

**Council Member Conti, Bailey, Calsolaro and Konev introduced the following:**

**Ordinance Number 46.72.11**

**AN ORDINANCE REPEALING ARTICLE VIII (PREPAID PERMIT PARKING) OF CHAPTER 359 (VEHICLES AND TRAFFIC) OF THE CODE OF THE CITY OF ALBANY AND REPLACING IT WITH A NEW ARTICLE VIII (RESIDENTIAL PARKING PERMIT SYSTEM)**

**The City of Albany in Common Council convened, does hereby ordain and enact:**

**Section 1. Article VIII of Chapter 359 of the Code of the City of Albany is hereby repealed in its entirety and replaced with a new Article VIII that shall read as follows:**

**ARTICLE VIII. Residential Parking Permit System**

**§ 359-72. Findings and intent.**

A. The Common Council of the City of Albany and State of New York find that increased automobile use in certain areas of the City of Albany has resulted in traffic hazards, congestion and air and noise pollution detrimental to the health, safety and well-being of its residents. In addition, a lack of adequate on-street parking poses a hazard to residents and other pedestrians in such areas. The City and State find that a residential parking permit system will reduce such hazards and will reduce pollution levels as well. Recognizing that alternate, off-street parking spaces have become available for workers commuting to the down town area, the State of New York has deemed a residential parking permit system necessary in the City of Albany. It is the further intent of this article to expand the availability of short-term parking available for visitors and patrons of small businesses, to ensure the City can successfully comply with air quality regulations and to promote the use of public transportation.

B. This residential parking permit system is adopted pursuant to § 1640-e of the Vehicle and Traffic Law of the State of New York.

**§ 359-73. Definitions.**

As used in this article, the following terms shall have the meanings indicated, unless the context clearly requires otherwise:

**CHIEF OF POLICE**

The Chief of the Albany Police Department or his or her designee.

**CITY CLERK**

The City Clerk of the City of Albany or his or her designee.

#### DWELLING UNIT

One or more rooms, including a kitchen or kitchenette, and sanitary facilities in a dwelling structure, designed as a unit for occupancy by not more than one family for living and sleeping purposes.

#### HOLIDAY

A legal day of observance designated by the State of New York during which state offices are closed.

#### NONRESIDENT

An individual not currently residing within the Permit Area.

#### NONRESIDENT BUSINESS/PROPERTY OWNER PARKING PERMIT

An authorization, based on the submission of adequate documentation in accordance with the provisions of this article, allowing a nonresident owner of a business, property or not-for-profit corporation operating in the City of Albany, and operating within a prepaid parking permit area, to park a vehicle, or vehicles designated by such business, property or not-for-profit corporation, for a period of time within such prepaid parking permit area without regard to the two-hour limitation on streets requiring display of a parking permit.

#### PARKING PERMIT

A business parking permit, residential parking permit or visitor parking permit issued in accordance with this article.

#### RESIDENT

An individual currently residing within the Parking Area based on the submission of adequate documentation in accordance with the provisions of this article.

#### RESIDENTIAL PARKING PERMIT

An authorization allowing a resident individual to park a vehicle operated by such person for a period of time within a prepaid parking permit area without regard to the two-hour limitation on streets requiring display of a parking permit.

#### VISITOR PARKING PERMIT

A temporary authorization allowing an individual to park a vehicle operated by such person for a period of time within a prepaid parking permit area without regard to the two-hour limitation on streets requiring display of a parking permit and for a consecutive period of days not to exceed one week, except for cause.

### **§ 359-74. Establishment of Residential Parking Permit System.**

A. A Residential Parking Permit System is hereby established within the following areas:

Zone A: those neighborhoods generally west of the Empire State Plaza and consisting of designated streets within the neighborhoods identified as Center Square, Hudson/Park, Park South and Washington Park;

Zone B: those neighborhoods generally east of the Empire State Plaza and south of State Street and consisting of designated streets within the neighborhoods identified as Mansion and Pastures;

Zone C: those neighborhoods generally east of the Empire State plaza and north of State Street and consisting of designated streets within the neighborhoods identified as Ten Broeck Triangle.

B. The Residential Parking Permit Area Map is on file with the City Clerk.

**§ 359-75. Permit required; hours.**

A. No person shall park a vehicle, nor allow a vehicle to be parked, for more than 2 consecutive hours per day between the hours of 8:00 a.m. and 6:00 p.m. on weekdays, except holidays, along any street which has been designated a residential parking permit area pursuant to this article, unless the vehicle displays a valid parking permit issued in accordance with this article.

B. A permitted vehicle issued a permit in the form of a decal shall have affixed to the bottom rear corner of the passenger window on the driver's side of the vehicle a valid residential parking permit. All other valid permits shall be displayed in accordance with regulations of the City Clerk.

**§ 359-76. Issuance of residential and nonresident business/property owner parking permits.**

A. Upon application and payment of the applicable fee, any person who is a resident or nonresident business/property owner, who meets the applicable requirements of this article, shall be issued by the City Clerk one valid parking permit for each vehicle registered in the applicant's name or in the name of another upon proof that such vehicle is used exclusively by the applicant. At the time of application the applicant shall indicate the prepaid parking permit area for which a parking permit is requested. The permit shall be valid only within the prepaid parking permit area indicated on the permit. No person, other than a nonresident business owner, may apply for, hold or receive more than one permit, except a visitor permit as otherwise provided for by this article. The City Clerk shall establish guidelines to issue parking permits, including proof of residency and/or ownership requirements. No permit shall be issued to any person or vehicle that has any outstanding parking ticket(s) issued in the City of Albany, at the time of permit application, unless such violation is pending adjudication at the time of the application.

B. Resident permits issued under this section shall be specific for a single vehicle, shall not be transferred, and shall be displayed only as the City Clerk prescribes. The permittee shall remove the permit from the vehicle if the vehicle is sold, leased, or no longer in the custody of the permittee. The permittee shall notify the City Clerk of any change or amendment from the information contained in the original application.

C. Three (3) business employee permits may be issued to a nonresident business/property owner at any time for any business without regard to number of employees or off-street parking. A nonresident business/property owner permit is valid only for the vehicles listed thereon, and shall be displayed on the vehicle for which the permit is being used only as the manager by regulation may prescribe.

D. If the permit or the portion of the vehicle to which a permit has been affixed is damaged such that it must be replaced, the permittee, upon application therefore, shall be issued a replacement. The City Clerk may require display of the damaged permit before a new permit is issued.

E. Permits may not be assigned from one person to another, but may be transferred to another vehicle owner by the permit holder upon application to the City Clerk.

#### **§ 359-77. Issuance of Visitor Parking Permits.**

A. Upon application and purchase of a residential parking permit, a resident of a prepaid parking permit area shall receive not more than one visitor parking permit per household for use within the prepaid parking area for which a permit is issued in accordance with section 359-76 of this article; provided, however, that a resident of a prepaid parking permit area not purchasing a residential parking permit may purchase a visitor parking permit in accordance with the provisions of this article. A nonresident business/property owner shall not be entitled to a visitor parking permit.

B. A visitor permit issued in accordance with this section shall include a unique code assigned by the City Clerk upon issuance that will facilitate the identification of the name and address of the permit holder.

#### **§ 359-78. Temporary Permits.**

Upon application to the manager, any person licensed or registered as a contractor in the city may obtain at no cost a reasonable number of temporary permits for the vehicles of the contractor and the contractor's employees for the period of time that the contractor is engaged in work within a neighborhood Permit Area for which a permit has been issued by the City.

#### **§ 359-79. Fees.**

A. The City Clerk shall collect the following fees at the time a permit is issued:

Residential parking permit - \$25

Nonresident business/property owner permit - \$25

Visitor permit - \$10

Replacement permit - \$10

B. All fees shall be credited to the general fund of the City.

**§ 359-80. Exemptions.**

A. Motor vehicles registered pursuant to § 404-a of the Vehicle and Traffic Law shall be exempt from any permit requirement establish pursuant to this chapter.

B. A resident may apply to the City Clerk for a permit not otherwise available pursuant to the aforementioned rules and regulations in the following circumstances:

(1) Where a home health care provider provides home health care to a resident and regularly drives to the resident's home.

(2) Where a resident has a short-term health emergency.

(3) Such other instances of hardship (excluding self-created hardship) as the City Clerk in his or her discretion determines sufficient for issuance of additional residential parking permits.

**§ 359-81. Penalties for offenses.**

A. Any vehicle parked in the Permit Area in violation of this article may be issued a \$45 parking ticket.

B. No resident or nonresident business owner shall permit a nonresident to use a residential or nonresident business permit issued to a resident or nonresident business owner, or aid a nonresident in any way in obtaining a parking permit. Violation of the terms of this section shall be punishable by a fine not to exceed \$250 and/or suspension of residential parking permit privileges for a period not to exceed 6 months.

**§ 359-82. Rules and regulations.**

The City Clerk, in consultation with the Albany Police Department, Department of Law, Department of Development and Planning, Treasurer's Office and the Albany Parking Authority, may promulgate such rules and regulations as are necessary and proper to carry out the provisions of this article.

**§ 359-83. Review and evaluation.**

A. Six months after the effective date of this article, and annually thereafter, the City Clerk, in consultation with the Albany Police Department, Department of Law, Department of Development and Planning, Treasurer's Office and Albany Parking Authority, shall review and evaluate the implementation of the parking permit system pursuant to this article, including the adequacy of parking permit fees provided herein, and submit a report of his or her findings and recommendations to the Mayor and the Common Council.

B. The Chief of Police, or his or her designee, shall periodically review and assess on-street parking patterns within residential parking permit areas and those residential areas adjacent to such permit areas. The Chief of Police may recommend or take such actions as necessary, within his or her authority to regulate traffic and parking within the city, to address parking or traffic patterns which may prove a nuisance for certain impacted neighborhoods.

**§ 359-84. Commuter parking permits.**

A. The Common Council recognizes that implementation of a residential parking permit system will expand the availability of on-street parking capacity through a reduction in all-day commuter parking. The Council further recognizes that a certain level of excess on-street parking capacity is likely to exist after implementation of the permit system under this Article. It is the Council's intent that a certain level of unutilized capacity may be made available on a market-based rate for nonresident commuters.

B. After implementation of this Article, and upon a finding of the Common Council in consultation with the Chief of Police and the Director of the Albany Parking Authority, the City Clerk may make available a specified number, by zone, of nonresident commuter permits upon authorization of the Common Council.

C. An authorization by the Common Council under this section shall be by legislative enactment, which may be in the form of a resolution, which shall state its findings, the number of nonresident commuter permits which may be issued by zone and the fee therefore.

D. A legislative enactment under this section shall not be made until there has been adequate time to assess the impact of implementation of this article and in no case less than three months from the implementation date of this article.

**§ 359-85. Severability.**

If any section or sections of this chapter shall be declared unconstitutional or otherwise void and ineffective, the validity of the remainder of the provisions hereof and their application shall not be affected thereby.

**§ 359-86. (Reserved)**

**Section 2. This ordinance shall take effect sixty (60) days after passage.**

**APPROVED AS TO FORM  
April 7, 2011**

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**Corporation Counsel**

**To: John Marsolais, City Clerk**  
**From: Patrick K. Jordan, Assistant Corporation Counsel**  
**Re: Request for Common Council Legislation**  
**Supporting Memorandum**  
**Date: July 1, 2011**

**ORDINANCE NUMBER 46.72.11**

**TITLE**

AN ORDINANCE REPEALING ARTICLE VIII (PREPAID PERMIT PARKING) OF CHAPTER 359 (VEHICLES AND TRAFFIC) OF THE CODE OF THE CITY OF ALBANY AND REPLACING IT WITH A NEW ARTICLE VIII (RESIDENTIAL PARKING PERMIT SYSTEM)

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**GENERAL PURPOSE OF LEGISLATION**

To implement a system for permit parking in specified zones in the City. The system was authorized by New York State in 2010 and the Mayor's Task Force on Permit Parking met over a period of 8 month to map out a plan for implementation and to draft an ordinance to carry out the State's legislative intent which is now presented to the Council for it's review. The system would allow residents and business owners who live and/or work within one of the three designated zones to purchase a permit that would allow their vehicle to be parked within a specified zone during between the weekday hours of 8am and 6pm. All other persons would be permitted to park in these same zones for a maximum of two hours per day.

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**NECESSITY FOR LEGISLATION AND ANY CHANGE TO EXISTING LAW**

The enabling legislation requires Common Council action.

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**EXPLANATION OF DEADLINE OR REQUESTED TIME FRAME FOR PASSAGE**

N/A

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**SPECIFICS OF BIDDING OR OTHER PROCUREMENT PROCESS (if applicable)**

N/A

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**SPECIFICS OF REAL PROPERTY SALE OR ACQUISITION (if applicable)**

N/A

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**FISCAL IMPACT(S)**

N/A

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**See attached report from the Task Force on Permit Parking**

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