

**Local Law No. 4 - 2015**

This local law shall be known as the “Amendment to the Residential Parking System for Lester Place” law

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

**Section 1 – Purpose:**

Lester Place is a public street in the Town of Mamaroneck. It is a residential neighborhood. Lester Place lies near the Larchmont train station and one of the Town’s commercial districts. Parking on Lester Place by commuters and employees of the businesses in the nearby commercial district had become unduly burdensome to the persons residing on Lester Place who often could not find parking on Lester Place in the vicinity of their homes. 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 Lester Place --- as the New York State Legislature has done in the past for 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 and on July 28, 2009, the Governor signed legislation that added section 1662-d to the New York Vehicle and Traffic Law. This new section enabled the Town Board to adopt a residential parking permit system for, among other streets, Lester Place. By Local Law No. 2 -2010, the Town Board exercised the authority granted to it and created a residential parking permit system for Lester Place.

During 2014, the Town Board exercised the same authority given to it by section 1662-d of the New York Vehicle and Traffic Law to create a residential parking permit system for streets in the Washington Square area of the Town (see section 219-2.1 of the Code of the Town of Mamaroneck). Section 219-2.1 contains certain provisions that the Town Board has determined also should apply in the residential parking permit system for Lester Place.

**Section 2 – Amendment of a current section of the Mamaroneck Code:**

Section 219-2 of the Code of the Town of Mamaroneck hereby is repealed and the following substituted in its place:

**§219-2. Permit parking on a section of Lester Place.**

The Town Board makes the following findings. Lester Place is a public street in the Town of Mamaroneck. It is a residential neighborhood. It lies near the Larchmont train station and one of the Town’s commercial districts. Parking on Lester Place by commuters and employees

of the businesses in the nearby commercial district had become unduly burdensome to the persons residing on Lester Place who often could not find parking on Lester Place in the vicinity of their homes. 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 Lester Place --- as the New York State Legislature has done in the past for 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 and on July 28, 2009, the Governor signed legislation that added section 1662-d to the New York Vehicle and Traffic Law. Through this section 219-2, the Town Board exercises the authority granted to it by section 1662-d of the New York Vehicle and Traffic Law to create a residential parking permit system for Lester Place.

A. When used in this law,

"Caregiver" means a person who either (a) provides assistance with the activities of daily living to a Lester Place Resident (defined below) whose doctor certifies, in writing, that the Lester Place Resident requires such assistance for more than 3 hours per day or (b) cares for a Lester Place Resident's child whose parent certifies, in writing, that the applicant for the LP Resident Parking Permit (defined below) takes care of the Lester Place 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 on a residential property located on Lester Place either for a Lester Place Resident, one of the entities named in section 219-2 E, or the owner or the managing agent of one of the multi-family buildings on Lester Place.

"Eligible Person" means a Lester Place Resident, a Caregiver or an entity whose principal owner is a Lester Place Resident.

"Lester Place Resident" means a person who resides on Lester Place.

"LP 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 that section of Lester Place that lies within the zoning district known as the R-7.5 District. When reference is made to an LP Resident Parking Permit being "Issued", that reference includes both the issuance of the original LP Resident Parking Permit for a particular motor vehicle and all renewals thereof.

"Public Parking Spaces" means those parking spaces where a motor vehicle can be legally parked on Lester Place whether or not it has an LP Resident Parking Permit.

B. Except in the parking spaces designated by the Superintendent of Highways pursuant to section 219-2 C, and except as provided in section 219-2 K, only a motor vehicle to which an LP Resident Parking Permit has been issued shall be permitted to park on that section of Lester Place that lies within the zoning district known as the R-7.5 District.

C. Fifteen (15%) percent of the total number of parking spaces that lie within that section of Lester Place that is situated within the zoning district known as the R-7.5 District shall be Public Parking Spaces. The Superintendent of Highways shall establish the location of the Public Parking Spaces.

D. (1) The Town Clerk shall sell LP Resident Parking Permits and shall maintain a record of the license plate number and the vehicle identification number of each motor vehicle for which an LP Resident Parking Permit is issued. The Town Clerk shall not issue an LP 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 an LP 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 A250-1A. for each LP Resident Parking Permit sold. Each LP Resident Parking Permit shall be valid until the last day of the first day of September that begins after such permit shall have been issued.

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

(5) The Town Clerk shall revoke a LP 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 an LP 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 LP 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 LP Resident Parking Permit from the vehicle and destroy it. The failure to do so shall be a violation of this law. A revoked LP 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 an LP Resident Parking Permit.

F. An LP 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 an LP Resident Parking Permit in the location determined by the Town Clerk shall be a violation of this law.

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

H. LP Resident Parking Permits are not transferable. If title to a motor vehicle to which an LP 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 LP Resident Parking Permit from the vehicle and destroy it. The failure to do so shall be a violation of this law.

I. If an Eligible Person replaces a motor vehicle to which an LP Resident Parking Permit had been issued with another motor vehicle that he/she owns or leases, the Town Clerk shall issue a replacement LP Resident Parking Permit; provided that on the date that the replacement LP Resident Parking Permit is issued, the motor vehicle is eligible for an LP Resident Parking Permit. A replacement LP Resident Parking Permit shall expire on the same day as the day on which the LP 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 LP Resident Parking Permit issued.

J. An Eligible Person shall remove the LP 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.

K. Section 219-2 B 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.

L. Except for the type of violation whose fine is set by section 219-2 M, a violation of this law shall be punishable by a fine of \$50.00.

M. It shall be a violation of this law for a person to supply false information in connection with an application for an LP Resident Parking Permit or a replacement LP 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 an LP Resident Parking Permit, the Town Clerk shall not issue such a permit for any motor vehicle owned or leased by that person.

Section 3 – 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 of Lester Place.

Section 4 – Amendment of a section of the Code of the Town of Mamaroneck:

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

A. General Fees.

Code Section	Subject	Fee or Deposit
§ 219.2.1 I.	Replacement LP Resident Parking Permit	\$5.00 per motor vehicle

Section 5 – 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 6 – Effective Date:

This Local Law shall become effective upon filing with the Secretary of State.