

Village of Pelham, NY
Friday, July 18, 2014

Chapter 90. VEHICLES AND TRAFFIC

Article IV. Parking, Standing and Stopping

§ 90-16. On-street overnight parking restrictions.

[Amended 9-6-1988 by L.L. No. 4-1988; 9-20-2005; 11-18-2008 by L.L. No. 5-2008]

- A. The Board of Trustees of the Village of Pelham has determined that:
- (1) Parking motor vehicles overnight on the streets within the Village of Pelham hinders governmental operations, including but not limited to:
 - (a) Cleaning and sweeping streets;
 - (b) Removing snow and ice from the roadways;
 - (c) Locating and identifying stolen or abandoned vehicles; and
 - (d) Protecting residents and their property.
 - (2) Many buildings located in the Village are old and were constructed without providing adequate off-street parking facilities for the users of the property.
 - (3) The owner of a premises is responsible for providing adequate off-street parking facilities for the users of the premises.
 - (4) The complete and absolute prohibition of overnight parking on the streets within the Village may create an extreme hardship to some owners and/or operators of motor vehicles.
 - (5) A partial prohibition of overnight parking with a narrow exception for hardship will allow the Village to perform its governmental functions and provide relief to those who would otherwise suffer undue hardship.
- B. It is prohibited to park motor vehicles on the streets within the Village of Pelham between the hours of 2:00 a.m. and 6:00 a.m. except as set forth below:
- (1) All-night parking of passenger vehicles is permitted at those locations which the Village Board of Trustees has specifically authorized for that purpose.
 - (2) Parking at the long-term parking meters on First Street east of Wolf's Lane is only prohibited between the hours of 2:00 a.m. and 5:00 a.m.
 - (3) An individual who has been granted a hardship overnight parking exemption (HOPE) may park on the street overnight.
- C. A HOPE will be granted if the following conditions are met:
- (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 constructed by the owner;
 - (2) The applicant is disabled and cannot walk to the nearest municipal lot; and
 - (3) The applicant either owns a motor vehicle registered pursuant to § 404-a of the Vehicle and Traffic Law of New York State or holds a valid permanent or temporary handicapped parking permit issued by the Town of Pelham pursuant to § 1203-a of the Vehicle and

Traffic Law of New York State.

- D. A temporary HOPE is available to the owner or operator of a motor vehicle who has a temporary need to park a motor vehicle at a premises where no parking is provided or available. A temporary HOPE allows the holder to park a passenger motor vehicle overnight on the street at a specific address for a maximum of five consecutive nights, provided that the applicant is not a regular occupant or user of such premises. A temporary HOPE may be obtained from the Police Department, which shall obtain the name and address of the applicant, license plate number of the vehicle to be parked on the street overnight and the address of the premises near which the vehicle will be parked. A temporary HOPE granted pursuant to this subsection shall not be renewable or granted to the same applicant or vehicle for a period of one month from the date of the expiration of the temporary HOPE.
- E. No HOPE shall be granted:
- (1) For the following vehicles:
 - (a) Any commercial vehicle;
 - (b) Any tractor or trailer;
 - (c) Any vehicle used primarily for livery or commercial purposes; or
 - (d) Any vehicle for which there are three or more outstanding unanswered parking summonses issued by the Village of Pelham.
 - (2) To any applicant who is the owner or related to the owner of the premises and who does not use the parking space on the premises for his or her car.
 - (3) To create additional parking at a premises that has limited or no parking.
- F. Procedure to apply for a hardship overnight parking exemption (HOPE):
- (1) An applicant for a HOPE shall obtain the application form from the Village. Then the applicant shall submit to the Village Clerk a completed application form, the required supporting documentation and the nonrefundable annual fee to be set by resolution of the Board of Trustees.
 - (2) The Village Clerk shall process the HOPE application and investigate whether the applicant meets the requirements for a HOPE. If so, the Village Clerk will issue a HOPE permit that will be valid until the end of the calendar year. The permit will cover one vehicle, owned or operated by the applicant, which is to be parked at a specific address. No more than one HOPE permit will be issued to any dwelling unit. Any appeals of the Village Clerk's decision will be heard and decided by the Village Administrator.
 - (3) All applications for a HOPE permit must include the following documents:
 - (a) A copy of the applicant's valid driver's license;
 - (b) A copy of the car registration for the passenger vehicle for which the HOPE will be used;
 - (c) Payment of the annual fee to be established by resolution of the Board of Trustees;
 - (d) A copy of the applicant's current New York State Motor Vehicle Form 664.1 with its medical certification completed;
 - (e) A copy of the driver's valid, current, handicapped parking permit issued pursuant to § 1203-a of the Vehicle and Traffic Law of New York State or a copy of the registration of the passenger car issued pursuant to § 404-a of the Vehicle and Traffic Law of New York State; and
 - (f) The applicant's written explanation of why he or she neither has nor can create adequate, accessible parking at the location where he or she must park overnight and why the issuance of a HOPE permit is necessary because of his or her disability.
- G. To renew the HOPE, the applicant must submit an updated application form and pay the annual fee set by resolution of the Board of Trustees.

H. A HOPE will terminate:

- (1) If an updated application form is not submitted annually;
- (2) If the annual fee is not paid;
- (3) If the applicant's vehicle is sold or its title is transferred;
- (4) If the applicant's driver's license or vehicle registration is suspended or revoked;
- (5) If the insurance for the vehicle is canceled; or
- (6) If any of the facts set forth in the application change materially, and the changed circumstances no longer satisfy the requirements for a HOPE.

I. Whenever a vehicle subject to a HOPE is parked on the street overnight, the HOPE permit must be displayed conspicuously in the vehicle so that it is easily visible through the front windshield.