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

5623

2013-2014 Regular Sessions

I N S E N A T E

May 29, 2013

Introduced by Sen. KENNEDY -- 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 pilot residential parking permit system in the city of Buffalo and providing for the repeal of such provisions upon expiration thereof

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 in the city of Buffalo in the area in and around Buffalo General Medical Park 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 area.

The legislature further finds that a residential parking system within such area will reduce such hazards and will reduce pollution levels as well. The legislature, therefore, hereby declares the necessity of this act to authorize the city of Buffalo 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 1640-n to read as follows:

S 1640-N. PILOT RESIDENTIAL PARKING PERMIT SYSTEM IN THE CITY OF BUFFALO. 1. NOTWITHSTANDING THE PROVISIONS OF ANY LAW TO THE CONTRARY, THE CITY OF BUFFALO 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 CERTAIN AREAS OF THE CITY OR AS DELINEATED BY THE COMMON COUNCIL OF THE CITY OF BUFFALO IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION.

2. SUCH RESIDENTIAL PARKING PERMIT SYSTEM MAY ONLY BE ESTABLISHED WITHIN THE AREA OF THE CITY OF BUFFALO DESCRIBED AS FOLLOWS:

(A) MAPLE STREET, FROM CARLTON STREET TO HIGH STREET;

(B) MULBERRY STREET, FROM CARLTON STREET TO HIGH STREET;

(C) LOCUST STREET, FROM CARLTON STREET TO HIGH STREET;

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

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(D) LEMON STREET, FROM CARLTON STREET TO HIGH STREET;
(E) CARLTON STREET, FROM MAPLE STREET TO LEMON STREET; AND
(F) HIGH STREET, FROM MAPLE STREET TO LEMON STREET.
3. NOTWITHSTANDING THE PROVISIONS OF THIS SECTION, NO PERMIT SHALL BE REQUIRED ON STREETS WHERE THE ADJACENT PROPERTIES ARE ZONED FOR COMMERCIAL, OFFICE AND/OR RETAIL USE.
4. THE LOCAL LAW PROVIDING FOR SUCH RESIDENTIAL PARKING PERMIT 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 THE DAY AND THE DAYS OF THE WEEK DURING WHICH PERMIT REQUIREMENTS SHALL BE IN EFFECT;
(D) MAKE NOT LESS THAN TWENTY PERCENT OF ALL SPACES WITHIN THE PERMIT AREA OR AREAS AVAILABLE TO NONRESIDENTS WHICH SHALL PROVIDE SHORT-TERM PARKING OF NOT LESS THAN NINETY MINUTES IN DURATION IN SUCH AREA OR AREAS;
(E) PROVIDE THE SCHEDULE OF FEES TO BE PAID FOR RESIDENTIAL PERMITS; AND
(F) PROVIDE THAT SUCH FEES SHALL BE CREDITED TO THE GENERAL FUND OF THE CITY OF BUFFALO.
5. NO LOCAL LAW OR ORDINANCE SHALL BE ADOPTED PURSUANT TO THIS SECTION UNTIL A PUBLIC HEARING THEREON HAS BEEN HELD BY THE COMMON COUNCIL OF THE CITY OF BUFFALO CONCERNING THE DESIGNATION OF THE CERTAIN AREA OR AREAS IN WHICH SAID PARKING PERMIT SYSTEM IS TO BE IMPLEMENTED.
S 3. This act shall take effect immediately and shall remain in full force and effect for a period of 730 days after the implementation of the local law or ordinance adopted by the city of Buffalo pursuant to section 1640-n of the vehicle and traffic law as added by section two of this act at which time this act shall expire and be deemed repealed.