

5306--A

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

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 CERTAIN AREAS OF THE CITY  
18    OR AS DELINEATED BY THE COMMON COUNCIL OF THE CITY OF BUFFALO IN ACCORD-  
19    ANCE WITH THE PROVISIONS OF THIS SECTION.  
20    2. SUCH RESIDENTIAL PARKING PERMIT SYSTEM MAY ONLY BE ESTABLISHED  
21    WITHIN THE AREA OF THE CITY OF BUFFALO DESCRIBED AS FOLLOWS:

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

LBD11063-04-5

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

15 3. NOTWITHSTANDING THE PROVISIONS OF THIS SECTION, NO PERMIT SHALL BE  
16 REQUIRED ON STREETS WHERE THE ADJACENT PROPERTIES ARE ZONED FOR COMMER-  
17 CIAL, OFFICE AND/OR RETAIL USE.

18 4. THE LOCAL LAW PROVIDING FOR SUCH RESIDENTIAL PARKING PERMIT SYSTEM  
19 SHALL:

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

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

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

27 (D) MAKE NOT LESS THAN TWENTY PERCENT OF ALL SPACES WITHIN THE PERMIT  
28 AREA OR AREAS AVAILABLE TO NONRESIDENTS WHICH SHALL PROVIDE SHORT-TERM  
29 PARKING OF NOT LESS THAN NINETY MINUTES IN DURATION IN SUCH AREA OR  
30 AREAS;

31 (E) PROVIDE THE SCHEDULE OF FEES TO BE PAID FOR RESIDENTIAL PERMITS;  
32 AND

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

35 5. NO LOCAL LAW OR ORDINANCE SHALL BE ADOPTED PURSUANT TO THIS SECTION  
36 UNTIL A PUBLIC HEARING THEREON HAS BEEN HELD BY THE COMMON COUNCIL OF  
37 THE CITY OF BUFFALO CONCERNING THE DESIGNATION OF THE CERTAIN AREA OR  
38 AREAS IN WHICH SAID PARKING PERMIT SYSTEM IS TO BE IMPLEMENTED.

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.