S T A T E O F N E W Y O R K

4552--A

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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

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

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

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

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

(A) ROOSEVELT AVENUE WEST OF PROSPECT AVENUE;

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

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(B) JEFFERSON STREET WEST OF PROSPECT AVENUE;
(C) FIRST STREET WEST OF PROSPECT AVENUE;
(D) SECOND STREET WEST OF PROSPECT AVENUE;
(E) THIRD STREET WEST OF PROSPECT AVENUE;
(F) FOURTH STREET WEST OF PROSPECT AVENUE;
(G) CLEARMEADOW DRIVE;
(H) NOTTINGHAM ROAD;
(I) FLORENCE COURT;
(J) JANE COURT;
(K) DOFENA LANE;
(L) FRANKLIN AVENUE NORTH OF 4TH STREET;
(M) BAILEY AVENUE;
(N) FRANKLIN AVENUE, NORTH OF 7TH STREET AND SOUTH OF HEMPSTEAD TURNPIKE;
(O) LINCOLN AVENUE, NORTH OF 7TH STREET AND SOUTH OF ROOSEVELT AVENUE;
(P) 5TH STREET, WEST OF PROSPECT AVENUE;
(Q) 6TH STREET, WEST OF PROSPECT AVENUE;
(R) 7TH STREET, WEST OF PROSPECT AVENUE;
(S) PENGON CIRCLE;
(T) LOIS COURT;
(U) ERMA DRIVE;
(V) AVA DRIVE;
(W) DOROTHY DRIVE;
(X) BARBARA DRIVE;
(Y) ROSE DRIVE;
(Z) BLY ROAD;
(AA) MARION DRIVE; AND
(BB) CONTI SQUARE BOULEVARD.

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

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

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

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

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

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

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

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

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

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

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

S 3. This act shall take effect immediately.