

**TOWN OF NORTH HEMPSTEAD**  
**LOCAL LAW NO.     OF 2018**

**A LOCAL LAW AMENDING ARTICLE IX OF THE UNIFORM TRAFFIC**  
**CODE OF THE TOWN OF NORTH HEMPSTEAD 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 has found that some Town residents within the Port Washington Public Parking District, such as first-responders and emergency medical professionals, work overnight shifts. As such, this Board finds it in the best interests of the Town to allow first-responders and emergency medical professionals to utilize certain commuter parking spaces in the same manner as commuters who work during regular business hours without being penalized for parking overnight.

**Section 2.**

Section 81 of Article IX of the Uniform Traffic Code of the Town of North Hempstead of Chapter 2 of the Town Code is hereby amended as follows:

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

**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]

#### **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 work overnight, a 24 hour-shift or any work schedule that would require the individual to be at his or her work site between the hours of midnight and 7 a.m.**

#### **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 24 hour-shift, or any work schedule that would require the individual to be at his or her work site between the hours of midnight and 7 a.m.**

#### 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]

#### **EMERGENCY PERSONNEL PERMIT**

**A parking permit that may be issued to Emergency Medical Professionals or First Responders in accordance with § 83(C)(6) of this Article.**

#### 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.

#### 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]

### **Section 3.**

Subsection C of Section 83 of Article IX of the Uniform Traffic Code of the Town of North Hempstead is hereby amended as follows:

#### **C. Commuter parking.**

[Amended 4-21-2015 by L.L. No. 4-2015; 2-23-2016 by L.L. No. 1-2016]

- (1) The use of all parking spaces designated as commuter parking spaces shall be restricted to residents of the Port Washington Public Parking District, except that such restriction shall not apply on Saturdays, Sundays, holidays, or after 3:00 p.m. on weekdays.
- (2) No vehicle may be parked in a commuter parking space while the use of such space is restricted as set forth above, unless a district commuter parking permit has been issued for such parking by the District and is either affixed to the rear bumper on the operator's side of the vehicle or can be verified using license plate recognition. The fee for the issuance of a district commuter parking permit shall be set by resolution of the Board of Commissioners and shall be nonrefundable.

- (3) The District shall require that each applicant for a district commuter parking permit produce three of the following items as satisfactory evidence that the applicant is a resident of the District:
  - (a) Motor vehicle registration;
  - (b) Motor vehicle leasing agreement;
  - (c) Deed or lease showing ownership or rental of a residential property within the District;
  - (d) Tax bill; or
  - (e) Such other documentation deemed acceptable.
- (4) Display and verification of parking voucher; fee.
  - (a) Except as provided for in Subsection C(4)(b) below, the operator of a vehicle desiring to park in a space designated for commuter parking shall display a parking voucher by hanging it from the vehicle's rearview mirror. The parking voucher must be displayed so it is completely visible. No portion of the parking voucher shall be covered or obscured in any manner.
  - (b) License plate recognition shall be used to verify the issuance of a virtual parking voucher. In such instances, the provisions of Subsection C(4)(a) above shall not apply.
  - (c) The fee for a parking voucher shall be set by resolution of the Board of Commissioners and shall be nonrefundable.
- (5) A district commuter parking permit shall be used only by the registered holder and may not be sold or transferred. No person shall permit or allow a district commuter parking permit to be posted on, or transferred to, a vehicle other than the vehicle for which the permit was issued without the written consent of the District. Such permit shall be null and void without such consent.
- (6) **Notwithstanding any other provision of this Article, the District may issue a Emergency Personnel Permit to a First Responder or an Emergency Medical Professional, as follows:**
  - (a) **The District may designate no more than twelve (12) off-street commuter parking spaces for use solely by First Responders or Emergency Medical Professionals with an Emergency Personnel Permit. The District may issue up to twelve (12)**

**Emergency Personnel Permits. Permits shall be issued on a first-come, first-served basis. Permits shall be valid for one (1) year from the date of issuance. The Town Board, by resolution, may increase or decrease the number of spaces that may be designated for use by permit holders and the number of permits that may be outstanding at any given time.**

- (b) Each applicant for an Emergency Personnel Permit must otherwise be eligible to apply for and receive a commuter permit and must submit or provide, at the time of application for a permit and in addition to those items required by § 83(3) above, a notarized statement from the First Responder's or Emergency Medical Professional's employer indicating that the First Responder or Emergency Medical Professional is regularly required to work overnight, a twenty-four (24) hour shift or any work schedule that would require the individual to be at his or her work site between the hours of midnight and 7:00 a.m.**
- (c) The fee for an Emergency Personnel Permit shall be the same as the fee for a commuter permit. The operator of a vehicle desiring to park in a space designated for parking with an Emergency Personnel Permit shall display a parking voucher by hanging it from the vehicle's rearview mirror such that it is completely visible and not covered or obscured in any manner. In the event that license plate recognition is used to verify the issuance of a virtual parking voucher, the provisions of the preceding sentence shall not apply.**
- (d) In the event that a First Responder or Emergency Medical Professional has purchased a commuter permit from the District and desires to obtain an Emergency Personnel Permit, the First Responder or Emergency Medical Professional may apply for an Emergency Personnel Permit by providing only the notarized statement described in Subsection C(6)(b) above. An Emergency Personnel Permit obtained pursuant to this Subsection C(6)(d) shall not require payment of the fee described in Subsection C(6)(c) above and shall remain effective for the term of the First Responder's or Emergency Medical Professional's commuter permit.**
- (e) Notwithstanding § 83(B)(4) of this Article, holders of an Emergency Personnel Permit may park their vehicle in a space designated by the District pursuant to Subsection C(6)(a) for a period of up to seventy-two (72) consecutive hours.**

- (f) An Emergency Personnel Permit shall be used only by the registered holder on the vehicle registered with the District and may not be sold or transferred. No person shall allow a permit to be posted on, or transferred to, a vehicle other than the vehicle for which the permit was issued without the written consent of the District. Permits transferred without the District's written consent shall be null and void.
- (g) The District, acting through the Commissioner of the Department of Public Safety, may promulgate rules and regulations for the issuance of Emergency Personnel Permits.
- (h) The District may revoke or suspend an Emergency Personnel Permit upon finding, after a hearing, of one or more of the following:
- (i) The holder of the permit has violated any of the conditions, rules or regulations applicable to the permit as contained in this Article.
- (ii) The holder of the permit has made a misrepresentation or a false statement in his or her application for a permit.

The procedures for the hearing and the revocation and suspension of the permit shall be the same as those required for the revocation of a merchant parking permit contained in § 83(E)(9)(b) below.

#### **Section 4.**

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 5.**

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