

4552

2013-2014 Regular Sessions

I N S E N A T E

April 10, 2013

Introduced by Sen. HANNON -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to authorizing a residential parking system in the Town of Hempstead

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Legislative findings and intent. The legislature finds that
2 a lack of parking for residents of a section of East Meadow in the town
3 of Hempstead has resulted in traffic hazards, congestion and air and
4 noise pollution. In addition, such lack of parking poses a hazard to
5 residents and other pedestrians in such areas. The legislature further
6 finds that a residential parking system will reduce such hazards and
7 will reduce pollution levels as well. The legislature, therefore,
8 declares the necessity of this act to authorize the town of Hempstead to
9 adopt a residential parking system in accordance with the provisions of
10 this act.

11 S 2. The vehicle and traffic law is amended by adding a new section
12 1662-e to read as follows:

13 S 1662-E. RESIDENTIAL PARKING SYSTEM IN THE TOWN OF HEMPSTEAD. 1.
14 NOTWITHSTANDING THE PROVISIONS OF ANY LAW TO THE CONTRARY, THE TOWN
15 BOARD OF THE TOWN OF HEMPSTEAD MAY, BY ADOPTION OF A LOCAL LAW OR ORDI-
16 NANCE, PROVIDE FOR A RESIDENTIAL PARKING PERMIT SYSTEM AND FIX AND
17 REQUIRE THE PAYMENT OF FEES APPLICABLE TO PARKING WITHIN THE AREA IN
18 WHICH SUCH PARKING SYSTEM IS IN EFFECT IN ACCORDANCE WITH THE PROVISIONS
19 OF THIS SECTION.

20 2. SUCH RESIDENTIAL PARKING PERMIT SYSTEM MAY ONLY BE ESTABLISHED
21 WITHIN THE AREA KNOWN AS EAST MEADOW OF THE TOWN CONSISTING OF THE
22 FOLLOWING ROADWAYS:

23 (A) ROOSEVELT AVENUE EAST OF FOURTH STREET AND WEST OF PROSPECT
24 AVENUE;

25 (B) JEFFERSON STREET WEST OF PROSPECT AVENUE;

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets
[] is old law to be omitted.

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- 1 (C) FIRST STREET WEST OF PROSPECT AVENUE;
- 2 (D) SECOND STREET WEST OF PROSPECT AVENUE;
- 3 (E) THIRD STREET WEST OF PROSPECT AVENUE;
- 4 (F) FOURTH STREET WEST OF PROSPECT AVENUE;
- 5 (G) CLEARMEADOW DRIVE WEST OF PONTIAC PLACE;
- 6 (H) NOTTINGHAM ROAD;
- 7 (I) FLORENCE COURT;
- 8 (J) JANE COURT;
- 9 (K) DOFENA LANE;
- 10 (L) BAILEY AVENUE; AND

11 (M) LINCOLN AVENUE SOUTH OF HEMPSTEAD TURNPIKE AND NORTH OF FOURTH
12 STREET.

13 3. NOTWITHSTANDING THE FOREGOING, NO PERMIT SHALL BE REQUIRED ON THOSE
14 PORTIONS OF SUCH STREETS WHERE THE ADJACENT PROPERTIES ARE ZONED FOR
15 COMMERCIAL/RETAIL USE.

16 4. THE LOCAL LAW OR ORDINANCE PROVIDING FOR SUCH RESIDENTIAL PARKING
17 SYSTEM SHALL:

18 (A) SET FORTH FACTORS NECESSITATING THE ENACTMENT OF SUCH PARKING
19 SYSTEM;

20 (B) PROVIDE THAT MOTOR VEHICLES REGISTERED PURSUANT TO SECTION FOUR
21 HUNDRED FOUR-A OF THIS CHAPTER SHALL BE EXEMPT FROM ANY PERMIT REQUIRE-
22 MENT;

23 (C) PROVIDE THE TIMES OF DAY AND DAYS OF THE WEEK DURING WHICH PERMIT
24 REQUIREMENTS SHALL BE IN EFFECT;

25 (D) MAKE NOT LESS THAN FIFTEEN PERCENT OF THE SPACES WITHIN THE PERMIT
26 AREA AVAILABLE TO NONRESIDENTS, AND SHALL PROVIDE SHORT TERM PARKING OF
27 NOT LESS THAN SIXTY MINUTES IN DURATION IN THE PERMIT AREA;

28 (E) PROVIDE THE SCHEDULE OF FEES TO BE PAID FOR SUCH PERMITS; AND

29 (F) PROVIDE THAT SUCH FEES SHALL BE CREDITED TO THE GENERAL FUND OF
30 THE TOWN OF HEMPSTEAD UNLESS OTHERWISE SPECIFIED IN SUCH LOCAL LAW.

31 5. THE TOWN BOARD MAY DETERMINE THAT THE RESIDENTIAL PARKING PERMIT
32 SYSTEM MAY INCLUDE A LESSER AREA THAN THAT PROVIDED IN SUBDIVISION TWO
33 OF THIS SECTION.

34 6. NO ORDINANCE SHALL BE ADOPTED PURSUANT TO THIS SECTION UNTIL A
35 PUBLIC HEARING THEREON HAS BEEN HAD IN THE SAME MANNER AS REQUIRED FOR
36 PUBLIC HEARINGS ON A LOCAL LAW PURSUANT TO THE MUNICIPAL HOME RULE LAW.

37 7. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO ANY STATE HIGHWAY
38 MAINTAINED BY THE STATE.

39 S 3. This act shall take effect immediately.