas leased or owned by the Village shall be prohibited within the Village of Johnson City.

Section 3. Remainder

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

Section 4. 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 5. 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.