

**TOWN OF NORTH HEMPSTEAD
LOCAL LAW NO. OF 2017**

**A LOCAL LAW AMENDING ARTICLE X OF THE UNIFORM TRAFFIC CODE
ENTITLED "PARKING AREA AT MARY JANE DAVIES GREEN PARK"**

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

Section 1. Legislative Intent.

The Board finds that it is in the best interest of the Town of North Hempstead to amend Article X of the Uniform Traffic Code entitled "Parking Area at Mary Jane Davies Green Park" in order to provide time-limited parking for shoppers and visitors to Mary Jane Davies Green Park.

Section 2.

Article X of the Uniform Traffic Code is hereby amended to read as follows:

Article X
Parking Area At Mary Jane Davies Green Park

[Added 10-24-2006 by L.L. No. 15-2006]

§ 97 Legislative intent.

The rules and regulations of the parking area at the Mary Jane Davies Green Park are currently set forth only in Resolution No. 131-2001. A copy of same, with the latest amendments, is annexed hereto and is incorporated by reference herein. For more convenient public reference and more consistent enforcement, this Board believes that said rules should be part of the Uniform Traffic Code.

§ 98 Adoption.

Chapter 65 of the Code of the Town of North Hempstead is hereby amended by adopting a new Article X, entitled "Parking Area at Mary Jane Davies Green Park," as follows.

§ 99 Scope.

The provisions of this article apply within the parking area at Mary Jane Davies Green Park. All provisions of the Uniform Traffic Code remain in effect in the parking area at Mary Jane Davies Green Park except as provided in this article.

§ 100 Definitions.

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

COMMISSIONER

The Commissioner of Parks and Recreation of the Town of North Hempstead or his or her designee.

IDENTIFICATION STICKER

A decal issued by the Town Clerk which shall be affixed to the rear bumper of a vehicle prior to the vehicle's being parked in a designated parking space. Identification stickers shall be issued by the Town Clerk who authorizes a vehicle to be parked in a parking space for a specified period of time.

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.

PARKING AREA

A parcel of property designated as a public place for the parking of motor vehicles.

PARKING AREA SPACE

Any space within a parking area 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 within the parking area at Mary Jane Davies Green Park. Not more than one vehicle, as defined herein, shall be stopped, parked or left standing in a designated parking area space at the same time.

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.

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 parking area at Mary Jane Davies Green Park, 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.

§ 101 Parking identified.

The parking area at Mary Jane Davies Green Park shall be defined as the lot immediately to the west of Mary Jane Davies Green Park; between Memorial Place to the south and Manhasset Avenue to the north.

§ 102 Regulation of area use.

The following regulations shall apply to all parking areas:

- A. All vehicles may be parked within the parking area only within a parking space. **Except as otherwise provided in this article,** [F]the use of the parking spaces shall be limited to those vehicles which have an identification sticker issued by the Town Clerk.
- B. **The Town Board hereby authorizes the Commissioner to mark off individual parking spaces in the parking area and restrict parking to vehicles with identification stickers only. The number of parking spaces designated by the Commissioner under this subsection shall be equal to the number of identification stickers issued by the Town Clerk. The Town Clerk shall notify the Commissioner upon the issuance of an identification sticker.** If any vehicle shall remain parked in any such parking areas, without proper proof of a permit issued by the Town Clerk being deposited as aforesaid or without properly displaying a parking identification sticker, such vehicle shall be considered illegally parked, and the operator or driver thereof shall be deemed guilty of a violation of this article and shall be punishable as hereinafter set forth.
- C. **The Town Board hereby authorizes the Commissioner to mark off individual parking spaces in the parking area and restrict parking to vehicles parked without identification stickers for a period of time not to exceed two hours. Any vehicle parked in excess of two hours shall be considered illegally parked, and the operator or driver thereof shall be deemed guilty of a violation of this article and shall be punishable as hereinafter set forth.**
- [C]D. There shall be no parking in any of the parking areas by any vehicle between the hours of 3:00 a.m. and 6:00 a.m.
- [D]E. Regulation of traffic in parking area:
 - (1) All vehicles shall travel in a northerly direction on all north-south lanes within the field.

- (2) The opening on Memorial Drive at the southerly end of the field shall be an entrance only.
- (3) The opening on Manhasset Avenue at the northerly end of the field shall be an exit only.
- (4) There shall be no parking, standing or stopping in other than designated parking spaces at any time, except that passengers may be discharged in the area.

§ 103 Designation of parking spaces.

- A. The Town Board is hereby authorized to mark off individual parking spaces in the parking area designated and described by this article and in such other areas as may hereafter be established. Said parking spaces are to be designated by lines painted or durably marked upon the curbing or surface of the street. At each space so marked it shall be unlawful to park any vehicle in such a way that said vehicle shall not be entirely within the limits of the space so designated.
- B. All parking spaces shall be so marked that vehicles will be required to park at an angle with the curb or edge of the pavement in the parking area at Mary Jane Davies Green Park.

§ 104 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 **in the parking area** without a valid parking identification sticker **in a space restricted to identification sticker parking only** ~~in the parking area as herein described.~~
- B. To park any vehicle across any line or marking of parking 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 space already occupied in whole or in part by another vehicle.
- C. **To cause, allow, permit or suffer any vehicle registered in the name of, or operated by such person to be parked in excess of two hours in any space in the parking area designated for time restricted parking.**

§ 105 Penalties for offenses.

Any person who shall violate or fail to comply with any of the provisions of this article, or who shall counsel, aid or abet any such violation or failure to comply, shall be guilty of an offense against this article, and shall be punishable by a fine not in excess of \$30.

§ 106 Reservation of power.

Nothing in this article shall be construed as prohibiting the Supervisor and Town Board of the Town of North Hempstead from providing for bus stops, taxicab stands and other matters of similar nature, including the loading and unloading of trucks, vans, or other commercial vehicles, except upon state highways maintained by the state.

§ 107 Repeal of conflicting ordinances.

All ordinances or parts of ordinances inconsistent with the provisions of this article are hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this article shall be cumulative of other ordinances regulating and governing the subject matter covered by this article.

§ 108 Severability.

If any section or provision, or parts thereof in this article shall be adjudged invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity of the article as a whole or any other section or provision or part hereof.

§ 109 Exercise of police power.

This entire article shall be deemed and construed to be an exercise of the police power of the Town of North Hempstead for the preservation and protection of public safety and is enacted pursuant to the authority contained in § 1660 of the Vehicle and Traffic Law of the State of New York and § 198 of the Town Law of the State of New York. All of its provisions shall be liberally construed with a view to the effectuation of such purpose.

§ 110 When effective.

This article shall take effect immediately upon filing with the Secretary of State.

Section 3.

This chapter shall take effect immediately upon filing with the Secretary of State.