

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one:)

FILED
STATE RECORDS

of MARBLETOWN

DEC 23 2019

DEPARTMENT OF STATE

Local Law No. 5 of the year 2019

A local law PARKING REGULATION OF HOURS LAW
(Insert Title)

Be it enacted by the TOWN BOARD of the
(Name of Legislative Body)

County City Town Village
(Select one:)

of MARBLETOWN

as follows:

(If additional space is needed, attach pages the same size as this sheet, and number each.)



Local Law No. 5 of 2019
Town of Marbletown
PARKING REGULATION OF HOURS LAW

1. Statement of legislative findings.

- A. The Town Board finds and declares that certain residential and commercial areas are inundated with the parking of vehicles owned by area residents and non-area residents.
- B. The Town Board finds that a lack of parking for residents of these residential areas of the Town of Marbletown has resulted in traffic hazards, congestion, dumping of garbage, 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 parking system within such areas will reduce such hazards. The Town Board, therefore, hereby declares the necessity of adopting a parking system for Town Roads and public parking areas as well as State and County Roads, where applicable.

2. Statement of legislative purpose.

This legislation permits the restriction on duration of time parked at locations within the Town of Marbletown and is intended to achieve the following:

- A. To reduce hazardous traffic conditions resulting from the use of streets within congested areas and uses for the parking of vehicles by persons using districts allocated for public parking, commercial or industrial uses.
- 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 the town 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 limitations for duration and hours of use.

3. Restricted parking established:

- A. The Town Board by Resolution shall establish areas with limited parking hours. These areas may be modified from time to time by resolution as well as the limitations on hours parked may be modified from time to time. The Town Board may instruct the Town Clerk to publish the list of areas that are restricted and the limited number of hours in the official town newspaper. The Town Board shall post parking restrictions and hours on the Official Town of Marbletown Website upon adoption of the town resolution.
- B. Notwithstanding the provisions of any law to the contrary, the Town Board of the Town of Marbletown hereby adopts a local law to provide for a residential parking system, at no cost or at a cost to be determined from time to time by the Town Board in their fee schedule.

- C. The Town Board by Resolution may determine in the future that Resident Parking Permits shall be required and shall issue Resident Permits through the Office of the Town Clerk.
- D. Such residential parking restrictions shall be established within designated areas of the Town of Marbletown as the Town Board determines from time to time by Resolution.
 - a. 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, unless approved by the New York State Department of Transportation.
- E. Notwithstanding anything herein to the contrary, all prohibitions on parking in excess of 24 hours or during snow emergency shall remain in effect for all vehicles within the Town of Marbletown.

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 Town of Marbletown.

RESTRICTED PARKING ZONE

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

TOWN CLERK

The Town Clerk of the Town of Marbletown.

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 the requirements of this article. The application and resident parking permit shall be in such form as said Clerk determines. The Town Clerk shall issue 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 requested. The Town Clerk shall not issue 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 Town.

6. Permit size and placement; proof of residency; eligibility; penalty; parking regulations.

- A. Resident parking permits shall be no smaller than 2"x 2" and affixed to the rear driver's side window.
- B. Town 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 Driver's 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 Marbletown.
- C. No fee or the fee shall be established from time to time by the Town Board for the resident parking permit. 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. 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.

F. 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.

G. The Town Board shall at their annual meeting establish fines for violations of this Local Law.

7. Revocation or refusal of resident parking permits for violations, reapplication upon payment of fines.

A. The Town may revoke the resident parking permit of any area resident who is listed on the records of the town of Marbletown who has repeat violations. 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.

B. 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.

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

8. Local state of Emergency: The Town Supervisor may declare a local state of emergency under NYS Executive Law Art. 2-B which shall not be limited to but may include restricting or limiting parking or use of public roadways.

9. Effective Date: This law shall become effective upon the filing with the Secretary of the State of New York.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 5 of 20 19 of the ~~(County)(City)(Town)(Village)~~ of MARBLETOWN was duly passed by the TOWN BOARD on DEC. 3 20 19, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 ____, and was (approved)(not approved) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20 in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 ____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20 ____.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20 ____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 ____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20 _____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20 ____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

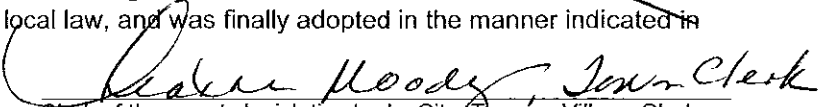
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____ above.


Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: DECEMBER 16, 2019

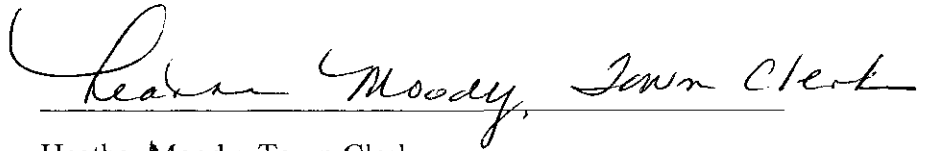
(Seal)

Effective Date of this Local Law

This Local Law shall be effective upon filing with the office of the Secretary of State, and the Town Clerk is directed to immediately file a copy of this Local Law with the New York State Secretary of State as required by law.

I hereby certify that the local law annexed hereto, designated as Local Law No. 5 of 2019 of the Town of Marbletown, was duly passed by the Town Board on December 3, 2019 in accordance with the applicable provisions of law.

I further certify that I have compared the preceding local law with the original on file in this office and the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in above.



(Seal)

Heather Moody, Town Clerk

Date: December 16, 2019

STATE OF NEW YORK
COUNTY OF ULSTER



TOWN OF MARBLETOWN

A regular meeting of the Town Board of the Town of Marbletown was convened in public session at the Town Hall, 1925 Lucas Ave Cottekill, New York on December 3, 2019 at 7:00 o'clock P.M. local time. The meeting was called to order by Supervisor Rich Parete, and, upon roll being called, the following were:

PRESENT: Rich Parete, Don LaFera, Joe Borzumato, Eric Stewart and Tim Sweeney

ABSENT:

The following Resolution was offered by Councilman Stewart, seconded by Councilman Sweeney:

RESOLUTION #97-2019; RESOLUTION TO ADOPT LOCAL LAW #5-2019 "PARKING REGULATION OF HOURS LAW"

WHEREAS, proposed Local Law No. 5 of the year 2019 entitled, "Parking Regulation of Hours Law" was introduced to the Town Board at a meeting held September 17, 2019 at the Rondout Municipal Center, Cottekill, New York, to consider said proposed local law, and said public hearing having been held on October 15, 2019 and all persons appearing at said public hearing deeming to be heard having been heard; and,

WHEREAS, said local law was duly adopted after a public hearing.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Marbletown, New York, does hereby enact and adopt proposed Local Law No. 5 for the year 2019, Town of Marbletown, State of New York, which local law is annexed hereto and made a part hereof; and,

BE IT FURTHER RESOLVED, that this local law shall take effect immediately upon filing with the New York State Secretary of State.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call which resulted as follows:

Councilman Borzumato	Voting <u>Aye</u>
Councilman Sweeney	Voting <u>Aye</u>
Councilman Stewart	Voting <u>Aye</u>
Councilman LaFera	Voting <u>Aye</u>
Supervisor Parete	Voting <u>Aye</u>

Resolution #97-2019 was thereupon adopted.

Heather Moody, Town Clerk/Tax Collector

Dated: December 3, 2019

STATE OF NEW YORK)

COUNTY OF ULSTER) SS.:

The undersigned, Town Clerk of the Town of Marbletown, does hereby certify that the resolution annexed hereto to enact proposed Local Law No. 5 of 2019 was adopted by said Town Board on 12/3/2019 a majority of all Board members voting in favor thereof, and the same has been compared with the original on file in my office and is a true and correct copy of said original and is in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on 12/14, 2019