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

5436--A

2015-2016 Regular Sessions

I N  S E N A T E

May 14, 2015

Introduced by Sen. LATIMER -- 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 the village of Mamaroneck in the county of Westchester to establish a residential parking system

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 certain areas of the village of Mamaroneck, Westchester county, 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 would be in the public interest. The legislature further finds that a residential parking system will reduce such hazards and will reduce pollution levels as well. The legislature, therefore, hereby declares the necessity of this act to authorize the village of Mamaroneck to adopt a residential parking permit system in accordance with the provisions of this act.

S 2. The vehicle and traffic law is amended by adding a new section 1640-o to read as follows:

S 1640-O. RESIDENTIAL PARKING SYSTEM IN THE VILLAGE OF MAMARONECK IN THE COUNTY OF WESTCHESTER. 1. NOTWITHSTANDING THE PROVISIONS OF ANY LAW TO THE CONTRARY, THE BOARD OF TRUSTEES OF THE VILLAGE OF MAMARONECK 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.

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

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2. SUCH RESIDENTIAL PARKING PERMIT SYSTEM MAY ONLY BE ESTABLISHED WITHIN THE AREA OF THE VILLAGE CONSISTING OF THE FOLLOWING ROADWAYS:

(A) UNION AVENUE, FROM HALSTEAD AVENUE TO TOMPKINS AVENUE;

(B) MELBOURNE AVENUE, FROM HALSTEAD AVENUE TO TOMPKINS AVENUE;

(C) HINMAN PLACE, FROM MELBOURNE AVENUE TO UNION AVENUE;

(D) ANITA LANE, FROM UNION AVENUE TO THE DEAD END;

(E) VALLEY PLACE, FROM WARD AVENUE TO THE DEAD END;

(F) WARD AVENUE, FROM UNION AVENUE TO SPENCER PLACE;

(G) STANLEY AVENUE, FROM MT. PLEASANT AVENUE TO FENIMORE ROAD;

(H) WAVERLY AVENUE, FROM PLAZA AVENUE TO MAMARONECK AVENUE;

(I) CENTER AVENUE, FROM PLAZA AVENUE TO OLD WHITE PLAINS ROAD;

(J) MADISON STREET, FROM PLAZA AVENUE TO OLD WHITE PLAINS ROAD;

(K) WASHINGTON STREET, FROM PLAZA AVENUE TO OLD WHITE PLAINS ROAD;

(L) GRAND STREET, FROM PLAZA AVENUE TO OLD WHITE PLAINS ROAD, AND FROM OLD WHITE PLAINS ROAD TO MAMARONECK AVENUE;

(M) ALLING STREET AND PELHAM STREET, FROM GRAND STREET TO OLD WHITE PLAINS ROAD;

(N) NEW STREET, FROM OLD WHITE PLAINS ROAD TO MAMARONECK AVENUE;

(O) WILLOW STREET, FROM JEFFERSON AVENUE TO THE DEAD END;

(P) JEFFERSON AVENUE, FROM JEFFERSON STREET TO CEDAR STREET;

(Q) GRADE STREET, FROM JEFFERSON AVENUE TO THE DEAD END;

(R) THE NORTH-WEST SIDE OF BISHOP AVENUE, FROM THE NORTH-WEST CORNER OF THE PROPERTY LINE OF 420 MOUNT PLEASANT AVENUE TO FENIMORE ROAD.

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 THE DAY AND DAYS OF THE WEEK DURING WHICH PERMIT REQUIREMENTS SHALL BE IN EFFECT;

(D) MAKE NOT LESS THAN TWENTY 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 VILLAGE OF MAMARONECK UNLESS OTHERWISE SPECIFIED IN SUCH LOCAL LAW.

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

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

S 3. This act shall take effect immediately.