

**TOWN OF NORTH HEMPSTEAD  
LOCAL LAW NO. \_\_ OF 2023**

**A LOCAL LAW AMENDING ARTICLE IX OF THE UNIFORM TRAFFIC CODE  
ENTITLED "PORT WASHINGTON PUBLIC PARKING DISTRICT"**

**BE IT ENACTED** by the Town Board of the Town of North Hempstead, as follows:

**Section 1. Legislative Intent.**

The Board finds it in the best interest of the Town of North Hempstead and its residents to amend Article IX of the Uniform Traffic Code entitled "Port Washington Public Parking District" to authorize electric vehicle parking and charging in Lot 4 and to provide for related parking enforcement.

**Section 2.**

Section 81 of the Uniform Traffic Code is hereby amended to read as follows:

§ 81 Definitions

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

**BATTERY ELECTRIC VEHICLE (BEV)**

**An electric vehicle with an on board battery that operates exclusively from electrical energy from the battery, which battery is charged from an electrical power source (charging station) not onboard the vehicle.**

**BOARD OF COMMISSIONERS**

The Town Board of the Town of North Hempstead shall constitute the Board of Commissioners of the Port Washington Public Parking District.  
[Added 7-18-2006 by L.L. No. 11-2006]

**COMMUTER PARKING IDENTIFICATION STICKER**

A decal issued by the Port Washington Public Parking District which shall be affixed to the rear bumper of a vehicle prior to the vehicle being parked in a commuter parking space.  
[Amended 4-21-2015 by L.L. No. 4-2015]

**DISTRICT**

The department head designated by the Board of Commissioners to oversee and manage the Port Washington Public Parking District, or his or her designee.  
[Added 4-19-2016 by L.L. No. 5-2016]

**DISTRICT COMMUTER PARKING PERMIT**

Includes a commuter parking identification sticker or a virtual commuter parking permit.

[Added 2-23-2016 by L.L. No. 1-2016]

#### DISTRICT MERCHANT PARKING PERMIT

Includes a merchant parking identification sticker or a virtual merchant parking permit.

[Added 2-23-2016 by L.L. No. 1-2016]

#### ELECTRIC VEHICLE

**A vehicle that operates, either partially or exclusively, on electrical energy from a charging station or other electrical energy source that is stored in the vehicle's battery for propulsion purposes. "Electric vehicle" includes: (1) a battery electric vehicle; (2) a plug-in hybrid electric vehicle; and (3) electric scooters or motorcycles. Electric vehicles are licensed and registered for operation on public and private highways, roads, and streets.**

#### EMERGENCY MEDICAL PROFESSIONAL

A doctor, nurse, medical assistant, physician's assistant, or any individual whose primary job duties include administering emergency medical attention in an accredited hospital, and who works overnight, a twenty-four-hour shift or any work schedule that would require the individual to be at his or her work site between the hours of 12:00 midnight and 7:00 a.m.

[Added 6-5-2018 by L.L. No. 4-2018]

#### EMERGENCY PERSONNEL PERMIT

A parking permit that may be issued to emergency medical professionals or first responders in accordance with § 83C(6) of this article.

[Added 6-5-2018 by L.L. No. 4-2018]

#### FIRST RESPONDER

A firefighter, police officer, emergency medical technician, paramedic or other law enforcement officer or emergency management employee employed by a governmental agency, who works overnight, a twenty-four-hour shift, or any work schedule that would require the individual to be at his or her work site between the hours of 12:00 midnight and 7:00 a.m.

[Added 6-5-2018 by L.L. No. 4-2018]

#### LICENSE PLATE RECOGNITION

A system that uses optical character recognition to automatically read license plate characters, identify the license plate, and verify a virtual commuter parking permit or a virtual merchant parking permit.

[Added 2-23-2016 by L.L. No. 1-2016]

#### MERCHANT PARKING IDENTIFICATION STICKER

A decal issued by the Port Washington Public Parking District which shall be affixed to the rear bumper of a vehicle prior to the vehicle being parked in a merchant parking space.

[Added 4-21-2015 by L.L. No. 4-2015]

#### OFF-STREET PARKING AREA

A parcel of property designated as a public place for the parking of motor vehicles.  
[Added 7-18-2006 by L.L. No. 11-2006]

#### OPERATOR

Includes every individual who shall operate a vehicle as the owner thereof, or as the agent, employee or permittee of the owner, or who is in actual physical control of the vehicle.

#### PARK, PARKING or PARKED

The stopping of a motor vehicle or motorcycle upon any public highway and leaving such motor vehicle or motorcycle unattended, by a person capable of operating it, for a period longer than necessary to load or unload passengers or freight.

#### PARKING METER

Any mechanical device or meter not inconsistent with this article, placed or erected for the regulation of parking by authority of this article. Each parking meter installed shall indicate by proper legend the legal parking time established by this article, and when operated by payment of a coin or coins shall indicate the balance of legal parking time, and at the expiration of such period shall indicate illegal or overtime parking.<sup>[1]</sup>

[Amended 4-19-2016 by L.L. No. 5-2016]

#### PARKING METER PAYMENT

The payment of the fee charged for parking a vehicle in a parking meter space. Payment may be made by depositing a coin or coins, or other legal tender of the United States, in the parking meter, or by making a credit card payment via telephone or internet transaction.

[Added 4-19-2016 by L.L. No. 5-2016]

#### PARKING METER SPACE

Any space within a parking meter zone, adjacent to a parking meter and which is duly designated, for the parking of a single vehicle, by lines painted or otherwise durably marked on the curb or on the surface of the street adjacent to or adjoining the parking meters. Not more than one vehicle, as defined herein, shall be stopped, parked or left standing in a designated parking meter space at the same time.

#### PARKING METER ZONE

Any and all streets and parts of streets set aside under the provisions of this article and any amendments thereto, for the installation of parking meters and upon which parking meters have been installed and are in operation. All frontages of said streets or portions of streets are to be deemed included herein.

#### PARKING VOUCHER

A physical or virtual voucher issued by the Port Washington Public Parking District which authorizes a vehicle to be parked in a commuter parking space for a specified

period of time. License plate recognition will be used to verify a virtual voucher.  
[Amended 2-23-2016 by L.L. No. 1-2016]

#### PERSONS

Includes any individual, firm, co-partnership, association, or corporation.

#### **PLUG-IN HYBRID ELECTRIC VEHICLE (PHEV)**

**An electric vehicle that (1) contains an internal combustion engine and also allows power to be delivered to drive wheels by an electric motor, and; (2) charges its battery primarily by connecting to a charging station or other electrical source not on board the vehicle; (3) may additionally be able to sustain a battery charge using an on-board internal combustion-driven generator; and (4) has the ability to be propelled through the use of electricity.**

#### RESIDENTIAL OVERNIGHT PARKING PERMIT

Includes a residential overnight parking identification sticker or a virtual residential overnight parking permit.

[Added 11-17-2022 by L.L. No. 21-2022]

#### STREET

Any public street, highway, road, avenue, lane, path, court, or other public way within the Port Washington Public Parking District, established for the use of vehicles. This definition shall not include parking fields.

#### VEHICLE

Every vehicle, except electrically driven invalid chairs being operated or driven by an invalid, operated or driven upon a public highway by any power other than muscular power, which includes motorcycles and motor-driven cycles as defined by the Vehicle and Traffic Law, except vehicles which run only upon rails or tracks and excluding fire and police vehicles.

#### VIRTUAL COMMUTER PARKING PERMIT

A virtual parking permit issued by the Port Washington Public Parking District which shall permit a vehicle to be parked in an area designated as a commuter parking space. License plate recognition will be used to verify virtual permits.

[Added 2-23-2016 by L.L. No. 1-2016]

#### VIRTUAL MERCHANT PARKING PERMIT

A virtual parking permit issued by the Port Washington Public Parking District which shall permit a vehicle to be parked in an area designated as a merchant parking space. License plate recognition will be used to verify virtual permits.

[Added 2-23-2016 by L.L. No. 1-2016]

[1] *Editor's Note: The definition of "parking meter area." which immediately followed this definition, was repealed 7-18-2006 by L.L. No. 11-2006.*

### Section 3.

Subsection B of Section 83 of the Uniform Traffic Code is hereby amended to read as follows:

B. Regulation of area use. The following regulations shall apply to all off-street parking areas:

- (1) All vehicles parked within an off-street parking area shall be parked within a marked parking space only.
- (2) Spaces within each off-street parking area may be designated by the Board of Commissioners, by resolution, as "Commuter Parking," "Shopper Parking," "Taxi Stands," and "Merchant Parking." [Amended 4-19-2016 by L.L. No. 5-2016]
- (3) Spaces may be designated by the Board of Commissioners as "Taxi Stands" only after a recommendation for such designation has been made by the Town Clerk. Such designation shall comply with the provisions of Chapter 52, § 52-35, of the Town Code. No vehicles of any kind, other than those licensed as taxicabs pursuant to Chapter 52 of the Town Code, shall be permitted to park in designated taxi stands.
- (4) There shall be no parking in any of the off-street parking areas by any vehicle between the hours of 3:00 a.m. and 5:00 a.m., except as provided herein: [Amended 4-21-2015 by L.L. No. 4-2015; 11-17-2022 by L.L. No. 21-2022]
  - (a) Vehicles licensed as taxicabs pursuant to Chapter 52 of the Town Code and displaying the license medallion required by § 52-9A of the Town Code may park during all hours in the areas designated as taxi stands; and
  - (b) From January 1, 2023, through December 31, 2023, residents who have been issued a residential overnight parking permit may park in Area Number Seven (Lot 7) from 7:00 p.m. through 7:00 a.m. The fee for the issuance of a residential overnight parking permit shall be set by resolution of the Board of Commissioners and shall be nonrefundable.
- (5) If any vehicle shall remain parked in an off-street parking area, even within the time allowed in this article, without having made the proper parking meter payment for said parking space, such vehicle shall be considered as parked overtime and beyond the time fixed by this article, and the owner thereof shall be deemed guilty of a violation of this article which shall be punishable as hereinafter set forth. [Amended 4-19-2016 by L.L. No. 5-2016]
- (6) All vehicles parked within an off-street parking area which have been marked or signed for head-in parking only shall be parked with the front of the vehicle facing into the parking stall. [Added 4-21-2015 by L.L. No. 4-2015]
- (7) Spaces within each off-street parking area may be designated by the District as parking for "Compact Cars Only." The spaces shall be grouped together and visibly marked and/or posted with signs stating "Compact Cars Only." For purposes of this article, a "compact car" shall mean any vehicle which is less than 15 feet in overall length and six feet in width.

Such compact car parking spaces shall be a minimum of eight feet wide and 17 feet long. [Added 4-21-2015 by L.L. No. 4-2015; amended 4-19-2016 by L.L. No. 5-2016]

- (8) Electric vehicle charging station parking spaces restricted. Spaces within Area Number Four may be designated by the Board of Commissioners, by resolution, as "electric vehicle parking and charging only". Each charging station parking space shall be clearly identified with signage. These parking spaces are reserved solely for electric vehicles while actively charging. Electric vehicles that use the charging station shall pay any applicable fee, as set forth by resolution, and shall vacate the parking space within 30 minutes of completion of charging. All other vehicles that are not electric vehicles or are not using the charging station shall be prohibited from parking, standing or stopping in these spaces.**

#### Section 4.

Section 89 of the Uniform Traffic Code is hereby amended to read as follows:

#### § 89 Violations.

It shall be unlawful and a violation of the provisions of this article for any person:

- A. To cause, allow, permit or suffer any vehicle registered in the name of or operated by such person to be parked overtime or beyond the period of legal parking time established for any parking meter zone as herein described.
- B. To park any vehicle across any line or marking of parking meter space or in such position that the vehicle shall not be entirely within the area designated by such lines or markings or to park any vehicle in a parking meter space already occupied in whole or in part by another vehicle.
- C. To deface, injure, tamper with, open or willfully break, destroy or impair the usefulness of any parking meter installed under the provisions of this article.
- D. To deposit or cause to be deposited in any parking meter any slugs, device or metal substance or other substitute for lawful coins.
- E. To park any vehicle by backing into a parking spot designated for head-in parking only. [Added 4-21-2015 by L.L. No. 4-2015]
- F. To park a vehicle of any kind, other than a compact car, in a parking space designated for "Compact Cars Only." [Added 4-21-2015 by L.L. No. 4-2015]
- G. To fail to display a completely visible parking voucher. [Added 4-21-2015 by L.L. No. 4-2015]
- H. To park a vehicle in a space designated for commuter parking without a valid commuter parking identification sticker affixed to the rear bumper of the vehicle. [Added 4-21-2015]

by L.L. No. 4-2015]

I. To park a vehicle in a space designated for merchant parking without a valid merchant parking identification sticker affixed to the rear bumper of the vehicle. [Added 4-21-2015 by L.L. No. 4-2015]

**J. As to Area Number Four, to cause, allow, permit or suffer any vehicle registered in the name of, or operated by, such person to stop, stand or park:**

**(i) A motor vehicle other than a electric vehicle within a parking area space designated by the District as parking exclusively for “electric vehicle parking and charging only”; or**

**(ii) An electric vehicle within a parking area space designated by the District as parking exclusively for “electric vehicle parking and charging only” for more than 30 minutes following completion of charging. All other electric vehicles that are not using the charging station in or at such space shall be prohibited from parking, standing or stopping in these spaces.**

#### **Section 5.**

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this article or in its application to the person or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

#### **Section 6.**

This Local Law shall take effect upon filing with the Secretary of State.