

# VEHICLE AND TRAFFIC LAWS

## ARTICLE 1 Traffic Commission

### § 44-1. Establishment.

There is hereby established a Traffic Commission composed of nine (9) members appointed by the Mayor with the approval of the Board of Trustees. Two members shall be members of the Board of Trustees, unless the Mayor, in his discretion, elects to be a member of said Traffic Commission, in such case only one member of the Board of Trustees and the Mayor may serve. One member shall be a uniform officer of the Malverne Police Department with the rank of Sergeant or above. The remaining six (6) members shall be residents of the Village. All members of the Traffic Commission shall be voting members with one vote each. Each member's term shall be for a period of two (2) years. No member's term shall continue beyond the term of the Mayor.

### § 44-2. Organization.

The Mayor or her designee shall act as Chairman of the Traffic Commission. A majority thereof shall constitute a quorum, and said Commission may adopt rules relating to the times and places of its meetings and the conduct of its duties.

### § 44-3. Duties.

It shall be the duty of the Traffic Commission:

- A. To cooperate with the Police Department in the enforcement of this ordinance, and the Vehicle and Traffic Law of the State of New York.
- B. From time to time, whenever they shall find it necessary or desirable, in the interests either of expediting the movement of traffic, or of preventing or eliminating delays in or obstructions to the movement of traffic, or of preventing or eliminating any particular hazard to life, limb or property or any special local condition creating or tending to create such a hazard or of otherwise protecting or preserving the persons and property of the residents of this village and the persons using the streets thereof, to adopt directives and regulations and to amend or repeal any directives or regulations adopted by it, relating to:
  - (1) The attaching of green directional arrows to traffic-control signals, as provided § 44-13 hereof;
  - (2) The marking of roadways and crosswalks, as provided in § 44-14 hereof;
  - (3) The placing of markers, buttons or signs at intersections, as provided in § 44-15 hereof;

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- (4) One-way streets, as provided in § 44-16 hereof;
- (5) The exclusion of heavy trucking, as provided in § 44-17 thereof;
- (6) Angle parking, as provided in § 44-21 hereof;
- (7) Loading zones, as provided in § 44-22 hereof;
- (8) Parking adjacent to school property, as provided in § 44-28 hereof;
- (9) Parking in narrow roadways, as provided in § 44-29 hereof;
- (10) Parking in one-way streets, as provided in § 44-30 hereof;
- (11) Parking creating a hazard or delaying traffic, as provided § 44-31 hereof;
- (12) Parking on designated streets, either at any time, or on certain days, or between specified hours or for certain periods between specified hours, as provided in Article VII of this Code.

C. Each directive and regulation of the Traffic Commission, and each amendment or repeal thereof shall be in writing, certified by the Chairman of the Commission, and filed in the office of the Village Clerk, who shall attach the same to this ordinance and shall post notice of the same for not less than ten (10) days in at least three (3) public places, and such directive, regulation, amendment or repeal shall take effect at the expiration of the tenth day of such posting.

### **§ 44-4. Enforcement.**

The Police Department or other appropriate village department designated from time to time by the Board of Trustees shall carry out the directives and regulations duly adopted by the Traffic Commission.

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## ARTICLE II Enforcement of and Obedience to Regulations

### § 44-5. Duty of Police and Fire Departments.<sup>1</sup>

- A. It shall be the duty of the officers of the Police Department to enforce this ordinance and all of the state vehicle laws applicable to street traffic in this village.
- B. Officers of the Police Department are hereby authorized to direct all traffic by voice, hand or signal, in conformance with traffic laws, provided that, in the event of a fire or other emergency or to expedite traffic or to safe guard pedestrians, officers of the Police Department may direct traffic as conditions may require, notwithstanding the provisions of this ordinance.
- C. Officers of the Fire Department, when at the scene of a fire, may direct or assist the police in directing traffic thereat or in the immediate vicinity.

### § 44-6. Compliance with lawful orders and directions.

No person shall willfully fail or refuse to comply with any lawful order or direction of a police officer or Fire Department official when in the performance of his duty.

### § 44-7. Roller skates, etc. restricted.

No person upon roller skates, skateboards, or riding in or by means of any coaster, toy vehicle, sled or similar device shall go upon any roadway except while crossing a street and except upon streets which the Traffic Commission may from time to time designate.

### § 44-8. Moving vehicles; attachment prohibited.

No person upon roller skates, skateboards, or riding in or by means of any coaster, toy vehicle, bicycle, sled or similar device shall attach the same or himself to any moving vehicle upon the roadway, nor shall any person driving or riding upon any vehicle moving upon the roadway permit any person so to attach himself or to attach such skates, coaster, toy vehicle, bicycle, sled or device to such moving vehicle.

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<sup>1</sup> Editor's Note: See Ch. 30, Fire Department; Ch. 30; Police Department.

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### ARTICLE III Traffic-Control Devices and Signs

#### **§ 44-9. Placement and maintenance.**

The Traffic Commission shall place and maintain traffic-control signs, signals and devices when and as required under this ordinance to make effective the provisions hereof, and may place and maintain such additional traffic control devices as it may deem necessary to regulate traffic under this ordinance or under state law, or to guide or warn traffic.

#### **§ 44-10. Obedience by drivers.**

The driver of every vehicle shall obey the instructions of any official traffic-control device applicable thereto placed in accordance with this ordinance, unless otherwise directed by a police officer.

#### **§ 44-11. Official Sign Requirement.**

No provision of this ordinance for which signs are hereby required shall be enforced against an alleged violator if, at the time and place of the alleged violation, an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that signs are required, such section shall be effective even though no signs are erected or in place.

All motorists shall comply with traffic control signs including no U-Turn signs as enacted by the Traffic Commission. (See Appendix A, Schedule I)

#### Appendix A

Attached as an Appendix A to these statutes is a schedule list which is a list of roadways in the Incorporated Village of Malverne which are regulated for U-Turn restrictions, one-way streets, heavy trucking, stop signs, parking restrictions and loading zones. These specific locations are regulated by past legislation and resolutions issued by the Traffic Commission.

#### **§ 44-12. Regulations conspicuously displayed.**

Traffic-control signals shall regulate traffic in accordance with § 44-13 hereof, and also at all intersections between any two (2) such control signals at which appropriate signs clearly indicating such regulation shall be conspicuously displayed.

#### **§ 44-13. Signals; meaning and regulations.**

- A. Whenever traffic is lawfully regulated by a traffic-control signal, the following colors may be used and none other, and those colors, when lighted, shall be obeyed as required by this section and in accordance with their meaning as set forth in this section.
- B. Red shall require that traffic shall stop and remain standing.

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- C. Green shall mean that traffic shall move.
- D. Amber, when used, shall mean that the colors in the signal are about to change and shall require that traffic shall stop and remain standing unless the amber is lighted too late to allow a stop to be made with safety.
- E. Red, when used in a flashing caution signal, shall require that traffic shall stop and then proceed with caution.
- F. Amber, either fixed or flashing, when used in caution signals, shall mean proceed with caution.
- G. The foregoing meanings of amber and red shall not apply to ambulances, fire vehicles, police vehicles and vehicles operated by a chief or assistant chief of a Fire Department or a county fire marshal or assistant county fire marshal when on emergency trips provided such vehicles are driven with caution and adequate warning sounded.
- H. The colors in any such traffic-control signal shall be placed and shall show, with relation to each other, as follows: Red shall be at the top, green shall be at the bottom and amber, when used, shall be in the center.
- I. (1) At all intersections when traffic is controlled by traffic-control signals, movement shall be made on the green light only, except that movement on the red light shall be permitted where the direction of movement shall be indicated by a green arrow which shall flash or light simultaneously with the red light, but such movement on the red light shall be made only after the vehicle moving shall have first come to a full stop and only when interference with vehicular or pedestrian traffic is not occasioned thereby.
- (2) The Traffic Commission is authorized to direct that such green arrows be attached to the traffic-control signal, so indicating the movement of traffic on the red light, at any intersection at which it shall deem such movement necessary or desirable.

### **§ 44-14. Authorization of Traffic Commission.<sup>1</sup>**

The Traffic Commission is hereby authorized:

- A. To direct the marking, by appropriate devices, marks or lines upon the surface of the roadway, of crosswalks at intersections and at other places.

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<sup>1</sup> Editor's Note: On 10-25-55, the Traffic Commission resolved that the Police Department is authorized to mark double white lines down the center of the following streets, within the Village of Malverne, for the control of vehicular traffic: Ocean Avenue, Cornwell Avenue, Tilrose Avenue and Hempstead Avenue.

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- B. To direct the marking of lanes for traffic on street pavements, in conformity with the markings adopted from time to time by the New York State Traffic Commission. It shall be unlawful, except in an emergency, for any person to drive any vehicle across a double line marked on the roadway surface by or under the direction of the Traffic Commission, except where the line consists of a solid line and a broken line and the broken line is on the same side as the vehicle.

### **§ 44-15. Intersection indicators.**

- A. The Traffic Commission may direct the placing of markers, buttons or signs within or adjacent to intersections, indicating the course to be traveled by vehicles turning at such intersections in accordance with this ordinance and the state law.
- B. When authorized signs, markers, buttons or other indications are placed within an intersection indicating the course to be traveled by vehicles turning thereat, no driver of a vehicle shall disobey the directions of such indications.

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### ARTICLE IV One-Way Streets and Heavy Trucking

#### **§ 44-16. Commission authorized.**

- A. The Traffic Commission is hereby authorized to designate streets on which vehicles shall proceed in one (1) direction only and to direct the erection of signs giving notice thereof, and no person shall drive any motor vehicle upon such streets in the direction opposite to that designated when such signs are erected. (See Appendix A, Schedule II)

#### **§ 44-17. Exclusion of heavy trucks.**

- A. The Traffic Commission, is hereby authorized to designate streets from which heavy trucks shall be excluded and to direct the erection of signs giving notice thereof, and no person shall drive any heavy truck, as defined by regulations issued by the Commission, upon such streets when such signs are erected. (See Appendix A, Schedule III)

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### ARTICLE V Right- of- Way

#### § 44-18. Observance of Rules.

All persons driving motor vehicles upon the streets of this village shall observe the following rules:

- A. When in the performance of duty, the following vehicles shall have the right- of- way: United States Mail, police, fire, fire patrol, snow plow, Department of Public Works, emergency repair of public-servicing corporations, ambulances, the military and vehicles equipped with a gong or siren whistle operated by a chief or assistant chief of a Fire Department, provided such gong or siren is being sounded.
- B. Every driver of a vehicle approaching an intersection shall grant the right of way at such intersection to any vehicle approaching from his right, except where otherwise directed by a peace officer or as otherwise provided by this ordinance with respect to intersections where traffic is controlled by traffic-control signals or stop signs.
- C. The vehicle having the center line of the highway on its left shall have the right-of-way. In meeting, both vehicles shall keep to the right, and this without regard to the center line of the highway. Slowly moving vehicles must be kept as near to the curb as practicable.
- D. A vehicle must not be so driven as to impede or obstruct the progress of the apparatus of a Fire Department or any official or employee of a county, town or village in the discharge of his duty at a fire. The driver of a vehicle shall not drive through or within the established fire lines or over a line of fire hose. On the approach of fire apparatus, as evidenced by suitable and continuous warning, the driver of a vehicle must immediately draw up such vehicle as near as practicable to the right-hand curb and parallel thereto, and bring it to a standstill until the apparatus has passed. It shall be unlawful for the operator of any vehicle, other than a municipally owner or emergency vehicle on official business or a vehicle being driven by a member of the Fire Department in response to a fire alarm, to follow closer than five hundred (500) feet any fire apparatus traveling in response to a fire alarm, or to drive into or to stop any vehicle within the block where fire apparatus has stopped in answer to a fire alarm.
- E. Every driver of a vehicle turning to the left at intersections, except where traffic is being controlled by a peace officer, shall yield the right of way to vehicles proceeding straight across the intersection from the opposite direction.



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### **§ 44-19. Funerals, processions and parades.**

No funeral, procession or parade containing one hundred (100) or more persons or twenty-five (25) or more vehicles, excepting the forces of the United States Army or Navy, the military forces of this state and the forces of the Police and Fire Departments, shall occupy, march or proceed along any street except in accordance with a permit issued by the Chief of Police and such other regulations as are set forth herein which may apply.

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### ARTICLE VI

#### **Speeding, Stop Signs, Failure to Yield and Failure to Signal a Proper Turn.**

##### **§ 44-20. Speeding.**

1) No person shall operate a motor vehicle or a motorcycle upon a public highway at such a speed as to endanger the life, limb, or property of any person, nor at a rate of speed greater than will permit such person to bring the vehicle to a stop without injury to another or his property.

(A) No person shall operate a motor vehicle or a motorcycle upon a roadway in excess of the posted speed limit.

(B) No person shall operate a motor vehicle or a motorcycle upon a roadway in excess of ten (10) miles per hour above the posted speed limit.

(C) No person shall operate a motor vehicle or a motorcycle upon a roadway in excess of twenty (20) miles per hour above the posted speed limit.

##### **§ 44-21. Stop Signs.**

When stop signs are near the entrance to any intersection, every driver of a vehicle shall stop such vehicle at such sign or at a clearly marked stop line before entering the intersection, except when directed to proceed by a police officer or traffic-control signal, and then proceed with caution.

##### **§ 44-22. Failure to Properly Yield.**

(A) The driver of a vehicle approaching an intersection shall yield the right of way to a vehicle which has entered the intersection from a different roadway.

(B) When two vehicles enter an intersection from different roadways at approximately the same time the driver of the vehicle on the left shall yield the right of way to the vehicle on the right.

##### **§ 44-23. Failure to Signal--Turning Movements.**

(A) No person shall turn a vehicle at an intersection or turn a vehicle to enter a private road or driveway, or otherwise turn a vehicle from a direct course or move right or left upon a roadway unless and until such movement can be made with reasonable safety. No person shall so turn any vehicle without giving an appropriate signal.

(B) A signal of intention to turn right or left when required shall be given continuously during not less than the last one hundred feet traveled by the vehicle before turning.

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- (C) No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.

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### ARTICLE VII Methods of Parking

#### § 44-24. Closeness to curb.

No person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway in the direction of lawful traffic movement and with the right-hand wheels of the vehicle within six (6) inches of the curb or edge of the roadway, except as otherwise provided in this Article.

#### § 44-25. Angle parking.

- A. The Traffic Commission shall determine upon what streets angle parking shall be permitted and shall direct the marking or placing of signs on such streets.
- B. Angle parking shall not be indicated or permitted at any place where passing traffic would thereby be caused or required to drive upon the left side of the street.
- C. Upon those streets which have been signed or marked by direction of the Traffic Commission for angle parking, no person shall park or stand a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or markings.

#### § 44-26. Loading zones.

The Traffic Commission is hereby authorized to designate loading zones within the business district and shall direct the erection of appropriate signs marking the same, and no person shall park any vehicle within said zones at any time except for the expeditious unloading and delivery of merchandise or materials. (See Appendix A, Schedule VI, for loading zone restriction locations).

#### § 44-27. Parking lights.

- A. Whenever a vehicle is lawfully parked at nighttime upon any street during the hours between one-half ( $\frac{1}{2}$ ) hour after sunset and one-half ( $\frac{1}{2}$ ) hour before sunrise, such vehicle shall be equipped with one (1) or more lamps which shall exhibit a white light on the roadway side, visible from a distance of five hundred (500) feet to the front of the vehicle, and a red light visible from a distance of five hundred (500) feet to the rear.
- B. Any lighted headlamps upon a parked vehicle shall be depressed or dimmed.

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### ARTICLE VIII Parking in Specified Places

#### § 44-28. Stopping, standing and parking restrictions.

- A. No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic-control device, in any of the following places:
- (1) On a sidewalk.
  - (2) In front of a public or private driveway.
  - (3) Within an intersection.
  - (4) Within ten (10) feet of a fire hydrant.
  - (5) On a crosswalk.
  - (6) Within twenty (20) feet of a crosswalk at an intersection.
  - (7) Within thirty (30) feet upon the approach to any flashing beacon, stop sign, or traffic-control signal located at the side of a roadway.
  - (8) Within fifty (50) feet of the nearest rail of a railroad crossing.
  - (9) Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station, within seventy-five (75) feet of said entrance.
  - (10) Alongside or opposite any street excavation or obstruction, when stopping, standing or parking would obstruct traffic.
  - (11) On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
  - (12) At any place where official signs prohibit stopping.
  - (13) On a residential lawn area.
- B. No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb to such distance as is unlawful.

#### § 44-29. Obstruction of free movement prohibited.

No person shall park any vehicle upon a street or alley in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway for free movement of vehicular traffic on a one-way street or alley, or less than twenty (20) feet of the width of the roadway where traffic in both directions is authorized.

#### § 44-30. Parking time restricted.

No person, except a physician on an emergency call, shall park a vehicle on any street for a period of time longer than thirty (30) minutes between the hours of 3:00 a.m. and 5:00 a.m. of any day, without the prior permission of the police.

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### **§ 44-31. Parking prohibitions.**

No person shall park a vehicle upon any roadway for the principal purpose of:

- A. Displaying such vehicle for sale.
- B. Washing, greasing or repairing such vehicle, except repairs necessitated by an emergency.

### **§ 44-32. Parking adjacent to school property.**

- A. The Traffic Commission is hereby authorized to direct the erection of signs indicating no parking upon that side of any street adjacent to any school property.
- B. When official signs are erected indicating no parking upon that side of street adjacent to any school property, no person shall park a vehicle in any such designated place.

### **§ 44-33. Narrow streets.**

- A. The Traffic Commission is hereby authorized to direct the erection of signs indicating no parking upon any street when the width of the roadway does not exceed twenty (20) feet, or upon one (1) side of a street as indicated by such signs when the width of the roadway does not exceed thirty (30) feet.
- B. When official signs prohibiting parking are erected upon narrow streets as authorized herein, no person shall park a vehicle upon any such street in violation of any such sign.

### **§ 44-34. One way street signs.**

The Traffic Commission is authorized to direct the erection of signs upon either side of any one-way street, to prohibit the standing or parking of vehicles, and when such signs are in place, no person shall stand or park a vehicle upon such side of such street in violation of any such sign.

### **§ 44-35. Stopping and standing.**

- A. The Traffic Commission is hereby authorized to determine and direct the designation by proper signs of places in which the stopping, standing or parking of vehicles would create an especially hazardous condition or would cause unusual delay to traffic.
- B. When official signs are erected at hazardous or congested places as authorized herein, no person shall stop, stand or park a vehicle in any such designated place.

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### **§ 44-36. Removal of snow; parking prohibited.**

No person shall park any vehicle or permit any vehicle to remain parked upon any village street after a precipitation of snow thereon of three (3) inches or more, until such street has been plowed or scraped and rendered passable, nor shall any person stop, stand or park any vehicle so as to obstruct equipment clearing the streets of snow.

### **§ 44-37. Parking at railroad station. [Added 1-17-68]**

A. [Amended 2-7-68] The Traffic Commission is empowered to designate, from time to time, municipal parking areas in the Village of Malverne adjacent to any railroad station and tracks and the approaches thereto, wherein the parking or standing of vehicles shall be restricted to vehicles owned or operated by residents of the Village of Malverne. Upon approval of such designation by the Board of Trustees, the parking or standing of vehicles in such designated areas shall be permitted only as hereinafter provided. All such restricted areas shall be marked and indicated by suitable signs. The following areas are hereby designated for restricted parking, pursuant to special licenses to be issued by the Village Clerk:

- (1) The entire parking area at the westerly end of Reese Park on the southerly side of the railroad tracks, adjacent to the railroad station and bounded by Hempstead Avenue, Utterby Road and Church Street, excluding, however, any portion of the area reserved for the parking of taxicabs and the drive or roadway running along the southerly side of the railroad platform.
- (2) Parking space for twenty (20) vehicles in the parking area on the north side of the railroad tracks and contiguous therewith, starting at the pedestrian crossover leading from such parking area to the railroad platform on the south side of the railroad tracks and parking lot adjacent to the Village Hall and running in a southerly direction toward the railroad station.

B. No vehicle shall be parked or permitted to stand in any of such restricted parking areas between the hours of 6:00 a.m. and 6:00 p.m., except on Saturdays, Sundays and holidays, unless a license and sticker bearing the permit number and license number of the vehicle for which it is issued and the year for which issued has been obtained for the vehicle from the Village Clerk and said sticker be affixed to and conspicuously displayed as directed by the Village Clerk.

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- C. Any resident of the village using the railroad as a commuter and owning a vehicle to be used in connection with commuting to and from the railroad station may apply to the Village Clerk for such parking license and sticker in accordance with forms therefor approved by the Board of Trustees. The fee for such license and sticker shall be set by resolution of the Board of Trustees. Said fee shall be paid to the Village Clerk before the issuance of such license and sticker. [Amended 11-22-72]
- D. In the event a vehicle for which a license and sticker have been issued is transferred to another person, the sticker shall be removed and destroyed, but the licensee may apply for a new sticker if he replaces his vehicle with another one. Said sticker will be issued without charge for the balance of the period unused.
- E. No person to whom a license or sticker is issued shall transfer such license or sticker to another person. No person shall display on a vehicle or operate a vehicle on which is displayed a sticker which has been issued for another vehicle.
- F. The payment of the fee and issuance of the license and sticker shall not be construed to guarantee the holder a reserved space.
- G. The Board of Trustees may suspend a parking license where any violation of this ordinance has been reported pending a hearing before said Board or a trial in the Village Court and may revoke a parking license upon any violation of this ordinance being established through such a hearing or by a conviction in said court.
- H. In the event a person has a license revoked, no license shall be issued to such person in that calendar year unless the approval of the Board of Trustees is obtained.
- I. Any person who shall violate or fail to comply with any of the provisions of this ordinance or who shall counsel, aid or abet any such violation or failure to comply, shall be punishable by a fine of not less than thirty dollars (\$30) and not to exceed one hundred dollars (\$100), or by imprisonment not to exceed fifteen (15) days, either or both penalties to be imposed at the discretion of the court.



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### ARTICLE IX Parking on Specified Streets

#### § 44-38. Provisions applicable at all times.

The provisions of this Article prohibiting the standing or parking of a vehicle shall apply at all times or at those times herein specified or as indicated on official signs, 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.

#### § 44-39. Time Limit.

The provisions of this Article imposing a time limit on parking shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing or parking of vehicles in specified places or at specified times.

A. Parking Time Restricted. No person, except a member of the Malverne Ambulance Corp. or a member of the Malverne Fire Department or a physician while actually on an emergency call, shall park a vehicle on any street between the hours of 3:00 AM and 5:00 AM, of any day, without the prior approval of the Police Department. The Police Department, is hereby authorized to grant permission to park a vehicle between the hours of 3:00 AM and 5:00 AM, provided that such permission does not exceed, at any time, more than three (3) consecutive days, nor more than nine (9) days in any one calendar month. Such permission, if granted to one member of a household, shall be deemed to have been granted to all members of that household.

#### § 44-40. Authorization.

A. The Traffic Commission is hereby authorized:

- (1) To designate streets, blocks or places or zones on any streets and places in any parking field upon or at which no person shall stop, stand or park any vehicle at any time between specified hours and/or specified days. **[Amended 1-2-52]** (See Appendix A, Section V designated for parking restrictions.)
- (2) To designate streets, blocks or zones on any streets and places in any parking field upon or at which no person shall stop, stand or park any vehicle at any time between specified hours and /or on specified days. **[Amended 1-2-52]** (See Appendix A, Section V on parking time limits.)
- (3) To designate streets, blocks or places or zones on any streets and places in any parking field upon or at which no person shall stop, stand or park any vehicle longer than a

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limited period between specified hours and/or on specified days. **[Amended 1-2-52]**

- (4) To direct the erection of appropriate signs giving notice notice of any such designation.

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### ARTICLE X Miscellaneous Regulations

#### § 44-41. Observance required.

Every person operating a motor vehicle upon the streets of this village shall observe the following rules:

- A. The driver of a vehicle overtaking another vehicle shall pass on the left side of the overtaken vehicle and not pull over to the right thereof until entirely clear of it.
- B. The driver of a vehicle emerging from an alley, driveway or building shall stop such vehicle immediately before crossing the sidewalk and entering the intersecting roadway, and thereafter shall enter the roadway with care.
- C. It shall be unlawful for the operators of any vehicle to drive the same when there is in the front seat of such a vehicle, such number of persons as to obstruct the view of the operator to the front or sides or to interfere with the driver's control over the driving mechanism of such vehicle. The presence of more than three (3) adult persons over the age of sixteen (16) years in the front seat of other than a commercial vehicle shall be deemed such number of persons within the meaning of this subdivision.
- D. Except where a tow bar or other rigid connection is used, a vehicle shall not be used to tow more than one (1) other vehicle, and the connection between the two (2) vehicles shall not be longer than sixteen (16) feet. A vehicle towed by a rope or other nonrigid connection shall have an attendant in such vehicle when it is being towed.
- E. The driver of a vehicle shall cause the emergency brakes to remain set at all times while the vehicle is unattended.
- F. A gong or a siren whistle shall not be attached to or used on any vehicle other than an ambulance or a vehicle operated by a Police Department, Fire Department, chief or assistant chief of a Fire Department, county or assistant county fire marshal, sheriff or by a regular deputy sheriff when engaged in the performance of duty as a peace officer, or by an authorized public-utility company when on emergency calls, or snow plow, sanding truck or pavement marking machine operated by the state or by a county, town, city or village.
- G. Every driver of an omnibus carrying a passenger or passengers shall bring his vehicle to a full stop before crossing any railroad-grade crossing.

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- H. The driver of any motor vehicle carrying explosive substances or inflammable liquids as a cargo or part of a cargo, before crossing at grade any track or tracks of a railroad, shall stop such vehicle not less than ten (10) feet or more than fifty (50) feet from the nearest rail of such track, and while so stopped shall look and listen in both directions along such track for approaching trains or cars before traversing such crossing.
- I. The driver of a vehicle overtaking or meeting a school omnibus which has stopped for the purpose of receiving or discharging passengers shall bring his vehicle to a complete stop and keep it stationary until such omnibus shall resume motion, or until signaled by the driver to proceed, provided a flashing red signal- light and a sign designating the omnibus as a school omnibus in letters at least four (4) inches in height are displayed on the front and on the rear of such omnibus.
- J. No person shall ride upon the rear of any vehicle without the consent of the driver, nor with any part of his body protruding beyond the sides or ends thereof.

### **K. Vehicles on sidewalks and footpaths.**

No person shall ride, drive or operate any vehicle along any public sidewalk or footpath intended for the use of pedestrians. This section shall not apply to bicycles operated by children ten (10) years of age or under, nor to wheel chairs or similar devices of invalids or cripples who cannot walk.

### **L. Passengers on bicycles and motorcycles.**

No driver of a motorcycle or bicycle shall carry any other person thereon except on a seat securely fastened to the machine in the rear of the driver and provided with foot rests and hand grips or in a side car attached to a motorcycle.

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### ARTICLE XI Violations and Enforcement.

#### § 44-42. Malverne Village Court and Penalties

Any violation of the provisions of the vehicle and traffic law in this code shall be returnable by summons to the Malverne Village Court.

- (1) The first offense shall result in a fine of at least \$35.00 and up to a maximum amount of \$350.00 or imprisonment of not more than fifteen (15) days.
- (2) A second violation within twelve (12) months will be punishable by a fine up to \$500.00 and imprisonment of not more than fifteen (15) days.

These penalties are to apply generally to all violations of any vehicle and traffic law provision in this code unless a different penalty has been enacted relating to a specific provision of the vehicle and traffic law code. All specific fine assessments for parking and other violations of this code shall be subject to determination and revision by the passage of a resolution from the Board of Trustees, including penalties for late payment of fines after a specific court date. (See Appendix B for present 2016 schedule of fines.)

#### (A) Removal of Vehicles for Nonpayment of Parking Tickets

##### (i) Removal authorized:

Any vehicle parked on a public highway, street, and/or thoroughfare; in a municipal parking lot or field; or on other property owned, leased or under the control of the Incorporated Village of Malverne, may be removed or caused to be removed by the Police Department of the Incorporated Village of Malverne where report has been made that three (3) or more delinquent parking tickets or summonses have been issued to such vehicle, or to any individual, entity, or corporation in whose name such vehicle is registered, for violation of any Village parking ordinance or violation of any rule, regulation or designation of the Village Traffic Commission, with regard to parking.

(ii) A parking ticket and/or summons will be deemed to be delinquent if such ticket and/or summons is otherwise adjudicated by the return date of said ticket or summons, or duplicate ticket has been answered, plead or otherwise adjudicated by the return date of such ticket and/or summons but the proscribed fine imposed by plea of or finding of guilt has not been paid within the proscribed time by Court or rule.

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(b) Impoundment and Storage of Vehicles:

Any vehicle removed pursuant to this article shall be impounded and stored in a place designated by the Chief of Police or any Superior Officer acting in his stead, and shall be held until it is redeemed or disposed of pursuant to Vehicle and Traffic Law section 1224.

(c) Lien:

All sums due for delinquent parking tickets and/or summons from the Incorporated Village of Malverne, as well as all fees for towing, impounding and storage of any vehicle removed pursuant to the article shall be a lien on any vehicle so impounded.

(d) Unclaimed Vehicles

Any vehicle removed pursuant to this article, which is not claimed by its registered owner or the authorized agent of the owner, pursuant to written authorization, within ten (10) days of the impounding of such vehicle, shall be deemed to be abandoned and shall be disposed of pursuant to Vehicle and Traffic Law section 1224.

(e) Redemption; Fee:

Any person or entity redeeming any vehicle removed pursuant to this article, shall, prior to obtaining such vehicle, be required to satisfy all past delinquent parking tickets and/or summons issued to such vehicle or to any individual, entity, or corporation in whose name such vehicle is registered, and to pay an impound fee, in cash or certified funds, in such an amount as to be determined from time to time by resolution of the Board of Trustees of the Incorporated Village of Malverne, together with the actual cost of all fees for towing and storage of such vehicle.

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### ARTICLE XII Meter Usage

#### § 44-43. Definitions.

Unless otherwise provided herein, the definitions set forth in Section 2 of the New York State Vehicle and Traffic Law shall control the interpretation of this ordinance.

PERSON--Shall mean and include any individual, co-partnership, association or corporation.

OPERATOR--Shall mean and include every individual who shall operate a vehicle as the owner thereof, or as the agent, employee or permittee of the owner, or who is in actual control of the vehicle.

STREET-- Shall mean any public street, highway, road, avenue, boulevard, lane, path, court or other public way in the Incorporated Village of Malverne.

PARKING FIELD--Shall mean a parking field owned by or under the direct supervision and control of the Incorporated Village of Malverne.

PARK, PARKING or PARKED--Shall mean the standing of a vehicle, whether occupied or not, upon a street or in a parking field, except for a reason or cause beyond the control of the operator of the vehicle.

PARKING METER--Shall mean any mechanical device or meter not inconsistent with this ordinance, placed or erected for the purpose of regulating parking by authority of this ordinance.

PARKING METER ZONE--Shall mean any and all streets or portions thereof or parking fields or portions thereof set aside under the provisions of this ordinance for the installation of parking meters and upon which parking meters have been installed and are in operation.

PARKING- METER SPACE--Shall mean any space within a PARKING-METER ZONE adjacent to a PARKING METER, which is duly designated for the parking of a single vehicle by lines painted or otherwise durably marked upon the curb or surface of the street or parking field adjacent to or adjoining a PARKING METER.

TRAFFIC COMMISSION--Shall mean the Traffic Commission of the Incorporated Village of Malverne.

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### **§ 44-44. Zones.**

The Traffic Commission is hereby authorized to designate, from time to time, as parking-meter zones, any areas, streets or portions of streets or parking fields, or any portion or portions of any parking field situate, lying and being within the Incorporated Village of Malverne, that it may deem necessary, and may from time to time make changes in such zones.

### **§ 44-45. Designation of spaces.**

The Traffic Commission, is hereby directed to fix the number of parking-meter spaces, and the minimum dimensions of each parking-meter zone designated by the Traffic Commission pursuant to Section 44-40. The Superintendent of Public Works is hereby directed and authorized to mark off and designate each such parking-meter space by lines painted or otherwise durably marked upon the curbing or surface of the street or parking field. All parking-meter spaces shall be so marked that vehicles will be required to park parallel to the curb or edge of the pavement, unless otherwise provided by resolution of the Traffic Commission and properly indicated by signs or markings conspicuously located.

### **§ 44-46. Installation.**

- A. The Superintendent of Public Works shall install parking meters in the parking-meter zones designated under Section 44-40, upon the curb, sidewalk or other surface immediately adjacent to each parking space and not more than two (2) feet therefrom. The Chief of Police shall be responsible for the regulation, control, maintenance and use of such parking meters.
- B. Parking meters may be of the type that are set in operation automatically upon the deposit therein of a coin or coins of United States currency, or of the type that are set in operation manually after the deposit of such coin or coins.
- C. Each parking meter shall be so designed, constructed, installed and set, that upon the expiration of the time period registered by the deposit of one (1) or more coins as provided herein, it will indicate by an appropriate signal that the lawful parking-meter period has expired, and during said period of time and prior to the expiration thereof, will indicate the interval of time which remains of such period.
- D. Each parking meter shall bear thereon a legend indicating the days and hours when the requirement to deposit coins therein shall apply, the value of the coins to be deposited and the limited period of time for which parking is lawfully permitted in the parking-meter zone in which such meter is located.

### **§ 44-47. Operation**



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A. The Traffic Commission is hereby authorized to fix from time to time, the hours during which a parking meter must be set in operation as a condition of the lawful use of a parking meter space. The operation of parking meters within the hours so fixed by the Traffic Commission shall be required each day except Sunday and the following legal holidays: **[Amended 2-14-68]**

**Note: Parking meters will be enforced on Francis Street on Sunday.**

- (1) New Year's Day (January 1)
- (2) Martin Luther King Jr. Day
- (3) Lincoln's Birthday
- (4) Washington's Birthday
- (5) Memorial Day
- (6) Independence Day
- (7) Labor Day
- (8) Columbus Day
- (9) Veteran's Day
- (10) Thanksgiving Day
- (11) Christmas Day
- (12) Election Day **[Added 2-14-68]**

B. Except in a period of emergency, as lawfully determined by an officer of the Fire or Police Department, or in compliance with the directions of a police officer or traffic control sign or signal, when any vehicle shall be parked in any parking-meter space, the operator of such vehicle shall, upon entering the said parking meter space, immediately deposit or cause to be deposited in the parking meter controlling said parking-meter space, such proper coin or coins in lawful money of the United States of America as is required for such parking meter for the period of time up to the lawful limit that said operator desires to park in said parking meter space, in accordance with the instructions on said meter, and, when required by the directions on said meter, the operator of such vehicle, after the deposit of the proper coin or coins, shall also set in operation the timing mechanism on such meter in accordance with the directions properly appearing on said meter, and failure to deposit such proper coin or coins and/or to set the timing mechanism when required shall constitute a violation of this ordinance.

C. No person shall permit a vehicle within his control to be parked in any such parking-meter space during the restricted and regulated time applicable to the parking-meter zone in which such meter is located, until the parking meter for such space has been set in operation, nor while such parking meter indicates by signal that the lawful parking time in such space has expired. This provision shall not apply to the act of parking nor to the necessary time which is required to deposit immediately thereafter a coin or coins in such meter.

D. No person shall park a vehicle in any parking-meter space for a continuous period of time longer than that limited period of time for which continuous parking is lawfully permitted in the parking meter zone in which parking meter is

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located, irrespective of the number or amounts of coins deposited in the meter controlling such parking- meter space. In the event of a violation of the prohibition contained in this Subsection D, a separate and distinct violation of this ordinance shall result upon the expiration of each sixty-minute period of such unlawful parking, computed from the time of the first violation. For the purpose of this Subsection D, the time of the first violation shall be the time endorsed on the tag or the summons issued upon such first violation.

- E. No person shall park a vehicle in any such designated parking-meter space during the restricted and regulated time applicable to the parking-meter zone in which such meter is located so that any part of such vehicle occupies more than one (1) such space or protrudes beyond the marking designating such space, except that a vehicle which is of a size too large to be parked within a single designated meter space shall be permitted to occupy two (2) adjoining parking-meter spaces when coins shall have been deposited in the parking meter for each space so occupied, as is required in this ordinance for the parking of vehicles in such space.

### **§ 44-48. Parking Fees**

The Board of Trustees may from time to time, by resolution, adjust the rate at which the fee for the use of a parking-meter space shall be paid.

### **§ 44-49. Defacing, coin substitutions prohibited.**

It shall also be unlawful and a violation of the provisions of this ordinance for any person:

- A. To deface, injure, tamper with, open or willfully break, destroy or impair any parking meter or the usefulness of any parking meter installed under the provisions of this ordinance.
- B. To deposit or cause to be deposited in any parking meter any slug, device, metal substance or other substitute for lawful coins of the United States of America.

### **§ 44-50. Enforcement.**

It shall be the duty of a designated official appointed by the Mayor of Malverne and approved by the Board of Trustees to enforce the provisions of this ordinance.

### **§ 44-51. Collections; duty of Treasurer. [Amended 2-14-68]**

It shall be the duty of the above individual referenced in Paragraph 44-46 to make regular collections of the money deposited in the parking meters, and it shall be the duty of such officer or officers so designated to remove from the parking meters the containers therein containing the coins deposited in said meters and to deliver such containers to the Village Treasurer. The Village Treasurer shall remove the moneys from such

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containers and deposit the same in a bank designated by the Board of Trustees, pursuant to which said bank shall receive the moneys collected from the parking meters, count the same and account therefor to the Village Treasurer, after crediting itself with the agreed compensation for such services provided for in such contract

### **§ 44-52. Use of funds.**

The coins deposited in parking meters shall be used to cover the cost of purchase, installation, operation, maintenance, supervision, protection, inspection, control and use of the parking meters to the extent permitted by law and for any other municipal purpose permitted by law.

### **§ 44-53. Violations and penalties.**

- A. Any person who shall violate or fail to comply with any of the provisions of the parking and meter usage ordinances or who shall counsel, aid, abet or assist in such violation or failure to comply shall be issued a summons returnable in Malverne Village Court and be subject to a fine of not more than two hundred fifty dollars (\$250.00).
- B. Failure to pay as hereby provided or to appear voluntarily in court in response to a citation tag or summons will subject the operator or owner of such vehicle to a warrant for arrest.

### **§ 44-54. Regulations of Traffic Commission.**

Each regulation and directive of the Traffic Commission issued pursuant to this ordinance, and each amendment or repeal thereof, shall be in writing, certified by the Chairman of the Commission and filed in the office of the Village Clerk, who shall attach the same to this ordinance and shall post notice of the same for not less than ten (10) days in at least three (3) public places, and such directive, regulation, amendment or repeal shall take effect at the expiration of the 10<sup>th</sup> day of such posting.

### **§ 44-55. Acquisition of meters.**

The Board of Trustees is hereby empowered to contract for the acquisition and installation of parking meters to be installed pursuant to the provisions of this ordinance, and to provide for payment therefor exclusively from the receipts obtained by the village from the operation of said parking meters.

### **§ 44-56. Reservation of powers.**

Nothing in this ordinance shall be construed as prohibiting the Incorporated Village of Malverne from providing for bus stops, taxicab stands, loading zones and other similar uses in said parking-meter zones or otherwise in said Incorporated Village of Malverne.

### **§ 44-57. Repeal of conflicting ordinances.**

All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed; provided, however, that such repeal

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shall only be to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this ordinance.

### **§ 44-58. Severability.**

If any section, provision or part thereof in this ordinance shall be adjudged invalid or unconstitutional by a court of competent jurisdiction, then such adjudication shall not affect the validity of this ordinance as a whole or any section, provision or part thereof not so adjudged invalid or unconstitutional.

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### ARTICLE XIII Parking Restrictions-Commercial Vehicles.

#### § 44-59. Purpose.

It is the purpose of this local law to preserve and promote the character and appearance and conserve the property values of the village, the attractiveness of whose residential area is one (1) of the economic mainstays of the community, and to that end, it has been found necessary to regulate the parking of commercial vehicles on streets and in or about dwellings.

#### § 44-60. Time limit.

It shall be unlawful for a person, driver or an operator to park a truck or other commercial vehicles or equipment for hire, including a taxicab, in or upon any street, road or alley within the Village of Malverne during the hours of each day for more than four (4) consecutive hours; except, however, that this section shall not apply to nor prohibit the stopping, standing or parking of fire-fighting equipment and vehicles or emergency vehicles, or public utilities and contractors while engaged in the repair, maintenance or construction of streets or street utilities within the village, or contractors providing services to a resident or merchant.

#### § 44-61. Parking in or about dwellings.

No commercial vehicle shall be permitted to be kept or parked on an open lot or in any front, side or rear yard or driveway or upon any open area in or about a dwelling except temporarily while providing services to a dwelling. Nothing in this section shall prohibit the parking by an owner or occupant of a non-commercial motor vehicle in the driveway of a dwelling.

#### § 44-62. Definitions. [Amended 8-6-86 by L.L. No.3, 1986]

For the purpose of this local law, the following terms shall have the meanings indicated.

##### COMMERCIAL VEHICLE:

##### A. Includes every type of motor-driven vehicle:

- (1) Ordinarily used for commercial purposes, whether or not registered as a commercial vehicle.
- (2) Having a gross weight in excess of eighteen thousand (18,000) pounds; or
- (3) Having a length in excess of thirty (30) feet.

##### B. A van with commercial plates shall not be considered a

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“Commercial vehicle” within the meaning of the foregoing definition if not lettering or advertising or equipment is visible from the exterior thereof.

### **§ 44-63. Penalties for offenses.**

Any persons, associations or corporations which or who violate the provisions of this local law, upon conviction, shall be fined not less than fifty dollars (\$50.00) or more than three hundred dollars (\$300.00) for each violation. A summons issued for violation of this section by a police officer or code enforcement officer shall be returnable in the Malverne Village Court.

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### **ARTICLE XIV Public Parking Facilities [Adopted 3-17-82 as L.L. No. 3, 1982]**

#### **§ 44-64 Purpose.**

It is hereby declared that the establishment of public parking areas, from time to time as may be necessary, is a proper public purpose which the Village of Malverne, Nassau County, New York, is authorized to accomplish in order to ensure the orderly growth of the business district of said village.

#### **§ 44-65. Authorization to improve facilities.**

Said Village of Malverne, by resolution of the Board of Trustees, is hereby authorized to improve existing parcels of real property now owned by said village for the purpose of providing public parking facilities and is also hereby authorized to acquire, by purchase or condemnation, parcels of real property and to improve the same to provide public parking facilities.

#### **§ 44-66. Costs.**

The cost of providing such public parking facilities, including the cost of land acquisition, if any, shall be borne by the entire village at large as a general village charge or entirely by the property owners benefited thereby or partly as a general village charge and partly by the owners of land benefited thereby as shall be provided by the resolution adopted by the Board of Trustees of said village authorizing the issuance of obligations therefor or by such other resolution as said Board of Trustees shall deem appropriate.

#### **§ 44-67. Construal.**

Nothing contained in this local law shall be construed to prevent the financing of the providing of all or part of public parking facilities, including the acquisition of land, if any, and improvements to land so acquired or now owned by said village pursuant to the Local Finance Law. Nothing herein contained shall be construed as changing any existing provision of law relating to the exercise of said village's power of condemnation or as changing any existing provision of law relating to assessment of real property or benefit assessments for local improvements.

#### **§ 44-68. When effective.**

This local law shall take effect immediately.

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### **APPENDIX A**

#### Schedule I: No turns.

In accordance with Article III and when properly signposted, traffic shall not make turns of the type indicated below at the following locations:

A. No right turn.

- (1) None prohibited.

B. No U-turn. [Amended 2-14-68]

- (1) Broadway, from Franklin Avenue to Eimer Avenue.
- (2) Hempstead Avenue.
- (3) Church Street, from Utterby Road to Weber Avenue.
- (4) Utterby Road, from Hempstead Avenue to Church Street.
- (5) Ocean Avenue.
- (6) St. Thomas's Place, from Lindner Place to Hempstead Avenue. [Added 11-7-56]

#### Schedule II: One-way streets.

In accordance with Article IV and when properly signposted, traffic shall move only in the direction indicated, upon the following streets:

A. Streets indicated.

- (1) Lindner Place, west from Norwood Avenue to Nottingham Road.
- (2) Nottingham Road, northwest from Hempstead Avenue to Lindner Place.
- (3) Hawthorne Place, north from Wright Avenue to Park Boulevard.
- (4) Carlisle Place, north from Wright Avenue to Park Boulevard.
- (5) Legion Place, east from Franklin Avenue to Slabey Avenue.



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- (6) Slabey Avenue, south from Legion Place to Cornwell Avenue.

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- (7) Norwood Avenue east from Lindner Place to Hempstead Avenue. [Added 2-14-68]
- (8) Entrance to station plaza from Utterby Road.
- (9) Exit from station plaza to Church Street.
- (10) Weber Avenue, east from Church Street to the west-erly side of Britton Circle. [Added 5-12-52]
- (11) Britton Circle, north from Weber Avenue to Church Street. [Added 5-12-52]

### Schedule III: Heavy trucking prohibited.

In accordance with Article IV and when properly signposted, no heavy truck shall be driven upon the streets listed below:

#### A. Streets designated.

- (1) Cornwell Avenue.
- (2) Rider Avenue.
- (3) Ilsley Place.
- (4) Linden Street, from Cornwell Avenue northwest. [Added 12-10-51]
- (5) Ambrose Avenue, from Cornwell Avenue northwest. [Added 12-10-51]

### Schedule IV: Through streets and special stops.

#### A. Main arteries of travel.

- (1) None.

#### B. Dangerous intersections. In accordance with the provisions of Section 1172 of the New York State Vehicle and Traffic Law, when signs are erected giving notice thereof, drivers of vehicles shall stop on each of the streets listed in the left-hand column below before entering the intersections with streets listed in the right-hand column:

Nottingham Road at Lindner Place  
Norwood Avenue at Lindner Place  
Nassau Avenue at Lindner Place  
Ogston Terrace at Malverne Avenue  
Lynmouth Road at Utterby Road  
Park Boulevard at Hempstead Avenue  
Broadway at Hempstead Avenue  
Norwood Avenue at Hempstead Avenue  
Nassau Avenue at Hempstead Avenue

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Malverne Avenue at Hempstead Avenue  
Rider Avenue at Lynmouth Road  
Rider Avenue at Franklin Avenue  
Rider Avenue at Ocean Avenue  
Pinebrook Road at Ocean Avenue  
Park Boulevard at Lynmouth Road  
Malverne Avenue at Cornwell Avenue  
Scarcliffe Drive at Cornwell Avenue  
Motley Avenue at Cornwell Avenue  
Utterby Road at Ocean Avenue  
Foster Avenue at Franklin Avenue  
Broadway at Franklin Avenue  
Alnwick Road at Broadway [Added 5-18-49]  
Sidney Avenue at Dogwood Avenue [Added 2-16-49]  
Morris Avenue at Dogwood Avenue [Added 2-16-49]  
Atlas Avenue at Dogwood Avenue [Added 2-16-49]  
Linden Street at Legion Place [Added 5-17-50]  
Lynmouth Road at Wicks Lane [Added 4-4-50]  
Oxford Street at Wicks Lane [Added 4-4-50]  
Wicks Lane at Rolling Street [Added 4-4-50]  
Northeast and southwest corners of Home Street at  
Foster Avenue [Added 8-1-51]  
King Street at Malverne Avenue [Added 8-8-51;  
amended 2-14-68]  
Hawthorne Place at Rider Avenue [Added 9-12-51]  
Rolling Street at Rider Avenue [Added 9-12-51]  
Ambrose Avenue at Legion Place [Added 1-2-52]  
St. Thomas's Place at Lindner Place [Added 1-2-52]  
Johnson Avenue at Charles Street [Added 11-5-52]  
Aberdeen Street at Rolling Street [Added 11-5-52]  
Church Street at Ocean Avenue [Added 11-5-52]  
Home Street at Gates Avenue [Added 9-15-54]  
Linden Street at Peterhoff Avenue [Added 8-3-55]  
Chestnut Street at Peterhoff Avenue [Added 8-3-55]  
Hanson Place at Rider Avenue [Added 2-13-58]  
North Cambridge at Rider Avenue [Added 2-13-58]  
Utterby Road at Lynmouth Road [Added 2-14-68]  
Malverne Avenue at Lindner Place [Added 2-14-68]  
Malverne Avenue at Burton Street [Added 2-14-68]  
King Street at Sidney Avenue [Added 2-14-68]

### Schedule V: Parking.

A. [Amended 1-2-52] Parking prohibited at all times on certain streets and in certain parking fields. In accordance with Articles VI and VII, and when signs are erected giving notice thereof, no person shall at any time stop, stand or park a vehicle upon any of the following described streets or parts of streets:

(1) North side of Broadway, from Franklin Avenue eighty (80) feet east.

(2) West side of Hempstead Avenue, from Norwood

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Avenue to Dogwood Avenue.

- (3) South side of Nassau Avenue from Hempstead Avenue to Ilsley Place.
- (4) North side of Wicks Lane from Ocean Avenue to North Cambridge Street.
- (5) North side of Utterby Road from Hempstead Avenue to railroad plaza entrance.
- (6) Northwest side of Broadway from seventy (70) feet southwest of Nottingham Road to the bend in Broadway, a distance of approximately one hundred fifty (150) feet. [Added 5-2-49]
- (7) Northeast side of Francis Street from Hempstead Avenue, forty-two (42) feet east. [Added 12-10-51]
- (8) East side of Hempstead Avenue from Francis Street, seventy (70) feet north. [Added 12-10-51]
- (9) East side of Hempstead Avenue from the railroad to approximately one hundred (100) feet south of Park Boulevard. [Added 6-7-54]
- (10) West side of Hempstead Avenue from the Long Island Rail Road to one hundred fifty (150) feet south. [Added 6-7-54]
- (11) West side of Hempstead Avenue from Nottingham Road to one hundred twenty-five (125) feet north. [Added 6-7-54]
- (12) South side of Broadway from Hempstead Avenue to one hundred ten (110) feet west. [Added 6-7-54]
- (13) North side of Norwood Avenue from Hempstead Avenue to one hundred ninety-five (195) feet west of Hempstead Avenue. [Added 10-17-55]
- (14) North side of Malverne Avenue from Hempstead Avenue to opposite the westerly curb of Ilsley Place. [Added 5-23-56]
- (15) Franklin Avenue to the fire line on the north side of Eimer Avenue (Broadway). [Added 1-8-58]
- (16) North side of Norwood Avenue from one hundred ninety-five (195) feet west of Hempstead Avenue to Lindner Place. [Added 10-17-55]

B. [Amended 1-2-52] Parking prohibited at all times between certain hours on certain days on certain streets and in certain parking fields. In accordance with Article VII, and when

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signs are erected giving notice thereof, no person shall at any time stop, stand or park a vehicle between the hours specified and/or on the days designated below, within the district or upon any of the streets or parts of streets as follows:

(1) Every day except Sundays and public holidays:

(a) South side of Nottingham Road.

(b) Northwest side of Broadway from Nottingham Road to approximately seventy (70) feet southwest. [Added 9-8-54]

(2) No parking from 8:00 a.m. to 9:00 p.m., excepting Sundays and holidays:

(a) Both sides of Nassau Boulevard from Hempstead Avenue to Rolling Street. [Added 8-5-58]

C. [Amended 1-2-52; 2-14-68] Parking time limited on certain streets and in certain parking fields. In accordance with Article VII, and when signs are erected giving notice thereof, no person shall stop, stand or park a vehicle for a period of time longer than that specified between the hours designated on the days designated below, within the district or upon any of the streets or parts of streets as follows:

(1) [Amended 2-14-68] One (1) hour between 8:00 a.m. and 6:00 p.m. every day except Sundays and public holidays:

(a) West side of Hempstead Avenue from the railroad to Park Boulevard.

(b) East side of Hempstead Avenue from the railroad to Francis Street.

(c) East side of Hempstead Avenue from Francis Street to Dogwood Avenue. [Added 1-26-49]

(d) South side of Weber Avenue from sixty (60) feet east of Church Street to Lynmouth Road. [Added 9-8-54]

(e) North side of Francis Street from twenty-five (25) feet south of Hempstead Avenue to Trinity Place. [Added 6-7-54]

(f) South side of Francis Street from west entrance to Municipal Parking Field to Trinity Place. [Added 6-7-54] Parking will be enforced on Sundays with regard to Francis Street.

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- (g) South side of Arlington Avenue from Hempstead Avenue to Trinity Place. [Added 6-7-54]
  - (h) East side of Trinity Place from Arlington Avenue to Francis Street. [Added 6-7-54]
  - (i) West side of Trinity Place from Arlington Avenue to forty-five (45) feet north of Francis Street. [Added 6-7-54]
  - (j) Both sides of Utterby Road from Church Street to two hundred twenty-five (225) feet east. [Added 6-7-54]
  - (k) Both sides of Park Boulevard from Hempstead Avenue to Hanson Place. [Added 6-7-54]
  - (l) Both sides of Ilsley Place. [Added 5-1-50]
  - (m) Both sides of Malverne Avenue from Hempstead Avenue to Carrolton Place. [Added 5-1-50]
- (2) [Amended 2-14-68] One (1) hour between 8:00 a.m. and 6:00 p.m., every day except Sundays and public holidays:
- (a) South side of Broadway from the fire line sixty (60) feet west.
- (3) [Amended 2-14-68] One (1) hour between 8:00 a.m. and 6:00 p.m., every day including Sundays and public holidays:
- (a) South side of Nassau Avenue from Ilsley Place to Carrolton Place.
  - (b) North side of Nassau Avenue from Hempstead Avenue to Carrolton Place.
  - (c) East side of Hempstead Avenue from Branch Street to Dogwood Avenue.
  - (d) South side of Norwood Avenue from one hundred ninety-five (195) feet west of Hempstead Avenue to Lindner Place. [Added 9-8-54]
- (4) [Amended 2-14-68] Two (2) hours between 8:00 a.m. and 6:00 p.m., every day except Sundays and public holidays:
- (a) Both sides of Church Street from Utterby Road to Weber Avenue.
  - (b) West side of Hempstead Avenue from the railroad to Norwood Avenue.

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- (c) South side of Utterby Road from Hempstead Avenue to Church Street.
  - (d) North side of Nottingham Road from Hempstead Avenue to Lindner Place.
  - (e) Fifteen (15) parking spaces near the south entrance to Municipal Parking Field on east side of Hempstead Avenue, approximately two hundred (200) feet north of Long Island Rail Road. [Added 2-23-55]
  - (f) South side of Nottingham Road from Broadway to approximately eighty (80) feet west. [Added 9-8-54]
  - (g) West side of Church Street from Weber Avenue to one hundred twenty-five (125) feet north of Weber Avenue. [Added 1-26-49]
  - (h) South side of Broadway from the railroad to the west side of the stores opposite Alwick Road. [Added 1-26-49]
  - (i) Northwest side of Broadway from Nottingham Road to approximately seventy (70) feet southwest. [Added 5-2-49]
- (5) [Amended 2-14-68] Sixty-minute parking, 7:00 a.m. to 8:00 a.m., daily except Sundays and public holidays:
- (a) East side of Hempstead Avenue from Long Island Rail Road to entrance to parking field approximately two hundred (200) feet north. [Added 6-7-54]
  - (b) West side of Hempstead Avenue from one hundred twenty-five (125) feet north of Nottingham Road to two hundred five feet (205) feet north of Nottingham Road. [Added 6-7-54]
  - (c) Municipal parking Field on the west side of Hempstead Avenue opposite Park Boulevard. [Added 8-4-54]
  - (d) West side of Hempstead Avenue from Malverne Avenue to one hundred fifty (150) feet south. [Added 8-4-54]
  - (e) West side of Hempstead Avenue from Nassau Avenue to one hundred ten (110) feet south. [Added 8-4-54]

## VEHICLE AND TRAFFIC LAWS

- (6) Three (3) hours parking, 7:00 a.m. to 6:00 p.m.:
- (a) In Municipal Parking Field adjacent to Francis Street and the Associated Food Store.  
[Added 1-21-52]
- (7) Fifteen (15) minutes between 7:00 a.m. and 6:00 p.m. daily except Sundays and public holidays:
- (a) South side of Weber Avenue from Church Street to sixty (60) feet eastward. [Added 9-8-54]
  - (b) West side of Hempstead Avenue from Norwood Avenue to entrance of Post Office.  
[Added 2-14-68]
- B. [Adopted 1-25-56] No parking at any time.
- (1) From the southerly property line of 296 Hempstead Avenue to sixteen (16) feet northward, in the parking area adjacent to rear of the property.
  - (2) South side of Norwood Avenue from Hempstead Avenue to one hundred ninety-five (195) feet west of Hempstead Avenue. [Added 10-17-55]
  - (3) East side of Hempstead Avenue from fifty (50) feet south of the entrance to the Lutheran Church to fifty (50) feet north of the entrance to the church.  
[Added 10-17-55]

### Schedule VI: Loading zones.

- A. [Added 6-7-54] From 7:00 a.m. to 4:00 p.m., daily except Sunday.
- (1) West side of Hempstead Avenue from Nottingham Road north sixty-six (66) feet. [Amended 2-14-68]
  - (2) North side of Francis Street from Hempstead Avenue to twenty-five (25) feet east of Hempstead Avenue.
  - (3) West side of Trinity Place from building line of Francis Street to forty-five (45) feet north of Francis Street.
  - (4) West side of Hempstead Avenue from the crosswalk at the southerly side of Utterby Road to approximately thirty-five (35) feet south of said crosswalk.  
[Added 8-4-54]



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- (5) North side of Park Boulevard from Hempstead Avenue to forty-five (45) feet east. [Added 9-8-54]
- (6) West side of Hempstead Avenue approximately sixty (60) feet south of St. Thomas's Place. [Added 2-14-68]

# VEHICLE AND TRAFFIC LAWS

## APPENDIX B

Incorporate the relevant provisions of Local law No. 1 of the year 2000

Section I: The purpose of this Local law is to amend the penalty provisions of the parts of this code and to add additional sections to the Village Code. In the event of a conflict between the provisions of this section and the provisions of any other part of this Code, the provision of this section shall prevail. The provisions of this section shall apply to the violation of each such part:

Section II: Notwithstanding anything contained in any Section, Article or Chapter of this code to the contrary, the following shall apply:

- a) The maximum penalty for any violation of any provision of this Parking code shall be a fine, not in excess of \$250 for each violation and/or imprisonment for not more than 15 days.
- b) The Village Justice shall designate the fines to be paid for offenses which may be satisfied at the Office of the Village Court, provided such fines are within the limits established by this ordinance or other provisions of law as penalties for such offenses.
- c) The following is a list of applicable fines relating to the following violations:

Left side to curb	Minimum fine \$30.00 Maximum fine \$60.00
Angle Parking	Minimum fine \$30.00 Maximum fine \$60.00
Outside Lines	Minimum fine \$30.00 Maximum fine \$60.00
Loading Zone	Minimum fine \$30.00 Maximum fine \$60.00
Obstructing Sidewalk	Minimum fine \$30.00 Maximum fine \$60.00
Obstructing Driveway	Minimum fine \$30.00 Maximum fine \$60.00
Obstructing Intersection	Minimum fine \$30.00 Maximum fine \$60.00
Less 10' fire hydrant	Minimum fine \$50.00 Maximum fine \$100.00
Obstructing Crosswalk 20'from Crosswalk/ Intersection	Minimum fine \$30.00 Maximum fine \$60.00
50'from Railroad	Minimum fine \$30.00 Maximum fine \$60.00
Fire Zone	Minimum fine \$50.00 Maximum fine \$100.00
Double Parked	Minimum fine \$30.00 Maximum fine \$60.00

## VEHICLE AND TRAFFIC LAWS

Signs Prohibit/Bus Stop	Minimum fine \$50.00 Maximum fine \$100.00
Obstruct free Movement	Minimum fine \$30.00 Maximum fine \$60.00
Overnight 3 – 5 AM	Minimum fine \$30.00 Maximum fine \$60.00
No Permit at R/R	Minimum fine \$50.00 Maximum fine \$100.00
Res Commuter-No Permit	Minimum fine \$50.00 Maximum fine \$100.00
Res Overnight-No Permit	Minimum fine \$50.00 Maximum fine \$100.00
O/T Un-metered	Minimum fine \$30.00 Maximum fine \$60.00
Overtime Parking Field	Minimum fine \$30.00 Maximum fine \$60.00
Parking Meter Expired	Minimum fine \$30.00 Maximum fine \$60.00
Commercial Parking	Minimum fine \$50.00 Maximum fine \$100.00
Handicapped Parking	Minimum fine \$220 + 30 Maximum fine \$250.00 State Law penalty (\$30)

- d) If the above fine(s) are not paid on or before the summons return date, said fine(s) will be doubled each successive 30 day period to a maximum not to exceed Two Hundred Fifty (\$250) Dollars.

Section III: No motor vehicle shall be operated or parked on a public street or parking field unless a valid certificate of inspection as required by New York State Vehicle and Traffic Law 306- B is properly affixed and displayed upon the vehicle. A violation of this section shall be punishable by a fine of not less than Twenty Five (\$25) Dollars for an expired inspection, and not less than Fifty (\$50) Dollars for an expired inspection of 60 days or more, not to exceed a maximum fine of One Hundred (\$100) Dollars.

Section IV: No motor vehicle shall be operated or parked on a public street or parking field unless a valid certificate of registration as required by New York State Vehicle and Traffic Law 401(1a) is properly affixed and displayed upon the vehicle. A violation of this section shall be punishable by a fine of not less than Twenty Five (\$25) Dollars for an expired registration and Fifty (\$50) Dollars for an expired registration of 60 days or more, not to exceed a maximum fine of Two Hundred (\$200) Dollars.

## VEHICLE AND TRAFFIC LAWS

Section V: No motor vehicle shall be operated or parked on a public street or parking field unless a license plate is properly affixed to the front of the vehicle as required by New York State Vehicle and Traffic Law 402.1 (missing or obscured plate). A violation of this section shall be punishable by a fine of not less than Twenty Five (\$25) Dollars, not to exceed a maximum fine of Two Hundred (\$200) Dollars. And, New York State Vehicle and Traffic Law 402.2 (switched plates). A violation of this section shall be punishable by a fine of not less than Twenty Five (\$25) Dollars, not to exceed a maximum fine of Two Hundred (\$200) Dollars.