

5306--B

Cal. No. 1222

2015-2016 Regular Sessions

I N S E N A T E

May 13, 2015

Introduced by Sen. KENNEDY -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- reported favorably from said committee, ordered to first report, amended on first report, ordered to a second report and ordered reprinted, retaining its place in the order of second report -- ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

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:

1 Section 1. Legislative findings and intent. The legislature finds that
2 a lack of parking for residents in the city of Buffalo in the area in
3 and around Buffalo General Medical Park has resulted in traffic hazards,
4 congestion and air and noise pollution. In addition, such lack of park-
5 ing poses a hazard to residents and other pedestrians in such area.
6 The legislature further finds that a residential parking system within
7 such area will reduce such hazards and will reduce pollution levels as
8 well. The legislature, therefore, hereby declares the necessity of this
9 act to authorize the city of Buffalo to adopt a residential parking
10 system in accordance with the provisions of this act.
11 S 2. The vehicle and traffic law is amended by adding a new section
12 1640-o to read as follows:
13 S 1640-O. PILOT RESIDENTIAL PARKING PERMIT SYSTEM IN THE CITY OF
14 BUFFALO. 1. NOTWITHSTANDING THE PROVISIONS OF ANY LAW TO THE CONTRARY,
15 THE CITY OF BUFFALO MAY, BY ADOPTION OF A LOCAL LAW OR ORDINANCE,
16 PROVIDE FOR A RESIDENTIAL PARKING PERMIT SYSTEM AND FIX AND REQUIRE THE
17 PAYMENT OF FEES APPLICABLE TO PARKING WITHIN THE AREA IN WHICH SUCH
18 PARKING SYSTEM IS IN EFFECT IN ACCORDANCE WITH THE PROVISIONS OF THIS
19 SECTION.

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

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1 2. SUCH RESIDENTIAL PARKING PERMIT SYSTEM MAY ONLY BE ESTABLISHED
2 WITHIN THE AREA OF THE CITY OF BUFFALO CONSISTING OF THE FOLLOWING ROAD-
3 WAYS:

- 4 (A) MICHIGAN AVENUE, FROM BFNC DRIVE TO NORTH STREET;
5 (B) MAPLE STREET, FROM BFNC DRIVE TO NORTH STREET;
6 (C) MULBERRY STREET, FROM BFNC DRIVE TO NORTH STREET;
7 (D) LOCUST STREET, FROM BFNC DRIVE TO NORTH STREET;
8 (E) LEMON STREET, FROM BFNC DRIVE TO NORTH STREET;
9 (F) ORANGE STREET, FROM BFNC DRIVE TO NORTH STREET;
10 (G) PEACH STREET, FROM BFNC DRIVE TO NORTH STREET;
11 (H) GRAPE STREET, FROM BFNC DRIVE TO NORTH STREET;
12 (I) ROSE STREET, FROM BFNC DRIVE TO NORTH STREET;
13 (J) HIGH STREET, FROM MICHIGAN AVENUE TO ROSE STREET;
14 (K) CARLTON STREET, FROM MICHIGAN AVENUE TO ROSE STREET;
15 (L) VIRGINIA STREET, FROM MICHIGAN AVENUE TO BFNC DRIVE;
16 (M) BFNC DRIVE, FROM MICHIGAN AVENUE TO ROSE STREET; AND
17 (N) NORTH STREET, FROM MICHIGAN AVENUE TO ROSE STREET.

18 3. NOTWITHSTANDING THE FOREGOING, NO PERMIT SHALL BE REQUIRED ON
19 STREETS WHERE THE ADJACENT PROPERTIES ARE ZONED FOR COMMERCIAL, OFFICE
20 AND/OR RETAIL USE.

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

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

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

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

30 (D) MAKE NOT LESS THAN TWENTY PERCENT OF ALL SPACES WITHIN THE PERMIT
31 AREA AVAILABLE TO NONRESIDENTS AND SHALL PROVIDE SHORT-TERM PARKING OF
32 NOT LESS THAN NINETY MINUTES IN DURATION IN SUCH AREA;

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

34 (F) PROVIDE THAT SUCH FEES SHALL BE CREDITED TO THE GENERAL FUND OF
35 THE CITY OF BUFFALO.

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

39 S 3. This act shall take effect immediately and shall remain in full
40 force and effect for a period of 730 days after the implementation of
41 the local law or ordinance adopted by the city of Buffalo pursuant to
42 section 1640-o of the vehicle and traffic law as added by section two of
43 this act at which time this act shall expire and be deemed repealed. The
44 city of Buffalo shall notify the legislative bill drafting commission
45 upon the occurrence of such implementation or adoption in order that the
46 commission may maintain an accurate and timely effective data base of
47 the official text of the laws of the state of New York in furtherance of
48 effectuating the provisions of section 44 of the legislative law and
49 section 70-b of the public officers law.