

**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 amend the fee charged in shopper parking lots and to authorize parking district personnel to modify parking space designations without Board of Commissioner approval.

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

The department head designated by the Board of Commissioners to oversee and manage the Port Washington Public Parking District, or his or her designee.

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 **by payment of a coin or coins** shall ~~[at all times]~~ indicate~~d~~ the balance of legal parking time, and at the expiration of such period shall indicate illegal or overtime parking.

PARKING METER PAYMENT

The payment of the fee charged for parking a vehicle in a parking meter space. Payment may be made by depositing a coin or coins, or other legal tender of the United States, in the parking meter, or by making a credit card payment via telephone or internet transaction.

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 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, Subsections B, 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]

B. Regulation of area use. The following regulations shall apply to all off-street parking areas:

- (1) All vehicles parked within an off-street parking area shall be parked within a marked parking space only.
- (2) Spaces within each off-street parking area may be designated by the District as "Commuter Parking," "Shopper Parking," "Taxi Stands," and "Merchant Parking." ~~[Such designation shall be made by a resolution of the Board of Commissioners.]~~
- (3) Spaces may be designated by the District~~[Board of Commissioners]~~ as "Taxi Stands" only after a recommendation for such designation has been made by the Town Clerk. Such designation shall comply with the provisions of Chapter 52, § 52-35, of the Town Code.~~[.]~~ No vehicles of any kind, other than those licensed as taxicabs pursuant to Chapter 52 of the Town Code, shall be permitted to park in designated taxi stands.
- (4) There shall be no parking in any of the off-street parking areas by any vehicle between the hours of 3:00 a.m. and 5:00 a.m., except that vehicles licensed as taxicabs pursuant to Chapter 52 of the Town Code and displaying the license medallion required by Chapter 52, § 52-9A, of said Code may park during all hours in the areas designated as taxi stands.
[Amended 4-21-2015 by L.L. No. 4-2015]
- (5) If any vehicle shall remain parked in an off-street parking area, even within the time allowed in this article, without having made~~[deposited]~~ the proper parking meter payment~~[coin or coins in the parking meter designated]~~ for said parking space ~~[or without properly displaying a parking voucher]~~, such vehicle shall be considered as parked overtime and beyond the time fixed by this article, and the owner thereof shall be deemed guilty of a violation of this article which shall be punishable as hereinafter set forth.

- (6) All vehicles parked within an off-street parking area which have been marked or signed for head-in parking only shall be parked with the front of the vehicle facing into the parking stall.

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

- (7) Spaces within each off-street parking area may be designated by the District as parking for "Compact Cars Only." [~~Such designation shall be made by a resolution of the Board of Commissioners.~~] The spaces shall be grouped together and visibly marked and/or posted with signs stating "Compact Cars Only." For purposes of this article, a "compact car" shall mean any vehicle which is less than 15 feet in overall length and six feet in width. Such compact car parking spaces shall be a minimum of eight feet wide and 17 feet long.

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

Section 4.

Article IX, Section 83, Subsection D, 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]

D. Shopper parking.

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

- (1) The use of all parking spaces designated as shopper parking shall be regulated by a parking meter. The~~fe~~ **fee for which** shall be **set by resolution of the Board of Commissioners and shall be nonrefundable**~~[an hourly fee of \$0.25 per hour or part thereof]~~. This fee shall be in effect from 8:00 a.m. to 5:00 p.m. Monday through Friday, except holidays.
- (2) The maximum period of time a vehicle may be parked in a space designated for shopper parking shall be two hours, except that in Area Number Six and Area Number 10, the maximum period of time a vehicle may be parked in such a space shall be eight hours, and in Area Number Five, the maximum period of time a vehicle may be parked in such a space shall be five hours.

Section 5.

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 **District** [~~Board of Commissioners shall~~] determines 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 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 merchant parking permit shall be set by resolution of the Board of Commissioners and shall be nonrefundable.

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

(4) District merchant parking permits shall be issued to owners or tenants only. A district merchant parking 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 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 permit to be posted on 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.

[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 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 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.

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

(8) The District shall require that each applicant for a district merchant parking 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; hearing.

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

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

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

[2] The holder of the district merchant parking 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 permit issued pursuant to this section shall be mailed by ordinary mail to the holder of the permit, 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 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 6.

Article IX, Section 85, of the Uniform Traffic Code of the Town of North Hempstead is hereby amended as follows:

§ 85. Designation of parking meter spaces.

A. The **District** [~~Town Board, acting as Commissioners of the Port Washington Public Parking District,~~] is hereby authorized to mark off individual parking spaces in the parking zones designated and described by this article and in such other zones as may hereafter be established. Said parking spaces are to be designated by lines painted or durably marked upon the curbing or surface of the street. At each space so marked it shall be unlawful to park any vehicle in such a way that said vehicle shall not be entirely within the limits of the space so designated.

B. All parking meter spaces shall be so marked that vehicles will be required to park parallel with the curb or edge of the pavement on any state highway, county road and/or town road.

Section 7.

Article IX, Section 86, of the Uniform Traffic Code of the Town of North Hempstead is hereby amended as follows:

§ 86. Installation of **on-street** parking meters.

A. In [~~said~~] parking meter zones, the [~~Town Board, acting as Commissioners of the Port Washington Public Parking~~] District, shall cause parking meters to be installed upon the curb or sidewalk immediately adjacent to the parking space designated as provided in § 85 hereof. Such installation shall be not more than two feet from the curb or more than four feet from the front line of the parking space as indicated, and the [~~Commissioners of the Port Washington Public Parking~~] District shall be responsible for the regulation, control, maintenance and use of such parking meters.

B. **If a coin or coins are used to pay a parking meter,** [~~Each~~] **said** [~~parking~~] meter shall [~~be so set as to~~] display a signal showing legal parking [~~upon the deposit of the appropriate coin or coins, lawful money of the United States of America,~~] for the period

of time [~~prescribed~~] **set forth in the fee schedule resolution of the Board of Commissioners** [~~by this article~~]. Each meter shall be so arranged that upon the expiration of the period of legal parking time purchased by the coin or coins deposited, it will indicate by a proper visible signal that the lawful parking period had expired, and in such cases the right of such vehicle to occupy such space shall cease and the operator, owner or manager thereof shall be subject to the penalties hereinafter provided.

Section 8.

Article IX, Section 87, of the Uniform Traffic Code of the Town of North Hempstead is hereby amended as follows:

§ 87. Operation **and payment of** parking meters.

Except in a period of emergency determined by an officer of the Port Washington Fire Department or Port Washington Police Department, or in compliance with the directions of a police officer or traffic control sign or signal, when any vehicle shall be parked in any parking space alongside or next to which a parking meter is located, the operator of such vehicle shall, upon entering said parking meter space, immediately **make the parking meter payment** [~~deposit or cause to be deposited in said meter such proper coin of the United States~~] as is required for such parking meter. [~~and as is designated by proper directions on the meter, and when required by the directions on the meter, the operator of such vehicle, after the deposit or the proper coin or coins, shall also set in operation the timing mechanism on such meter in accordance with directions properly appearing thereon, if any, and f) Failure to~~ **make the parking meter payment** [~~deposit such proper coin, and to set the timing mechanism, if any, in operation when so required,~~] shall constitute a violation of this article. Upon **making a proper parking meter payment** [~~deposit of such coin (and the setting of the time mechanism, if any, in operation when so required)~~] the parking space may be lawfully occupied by such vehicle during the period of time purchased [~~by the coin or coins deposited~~], provided that any person placing a vehicle in a parking meter space adjacent to a meter which indicates that unused time has been left in the meter by the previous occupant of the space shall not be required to **pay for such space** [~~deposit a coin~~] so long as his/**her** occupancy of said space does not exceed the indicated unused parking time. If said vehicle shall remain parked in any such parking space beyond the parking time set for parking space, and if the meter shall indicate such illegal parking, then, and in that event, such vehicle shall be considered as parking overtime and beyond the period of legal parking time and such parking shall be deemed a violation of this article.

Section 9.

Article IX, Section 88, Subsection A, of the Uniform Traffic Code of the Town of North Hempstead is hereby amended as follows:

§ 88. Parking time limits.

A. Parking a vehicle in a designated space in a parking meter zone shall be lawful by **making a proper parking meter payment**~~[depositing the coin or coins as indicated on the meter, which shall be as follows: \$0.25 for each hour or part thereof]. **The fee for which shall be set by resolution of the Board of Commissioners and shall be nonrefundable.**~~

[Amended 3-27-2001 by L.L. No. 5-2001]

Section 10.

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