

DRAFT
Local Law No. of 2019
Town of Marbletown
PARKING REGULATION OF HOURS LAW

1. Statement of legislative findings.

- A. The Town Board finds and declares that certain residential and commercial areas are inundated with the parking of vehicles owned by area residents and non-area residents.
- B. The Town Board finds that a lack of parking for residents of these residential areas of the Town of Marbletown has resulted in traffic hazards, congestion, dumping of garbage, and air and noise pollution. In addition, such lack of parking poses a hazard to residents and other pedestrians in such area.
- C. The Town Board finds that a parking system within such areas will reduce such hazards. The Town Board, therefore, hereby declares the necessity of adopting a parking system for Town Roads and public parking areas as well as State and County Roads, where applicable.

2. Statement of legislative purpose.

This legislation permits the restriction on duration of time parked at locations within the Town of Marbletown and is intended to achieve the following:

- A. To reduce hazardous traffic conditions resulting from the use of streets within congested areas and uses for the parking of vehicles by persons using districts allocated for public parking, commercial or industrial uses.
- B. To protect the residents from polluted air, excessive noise and trash and refuse caused by the entry of such vehicles; to protect the residents of the town from unreasonable burdens in gaining access to their residences; to preserve the character of those districts as residential districts; to promote efficiency in the maintenance of those streets in a clean and safe condition; to preserve the value of the property in those districts; and to preserve the safety of children and other pedestrians and traffic study and the peace, good order, comfort, convenience and welfare of the inhabitants of the Town.
- C. It is the opinion and decision of the Town Board that it is in the best interest of the Town and its residents, in light of the foregoing legislative findings set forth, to regulate parking of vehicles in the Town by the establishment limitations for duration and hours of use.

3. Restricted parking established:

- A. The Town Board by Resolution shall establish areas with limited parking hours. These areas may be modified from time to time by resolution as well as the limitations on hours parked may be modified from time to time. The Town Board may instruct the Town Clerk to publish the list of areas that are restricted and the limited number of hours in the official town newspaper. The Town Board shall post parking restrictions and hours on the Official Town of Marbletown Website upon adoption of the town resolution.
- B. Notwithstanding the provisions of any law to the contrary, the Town Board of the Town of Marbletown hereby adopts a local law to provide for a residential parking system, at no cost or at a cost to be determined from time to time by the Town Board in their fee schedule.
- C. The Town Board by Resolution may determine in the future that Resident Parking Permits shall be required and shall issue Resident Permits through the Office of the Town Clerk.

D. Such residential parking restrictions shall be established within designated areas of the Town of Marbletown as the Town Board determines from time to time by Resolution.

a. Provided, however, that except for the reference to state highways solely for the purposes of delineating the boundaries of the area described in this subdivision, the provisions of this section shall not apply to any state highway maintained by the state, unless approved by the New York State Department of Transportation.

E. Notwithstanding anything herein to the contrary, all prohibitions on parking in excess of 24 hours or during snow emergency shall remain in effect for all vehicles within the Town of Marbletown.

4. Definitions.

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

AREA RESIDENT

The owner or owners or tenant or tenants of or in a residential dwelling whose primary residence is located within the Town of Marbletown.

RESTRICTED PARKING ZONE

The area or areas defined in § 3-C of this chapter.

TOWN CLERK

The Town Clerk of the Town of Marbletown.

5. Application for resident parking permit.

The Clerk or designee shall issue a resident parking permit to an area resident who files a complete application and meets all of the requirements of this article. The application and resident parking permit shall be in such form as said Clerk determines. The Town Clerk shall issue residential parking permits and shall maintain a record of the license plate number and the vehicle identification number of each motor vehicle for which a residential parking permit is requested. The Town Clerk shall not issue a residential parking permit for any motor vehicle unless the owner of that motor vehicle demonstrates, to the reasonable satisfaction of the Town Clerk, that such owner resides within the Town.

6. Permit size and placement; proof of residency; eligibility; penalty; parking regulations.

- A. Resident parking permits shall be no smaller than 2"x 2" and affixed to the rear driver's side window.
- B. Town residents may be issued a resident parking permit upon submission to the Town Clerk of at least the following proof: a valid vehicle registration showing place of residence, a New York State Driver's License and a sworn and signed affidavit or application form as prepared by the Town Clerk that states that said residence is the applicant's primary residence in the Town of Marbletown.
- C. No fee or the fee shall be established from time to time by the Town Board for the resident parking permit. Said permit must be renewed annually. When said vehicle is sold or disposed of, it shall be the owner's responsibility to remove the resident parking permit and provide proof of removal when applying for a new sticker.
- D. No area resident shall give or sell a resident parking permit to another person or otherwise allow it to be placed on a vehicle other than the vehicle listed on the resident parking permit.
- E. The Town may revoke the resident parking permit of any area resident when it is found that a false or fraudulent application has been filed or it is found that the resident parking permit was improperly or wrongfully issued. The Town Clerk shall provide notice of such revocation, and the effective date of such revocation shall be the date of such notice. Such notice shall provide that the resident

parking permit shall be removed from the vehicle or vehicles.

- F. All resident parking permits issued under the provisions of this article shall expire on January 31, of each calendar year, unless revoked sooner by the Town in accordance with this article.
- G. The Town Board shall at their annual meeting establish fines for violations of this Local Law.

7. Revocation or refusal of resident parking permits for violations, reapplication upon payment of fines.

- A. The Town may revoke the resident parking permit of any area resident who is listed on the records of the town of Marbletown who has repeat violations. The Town clerk shall provide notice of such revocation, and the effective date of such revocation shall be the date of such notice. Such notice shall provide that the resident parking permit holder shall remove the resident parking permit from the vehicle.
- B. Area residents who have had their resident parking permits revoked may apply for and be issued a new resident parking permit if they provide evidence that all outstanding parking tickets issued in their name or in the name of the owner of the vehicle have been paid in full.
- C. No resident parking permit shall be issued to any area resident who is listed on the records of the Town as a scofflaw.

8. Local state of Emergency: The Town Supervisor may declare a local state of emergency under NYS Executive Law Art. 2-B which shall not be limited to but may include restricting or limiting parking or use of public roadways.

9. Effective Date: This law shall become effective upon the filing with the Secretary of the State of New York.