

LOCAL LAW 3-2020
A LOCAL LAW AMENDING CHAPTER 193, ARTICLE III
OF THE VILLAGE CODE ENTITLED "ALL NIGHT PARKING"

BE IT ENACTED, by the Board of Trustees of the Incorporated Village of Garden City, in the County of Nassau, New York as follows:

Section 1. The Board of Trustees finds that it is fitting and in the public interest to vest the Board of Police Commissioners, with the power and authority to establish policies, rules and regulations for issuance and enforcement of short-term over-night parking authorization where it deems there to be good cause. The Board of Police Commissioners shall have the right and power to delegate such issuance and enforcement authority to the Police Commissioner, as Chairman of the Board of Police Commissioners and head of the day to day operations of the Village Police Department to further establish procedures in furtherance of the provisions of this Local Law and any policies, rules, and regulations created as a result thereof.

In establishing this Local Law, the Board of Trustee has determined to preserve long established policies within the Village to generally prohibit full day, long term and overnight parking on public streets in residential areas absent special circumstances such as the lack of a residential driveway, construction being undertaken on a residence or driveway, overnight visits to a residence by friends or relatives or health care workers and other circumstances.

The Board of Trustees further finds that the issuance of permission for overnight parking for more than twelve calendar days per calendar year and more than six consecutive calendar days would be an unwarranted burden on the Village's network of roadways and ability of the Village Department of Public Works to clean and repair roadways, aesthetically offensive, and encourage abuse of an authorization intended for temporary relief from the provisions of the Village Code. As such, the Board of Trustees finds that the issuance of such authorization for more than twelve calendar days per calendar year and more than six consecutive calendar days, absent special circumstances as may be determined by the Board of Trustees, or their designee, pursuant to Chapter 193 of the Village Code or by subsequent resolution, to present a public nuisance.

Section 2. Article III of Chapter 193 of the Village Code is hereby amended to read as follows:

§193-9. Permit and sticker required.

No vehicle shall be parked or permitted to stand unattended on a public highway in the Village between the hours of 2:00 a.m. and 6:00 a.m., or at any other time designated by signage, unless a permit therefor has first been obtained from the Village Clerk and there is conspicuously affixed to or displayed on such vehicle a sticker, tag or other proper identification in such form and manner as shall be prescribed by the Village Clerk.

§193-10. Issuance; eligibility for permit; conditions.

All permits for such parking shall be issued by the Village Clerk in accordance with applications and forms therefor approved by the Board of Trustees. Such a permit shall be issued only to a person in an area in the Village where, as determined by the Board of Trustees, adequate off-street parking is not available. No fee or other charges shall be made for the issuance of such a permit. No permit shall be transferable from one holder to another and permits shall be applicable solely to the vehicles identified in the application. No permit shall be issued for a period of more than one year.

§193-10.1. Short-term authorization; limitations.

Notwithstanding the forgoing provisions contained in §193-9 and §193-10, the Board of Police Commissioners is authorized to promulgate policies, rules and regulations for the authorizing of short-term parking or standing of an unattended non-commercial vehicle on

a public highway in the Village during any time otherwise prohibited by designated signage. The promulgation of processes, issuance, and enforcement of such authorization under this subsection may be delegated to the Police Commissioner. No authorization under this subsection shall be issued for a period exceeding six (6) consecutive calendar days. No applicant under this subsection shall be permitted to avail himself or herself of the provisions of this subsection and no vehicle shall be permitted to park overnight under the provisions of this subsection for more than twelve (12) calendar days in a calendar year. Upon proper application and upon finding of certain short-term special circumstances, the Police Department may grant authorizations for such additional periods of time as deemed appropriate.

§193-11. Suspension or revocation of permit or authorization.

Any grant under this Article may be suspended by the Mayor until the meeting of the Board of Trustees first ensuing after such suspension and may be revoked at any time by the Board of Trustees if the resident, permit holder, owner, operator or driver of the vehicle for which a permit or authorization has been issued shall have violated any of the provisions of this Article or shall be found to be no longer qualified to hold such permit or authorization. The Board of Trustees shall also have the power and authority to prohibit the issuance of any permit otherwise issuable to an applicant under the provisions of this Article for up to one calendar year, upon a finding of a violation of any of the provisions of this Article by said applicant.

§193-11.1. Violation; Continuing Violations.

Any person who violates any of the provisions of this Article shall be guilty of a violation thereof. Each and every calendar day that a violation of this section shall exist shall constitute a separate violation of the provision(s) of this Article and the owner of the vehicle shall be held liable as provided in §1-12 for each separate violation.

§193-12. Limitations of permit.

No permit issued pursuant to this Article shall authorize the holder thereof to park or permit to stand unattended any vehicle on a public highway within the Village during any snowstorm, flood, fire or other public emergency or shall restrict the authority of the Department of Public Works or the Police Department of the Incorporated Village of Garden City to remove the same in accordance with the provisions of Article IV hereof.

§193-13. Exceptions during emergency.

This Article shall not apply to the parking, during the times specified in §193-9 hereof, of any vehicle used by a clergyman, practicing physician, public official or employee, public utility repairman or other person while rendering an essential service during an emergency.

Section 3. Severability. If any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted 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 Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 4. Effective Date.

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