

**TOWN OF NORTH HEMPSTEAD
LOCAL LAW NO. OF 2016**

**A LOCAL LAW AMENDING THE
UNIFORM TRAFFIC CODE
OF THE TOWN OF NORTH HEMPSTEAD.**

BE IT ENACTED by the Town Board of the Town of North Hempstead, as follows:

Section 1. Legislative Intent.

The Board finds that it is in the best interest of the residents of the Town of North Hempstead to amend the Uniform Traffic Code by modifying Article IX entitled “Port Washington Public Parking District” in order to update provisions related to parking vouchers and identification stickers and conform the code to allow for license plate reader technology.

Section 2.

Article IX, Section 81, of the Uniform Traffic Code of the Town of North Hempstead is hereby amended as follows:

§ 81. Definitions.

As used in this article, the following terms shall have the meanings indicated:

BOARD OF COMMISSIONERS

The Town Board of the Town of North Hempstead shall constitute the Board of Commissioners of the Port Washington Public Parking District.
[Added 7-18-2006 by L.L. No. 11-2006]

COMMUTER PARKING IDENTIFICATION STICKER

A decal issued by the Port Washington Public Parking District which shall be affixed to the rear bumper of a vehicle prior to the vehicle being parked in a commuter parking space.
[Amended 4-21-2015 by L.L. No. 4-2015]

DISTRICT COMMUTER PARKING PERMIT

Includes a commuter parking identification sticker or a virtual commuter parking permit.

DISTRICT MERCHANT PARKING PERMIT

Includes a merchant parking identification sticker or a virtual merchant parking permit.

LICENSE PLATE RECOGNITION

A system that uses optical character recognition to automatically read license plate characters, identify the license plate, and verify a virtual commuter parking permit or a virtual merchant parking permit.

MERCHANT PARKING IDENTIFICATION STICKER

A decal issued by the Port Washington Public Parking District which shall be affixed to the rear bumper of a vehicle prior to the vehicle being parked in a merchant parking space.

[Added 4-21-2015 by L.L. No. 4-2015]

OFF-STREET PARKING AREA

A parcel of property designated as a public place for the parking of motor vehicles.

[Added 7-18-2006 by L.L. No. 11-2006]

OPERATOR

Includes every individual who shall operate a vehicle as the owner thereof, or as the agent, employee or permittee of the owner, or who is in actual physical control of the vehicle.

PARK, PARKING or PARKED

The stopping of a motor vehicle or motorcycle upon any public highway and leaving such motor vehicle or motorcycle unattended, by a person capable of operating it, for a period longer than necessary to load or unload passengers or freight.

PARKING METER

Any mechanical device or meter not inconsistent with this article, placed or erected for the regulation of parking by authority of this article. Each parking meter installed shall indicate by proper legend the legal parking time established by this article, and when operated shall at all times indicated the balance of legal parking time, and at the expiration of such period shall indicate illegal or overtime parking.¹¹

PARKING METER SPACE

Any space within a parking meter zone, adjacent to a parking meter and which is duly designated, for the parking of a single vehicle, by lines painted or otherwise durably marked on the curb or on the surface of the street adjacent to or adjoining the parking meters. Not more than one vehicle, as defined herein, shall be stopped, parked or left standing in a designated parking meter space at the same time.

PARKING METER ZONE

Any and all streets and parts of streets set aside under the provisions of this article and any amendments thereto, for the installation of parking meters and upon which parking meters have been installed and are in operation. All frontages of said streets or portions of streets are to be deemed included herein.

PARKING VOUCHER

A **physical or virtual voucher** [~~permit~~] issued by the Port Washington Public Parking District which authorizes a vehicle to be parked in a commuter parking space for a specified period of time. **License plate recognition will be used to verify a virtual voucher.**

PERSONS

Includes any individual, firm, co-partnership, association, or corporation.

STREET

Any public street, highway, road, avenue, lane, path, court, or other public way within the Port Washington Public Parking District, established for the use of vehicles. This definition shall not include parking fields.

VEHICLE

Every vehicle, except electrically-driven invalid chairs being operated or driven by an invalid, operated or driven upon a public highway by any power other than muscular power, which includes motorcycles and motor-driven cycles as defined by the Vehicle and Traffic Law, except vehicles which run only upon rails or tracks and excluding fire and police vehicles.

VIRTUAL COMMUTER PARKING PERMIT

A virtual parking permit issued by the Port Washington Public Parking District which shall permit a vehicle to be parked in an area designated as a commuter parking space. License plate recognition will be used to verify virtual permits.

VIRTUAL MERCHANT PARKING PERMIT

A virtual parking permit issued by the Port Washington Public Parking District which shall permit a vehicle to be parked in an area designated as a merchant parking space. License plate recognition will be used to verify virtual permits.

[1] *Editor's Note: The definition of "parking meter area." which immediately followed this definition, was repealed 7-18-2006 by L.L. No. 11-2006.*

Section 3.

Article IX, Section 83, Subsection C, of the Uniform Traffic Code of the Town of North Hempstead is hereby amended as follows:

§ 83. Off-street parking areas.

[Amended 7-18-2006 by L.L. No. 11-2006]

C. Commuter parking.

[Amended 4-21-2015 by L.L. No. 4-2015]

(1) The use of all parking spaces designated as commuter parking spaces shall be restricted to residents of the Port Washington Public Parking District, except that such restriction shall not apply on Saturdays, Sundays, ~~and~~ holidays, or after 3:00 p.m. on weekdays.

(2) No vehicle may be parked in a commuter parking space while the use of such space is restricted as set forth above, unless a **district** commuter parking ~~identification sticker~~ **permit** has been issued for such parking by the District and is **either** affixed to the rear bumper on the operator's side of the vehicle **or can be verified using license plate recognition**. The fee for the issuance of a **district** commuter parking ~~identification sticker~~ **permit** shall be set by resolution of the Board of Commissioners~~. The fee for a commuter parking identification sticker~~ **and** shall be nonrefundable.

(3) The District shall require that each applicant for a **district** commuter parking ~~identification sticker~~ **permit** produce three of the following items as satisfactory evidence that the applicant is a resident of the District:

- (a) Motor vehicle registration;
- (b) Motor vehicle leasing agreement;
- (c) Deed or lease showing ownership or rental of a residential property within the District;
- (d) Tax bill; or
- (e) Such other documentation deemed acceptable.

(4) **(a) Except as provided for in subsection (b) below,** the operator of a vehicle desiring to park in a space designated for commuter parking shall display a parking voucher by hanging it from the vehicle's rearview mirror. The parking

voucher must be displayed so it is completely visible. No portion of the parking voucher shall be covered or obscured in any manner.

(b) License plate recognition shall be used to verify the issuance of a virtual parking voucher. In such instances, the provisions of subsection (a) above shall not apply.

(c) The fee for [such] a parking voucher shall be set by resolution of the Board of Commissioners[-. The fee for a parking voucher] and shall be nonrefundable.

(5) A district commuter parking permit shall be used only by the registered holder and may not be sold or transferred. No person shall permit or allow a district commuter parking permit to be posted on, or transferred to, a vehicle other than the vehicle for which the permit was issued without the written consent of the District. Such permit shall be null and void without such consent.

Section 4.

Article IX, Section 83, Subsection E, of the Uniform Traffic Code of the Town of North Hempstead is hereby amended as follows:

§ 83. Off-street parking areas.

[Amended 7-18-2006 by L.L. No. 11-2006]

E. Merchant parking.

(1) If the Board of Commissioners shall determine that there are parking spaces available for such purpose, it may designate spaces in any of the off-street parking areas other than in areas Number One and Three.

(2) The use of all parking spaces designated for merchant parking shall be restricted to commercial or retail property owners, their commercial or retail tenants, and the employees of such owners or tenants.

(3) No vehicle may be parked in a merchant parking space unless a **district** merchant parking [~~identification sticker~~] **permit** has been issued for such parking by the District and is **either** affixed to the rear bumper on the operator's side of the vehicle **or can be verified using license plate recognition**. The fee for the issuance of [~~this~~] a **district** merchant parking [~~identification sticker~~] **permit** shall be set by resolution of the Board of Commissioners[-. The fee for a merchant parking identification sticker] **and** shall be nonrefundable.

[Amended 4-21-2015 by L.L. No. 4-2015]

(4) **District** ~~[M]merchant parking [identification stickers]~~ **permits** shall be issued to owners or tenants only. A **district** merchant parking ~~[identification sticker]~~ **permit** to be used on a vehicle owned by an employee shall be issued to the employer only. The employer shall, at the time such application is made, sign an affidavit providing the name and residential address of the employee and the make, model and plate number of the employee's vehicle. The employer shall be required to notify the District within 72 hours of the termination of employment. [Amended 4-21-2015 by L.L. No. 4-2015]

(5) A **district** merchant parking ~~[identification sticker]~~ **permit** shall be used only by the registered holder and may not be sold or transferred. No person shall permit or allow a **district** merchant parking ~~[identification sticker]~~ **permit** to be posted on a vehicle other than the vehicle for which the **permit** ~~[identification sticker]~~ was issued without the written consent of the District. Such permit shall be null and void without such consent. [Added 4-21-2015 by L.L. No. 4-2015^[1]]

[1]Editor's Note: This local law also redesignated former Subsection E(5) as Subsection E(8).

(6) The purchase of a **district** merchant parking ~~[identification sticker]~~ **permit** authorizes the holder to park only in the parking space designated by the District. [Added 4-21-2015 by L.L. No. 4-2015]

(7) Depending on the availability of parking spaces designated for merchant parking, the District may limit the purchase of **district** merchant parking ~~[identification stickers]~~ **permits** to commercial or retail property owners, their commercial or retail tenants, and the employees of such owners or tenants, to a maximum of two such **permits** ~~[identification stickers]~~. [Added 4-21-2015 by L.L. No. 4-2015]

(8) The District shall require that each applicant for a **district** merchant parking ~~[identification sticker]~~ **permit** produce two of the following items as satisfactory evidence that the applicant is a commercial or retail property owner or tenant: [Amended 4-21-2015 by L.L. No. 4-2015]

- (a) Deed or lease showing ownership or rental of a commercial or retail property located within the District;
- (b) Tax bill;
- (c) Utility bill; or
- (d) Such other documentation deemed acceptable.

(9) Revocation or suspension of **district merchant parking permit** [~~sticker~~]; hearing.

[Added 4-21-2015 by L.L. No. 4-2015]

(a) The District may revoke or suspend a **district** merchant parking [~~identification sticker~~] **permit** upon finding after a hearing of the existence of one or more of the following:

[1] The holder of the **district** merchant parking [~~identification sticker~~] **permit** has violated any of the conditions, rules or regulations applicable to a **district** merchant parking [~~identification sticker~~] **permit** holder under this article.

[2] The holder of the **district** merchant parking [~~identification sticker~~] **permit** has misrepresented or made a false statement in his/her application.

(b) The Town Attorney or his/her designee shall conduct the hearing. Notice of any hearing to be held for the revocation or suspension of a **district** merchant parking [~~identification sticker~~] **permit** issued pursuant to this section shall be mailed by ordinary mail to the holder of the **permit** [~~identification sticker~~], and directed to the address of such holder as set forth in the application. The notice shall be mailed not less than five days prior to the hearing date, and shall advise the holder of such **permit** [~~identification sticker~~] of the time and place of the hearing and shall contain a concise statement of the reason or reasons for holding the hearing. Rules of law with respect to the admissibility of evidence in the conduct of hearings shall not apply at such hearings, and the Town Attorney or his/her designee shall make such a record of the findings as he/she deems to be justified by all the evidence presented at such hearing, and his/her findings shall be conclusive as to all matters of fact.

Section 5.

This Local Law shall take effect immediately upon filing with the Secretary of State.