

Local Law 2-2023

A local law amending Chapter 250 (Vehicles and Traffic) of the Village of Ossining Code.

BE IT ENACTED by the Board of Trustees of the Village of Ossining as follows:

Section 1. Chapter 250 (Vehicles and Traffic) of the Village of Ossining Code is amended with new matter underlined and deleted matter in [brackets].

§ 250-29 Overnight parking.

A. Legislative findings.

- (1) The Board of Trustees of the Village of Ossining hereby finds and determines that the overnight on-street parking of motor vehicles within the Village is a hindrance to the governmental operations of the Village in connection with the performance of its duties, responsibilities and obligations to clean and sweep the streets and remove snow, ice and debris therefrom; to locate and identify stolen or abandoned vehicles; to prevent long-term storage of vehicles on the public streets; and to enforce its zoning laws. While recognizing that many residences and other buildings located in the Village are old and were constructed without providing adequate off-street parking facilities to accommodate the users of such [property] properties, the Board of Trustees further finds and determines that it is the primary responsibility of the owner of real property to provide adequate off-street parking facilities for users of the premises.
- (2) After lengthy study and investigation, the Board of Trustees further finds and determines that a [complete and absolute] prohibition of all overnight parking on the streets within the Village would work an extreme hardship on those owners and/or operators of motor vehicles having a need to be at or use premises in the Village where off-street parking facilities are inadequate or unavailable. The Board of Trustees further finds that a partial prohibition of overnight parking on the streets within the Village between the hours of 3:00 a.m. and 6:00 a.m. which [contains] allows for [an] [exemption] exemptions in certain instances where strict enforcement of such prohibition would be an extreme hardship on the owner or operator of a motor vehicle having a need to be at or use premises in the Village between the hours of 3:00 a.m. and 6:00 a.m. will allow the Village to perform its governmental functions and provide just relief for owners and operators of motor vehicles for whom off-street parking facilities are inadequate or unavailable.

- B. On-street parking prohibited between 3:00 a.m. and 6:00 a.m. The parking of motor vehicles is hereby prohibited on all streets or highways within the Village between the hours of 3:00 a.m. and 6:00 a.m., except as hereinafter provided.
- C. On-street overnight parking streets designated. The Board of Trustees shall designate by resolution certain streets within the Village of Ossining where owners or operators who have been granted a hardship exemption from the strict enforcement of the provisions of this section may park their vehicles between the hours of 3:00 a.m. and 6:00 a.m. Such resolution may provide for parking on one side, both sides or on alternate sides of a designated street. Such streets shall be signed and posted as required by law. In accordance with this subsection, overnight parking by owners or

operators who have been granted a hardship exemption from the strict enforcement of the provisions of this section is permitted at the locations described in Schedule XXV (§ 250-62), attached to and made a part of this chapter.

D. Hardship exemptions granted.

- (1) Any person who, being the owner or operator of a motor vehicle, has a need to park within the Village of Ossining between the hours of 3:00 a.m. and 6:00 a.m. at a property location where facilities for parking of [his or her] **the** vehicle on the property are nonexistent or inadequate and for whom the strict enforcement of the provision of this section would constitute an extreme hardship, as hereafter defined, may apply to the Village for a hardship exemption from the strict enforcement of the provisions of this law.
- (2) Such application shall be made upon forms provided by the Village and shall be accompanied by a nonrefundable administrative fee to be determined by the Board of Trustees [at least] annually **and set out in the annual fee schedule. The nonrefundable administrative fee shall be charged for each vehicle for which the hardship exemption is sought.** [Such fee shall be based upon the estimated Village cost of processing and investigation of the application and shall cover all vehicles owned or operated by the applicant to be parked at a specific property address.] The procedure for processing and determining such applications and issuing any exemptions shall be determined by the Board of Trustees.

E. Hardship defined. The following conditions shall constitute hardships:

- (1) No driveway or parking area is provided on the premises, and there is no area on the premises where a driveway or parking area can be provided or constructed by the owner.
- (2) A driveway or parking area exists on the premises, but due to the width thereof, the applicant is required to park behind two or more [other] vehicles entitled to park at the premises and there is no area on the premises where additional parking can be provided or constructed by the owner.
- (3) The applicant is physically handicapped and possesses either a handicapped parking permit authorized by law or his or her vehicle displays handicapped license plates and the applicant's handicap prevents him or her from walking from a designated off-street parking area to the premises.
- (4) The applicant is required, in writing, by his or her employer to have a company vehicle and there is no off-street parking provided or available for such vehicle on the premises.
- (5) The applicant is determined by his or her employer to be necessary for emergencies or life support by virtue of his or her trade, employment or special training, i.e., police, fire, ambulance, emergency medical technician (EMT), nurse, doctor, etc., and is required [, in writing,] by his or her employer **in writing** to be on twenty-four-hour call by reason thereof and the applicant's vehicle must have immediate access to the public

highways and no such access exists on the premises.

F. No hardship allowed. No hardship exemptions shall be granted to any applicant for:

- (1) Any vehicle with a gross weight of 5,000 pounds or more, except for passenger vehicles in the class of vehicles known as "sport utility vehicles" which may exceed this maximum. **[Amended 6-17-2015 by L.L. No. 2-2015]**
- (2) A tractor or trailer.
- (3) Vehicles used primarily for livery or commercial purposes.
- (4) Any vehicle which has been scofflawed by the New State Department of Motor Vehicles for unanswered parking summonses or for which three or more unanswered parking summonses issued by the Village of Ossining remain outstanding.

(5) A "commercial vehicle" as defined in section 250-1.

G. Termination of hardship exemption. Any exemption granted pursuant to the provisions hereof shall be valid for a period of one year from the last day of the month of issuance; provided, however, that such exemption shall be null and void upon the sale, transfer or other conveyance of title to such vehicle, the suspension or revocation of the applicant's driver's license or vehicle registration or the cancellation of insurance for the vehicle. **[Amended 10-21-2003 by L.L. No. 8-2003]**

H. Hardship certificate.

- (1) The granting of a hardship exemption from the strict enforcement of the provisions of this section shall be evidenced by a numbered certificate issued by the Village which shall be conspicuously displayed on the applicant's vehicle as directed by such certificate.
- (2) Such certificate, when so displayed, shall entitle the applicant to park the vehicle at one of the on-street parking locations designated by the resolution of the Board of Trustees pursuant to Subsection C hereof between the hours of 3:00 a.m. and 6:00 a.m.

I. Temporary exemption. Any owner or operator of a motor vehicle who has a temporary need to park such vehicle at a premises where no parking is provided or available shall be entitled to a temporary hardship exemption to park a specific vehicle at one of the on-street parking locations designated by resolution of the Board of Trustees pursuant to Subsection C hereof between the hours of 3:00 a.m. and 6:00 a.m. for a maximum period of five consecutive nights, provided that the applicant is not a regular occupant or user of such premises. A temporary hardship exemption granted pursuant to this subsection shall not be renewable or granted to the same applicant or vehicle for a period of six months from the date of expiration. A temporary hardship exemption may be obtained from the desk officer of the Police Department, who shall obtain the name and address of the applicant, the license plate number of the vehicle to be parked and the address of the premises to be used.

- J. Penalty for violation. A violation of this section shall be punishable by a fine authorized pursuant to Article V of this chapter.

Section 2.

§ 250-32 Parking time limits in designated municipal parking lots.

[Amended 10-17-2000 by L.L. No. 3-2000; 8-7-2001 by L.L. No. 2-2001; 1-15-2002 by L.L. No. 2-2002; 2-17-2004 by L.L. No. 3-2004; 3-3-2004 by L.L. No. 5-2004; 10-18-2005 by L.L. No. 2-2005; 2-13-2006 by L.L. No. 2-2006; 3-7-2006 by L.L. No. 3-2006; 2-20-2007 by L.L. No. 3-2007; 11-7-2007 by L.L. No. 13-2007; 1-8-2008 by L.L. No. 1-2008; 3-15-2011 by L.L. No. 2-2011; 9-17-2013 by L.L. No. 3-2013; 8-17-2022 by L.L. No. 6-2022]

- A. Parking is prohibited for a period longer than two hours Monday through Saturday in designated portions of the following municipal parking [lots] lot: [Brandreth Street,] North Highland Avenue East[, Croton Avenue, Eastern Avenue and Waller Avenue South]. Parking is prohibited for a period longer than three hours Monday through Saturday in the **Brandreth Street, Croton Avenue, Eastern Avenue, Waller Avenue South** Broadway North Municipal Parking [Lot] lots, except as provided in § 250-33C and D.
- B. Parking is prohibited in the Broadway North Parking Lot between the hours of 11:00 p.m. and 6:00 a.m. [and in the Spring/Main West Parking Lot between the hours of 3:00 a.m. and 8:00 a.m.]
- C. Parking is prohibited in the Spring/Main East Parking Lot between the hours of 12:00 midnight and 2:00 p.m. on Saturdays throughout the year. Any vehicle parked in violation of this subsection shall be deemed to constitute an obstruction to traffic and will be subject to removal by the Village.
- D. Visitor parking at the Municipal Building **Parking** Lot is hereby permitted Monday through Friday in designated metered spaces allowing for one-hour parking **from 8:00 a.m. to 8:00 p.m.** Metered parking shall be established in the first [five] **5** parking spaces along the easterly side of the driveway entrance to the Municipal Parking Lot, which shall be designated "one-hour metered parking." The remaining **30** parking spaces are designated for municipal employee parking only **between the hours of 8:00 a.m. and 8:00 p.m. Monday through Friday. Monday through Sunday 8:00 p.m. to 8:00 a.m. will be overnight permit parking pursuant to section 250-33A for all parking spaces in the Municipal Building Lot except as noted. Six parking spaces on the westerly side of the driveway exit are designated as parking by the hour Monday through Sunday 8:00 p.m. to 8:00 a.m. The hourly fee to be charged for the use of the parking spaces will be published in the annual fee schedule. The prohibition on overnight parking between the hours of 3:00 a.m. and 6:00 a.m. shall not apply to vehicles parked in these designated spaces where the hourly rates have been paid and time has not expired.**
- E. Central Avenue Linear Parking Lot has 32 available marked parking spaces. Parking is prohibited along Central Avenue, south and north sides where so marked between the hours of 6:00 p.m. and 7:00 a.m. Monday through Sunday except for holders of

overnight municipal parking permits who have submitted an application to the Village Clerk pursuant to § **250-33** and paid the fee as published in the annual fee schedule. Between the hours of 7:00 a.m. and 6:00 p.m. Monday through Sunday parking in the Central Avenue Linear Parking Lot will be permit parking for individuals employed by businesses on Main Street between North Highland Avenue and State Street. The parking permit for these employed individuals shall only be issued to the owner of a passenger vehicle who is not a resident of the Village of Ossining but who is a merchant, store employee, office worker, business or professional person or other person gainfully employed in the aforementioned locations. The fee for such permit parking will be set by the Board of Trustees and published in the annual fee schedule.

- F. State Street Parking Lot has 40 parking spaces only to be used by members of the Ossining Volunteer Fire Department and municipal employees. The Village shall develop a process for identifying those vehicles which may legally park in the State Street Parking Lot.
- G. Broadway North Parking Lot has 67 parking spaces designated as three-hour parking.
- H. Spring/Main Street West Parking Lot has [43] **51** spaces designated as [timed] **metered** parking available from 10:00 a.m. to 8:00 p.m. Monday through [Sunday] **Saturday**, overnight parking from 8:00 p.m. to 8:00 a.m., and parking for no charge **on Sunday and daily** between 8:00 a.m. and 10:00 a.m. Spring/Main Street West Parking Lot also has [25] **15** parking spaces designated as long-term parking requiring a municipal permit as detailed in § **250-33**[,]. [which long-term parking spaces also shall be designated as three-hour parking on Saturdays between the hours of 6:00 a.m. and 6:00 p.m.]
- I. Spring/Main Street East Parking Lot has 19 spaces designated as [timed] **metered** parking available from 10:00 a.m. to 8:00 p.m. Monday through [Sunday] **Saturday**, overnight parking from 8:00 p.m. to 8:00 a.m., and parking for no charge **on Sunday and daily** between 8:00 a.m. and 10:00 a.m. Spring/Main East Parking Lot also has six spaces designated as long-term parking requiring a municipal permit as detailed in § **250-33**.
- J. Broadway South Parking Lot has 18 spaces designated as two-hour parking, [19] **24** spaces **designated** as long-term parking requiring a municipal permit as detailed in § **250-33** and [nine] **5** spaces **designated** for municipal vehicles only.
- K. Brandreth Street Parking Lot has 17 parking spaces designated as three-hour parking and 42 parking spaces **designated** as long-term parking requiring a municipal permit as detailed in § **250-33**.
- L. North Highland Avenue East Parking Lot has [two] **2** parking spaces designated as half-hour metered parking, [four] **4** parking spaces designated as two-hour metered parking and [three] **3** parking spaces **designated** as long-term parking requiring a municipal permit as detailed in § **250-33**.
- M. Croton Avenue Parking Lot has [eight] **7** parking spaces designated as [one] **three**-hour parking and [nine] **9** parking spaces **designated** as long-term parking requiring a

municipal permit as detailed in § 250-33.

- N. Eastern Avenue Parking Lot has [two] 2 parking spaces designated as [two] three-hour parking and [eight] 7 parking spaces designated as long-term parking requiring a municipal permit as detailed in § 250-33.
- O. Waller Avenue South Parking Lot has [13] 6 parking spaces designated as [two] three-hour parking and [eight] 15 parking spaces designated as long-term parking requiring a municipal permit as detailed in § 250-33.
- P. Waller Avenue North Parking Lot has [six] 5 parking spaces designated as long-term parking requiring a municipal permit as detailed in § 250-33.
- Q. St. Paul's Parking Lot has 26 parking spaces designated as long-term parking requiring a municipal permit as detailed in § 250-33.

Section 3.

§ 250-33 Permit parking; fees.

[Amended 10-17-2000 by L.L. No. 3-2000; 1-15-2002 by L.L. No. 2-2002; 2-19-2002 by L.L. No. 3-2002; 2-17-2004 by L.L. No. 3-2004; 3-3-2004 by L.L. No. 5-2004; 2-13-2006 by L.L. No. 2-2006; 10-7-2020 by L.L. No. 1-2020; 8-17-2022 by L.L. No. 6-2022]

- A. Permit parking shall be permitted in designated parking spaces in the following municipal parking lots: **Municipal Building**, Spring/Main Street West, Spring/Main Street East, Broadway South, Brandreth Street, North Highland Avenue East, Croton Avenue, Eastern Avenue, Waller Avenue South, Waller Avenue North, St. Paul's Place and Central Avenue Linear Parking. However, no permits shall be issued to commercial vehicles as defined in § 250-1B for any municipal parking lot. **Further, no permits for parking in municipal parking lots shall be issued for the following: a) any vehicle with a gross weight of 5,000 pounds or more, except for passenger vehicles in the class of vehicles known as "sport utility vehicles" which may exceed this maximum weight; b) a tractor or trailer; c) vehicles used primarily for livery or commercial purposes; and d) any vehicle which has been scofflawed by the New York State Department of Motor Vehicles for unanswered parking summonses or for which three or more unanswered parking summonses issued by the Village of Ossining remain outstanding.** Permits for parking in municipal parking lots shall be issued annually by the Village Clerk for the period of January 1 through December 31. All permits for parking in municipal parking lots shall expire on December 31 of the year the permit was issued. Issuance of a permit for parking in municipal parking lots requires submission to the Village Clerk of a complete application including the payment of such fees set by the Board of Trustees. Fees will be published in the annual fee schedule. Permits purchased after January 1 will be sold by the Village Clerk on a pro-rata basis as determined by the fees set by the Board of Trustees.
- B. Except as otherwise stated in this chapter, the permits for parking in municipal parking lots described in Subsection A of this section shall provide for daytime parking between the hours of 8:00 a.m. and 6:00 p.m., nighttime parking between the hours of 6:00 p.m.

and 8:00 a.m., or twenty-four-hour parking in the aforesaid municipal parking lots. Vehicle license plate numbers shall be used to determine if a vehicle is legally parked in any municipal parking lot.

- C. Permits issued for nighttime parking, with the exception of Central Avenue Linear Parking Lot, shall also be valid in spaces otherwise designated for two-hour parking in such lots between the hours of 12:00 midnight and 8:00 a.m., without restriction as to time limitation during such hours.
- D. Parking shall be permitted in Broadway North, Broadway South and Brandreth Street parking lots (except in those areas designated for handicapped parking and municipal vehicles) for temporary purposes in connection with Recreation Department programs for such times as are provided in a temporary recreation parking permit to be issued by the Recreation Department.

Section 4. Effective date.

This local law shall become effective sixty (60) days after filing with the Secretary of State pursuant to the Municipal Home Rule Law.