

PUBLIC HEARING NOTICE VILLAGE OF TARRYTOWN

PLEASE TAKE NOTICE that the Board of Trustees of the Village of Tarrytown will hold a public hearing on the 21st day of September, 2015, at 8 PM, in the Municipal Building, One Depot Plaza, Tarrytown, New York to hear and consider and to act upon a proposed amendment to add section 4 to Chapter 165 of the Code of the Village of Tarrytown entitled Fire Prevention to address parking of vehicles designated for official use by the Fire Chief, First Assistant Fire Chief and Second Assistant Fire Chief.

Be it enacted by the Board of Trustees of the Village of Tarrytown as follows:

Section A: Purpose.

The purpose of this section is to allow for safe, close and accessible parking at or near the residences of the persons holding the titles of Fire Chief, First Assistant Fire Chief and Second Assistant Fire Chief (individually and collectively referred to herein as the “Tarrytown Fire Chief(s)”) of their official Village of Tarrytown Fire Department (“Fire Department”) vehicles. The Village has found that the Tarrytown Fire Chiefs have specially equipped vehicles for official Fire Department use that are in their possession at all times because, as Fire Chiefs, they are on call at all times. The Tarrytown Fire Chiefs often park their respective official vehicles at their respective residences and need quick and safe access to said vehicles in order to rapidly respond to emergencies, but given the parking constraints in certain parts of the Village, that is not always feasible. This local law is intended to address that issue.

Section B: Parking spaces designated for the Tarrytown Fire Chiefs.

- 1 Notwithstanding any inconsistent provision of any local code, rule, regulation, law or ordinance, upon the appointment of a Tarrytown Fire Chief in accordance with the Fire Department Constitution and Bylaws, the Village Administrator shall, within fifteen (15) calendar days of that Tarrytown Fire Chief requesting designation of a parking space, make a reasoned written determination based upon the location and type of residence of that Tarrytown Fire Chief, the traffic and parking regulations in that area, as well as any other criteria determined by the Village Administrator to be relevant or instructive, as to whether there is safe and reliable parking available at or within close proximity to that Tarrytown Fire Chief’s residence to park their official Fire Department vehicle at any and all hours of the day that will permit quick and safe access in order to rapidly respond to an emergency.
 - a. If the Village Administrator determines such parking is available, the Village Administrator’s written determination shall be filed with the Village Clerk and no further action shall be taken by the Village.
 - b. If the Village Administrator determines such parking is not available, the Village Administrator shall add to the written determination the proposed location of a parking space in close proximity to that Tarrytown Fire Chief’s residence to be designated for the exclusive use of parking their official Fire Department vehicle during their tenure as a Tarrytown Fire Chief.

- i. The Village Administrator's determination as to the proposed location of the designated parking space shall be made by consulting with the Police Chief and Superintendent of Public Works, as well as any other local, state or federal agencies as may be warranted given the location of the proposed parking space, in order to ensure that the designated parking space does not present a safety hazard or undue burden upon the community or impede the Village's ability to provide public services in the area.
 - ii. Within thirty (30) calendar days of the Tarrytown Fire Chief requesting designation of a parking space, the Village Administrator shall submit his/her written determination as to the need for a designated parking space and the proposed location of the parking space to the Board of Trustees for review at the next meeting practicable.
 1. The Board of Trustees shall review the findings of the Village Administrator as to the need for a designated parking space and affirm or modify the determination of the Village Administrator as to the proposed location of the parking space.
 2. The Highway Department shall be notified upon a final determination being made by the Board of Trustees as to the location of the designated parking space and the Highway Department shall undertake to delineate the designated parking space with yellow paint outlining the parking space and signage designating the parking space with the words "Parking for Fire Chief Vehicle Only" within ten (10) calendar days of the Board of Trustees' final determination.
- 2 At any point during the tenure of a Tarrytown Fire Chief who has been assigned a parking space in accordance with subsection B(1)(b) above, the Board of Trustees may, of its own accord or upon recommendation from the Village Administrator, reevaluate the parking space designated and may change and/or eliminate the space designated if it is found to present a safety hazard or undue burden upon the community or impede the Village's ability to provide public services in the area.
- 3 Regardless of whether a Tarrytown Fire Chief has been assigned a parking space in accordance with subsection B(1)(b) above, in the event a Tarrytown Fire Chief moves residences during his/her tenure, he/she shall give the Village Administrator at least fifteen (15) calendar days advanced notice and provide the Village Administrator with the exact date of the move and the address of his/her new residence.
 - a. If that Tarrytown Fire Chief had been assigned a parking space in accordance with subsection B(1)(b) above, immediately upon that Tarrytown Fire Chief moving residences the designated parking space will no longer be for the exclusive use of parking that Tarrytown Fire Chief's official vehicle and will revert back to being governed by the parking regulations governing the space before said designation, or as may have been modified thereafter. The Village Administrator shall instruct the Highway Department to remove the paint delineating the designated parking space within ten (10) calendar days of the Tarrytown Fire Chief moving residences.

- b. Upon the Village Administrator being informed that the Tarrytown Fire Chief will be moving residences and the Tarrytown Fire Chief requesting designation of a parking space at their new residence, the Village Administrator shall consider whether the designation of a parking space is necessary at that Tarrytown Fire Chief's new residence in accordance with the procedure and deadlines set forth in subsection B(1).
- 4 Subject to subsections B(2) and B(3) above, if a Tarrytown Fire Chief is designated a parking space in accordance with subsection B(1)(b) above, the parking space shall remain designated for official use by that person so long as they consecutively and without interruption hold a title within the definition of Tarrytown Fire Chief set forth in section A, but it need not be the same title, and for so long as the Tarrytown Fire Chief resides at the same location as when the parking space was assigned.
- 5 Immediately upon the tenure of a Tarrytown Fire Chief who has been assigned a parking space in accordance with subsection B(1)(b) above ending, for whatever reason, except as set forth in subsection B(4) above, the designated parking space will no longer be for the exclusive use of parking that Tarrytown Fire Chief's official vehicle and will revert back to being governed by the parking regulations governing the space before said designation, or as may have been modified thereafter. The Village Administrator shall instruct the Highway Department to remove the paint delineating the designated parking space within ten (10) calendar days of the tenure ending.

Section C: Application and Enforcement

- 1 This section shall only apply to the persons holding the positions of Fire Chief, First Assistant Fire Chief and Second Assistant Fire Chief during their tenure as such.
- 2 Whenever a parking space has been designated for use by a Tarrytown Fire Chief in accordance with this section, the designated parking space shall only be used for parking that Tarrytown Fire Chief's official Fire Department vehicle and may be used for that purpose at any time of day on any day of the week, regardless of the parking regulations otherwise in effect in the location of the designated parking space.
- 3 No other vehicle may be parked in the designated parking space, regardless of whether the vehicle is owned by the Tarrytown Fire Chief to whom the parking space was assigned. Any other vehicle parked in the designated parking space shall be treated as a parking violation punishable in accordance with Chapter 1, Article II of the Village of Tarrytown Code.

Section D: Supersession of other laws.

1. All laws, ordinances, rules and regulations of the Village are modified and superseded by this article with respect to their application to parking and enforcement.

Section E: Severability

If the provisions of any article, section, subsection, paragraph, subdivision or clause of this local law shall be judged invalid by a court of competent jurisdiction, such order of

judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this local law.

Section F: Effective Date

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.