

PART II – GENERAL LEGISLATION

Chapter 170 – Parking – see also Chapter 150 – Motor Vehicles and Traffic

[Adopted, December 27, 2012, as Chapter 170 of the Code]

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Article I Parking, Standing Stopping

Section 170-1 – Application of article – The provisions of this article shall apply except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device.

Section 170-2 – Parking prohibited at all times

A. The Board of Trustees is hereby authorized and empowered to designate from time to time streets or portions of streets in the Village wherein the parking of any vehicle shall be prohibited, which said streets or portion of streets shall be designated by a proper sign or signs.

B. It shall be unlawful for the operator of any vehicle to park or leave standing said vehicle in any such streets or portions of streets.

Section 170-3 – No stopping – No person shall stop a vehicle upon any of the streets or parts of streets where appropriate signs are posted.

Section 170-4 – No standing – No person shall stand a vehicle upon any of the streets or parts of streets where appropriate signs are posted.

Section 170-5 – Parking prohibited certain hours – No person shall park a vehicle between limited hours upon any of the streets or parts of streets where appropriate signs are posted.

Section 170-6 – No stopping certain hours – No person shall stop a vehicle during limited times upon any of the streets or parts of streets where appropriate signs are posted.

Section 170-7 – No standing certain hours – No person shall stand a vehicle during the time limits specified upon any of the streets or parts of streets where appropriate signs are posted.

Section 170-8 – Time Limit Parking – No person shall park a vehicle for longer than the time limit specified upon any of the streets or parts of streets where appropriate signs are posted

Section 170-9 – Loading zones – The locations described under Parking Regulations and on file in the Village Office, are hereby designated as loading zones, and there shall be no parking, stopping or standing in said loading zones at any time.

Section 170-10 – Parking spaces for the handicapped – Pursuant to § 1203-b of the Vehicle and Traffic Law of the State of New York, the areas described under Parking Regulations and on file in the Village Office, are hereby designated as places for parking for handicapped persons; and parking in said areas by other persons is hereby prohibited.

Section 170-11 – Bus stops – The locations described under Parking Regulations and on file in the Village Office, are hereby designated as bus stops, and there shall be no parking, stopping or standing in said bus stop zones at any time.

Section 170-12 – Blocking access to public streets prohibited – No person, entity, partnership or corporation shall be allowed to park, place, stand or stop any motor vehicle on any street in the Village of Marcellus or on any other Village property which blocks or obstructs access to an entrance or exit of any street.

Section 170-13 – All-night parking

A. The parking of vehicles is hereby prohibited on all highways within the Village between 2:00 a.m. and 7:00 a.m. from November 1 to April 1, except as otherwise specifically provided in this chapter.

B. The parking of vehicles is hereby allowed in the public parking lots between 2:00 a.m. and 7:00 a.m. from November 1 to April 1 except as otherwise specifically provided in this chapter.

Section 170-14 – No parking here to corner – No person shall park a vehicle within 10 feet of any intersection.

Section 170-15 – No parking or standing near fire hydrants – No person shall stand or park a vehicle within 12 feet of a fire hydrant.

Section 170-16 – Double and diagonal parking – Double-parking of vehicles is prohibited on all streets and highways within the Village. Diagonal parking of vehicles is prohibited on streets and highways in the Village.

Section 170-17 – Parallel standing or parking – All vehicles left standing or parked in parking spaces or parking meter spaces on Village streets shall stand or be parked parallel with the curb or curb-line facing in the direction of traffic and with the wheels on the right side of said vehicle not more than eight inches from said curb or curb-line, except in such places on said streets where standing or parking in any manner is otherwise specifically prohibited, and except that vehicles used for the transportation of merchandise, material or property may stop

on any street or may back into the curb to expeditiously discharge or take on loads when such stopping or backing into the curb does not interfere with the free movement of traffic and except that a vehicle may stop for the expeditious discharging or taking on of passengers when such stopping does not interfere with the free movement of traffic.

Section 170-18 – Other unlawful parking or standing

A. No person shall stand or park a vehicle upon any street or in any of the parking areas or spaces prescribed in this chapter for the purposes of:

- (1) Displaying it for sale.
- (2) Washing, greasing or repairing such vehicle except for such repairs as may be necessitated by an emergency.
- (3) For the primary purpose of advertising.

B. No person shall stand or park a vehicle upon any street in any of the parking areas or spaces or in any public parking lot prescribed within this chapter unless such vehicle is validly registered and inspected pursuant to the laws of the State of New York.

C. No person shall stand or park a vehicle upon any street that shall block in whole or in part the entrance or exit of a driveway.

D. No person shall stand or park a vehicle upon any sidewalk.

Section 170-19 – Fire lane

A. It shall be a violation of this chapter to park or stand a motor vehicle or trailer in any area in the Village of Marcellus designated as a fire lane.

B. Penalties for violations of this section shall be those contained in Section 170-46 herein. In addition, any vehicle parked in violation of this section may be towed and the owner/operator shall, in addition to any penalties for the violation of this section, be responsible for all towing and storage charges incurred.

Section 170-20 – Parking Restrictions – which are subject to change by Board Resolution are:

<u>Street</u>	<u>Location</u>	<u>Sign</u>
Bradley St	East end – Dead End Sign	No Parking Any Time
Chrisler St	North side – length of street	No Parking This Side
E. Main St	North side – # 27 E Main – Grocery Store In driveway between sidewalk and street	No Parking Any Time
	North side – from corner of Orange Street to #5 East Main Street	2 Hour Parking
	North side – from #5 to Corner of North Street)	No Parking Any Time
	North side – 50 feet east, to North Street	No Parking Here to Corner
	South side – 10 feet east, to South Street	No Parking Here to Corner
	South side – from #26 west to South Street	2 Hour Parking (8 to 6)
	South side – # 2 East Main Street – 3 signs	2 Hour Parking (Cars Only)
		Handicap Parking
		No Parking

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First St	East side – length of street	No Parking (This Side)
	West side – from #21, south	No Parking Here to Corner
	West side – from #19, north	No Parking Here to Corner
	West side – 60 feet north, from Slocombe Ave	No Parking Here to Corner
Kelly Ave	East side – 100 feet north, from Slocombe Ave	No Parking Here to Corner
	West side – 50 feet north, from Slocombe Ave	No Parking Here to Corner
Maple St	North side – length of street	No Parking This Side
North St	East side – from East Main Street, north for 75 feet	No Parking / Bus Stop
	East side – 75 feet to 150 feet, north	2 Hour Parking
	East side – from #16 to #40 North Street	No Parking This Side
	West side – in front of # 3, # 5, # 7 Driveways	No Parking / Fire Lane
	West side – from # 17 to # 3	2 Hour Parking
	West side – from # 3 to West Main Street	No Parking / Bus Stop
	West side – from Reed Parkway south, 60 feet	No Parking Here to Corner
Old North St	East side – from Scotch Hill to the Creek	No Parking This Side
Orchard St	North side – 75 feet west, to Old North Street	No Parking Here to Corner
	South side – length of street	No Parking This Side
Orange St	East side – from East Main, 90 feet north	No Parking Here to Corner
	East side – from Maple Street, 75 feet south	No Parking Here to Corner
	West side – from # 3 to Maple Street	No Parking This Side
Park St	South side – from South Street to Dead End	No Parking This Side
Paul St	South side – from North Street to # 2	No Parking This Side
Reed St	North side – length of street	No Parking This Side
	South side – from # 17, east to First Street	No Parking Any Time
	Reed Parkway North side – near North Street	No Parking Here to Corner
Slocombe Ave	North side – length of street	No Parking This Side
	North side – front of Library	Handicapped Parking
	South side – to Methodist Church	2 Hour Parking
	South side – 75 feet east to West Main Street	No Parking Here to Corner
	South side – from Kelly Ave, 110 feet east	No Parking (Any Time)
South St	East side – from Main Street south to south end of # 3 South Street	No Parking
	West side – .13 miles, south	No Parking Any Time
	North side – from Slocombe Ave to Village limits	No Parking This Side
W. Main St	North side – from North Street, 30 feet west	2 Hr Handicapped Parking
	South side – from Village Parking Lot to Catholic Church	2 Hr Parking (8 to 6)
	South side – entrance to Municipal Lot (3 car lengths)	No Parking This Side
	South side – from South Street west 75 feet	No Parking Here to Corner
	South side – from Academy Green west, approximately 300 feet	No Parking (Any Time)

Sections 170-21 – 170-25 – Reserved

Article II – Snow Emergencies

Section 170-26 – Purpose

A. This article is being enacted to ensure better service for the residents of our Village on streets in order to ensure the safe passage for residents and emergency vehicles during a snow emergency.

B. This article is further being enacted to ensure access to all major highways and public facilities and to ensure quick plowing and early widening of our Village streets for snow removal.

Section 170-27 – Declaration of Snow Emergency – Scope – A snow emergency will be declared on all Village streets when the Mayor declares a snow emergency for the area.

Section 170-28 – Parking Restrictions – Parking will not be allowed and permitted on all Village streets during said snow emergency.

Section 170-29 – Violations and Penalties – Any vehicle parked in violation of this section may be towed and the owner/operator shall, in addition to any penalties for the violation of this section, be responsible for all towing and storage charges incurred.

Sections 170-30 – 170-35 – Reserved

Article III – Commercial Vehicle Parking

Section 170-36 – Parking Restrictions – This article shall not apply to commercial vehicles that are used by a homeowner for personal transportation and are no more than 7 feet tall and 7 feet wide.

A. Public streets.

(1) Only pleasure-passenger motor vehicles not exceeding seven feet in height with passenger license plates are permitted and allowed to park on Village public streets except as set forth in Subsection A (2).

(2) Parking restrictions.

(a) Commercial vehicles shall not be allowed to park on Village public streets unless said commercial vehicle is actually engaged in loading or unloading at premises located on said street, or is being used in connection with construction, repairs or emergency service relating to the premises located within said street.

(b) For the purposes of this subsection, buses and cabs shall be allowed at any time to discharge and take on passengers.

(c) For the purpose of this subsection, a "commercial vehicle" shall be defined as any vehicle other than pleasure-passenger motor vehicles with passenger license plates, and a "commercial vehicle" shall further be defined as set forth in the Vehicle and Traffic Law of the State of New York.

(d) Any pleasure-passenger motor vehicle with passenger license plates that have commercial writing or advertising on said vehicle or truck or which has no windows at all on the sides of the said vehicle or truck shall be considered a commercial vehicle under this subsection.

(e) This subsection shall be applicable to residential districts as defined on the Official Zoning Map of the Incorporated Village of Marcellus.

(3) In conjunction with the above provisions and as defined in the Vehicle and Traffic Law of the State of New York, a "commercial vehicle," for the purposes of this subsection, is defined as every type of motor-driven vehicle used for commercial purposes on the public streets of the Village, such as any commercial service whatsoever and motor coaches carrying passengers, and including the use of commercial vehicles for the transportation of passengers for any business purpose of any kind whatsoever or the use of a commercial vehicle to a residence in the Village from the place of employment of the operator and/or owner of said motor vehicle or for the use to a place of employment from a place of residence in the Village or from a place of residence in the Village to another residence. Such commercial vehicles shall include, among other vehicles, trailers and semi-trailers, boats and campers, and any vehicle which is not a pleasure-passenger motor vehicle with passenger license plates used for passenger use only shall be considered a commercial motor vehicle.

(4) This subsection is being enacted as a reasonable exercise of the municipal police power and in the best interests, protection, order, conduct, safety, health and well-being of the residents of the Village and in the best interests in the enforcement of Village governmental services for the benefit of its residents. Considering the local circumstances and community setting, the Village Board determines that the parking of non-passenger motor vehicles would be unnecessarily offensive to the visual sensibilities of the average Village resident and would materially and economically detract from the Village and community.

B. Private residential property.

(1) Limitations.

(a) Parking restrictions.

[1] Every commercial vehicle as defined and implied in the Vehicle and Traffic Law of the State of New York which is over the height of seven feet six inches is hereby prohibited and banned from parking, standing or stopping on or upon private residential property within the Incorporated Village of Marcellus between the hours of 7:00 p.m. and 7:00 a.m. on Monday through Friday, inclusive, and is prohibited from parking, standing or stopping at any time on Saturday, Sunday or holidays.

[2] Not more than one commercial vehicle which is nine feet or under in height shall be parked in any area or stored in or on any area other than a garage on any residential property within the Village of Marcellus. Whether a structure constitutes a legal garage shall be determined by the ordinances and local laws of the Village of Marcellus.

[3] Not more than two commercial vehicles, regardless of exceptions, shall be parked in any area or stored in or on any area on any residential property within the Incorporated Village of Marcellus, and only one of which commercial vehicles can be un-garaged.

[4] Under no circumstances or exceptions shall any commercial vehicle which is more than nine feet in height be parked anywhere on any residential property within the Incorporated Village of Marcellus.

(b) Registration.

[1] Any person, partnership, corporation or entity presently owning a commercial vehicle which is legally insured and registered, which commercial vehicle is over seven feet six inches in height and which is nine feet in height or less, and which ownership, insurance and registration on said commercial vehicle was effectuated on or before May 21, 1984, must register such commercial vehicle with the Village of Marcellus no later than October 1, 1984, by filing with the Village a verified written statement, which statement shall be provided by the Village to said person, partnership, corporation or entity. Upon satisfactory filing of said written statement with the Village, the applicant shall be limited to one commercial vehicle per residence and under these strict conditions shall be exempt from the terms and provisions of Subsection B(1)(a).

[2] Once the commercial vehicle which has been registered with the Village as set forth in Subsection B(1)(b)[1] above is no longer serviceable or operable or is no longer legally insured or registered under the laws of the State of New York, then said person, partnership, corporation or entity must comply with Subsection B(1) of this section.

(c) Under exceptional circumstances and facts, a person, partnership, corporation or entity may petition the Board of Trustees, in writing, for relief or exception from the terms and provisions of Subsection B(1) of this section, and the decision of the Board of Trustees, which shall be in writing, shall be final and conclusive on all parties concerned.

(2) For the purposes of this subsection, recreational vehicles, boats and trailers used solely for recreational purposes exclusively shall not be included as commercial vehicles as described in Subsection B (1).

(3) For the purposes of this subsection, commercial vehicles, except those vehicles described in Subsection B (2), shall be every type of motor vehicle used for commercial purposes, such as the transportation of goods, wares, merchandise and motor coaches carrying passengers, including trailers and semi-trailers, vans and tractors, where used in combination with a trailer and semi-trailer and other commercial vehicles as defined in the Vehicle and Traffic Law of the State of New York.

Section 170-37 – Petition for relief – Under exceptional circumstances and facts, a person, partnership, corporation or entity may petition the Zoning Board of Appeals, in writing, for relief or exception from the terms and provisions of Section 170-36 of this article, and the decision of the Zoning Board of Appeals, which shall be in writing, shall be final and conclusive for all parties concerned.

Sections 170-38 – 170-40 – Reserved

Article IV – Removal and Storage of Vehicles

Section 170-41 – Authority to impound vehicles

A. When any vehicle is parked or abandoned on any highway or public parking lot within this Village during a snowstorm, flood, fire or other public emergency which affects that portion of the public highway or parking lot upon which said vehicle is parked or abandoned, said vehicle may be removed by or under the direction of the Village Clerk.

B. When any vehicle is found unattended on any highway or public parking lot within the Village where said vehicle constitutes an obstruction to traffic, said vehicle may be removed by or under the direction of the Village Clerk.

Section 170-42 – Storage and charges – After removal of any vehicle as provided in this article, the Village Clerk may store or cause such vehicle to be stored in a suitable place at the expense of the owner. Such owner or person in charge of the vehicle may redeem the same upon payment to the person, with whom stored, of the amount of all expenses actually and necessarily incurred in effecting such removal and storage.

Section 170-43 – Notice of removal – It shall be the duty of the Village Clerk to ascertain to the extent possible the owner of the vehicle or the person having the same in charge and to notify him of the removal and disposition of such vehicle.

Sections 170-44 – 170-45 – Reserved

Article V – Penalties

Section 170-46 – Fines – the fine for all parking violations referenced in this chapter shall be up to Two hundred and fifty Dollars (\$250.00) per violation. If the fine is not paid within thirty (30) days after the issuance of the ticket or notice therefore, a one hundred dollar (\$100.00) penalty shall be added thereon. Each day that a violation continues represents a separate and distinct violation.

Sections 170-47 – 170-50 – Reserved