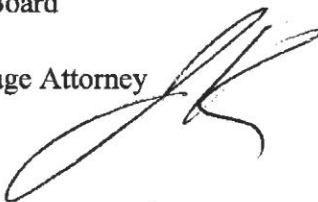


E-10

**TOWN OF HARRISON  
VILLAGE OF HARRISON  
ATTORNEY'S OFFICE**

**MEMORANDUM**

**TO:** Ronald Belmont, Supervisor  
Members of the Town Board

**FROM:** Jonathan D. Kraut, Village Attorney 

**DATE:** October 30, 2014

**RE:** **Proposed Local Law No. \_\_ of 2014**  
**Amending Enacting Chapter 193, entitled**  
**“Residential Parking System in the Town of Harrison**

Attached herewith is a proposed local law regarding the above referenced matter.

If acceptable, please schedule this matter for a Public Hearing for the December 4, 2014 Town Board meeting.

If you have any questions or comments, please contact me.

JDK:ap  
Attachment

**PUBLIC NOTICE**

**Proposed Local Law No. \_\_\_\_ of 2014**

**Enacting Chapter 193, entitled  
“Residential Parking System in the Town of Harrison”**

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Harrison, at its meeting to be held at 7:30 P.M., on December 4, 2014, at the Municipal Building, 1 Heineman Place, Harrison, New York, will hold a Public Hearing pursuant to Article 2, Section 10 and Article 3, Section 20 of the Municipal Home Rule Law, to add the Local Law No. \_\_\_\_ of 2014, Chapter 193, entitled “Residential Parking System in the Town of Harrison”, of the Town Code of the Town of Harrison as follows: (new material is underlined).

§ 193-1. Statement of legislative findings.

A. The Town Board finds and declares, that certain residential areas inundated with the parking of vehicles owned by non-area residents. Many of these non-area residents who park in this area are commuters who park and then take public transportation to their jobs.

B. The Town Board finds that a lack of parking for residents of these residential areas of the Town of Harrison has resulted in traffic hazards, congestion 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 residential parking system within such area will

reduce such hazards and will reduce pollution levels as well. The Town Board, therefore, hereby declares the necessity of adopting a residential parking system.

§ 193-2. Statement of legislative purpose.

This legislation permitting the issuance of resident parking permits to qualified residents of the Town of Harrison is intended to achieve the following:

A. To reduce hazardous traffic conditions resulting from the use of streets within area zoned for residential uses for the parking of vehicles by persons using district zoned for commercial or industrial uses, or by commuters using the railroad station to travel to their jobs.

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 this district 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 of a residential parking permit system.

§ 193-3. Restricted parking zone established; Residential parking system in the Town of Harrison

A. Notwithstanding the provisions of any law to the contrary, the Town Board of the Town of Harrison hereby adopts a local law to provide for a residential parking permit system and fix and require the payment of fees applicable to parking within the area in which such parking system is in effect in accordance with the provisions of this section.

B. Such residential parking system is established within the area of the Town of Harrison as follows: All of that area beginning at the intersection of Harrison Avenue and Broadway; running north on Harrison Avenue to Davenport Street; thence running east on Davenport Street to Oakland Avenue; then running north along Oakland Avenue to the intersection of Macy Road; running thence north on Macy Road to the intersection of Macy Road and South Road and Sunnyside Avenue; running thence west along Sunnyside Avenue to Sunnyside Place; thence north to Emerson Place; thence along Emerson Place to Emerson Avenue north to Hyatt Avenue; thence west on Hyatt Avenue to Harrison Avenue; thence south on Harrison Avenue to Webster Avenue; thence west on Webster Avenue to Crotona Avenue; thence south on Crotona Avenue to Calvert Street; thence east on Calvert Street to Broadway; thence south on Broadway to the intersection of Harrison Avenue; the place of beginning, permit parking may be implemented on both sides of any street whose center line is herein utilized as a boundary description.

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.

C. Notwithstanding the foregoing, no permit shall be required on streets where the adjacent properties are zoned for commercial/retail use.

D. This law providing for such residential parking system is necessitated by the lack of parking in the area designated above which has resulted in traffic hazards, congestion, air and noise pollution. Such lack of parking poses a hazard to residents and pedestrians in this area. The residential parking system will reduce such hazards and will reduce pollution levels as well.

E. Motor vehicles registered pursuant to section four hundred four-a of the Vehicle and Traffic Law § 1662-c shall be exempt from any permit requirement under this Chapter.

F. Permit requirements shall be in effect on weekdays (Monday through Friday) from 6:00 a.m. until 7:00 p.m.

G. Notwithstanding anything herein to the contrary, twenty (20%) percent of all parking spaces within the permit area shall be available to nonresidents and shall provide short term parking of not less than ninety (90) minutes in duration in such area; and

#### § 193-4. 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 restricted parking zone.

#### RESIDENT PARKING PERMIT

A sticker or decal issued by the Town Clerk or designee to an area resident to be affixed to the area resident's automobile which must be numbered and depict the license plate number.

#### RESTRICTED PARKING ZONE

The area or areas defined in § 193-3 of this chapter.

#### TOWN CLERK

The Town Clerk of the Town of Harrison

#### § 193-5. 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 sell 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 purchased. The Town Clerk shall not sell 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 districts.

§ 193-6. Permit size and placement; proof of residency; eligibility; fee; penalty; parking regulations.

A. Resident parking permits shall be no smaller than 2"x 2" and affixed to the rear passenger window.

B. Area 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 Drivers 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 Harrison.

C. The fee for the resident parking permit shall be set from time to time by the Town Board by resolution. 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. 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.

F. Vehicles with commercial license plates shall not be eligible for resident parking permits.

G. The fee, if any, that are collected by the Town for resident parking permits shall be credited to the general fund.

H. 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.

I. 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.

§ 193-7. Revocation or refusal of resident parking permits for scofflaws, reapplication upon payment of fines.

A. A "scofflaw" shall be an individual, corporation or other entity which as three or more outstanding and unpaid parking violations issued by the Town of Harrison 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 Town of Harrison.

B. The Town may revoke the resident parking permit of any area resident who is listed on the records of the town of Harrison as a scofflaw. 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.



C. 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.

D. No resident parking permit shall be issued to any area resident who is listed on the records of the Town as a scofflaw.

This law shall take effect immediately upon filing with the Secretary of the State of New York.

ALL PERSONS HAVING AN INTEREST IN THE MATTER ARE INVITED TO ATTEND AND BE HEARD.

BY ORDER OF THE TOWN BOARD OF THE TOWN/VILLAGE OF HARRISON.

Jacqueline Greer  
Town Clerk

Dated: Harrison New York  
October 30, 2014