

LOCAL LAW ___ OF 2018

AMENDING CHAPTER 213 OF THE IRVINGTON CODE (VEHICLES AND TRAFFIC)
WITH RESPECT TO RESIDENT PARKING PERMITS
AND EMPLOYER PARKING PERMITS
(November 6, 2018)

Be it enacted by the Board of Trustees of the Village of Irvington that Chapter 213, Vehicles and Traffic, Article VII A, Resident Parking Permits, of the Irvington Code is hereby amended as follows (new language in *italics*; deleted language ~~stricken~~):

Section 1: Section 213-29.3 is amended to read as follows:

§ 213-29-3. Restricted Parking Zone established.

A *Restricted Parking Zone* is hereby established within the Main Street neighborhood of the Village of Irvington, which shall mean that area generally bounded on the easterly side by North and South Dearman Street, on the northerly side by Matthiessen Park, on the westerly side by North and South Astor Street and the Metro-North Commuter Railroad tracks, and on the southerly side by Station Road.

Section 2: Section 213-29.4 is amended to read as follows:

§ 213-29.4 Definitions.

AREA EMPLOYER – *The owner or operator of a business located within the Restricted Parking Zone.*

AREA RESIDENT – *The owner or owners or tenant or tenants of or in a residential dwelling whose primary residence is located within the Restricted Parking Zone.*

EMPLOYER PARKING PERMIT – *A tag issued by the Village Clerk or designee to an Area Employer to be hung on the rearview mirror of the automobile of an employee of the Area Employer.*

RESIDENT PARKING PERMIT – *A tag ~~sticker or decal~~ issued by the Village Clerk or designee to an Area Resident to be ~~affixed to~~ hung on the rearview mirror of the Area Resident's automobile.*

RESTRICTED PARKING ZONE – The area defined in § 213-29.3.

VILLAGE CLERK – The Village Clerk of Irvington.

Section 3: Section 213-29.5 is amended to read as follows:

§ 213-29.5. Application for Resident and Employer Parking Permits; placement; eligible vehicles, revocation.

- A. The Village Clerk or designee shall issue a *Resident Parking Permit or an Employer Parking Permit* to an *Area Resident or Area Employer* who files an application and meets all of the requirements of this article. The application and *Resident or Employer Parking Permit* shall be in such form as ~~said~~ *the Village Clerk* determines.
- B. *Resident and Employer Parking Permits* shall be placed on the rearview mirror and are not transferable.
- C. Vans and other vehicles with commercial license plates shall not be eligible for *Resident or Employer Parking Permits* , unless they are of the size that allows the vehicle to fit within the confines of one marked parking space. Commercial vehicles with more than four wheels are prohibited from obtaining a permit.
- D. The fees, if any, that are collected by the Village for *Resident and Employer Parking Permits* shall be credited to the general fund.
- E. The Village may revoke the *Resident or Employer 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 Village 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 or Employer Parking Permit* shall be *returned to the Village Clerk* ~~removed from the vehicle or vehicles.~~

Section 4: Section 213-29.6 is amended to read as follows:

§ 213-29.6. Resident Parking Permits. ~~Permit size and placement;~~ Proof of residency; eligibility; fee; number of permits; penalty; parking regulations.

- A. Area Residents may be issued a *Resident Parking Permit* upon submission to the Village Clerk of at least the following proof: a valid vehicle registration showing place of residence and a signed affidavit or application form as prepared by the Village Clerk that states that said residence is the applicant's primary residence in the Village of Irvington.
- B. For a vehicle to be eligible for a *Resident Parking Permit*, an Area Resident must furnish proof of ownership either in the form of a registration, for a personally owned vehicle, or a letter on company letterhead, for a vehicle owned by the Area Resident's employer but utilized as a company car on a regular basis by the Area Resident employee.
- C. The fee for the *Resident Parking Permit*, which is intended to fund the administration of the program, shall be set from time to time by the Board of Trustees, with each *permit sticker* valid for the year February 1 to January 31, and said permit must be renewed annually. When ~~said the~~ *vehicle for which the permit was issued* is sold or disposed of, it shall be the owner's responsibility to ~~return~~ *remove* the *Resident Parking Permit* to the Village Clerk ~~and provide proof of removal~~ when applying for a new *permit 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*. Any Area Resident who violates the provisions of this subsection shall be liable for a fine as set from time to time by the Board of Trustees, shall have such *Resident Parking Permit* revoked and shall not be entitled to be issued a new *Resident Parking Permit* for a period of one year after such revocation.
- E. *Number of permits per household.*
 - (1) Each household in the *Restricted Parking Zone* shall be permitted a maximum of one *Resident Parking Permit* if there are two vehicles in the household, it being assumed that in most instances at least one of the household vehicles can be placed off-street in a driveway if one exists.
 - (2) If a demonstrated hardship exists where a household does not have a driveway to park any of its vehicles, the Village, in its discretion, may issue one *Resident Parking Permit* to a one-vehicle household and two *Resident Parking Permits* to a two-vehicle household.

(3) The number of *Resident Parking Permits* shall not exceed the number of licensed drivers residing in the household.

~~L. All resident parking permits issued under the provisions of this article shall expire on January 31, 2006, unless revoked by the Village in accordance with this article.~~

Section 5: A new section, § 213-29.7 is added to Article VII A, to read as follows:

§ 213-29.7. *Employer Parking Permits.*

- A. *An Area Employer may apply for up to two Employer Parking Permits for use by its employees. An Employer Parking Permit may be used by any employee of the Area Employer during hours that they are working for the Area Employer, subject to the restrictions in § 213-29.8A.*
- B. *The Area Employer shall provide the Village Clerk with proof of its business location within the Restricted Parking Zone.*
- C. *The fee for the Employer Parking Permit shall be set from time to time by the Board of Trustees, with each permit valid for the year February 1 to January 31, and said permit must be renewed annually.*

Section 6: Section 213-29.7 is amended to read as follows:

§ 213-29.8. *Allowable parking for Resident and Employer Parking Permit vehicles in Restricted Parking Zones.*

- A. *Only vehicles properly exhibiting a Resident Parking Permit or Employer Parking Permit as issued by the Village Clerk shall be permitted to park in the Restricted Parking Zones in excess of the posted two-hour, four-hour, or six-hour limit between the hours of 8:00 7:00 a.m. to 6:00 7:00 p.m. ~~on weekdays~~ except that the Resident Parking Permit and Employer Parking Permit shall not permit parking on Main Street in excess of the posted limits, nor shall they permit parking in the municipal parking areas listed in § 213-22.*
- B. *The fine or fines for violations of § 213-29.8A or any other provision of this article shall be designated by the Board of Trustees by resolution adopted at a regularly scheduled meeting of the Board of Trustees.*

- C. Vehicles registered pursuant to § 404-a of the Vehicle and Traffic Law shall be exempt from the provisions of § 213-29.8A.
- D. Vehicles to which there are attached *Resident Parking Permits* may be parked in a specific space within the established *Restricted Parking Zone* for which the permit is valid (*but not Main Street*) for a period not exceeding 72 hours.

Section 7: Section 213-29.8 is amended to read as follows:

§ 213-97.9. Revocation or refusal of *Resident and Employer Parking Permits* for scofflaws; reapplication upon payment of fines.

- A. For purposes of this *section* ~~§ 213-29.8~~, a “scofflaw” shall be an individual, corporation or other entity which has three or more outstanding and unpaid parking violations issued by the Village of Irvington against his/her/it or any vehicle registered in his/her/its name for which a warrant or final notice of such violations has been mailed by or on behalf of the Village of Irvington.
- B. The Village may revoke the *Resident or Employer Parking Permit* of any *Area Resident or Employer* who is listed on the records of the Village as a scofflaw. The Village 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 or Employer Parking Permit* holder shall ~~remove~~ return the ~~resident~~ parking permit ~~from the vehicle to the Village Clerk~~.
- C. *Area Residents or Area Employers* who have had their ~~resident~~ parking permits revoked may apply for and be issued a new *Resident Parking Permit or Employer 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.
- D. No *Resident or Employer Parking Permit* shall be issued to any *Area Resident or Area Employer* who is listed on the records of the Village as a scofflaw.

Section 8: All ordinances, local laws, and parts thereof inconsistent with this local law are hereby repealed.

Section 9: This local law shall take effect upon filing with the Secretary of State.