

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:)

of Hewlett Neck

Local Law No. 2 of the year 2020

A local law to amend Chapter 140 of the Code of the Village of Hewlett Neck,
(Insert Title)

in relation to parking waiver applications.

Be it enacted by the Board of Trustees of the
(Name of Legislative Body)

County City Town Village
(Select one:)

of Hewlett Neck as follows:

Section one. Section 140-20.2(B), is hereby amended to read as follows:

“140-20.2(B). Parking Waivers.

1. The Village Clerk may, upon application, issue a permit to allow a vehicle or vehicles to be temporarily parked at a location where and at a time when parking is otherwise prohibited by the provisions of this chapter. Such application must be submitted: (a) not less than five (5) days prior to the date of the proposed parking, if five (5) or fewer vehicles are anticipated, expected or proposed, or (b) not less than thirty (30) days prior to the date of the proposed parking, if more than five (5) vehicles are anticipated, expected or proposed.
2. All applications for parking waivers shall include the date and time of the proposed parking, number of vehicles proposed, the license plates of all such vehicles, exact location of the proposed parking, including the street, side of the street, and closest intersection, name and contact information of the applicant, and a statement of the need for/purpose of such parking.
3. Parking waivers may be granted only for one side of a street.

4. Upon receipt of an application for the parking of (a) more than five (5) vehicles or (b) a second application for parking of five (5) or fewer vehicles within a one year period, the Village Clerk shall forward the request to the Board of Trustees. If a majority of the Board members request that the application be discussed at the next Board meeting, the Village Clerk shall not issue the permit until such discussion occurs and the Board issues any proposed recommendations, conditions or modifications. The Board may make recommendations and/or propose conditions or modifications, which may include advice to the Village Clerk as to whether the permit should issue, taking into account the considerations set forth in paragraph five (5) of this subsection.
5. In making a determination on any application, the Village Clerk shall issue a permit unless the Village Clerk determines that the proposed parking waiver may unduly burden or be detrimental to the community, unduly impact or impede vehicular and/pedestrian traffic, unreasonably interfere with the use and enjoyment of neighboring properties, or potentially endanger the public's safety, health or welfare by reason of the time, location or duration of the parking. In rendering such determination, the Village Clerk shall consider the recommendations, advice and or proposed conditions and modifications proposed by the Board of Trustees. If the proposed parking is associated with an activity not permitted by the Village Code, the Village Clerk shall deny the application.
6. Upon rendering a determination, the Village Clerk shall send the approval, approval with conditions or modifications, or denial to the applicant..

Section two. Any local law or provision of the Code of the Village of Hewlett Neck in conflict with this local law is hereby repealed to the extent of such conflict, except that such repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of such local law, ordinance or resolution prior to the effective date of this local law.

Section three. If any clause, sentence, paragraph, section, article, or part of this local law shall be adjudged to be invalid by any court of competent jurisdiction, such judgment shall not affect, impair or invalidate any other part of this local law, or the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, article, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section four. This local law shall take effect immediately upon adoption and filing pursuant to the Municipal Home Rule Law.

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

(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. 2 of 2020 of the ~~(County)(City)(Town)(Village)~~ of Hewlett Neck was duly passed by the Board of Trustees on October 26 2020, in accordance with the applicable *(Name of Legislative Body)* provisions of law.

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) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* on _____ 20__ , in accordance with the applicable provisions of law.

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) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20__. *(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) *(Name of Legislative Body)* (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, 1 above.

Michelle Gordon

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

(Seal)

Date: October 26, 2020