

Local Law No. 4 - 2014

This local law shall be known as the “Residential parking system for (a) Washington Square, (b) a section of North Chatsworth Avenue, (c) New Jefferson Street, and (d) Murray Avenue between Myrtle Boulevard and Leafy Lane” Law.

BE IT ENACTED by the Town Board of the Town of Mamaroneck

Section 1 – Purpose:

Washington Square, North Chatsworth Avenue, New Jefferson Street and Murray Avenue are public streets in the Town of Mamaroneck.

Washington Square, New Jefferson Street, the section of North Chatsworth Avenue between Myrtle Boulevard and the northern boundaries of the lots on the opposite side of the street improved with the buildings known by the postal addresses of 35 North Chatsworth Avenue and 40 North Chatsworth Avenue and the section of Murray Avenue between Myrtle Boulevard and Leafy Lane (“Residential Parking Area”) have been developed with multi-family buildings, which either do not provide off-street parking or have insufficient off-street parking to accommodate vehicles owned or leased by their residents.

These streets lie near the Larchmont train station and one of the Town’s commercial districts. Parking on these streets by commuters and by customers and employees of the businesses in the nearby commercial district has resulted in frequent occasions when persons living in the Residential Parking Area cannot find parking in the vicinity of their apartments. To alleviate that problem, the Town Board requested the New York State Legislature to pass special legislation creating a residential parking system for certain public streets within the Town, including the Residential Parking Area. Special legislation has been enacted in the past for other communities in Westchester, including sections of the Towns of Eastchester and Harrison, the Cities of Peekskill and Rye, the Villages of Bronxville, Irvington, Mount Kisco, Pelham, Tarrytown and Tuckahoe as well as other municipalities throughout the State of New York.

The Legislature granted the Town Board’s request by enacting section 1662-d of the New York Vehicle and Traffic Law. This section authorizes the Town Board to adopt a residential parking permit system for the Residential Parking Area. By this local law, the Town Board is exercising the authority granted to it.

Section 2 – Creation of a new section of the Code of the Town of Mamaroneck:

The Code of the Town of Mamaroneck hereby is amended to add the following section:

§219-2.1. Permit parking on Washington Square, New Jefferson Street, a section of North Chatsworth Avenue and the section of Murray Avenue between Myrtle Boulevard and Leafy Lane.

A. The Town Board makes the following findings. There is a shortage of parking on weekdays for residents of Washington Square, New Jefferson Street, the section of North Chatsworth Avenue between Myrtle Boulevard and the northern boundaries of the lots on the opposite side of the street improved with the buildings known by the postal addresses of 35 North Chatsworth Avenue and 40 North Chatsworth Avenue and the section of Murray Avenue between Myrtle Boulevard and Leafy Lane (“Residential Parking Area”). This area is densely populated with eight multi-family buildings, which either do not provide off-street parking or have insufficient off-street parking to accommodate vehicles owned or used by their residents.

The Residential Parking Area lies near the Larchmont train station which is one of the busiest stations along Metro-North’s New Haven line. Accordingly, the Residential Parking Area is heavily burdened with significant traffic and congestion from the large number of commuters who park within the Residential Parking Area and walk to and from the Larchmont train station during the morning and evening weekday rush hours.

The Residential Parking Area also lies near one of the Town’s commercial districts. Parking in this area by commuters and by customers and employees of the businesses in the nearby commercial district has made it difficult for residents of the Residential Parking Area to find parking within the vicinity of their apartments. In addition, the traffic that is attracted to the Residential Parking Area has made it hazardous for pedestrians, especially the many senior citizens who reside within the Residential Parking Area.

Section 1662-d of the New York Vehicle and Traffic Law also authorized the Town to restrict parking on Lester Place which the Town Board has done. Lester Place is a single street that does not connect to any of the streets running through the Residential Parking Area. Most of the homes on Lester Place are one or two family homes. The parking problem previously encountered by the residents of Lester Place was not due to commuters using the Larchmont train station or to shoppers. It was created by residents of nearby apartment buildings in the City of New Rochelle routinely competing with the Lester Place residents for on-street parking. Hence, a blanket prohibition on parking by non-residents, except for the 15% set aside mandated by section 1662-d of the New York Vehicle and Traffic Law has proven to be a viable solution.

The nature and source of the parking problems that had faced the residents of Lester Place are separate and distinct from the issues that confront the residents of the Residential Parking Area. Since the Residential Parking Area consists of high rise apartments and not one and two family homes, adopting the same residential parking system for the Residential Parking Area as the one in place on Lester Place is not appropriate and would create a new set of problems.

First: Identifying specific spaces to be set aside for non-resident parking would be difficult.

(a) There are eight multi-family buildings in the Residential Parking Area, each with its own entrance. If the non-resident parking spaces were located in one area, some non-

residents would have to park a considerable distance from the building(s) they intend to visit. Similarly, the residents of the building(s) near the non-resident parking would not have as much residential street parking in the vicinity of their building(s) as the residents of the building(s) located away from the non-resident parking spaces.

(b) Sprinkling non-resident parking spaces around the Residential Parking Area would create confusion as non-residents would have to navigate the streets to find the few non-resident parking spaces located on each street.

(c) Locating non-resident parking spaces around the Residential Parking Area would require the proliferation of signs that would be aesthetically displeasing.

Second: There are only 175 on-street parking spaces within the Residential Parking Area. Reserving 26 for non-residents would leave only 149 on-street spaces exclusively for resident parking. Since there are over 686 housing units within the Residential Parking Area but only 539 off-street parking spaces on private property, making all of the on-street parking spaces available to the residents on a preferred, unlimited basis optimizes the chances of residents finding on-street parking.

Third: In addition to residential units, some of the multi-family buildings within the Residential Parking Area contain professional offices which are visited by clients who do not live within the area. These clients need places to park on a short-term basis.

Fourth: A number of residents within the Residential Parking Area are elderly or infirm. These individuals rely on caregivers to aid them with the activities of daily life. These caregivers need places to park while assisting those residents.

Fifth: There are a number of residents within the Residential Parking Area who are employed outside their homes and have children who need supervision during the day. These caregivers need places to park while supervising those children.

Sixth: The Residential Parking Area abuts a commercial area along Myrtle Boulevard. The customers of those businesses need places to park on a short-term basis when parking spaces on Myrtle Boulevard are not available.

For these reasons, the Town Board has developed a residential parking program designed to accommodate the singular needs of the Residential Parking Area.

B. When used in this law,

“Area Resident” means a person who resides within the Residential Parking Area.

“Caregiver” means a person who between the hours of 9:00 AM and 2:00 PM (prevailing time) either (a) provides assistance with the activities of daily living to an Area Resident whose

doctor certifies, in writing, that the Area Resident requires such assistance for more than 3 hours per day or (b) cares for an Area Resident’s child whose parent certifies, in writing, that the applicant for the WS Resident Parking Permit (defined below) takes care of the Area Resident’s child for more than 3 hours per day.

“Contractor” means a person whose motor vehicle displays an insignia indicating that he/she/it is a home improvement contractor licensed by the County of Westchester and who is performing work within the Residential Parking Area either for one of the entities named in section 219-2.1 J., the owner or the managing agent of one of the multi-family buildings within the Residential Parking Area or an Area Resident.

“Eligible Person” means an Area Resident a Caregiver or an entity whose principal owner is an Area Resident.

“Residential Parking Area” --- defined in section 219-2.1 A.

“WS Resident Parking Permit” means the permit issued by the Town Clerk for a motor vehicle owned or leased by an Eligible Person that allows that vehicle to be parked on a street within the Residential Parking Area for a period of time longer than motor vehicles not having such a permit are allowed to park on a street within the Residential Parking Area. When reference is made to a WS Resident Parking Permit being “Issued”, that reference includes both the issuance of the original WS Resident Parking Permit for a particular motor vehicle and all renewals thereof.

C. (1) Except as provided in section 219-2.1 C. (3) and except as provided in any other applicable law, a motor vehicle to which a WS Resident Parking Permit has been issued shall be permitted to park on a street in the Residential Parking Area 24 hours a day/7days per week.

(2) It shall be a violation of this law if on a weekday that is not a public holiday (as defined in section 24 of the NY General Construction Law), a motor vehicle to which a WS Resident Parking Permit has not been issued is parked on a street in the Residential Parking Area for more than 3 consecutive hours between the hours of 9:00 AM and 2:00 PM (prevailing time).

(3) Notwithstanding section 219-2.1 C. (1), parking shall not be allowed between the hours of 9:00 AM and 11:00AM (prevailing time) on the following streets (or portions thereof) on the following days:

- | | |
|---------------------------------------|----------------------------------|
| the west side of Washington Square | the first Monday of each month |
| the east side of Washington Square | the second Monday of each month |
| the west side of New Jefferson Street | the first Tuesday of each month |
| the east side of New Jefferson Street | the second Tuesday of each month |

the north side of the section of North Chatsworth Avenue between Myrtle Boulevard and the northern boundaries of the lots on the opposite side of the street improved with the buildings known by the postal addresses of 35 North Chatsworth Avenue and 40 North Chatsworth Avenue the first Thursday of each month

the south side of the section of North Chatsworth Avenue between Myrtle Boulevard and the northern boundaries of the lots on the opposite side of the street improved with the buildings known by the postal addresses of 35 North Chatsworth Avenue and 40 North Chatsworth Avenue the second Thursday of each month

the west side of the section of Murray Avenue between Myrtle Boulevard and Leafy Lane the first Friday of each month

and

the east side of the section of Murray Avenue between Myrtle Boulevard and Leafy Lane the second Friday of each month.

D. (1) The Town Clerk shall sell WS Resident Parking Permits and shall maintain a record of the license plate number and the vehicle identification number of each motor vehicle for which a WS Resident Parking Permit is issued. The Town Clerk shall not issue a WS Resident Parking Permit for a motor vehicle

(i) unless the owner or lessee of that motor vehicle demonstrates to the satisfaction of the Town Clerk, acting reasonably, that such owner or lessee is an Eligible Person,

(ii) for which the Town Clerk has issued a parking permit that allows that vehicle to be parked in any of the Town's parking lots or

(iii) that has or is required to have a commercial license plate.

(2) The Town Clerk shall not issue a WS Resident Parking Permit for any motor vehicle which has three or more outstanding and unpaid parking violations against it for parking violations that occurred within the unincorporated area of the Town.

(3) The Town Clerk shall collect the amount shown in section A250-1 A. for each WS Resident Parking Permit sold. Each WS Resident Parking Permit shall be valid until the last day of the first month of September that begins after such permit shall have been issued.

(4) The fees collected from the sale of WS Resident Parking Permits and replacement WS Resident Parking Permits shall be credited to the General Fund-Part Town.

(5) The Town Clerk shall revoke a WS Resident Parking Permit if the Town Clerk, acting reasonably, determines that such permit was issued based upon false information or was otherwise issued or used improperly or wrongfully. The Town Clerk also shall revoke a WS Resident Parking Permit if after such permit is issued, the number of outstanding and unpaid parking violations against a motor vehicle for which such permit had been issued for parking violations that occurred within the unincorporated area of the Town reaches three or more. The Town Clerk shall mail written notice of the revocation to the person to whom such permit was issued at the address for such person that appears on the application for the WS Resident Parking Permit being revoked. The revocation shall be effective on the third business day after the notice is mailed. The Eligible Person shall remove a revoked WS Resident Parking Permit from the vehicle and destroy it. The failure to do so shall be a violation of this law. A revoked WS Resident Parking Permit may be reinstated by curing the underlying basis for the revocation and the payment of a fee that is triple the amount of the fee for a WS Resident Parking Permit issued in a month other than April, May, June July or August shown in section A250-1 A.

E. A WS Resident Parking Permit shall be affixed at such location(s) on the motor vehicle as the Town Clerk may determine. An Eligible Person's failure to affix a WS Resident Parking Permit in the location determined by the Town Clerk shall be a violation of this law.

F. An Eligible Person shall be guilty of violating this law if the WS Resident Parking Permit issued to the motor vehicle owned or leased by the Eligible Person is affixed to another motor vehicle.

G. WS Resident Parking Permits are not transferable. If title to a motor vehicle to which a WS Resident Parking Permit has been issued is transferred or if such motor vehicle is returned to the company from which it was leased, the permit for that motor vehicle no longer shall be valid and the Eligible Person shall remove the WS Resident Parking Permit from the vehicle and destroy it. The failure to do so shall be a violation of this law.

H. If an Eligible Person replaces a motor vehicle to which a WS Resident Parking Permit had been issued with another motor vehicle that he/she owns or leases, the Town Clerk shall issue a replacement WS Resident Parking Permit; provided that on the date that the replacement WS Resident Parking Permit is issued, the motor vehicle is eligible for a WS Resident Parking Permit. A replacement WS Resident Parking Permit shall expire on the same day as the day on which the WS Resident Parking Permit that it is replacing would have expired if that permit were not replaced. The Town Clerk shall collect the amount shown in section A250-1 A. for each replacement WS Resident Parking Permit issued.

I. An Eligible Person shall remove the WS Resident Parking Permit from the motor vehicle owned or leased by the person immediately if that person ceases to be an Eligible Person. The failure to do so shall be a violation of this law.

J. Except for section 219-2.1 (C) (3), this section shall not apply to motor vehicles registered pursuant to section four hundred four-a of the New York Vehicle and Traffic Law or to motor vehicles owned or operated by public utility companies, the United States of America, the State of New York, the County of Westchester, the Town of Mamaroneck, the Mamaroneck Union Free School District, the Village of Larchmont or Contractors.

K. Except for the type of violation whose fine is set by section 219-2.1 (L), the first violation of this law within any twelve month period shall be punishable by a fine of not less than \$25.00 and not more than \$100.00. A second violation of this law within any twelve month period shall be punishable by a fine of not less than \$100.00 and not more than \$200.00. More than two violations of this law within any twelve month period shall be punishable by a fine of not less than \$200.00 and not more than \$300.00 for each such violation.

L. It shall be a violation of this law for a person to supply false information in connection with an application for a WS Resident Parking Permit or a replacement WS Resident Parking Permit. Such a violation shall be punishable by a fine of not less than \$300.00 and not more than \$500.00. For the twenty-four month period following the date on which a person is convicted of supplying false information in connection with an application for a WS Resident Parking Permit or a WS Resident Parking Permit, the Town Clerk shall not issue such a permit for any motor vehicle owned or leased by that person.

Section 3 – Repeal of Local Laws:

Local Laws No.1 and No. 2 of 2011 hereby are repealed.

Section 4 – Sign(s) to be Erected and Painting to be Done:

An appropriate sign or signs shall be erected on and/or above, and/or striping shall be painted on the surface of the streets or the appropriate portions thereof lying within the Residential Parking Area.

Section 5 – Amendment of a section of the Code of the Town of Mamaroneck:

The Code of the Town of Mamaroneck hereby is amended by making the following changes and additions to section A250-1.

The schedule of fees and deposits for permits, licenses, applications and services shall be as follows:

A. General fees.

Code Section	Subject	Fee or Deposit
§219-2	Residential parking permits for Lester Place	\$25.00 per motor vehicle
§219-2.1 (D) (3)	WS Resident Parking Permit issued in months other than April, May, June, July, August or September	\$25.00 per motor vehicle
§219-2.1 (D) (3)	WS Resident Parking Permit Issued in the months of April, May, June, July, August or September	\$10.00 per motor vehicle
§ 219.2.1 (H)	Replacement WS Resident Parking Permit	\$5.00 per motor vehicle

Section 6 – Severability:

Should any provision of this Local Law be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration of unconstitutionality or invalidity shall not affect any other provisions of this Local Law, which may be implemented without the invalid or unconstitutional provisions.

Section 7 – Effective Date:

This Local Law shall become effective on the later of January 1, 2015 or the date it is filed with the Secretary of State.

2014-09-26-as ENACTED