STATE OF NEW YORK

9963--A

IN ASSEMBLY

April 26, 2024

Introduced by M. of A. OTIS -- read once and referred 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 implementing a residential parking system in the village of Port Chester

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 there is a lack of parking for residents of the Washington Park neighborhood in the village of Port Chester and residents have increasingly found it difficult to park their automobiles overnight on the streets in their own neighborhoods given the scarcity of available parking spaces. Vehicles are parked across sidewalks and blocking driveways as well as creating hazardous conditions on street corners. This has caused significant safety issues, refuse and sanitation problems, traffic hazards, congestion, air and noise pollution and other disturbances. The village of Port Chester is the second most dense municipality in Westchester county and a residential parking permit program is a tool that would assist in mitigating this important issue.

The legislature, therefore, hereby declares the necessity of this act to authorize the village of Port Chester in the county of Westchester to adopt a residential parking permit system in accordance with the provisions of this act.

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

§ 1640-s. Residential parking system in the village of Port Chester. 1. Notwithstanding the provisions of any law to the contrary, the village board of trustees of the village of Port Chester 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 of the village which shall mean that area generally

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

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bounded by the following: All of that area beginning at Franklin Street and the westerly border of the village of Port Chester; thence running easterly on Franklin Street to South Regent Street; thence running northerly on South Regent Street to Westchester Avenue; thence running easterly on Westchester Avenue to Pearl Street; thence running southerly on Pearl Street to Boston Post Road; thence running southerly on Boston Post Road to the southern border of the village of Port Chester; thence running .15 miles westerly and then northerly along the border between the village of Port Chester and the city of Rye to a point where it intersects with Franklin Street, the place of beginning. For the purposes of this subdivision, permit parking may be implemented on both sides of any street whose center line is herein utilized as a boundary description; provided, however, that except for the reference to state highways and to Westchester Avenue and Pearl Street solely for the purposes of delineating the boundaries of the area described in this subdivision, the provisions of this section shall not apply to any state highway maintained by the state nor to Westchester Avenue or Pearl Street.

3. Notwithstanding the foregoing, no permit shall be required on streets or portions of 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; and

(b) provide that motor vehicles registered pursuant to section four hundred four-a of this chapter shall be exempt from any permit require-ment; and

(c) provide the times of the day and days of the week during which permit requirements shall be in effect; and

(d) make not less than fifteen percent of all spaces within the permit area available to non-residents and shall provide short-term parking of not less than ninety minutes in duration in such area; and

(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.

5. 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.

§ 3. This act shall take effect immediately.