

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

FILED
STATE RECORDS

MAR 28 2016

☐ County ☐ City ☐ Town ☒ Village
(Select one:)

of MAMARONECK

DEPARTMENT OF STATE

Local Law No. 5 of the year 2016

A local law to amend Chapter 326 of the Village Code of the Village of Mamaroneck
(Insert Title)
to Establish a Residential On-Street Parking Permit System within the Village

Be it enacted by the BOARD OF TRUSTEES of the
(Name of Legislative Body)

☐ County ☐ City ☐ Town ☒ Village
(Select one:)

of MAMARONECK

as follows:

SEE ATTACHED

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 5 of 2016 of the ~~XXXXXX~~ (Village) of MAMARONECK was duly passed by the BOARD OF TRUSTEES on MARCH 14 2016, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (Name of Legislative Body)
(repassed after disapproval) by the _____ and was deemed duly adopted (Elective Chief Executive Officer*)
on _____ 20____, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20____ (Elective Chief Executive Officer*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20____. Such local (Elective Chief Executive Officer*)
law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

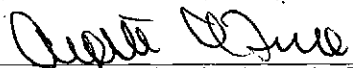
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 _____ above.


Clerk of the county legislative body, City, Town or Village Clerk or
officer designated by local legislative body

Date: 3-18-16

(Seal)

A local law to amend Chapter 326 of the Village Code of the Village of Mamaroneck to
Establish a Residential On-Street Parking Permit System within the Village

Be it enacted by the Board of Trustees of the Village of Mamaroneck as follows:

Section One. New Article IX is hereby added to Chapter 326 of the Village Code of the Village of Mamaroneck to read as follows:

Article IX. Residential On-Street Parking Permit System

§ 326-97. Purpose and Intent and Findings.

Many neighborhoods in the Village adjacent to the Mamaroneck train station were developed in the 1920s through 1940s, have inadequate on-site parking, and rely on on-street parking. Due to the close proximity of these streets to the Mamaroneck train station, commuters often park on these streets rather than in an off-street parking lot for which the purchase of a permit is required. As a result, a long-standing conflict has developed and continued between the needs of those neighborhoods' residents for available on-street parking in close proximity to their homes and the desire of commuters to park on the street in close proximity to the train station.

To alleviate this conflict, the Board of Trustees sought state legislation authorizing the creation of an onstreet parking permit system for residents, which legislation was adopted and became effective on September 25, 2015, and codified in the New York State Vehicle and Traffic Law as section 1640-o.

The Board of Trustees hereby finds that a residential parking permit system in certain areas of the Village of Mamaroneck is necessary in order to preserve the character of the neighborhoods, improving access to residences and parking for residents, and reducing traffic hazards, congestion, and air and noise pollution detrimental to the health, safety, and welfare of its residents.

§ 326-98. Definitions.

As used in this article, the following terms shall have the meanings indicated, unless the context clearly requires otherwise:

RESIDENT

An individual currently residing within the parking area based on the submission of adequate documentation in accordance with the provisions of this article.

RESIDENTIAL PARKING PERMIT AREA

Consisting of the following roadways on the following streets and sides of streets:

Name of Street	Side	Location
Alling Street	Both	From Grand Street to Pelham Street
Anita Lane	Both	From Union Avenue to the dead end
Bishop Avenue	East	From 420 Mt. Pleasant property line to Fenimore Road
Center Avenue	West	From Plaza Avenue to Old White Plains Road
Grade Street	North	From Jefferson Avenue to the dead end
Grand Street	East	From Old White Plains Road to Plaza Avenue
Grand Street	South	From Old White Plains Road to Mamaroneck Avenue
Hinman Place	Both	From Melbourne Avenue to Union Avenue
Madison Street	West	From Old White Plains Road to Plaza Avenue
Melbourne Avenue	West	From Halstead Avenue to Tompkins Avenue
New Street	South	From Old White Plains Road to Mamaroneck Avenue
Pelham Street	East	From Pelham Street to Old White Plains Road
Stanley Avenue	Both	From Mt. Pleasant Avenue to Fenimore Road
Union Avenue	West	From Halstead Avenue to Tompkins Avenue
Valley Place	Both	From Ward Avenue to the dead end
Ward Avenue	North and East	From Union Avenue to Spencer Place
Washington Street	West	From Plaza Avenue to Old White Plains Road
Waverly Avenue	West	From Plaza Avenue to Mamaroneck Avenue
Willow Street	South	From Jefferson Avenue to Dead End

§ 326-99. Designation of permit parking areas; permit required; hours.

- A. A residential parking permit system is hereby established within the residential parking permit area, as defined herein.
- B. Except as otherwise provided herein, no person shall park a vehicle, nor allow a vehicle to be parked, between 8 a.m. through 6 p.m., except on Saturdays, Sundays, and holidays designated by the Village Manager, along any street that has been designated a residential parking permit area pursuant to this article, unless the vehicle displays a valid parking permit issued in accordance with this article.
- C. A permitted vehicle issued a permit in the form of a decal shall have affixed a valid residential parking permit to either its rear windshield or its rear bumper, or such other location on the vehicle as the Village Clerk-Treasurer may determine.

§ 326-100. Issuance of residential parking permits.

- A. Upon application and payment of the applicable fee, any person who is a resident, who meets the applicable requirements of this article, shall be issued by the Village Clerk-Treasurer one valid parking permit for each vehicle registered in the applicant's name. At the time of application, the applicant shall indicate the residential parking permit area for which the parking permit is required. The permit shall be valid only within the residential parking permit area indicated on the permit. The Village Clerk-Treasurer shall establish guidelines to issue parking permits, including proof of residency.
- B. Permits issued under this article shall be specific for a single vehicle, shall not be transferred, and shall be displayed only as the Village Clerk-Treasurer prescribes. The permittee shall immediately notify the Village Clerk-Treasurer of any change or amendment from the information contained in the original application.
- C. If the permit or portion of the vehicle to which a permit has been affixed is damaged such that it must be replaced, the permittee, upon application therefor, shall be issued a replacement. The Village Clerk-Treasurer may require display of the damaged permit before a new permit is issued.

§ 326-101. Fees.

- A. The fees for residential parking permits shall be set by resolution by the Board of Trustees from time to time.
- B. The fees collected pursuant to this article shall be credited to the general fund of the Village of Mamaroneck.

§ 316-102. Nonresident parking exception.

- A. Notwithstanding anything to the contrary herein, vehicles without a permit issued pursuant to this article may be parked within the residential parking permit area for a period not in excess of four hours.

§ 316-102. Exemptions.

- A. Motor vehicles registered pursuant to § 404-a of the New York State Vehicle and Traffic Law shall be exempt from any permit requirement established pursuant to this chapter.
- B. No permit shall be required on those portions of streets within the residential parking permit area where the adjacent properties are zoned for commercial or retail use.

§ 316-103. Conflicts.

To the extent that the provisions in this article conflict with any other provisions in chapter 326, the provisions herein control.

§ 316-104. Penalties for offenses.

- A. Any person violating any provisions of this Article of this Chapter may, upon conviction, be punished by a fine not exceeding \$25.
- B. In addition, all violators who fail to pay the base fine within 15 days of the issuance of a summons will be subject to the following penalties:
 - (1) If paid after 30 days but on or before 60 days of summons being issued: double the original fine.
 - (2) If paid after 60 days but on or before 90 days of summons being issued: double of Subsection B(1)
 - (3) If paid after 90 days of summons being issued: double of Subsection B(2).

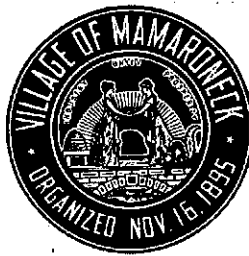
Section Two. Severability.

If any section, subsection, clause, phrase or other portion of this Local Law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, such portion shall be deemed a separate, distinct and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

Section Three. Effective Date.

This local law shall take effect immediately upon filing with the Secretary of State.

Village of



Mamaroneck

Village Hall At The Regatta

P.O. Box 369

123 Mamaroneck Avenue

Mamaroneck, N.Y. 10543

<http://www.Village.Mamaroneck.ny.us>

OFFICE OF
AGOSTINO A. FUSCO
CLERK TREASURER

Tel (914) 777-7722

Fax (914) 777-7787

April 20, 2016

NYS Department of State
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza
99 Washington Avenue
Albany, NY 12231
Attn: Linda Lasch

Re: Local Law 5-2016

Dear Ms. Lasch:

Further to my Deputy's conversation with your office today, attached is the correct version of Local Law 5-2016 adopted by the Village of Mamaroneck Board of Trustees at their March 14, 2016 meeting.

Please feel free to contact my office should you have any questions or concerns. Thank you.

Very truly yours,

Agostino A. Fusco
Clerk-Treasurer

/sjr
Attachment

Cc: R. Slingerland
L. Whitehead

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STATE RECORDS

APR 25 2016

DEPARTMENT OF STATE

RECEIVED
STATE RECORDS
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Local Law 5-2016

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APR 25 2016

Article IX. Residential On-Street Parking Permit System

DEPARTMENT OF STATE

§ 326-97. Purpose and Intent and Findings.

Many neighborhoods in the Village adjacent to the Mamaroneck train station were developed in the 1920s through 1940s, have inadequate on-site parking, and rely on on-street parking. Due to the close proximity of these streets to the Mamaroneck train station, commuters often park on these streets rather than in an off-street parking lot for which the purchase of a permit is required. As a result, a long-standing conflict has developed and continued between the needs of those neighborhoods' residents for available on-street parking in close proximity to their homes and the desire of commuters to park on the street in close proximity to the train station.

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The Board of Trustees hereby finds that a residential parking permit system in certain areas of the Village of Mamaroneck is necessary in order to preserve the character of the neighborhoods, improving access to residences and parking for residents, and reducing traffic hazards, congestion, and air and noise pollution detrimental to the health, safety, and welfare of its residents.

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Ward Avenue	North and East	From Union Avenue to Spencer Place
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Waverly Avenue	West	From Plaza Avenue to Mamaroneck Avenue
Willow Street	South	From Jefferson Avenue to Dead End

§ 326-99. Designation of permit parking areas; permit required; hours.

- A. A residential parking permit system is hereby established within the residential parking permit area, as defined herein.
- B. Except as otherwise provided herein, no person shall park a vehicle, nor allow a vehicle to be parked in excess of the posted time limits, except on Saturdays, Sundays, and holidays designated by the Village Manager, along any street that has been designated a residential parking permit area pursuant to this article, unless the vehicle displays a valid parking permit issued in accordance with this article.
- C. A permitted vehicle issued a permit in the form of a decal shall have affixed a valid residential parking permit to either its rear windshield or its rear bumper, or such other location on the vehicle as the Village Clerk-Treasurer may determine.

§ 326-100. Issuance of residential parking permits.

- A. Upon application and payment of the applicable fee, any person who is a resident, who meets the applicable requirements of this article, shall be issued by the Village Clerk-Treasurer one valid parking permit for each vehicle registered in the applicant's name. At the time of application, the applicant shall indicate the residential parking permit area for which the parking permit is required. The permit shall be valid only within the residential parking permit area indicated on the permit. The Village Clerk-Treasurer shall establish guidelines to issue parking permits, including proof of residency.

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- C. If the permit or portion of the vehicle to which a permit has been affixed is damaged such that it must be replaced, the permittee, upon application therefor, shall be issued a replacement. The Village Clerk-Treasurer may require display of the damaged permit before a new permit is issued.

§ 326-101. Fees.

- A. The fees for residential parking permits shall be set by resolution by the Board of Trustees from time to time.
- B. The fees collected pursuant to this article shall be credited to the general fund of the Village of Mamaroneck.

§ 326-102. Nonresident parking exception.

- A. Notwithstanding anything to the contrary herein, vehicles without a permit issued pursuant to this article may be parked within the residential parking permit area for a period not in excess of three hours.

§ 326-103. Exemptions.

- A. Motor vehicles registered pursuant to § 404-a of the New York State Vehicle and Traffic Law shall be exempt from any permit requirement established pursuant to this chapter.
- B. No permit shall be required on those portions of streets within the residential parking permit area where the adjacent properties are zoned for commercial or retail use.

§ 326-104. Conflicts.

To the extent that the provisions in this article conflict with any other provisions in chapter 326, the provisions herein control.

§ 326-105. Penalties for offenses.

- A. Any person violating any provisions of this Article of this Chapter may, upon conviction, be punished by a fine not exceeding \$25.
- B. In addition, all violators who fail to pay the base fine within 15 days of the issuance of a summons will be subject to the following penalties:
 - (1) If paid after 30 days but on or before 60 days of summons being issued: double the original fine.

- (2) If paid after 60 days but on or before 90 days of summons being issued: double of Subsection B(1)
- (3) If paid after 90 days of summons being issued: double of Subsection B(2).

Section Two. Severability.

If any section, subsection, clause, phrase or other portion of this Local Law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, such portion shall be deemed a separate, distinct and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

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This local law shall take effect immediately upon filing with the Secretary of State.