

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF OSWEGO, NEW YORK AS FOLLOWS:

The Code of the City of Oswego, New York, Chapter 257, Vehicles and Traffic, Section 257-27, Winter Parking Restrictions, is hereby amended as follows:

ARTICLE VI

Parking, Standing and Stopping

AMEND TO READ:

§257-27 Winter parking restrictions.

- A. Duration of ban. There shall be imposed a ban on parking on all streets within the City limits of the City of Oswego from December 1 of each year until March 31 of the following year. The Mayor may, at the Mayor's discretion, initiate the ban earlier than December 1, or extend the ban beyond March 31, based upon weather conditions. During the period of the ban, no vehicle may park on the streets of the City of Oswego.
- B. Parking in downtown areas. There shall be no parking on downtown streets, during the period of the ban, from 2:00 a.m. to 6:00 a.m. Downtown streets shall be defined as: West 1st Street and West 2nd Street from West Oneida Street to West Cayuga Street; Water Street; West Bridge Street from West 1st Street to West 4th Street; East 1st Street from Oneida Street to the north dead end; East 2nd Street from Route 104 East to East Cayuga Street, and Route 104 East from East 1st Street to East 4th Street. The Common Council, by further resolution, may change which streets shall be considered to be downtown.
- C. Parking in residential areas. There shall be no parking on residential streets from 12:00 midnight to 6:00 a.m. during the period of the ban. All streets not designated as downtown streets shall be considered residential streets.
- D. Winter parking permits.
  - (1) As an exception to the winter parking ban, residents to whom winter parking permits have been issued shall be permitted to park in designated spots on City streets within residential areas with the limitations as hereinafter set forth. In order to obtain a parking permit, a resident must submit an application.
  - (2) Application.
    - (a) Permit applications shall be made available on the City website and from the City Councilors.
    - (b) The applicant shall provide:
      - [1] Applicant's name, address and telephone number;
      - [2] Verification of ownership of and occupancy in the residence near which the applicant is applying for a designated parking spot.
    - (c) The application must be signed by the applicant and shall contain a statement that, by signing the application, the applicant verifies that:
      - [1] The applicant is aware of all parking regulations of the City of Oswego and those which apply specifically to the winter parking ban and agrees to abide by them.
      - [2] The applicant is aware that the permit may be revoked at any time by the Chamberlain's office, at the request of the Councilor for that ward, for a violation of those parking regulations and that, in the event of a revocation on the basis of such a violation, the applicant will not be entitled to a reimbursement of any part of the fee paid for the parking permit.
      - [3] The applicant waives any and all rights, and holds the City harmless and

indemnifies the City, for any damage occurring to or caused by the vehicle of the applicant, whether due to the plowing of the streets by the City or otherwise, while parked on a City street in exercise of the permission to park pursuant to the parking permit.

- [4] The applicant acknowledges that granting of permission to park on the street is not a right or privilege, but rather a revocable license issued by the City, and that the granting of a permit for one winter season does not guarantee that the permit holder will receive a permit for the following or any subsequent winter season and the applicant waives all right to make any claim of detrimental reliance.
- [5] The applicant is aware that the permit is issued to the applicant for the parking of only the vehicle described in the application and is nontransferable.

(3) Permit fee.

- (a) Properties with no off street parking option as outlined below:

- [1] The first parking permit application fee will be \$75.
- [2] The second parking permit application fee will be \$150.

- (b) Properties with one off street parking space and two or more vehicles. The permit application fee will be \$150.
- (c) In the event the application is granted payment must be received at the City Chamberlain's Office before the parking permit sign will be installed.
- (d) The Common Council shall establish the annual application fees each year for subsequent years by resolution. The fees established for the preceding year shall remain in effect unless the Common Council adopts new fees by resolution.
- (e) The fee must be paid annually for each vehicle for which a permit is issued.

(4) Issuance.

- (a) Residents without sufficient off-street parking, as hereinafter described, may apply for a permit to park on, or near, the residential street on which they reside during the winter parking ban. Spaces will be placed as specified below.
- (b) Factors which must exist to allow granting of permits shall include:
  - [1] The applicant has no existing driveway, parking spot or parking pad that would allow the applicant to park at his or her residence, or the applicant has only one parking spot at his or her residence.
  - [2] The applicant must be a resident of the City of Oswego and must be residing on the street on which applicant is applying to park-
  - [3] The vehicle for which the permit is issued must be titled and registered to, or leased by, the applicant.
  - [4] There must be sufficient road frontage to allow the applicant to park in a designated spot without blocking existing driveways or crosswalks. If, in the opinion of the Commissioner of the Department of Public Works, there is insufficient space on the street to accommodate all of the vehicles for which applications have been submitted, the Commissioner may locate the permitted parking space in the nearest location that allows for the safe egress of emergency vehicles and the efficient clearing of snow as outlined below. If there is still not enough space to accommodate the applications received, the Commissioner shall first deny applications by applicants who already have sufficient space in their driveway or parking lot to park one vehicle. If there is still insufficient space on the street to accommodate all the vehicles for which applications have been submitted, residents to whom parking permits shall be issued shall be chosen by a lottery to be conducted by the Commissioner.

- (c) The application shall be submitted to the Chamberlain's office. The Chamberlain shall distribute a copy of the application to the Department of Public Works and to the Councilor of the ward in which the property is located for review and approval by the Commissioner of the Department of Public Works.
  - (d) Applications may be submitted between August 1 and November 1 of each year. The Common Council may change the annual application acceptance period by resolution. The application acceptance period for the preceding year shall remain in effect unless and until the Common Council adopts a new acceptance period by resolutions
  - (e) The application shall require the approval of the Commissioner of the Department of Public Works.. If the application receives the approval of the Commissioner of the Department of Public Works, the Chamberlain shall issue the parking permit to the applicant for the vehicle described in the application.
  - (f) The permit shall be granted only for the one winter season for which it was issued and shall expire at the end of that season. There shall be no reimbursement of any part of the application fee if the Mayor ends the winter parking ban before March 31.
  - (g) If the permit holder sells or otherwise transfers the vehicle for which the permit was issued, the permit shall be revoked and there shall be no reimbursement of the application fee. However, the permit holder may apply to the Chamberlain for reissuance of the parking permit for the remainder of the permit period for another vehicle owned by the permit holder without the payment of another fee. The reissued parking permit shall be subject to the same limitations as the original parking permit.
- (5) Designated parking spot.
- (a) Permit holders shall have a designated parking spot assigned on, or near, the street of the applicant's residence in a location deemed appropriate by the Commissioner of the Department of Public Works (DPW), and the DPW shall install a sign at that location which shall contain the following statement: "Reserved Parking By Permit Only, 10:00 p.m. - 6:00 a.m. All Others Will Be Towed."
  - (b) Restrictions on placing Winter Parking Ban permitted parking spaces:
    - [1] Signs shall be placed at least 25' from any driveway. (The steering wheel must be lined up with the sign. Not the front or back of car.)
    - [2] Parking spots shall be placed on one side of the street only.
    - [3] Parking spots shall not be permitted on streets 28' wide and under.
    - [4] Complaints concerning placement of an individual parking space shall be direct to the Councilor of the ward in which the complainant resides.
  - (c) The DPW shall remove the sign each year after the winter parking ban has ended.
  - (d) It shall be the responsibility of the permit holder to notify the Oswego Police Department (OPD) in the event that an unauthorized vehicle has parked in the permit holder's designated spot.
  - (e) During the period of the winter parking ban, the permit holder may only park his or her vehicle in his or her designated spot.
- (6) Limitations.
- (a) Properties with NO off street parking:
    - [1] No more than two designated spots may be issued to an Owner Occupant with NO off street parking regardless of the number of vehicles or properties owned by the resident.
    - [2] No more than two designated spots may be issued for each address, with off street parking, regardless of the number of residential units contained in a residence or the number of occupants residing in the residence.

- (b) Properties with ONE off street parking space and two or more vehicles:
  - [1] No more than ONE designated spot may be issued to-an Owner Occupant with one existing off street parking space and two or more vehicles, regardless of the number of vehicles or properties owned by the resident.
  - [2] No more than ONE designated spot may be issued for each address with ONE existing off street parking space, regardless of the number of residential units contained in a residence or the number of occupants residing in the residence
- (c) Permits shall only be issued to applicants who are owner-occupant of residential real property located in the area where they are applying to park.
- (d) The permit shall allow the permit holder to park only in his or her designated spot.
- (e) Any posted parking limitations or temporary or emergency parking bans or limitations shall supersede and override the winter parking permit. A winter parking permit does not allow the permit holder to park in violation of any such bans or limitations.
- (f) No permits shall be issued to nonperson entities such as partnerships, unincorporated associations, corporations or LLC's.

E. Denial of parking permits.

- (1) No such permit shall be granted to or renewed for an applicant who is in violation of any City of Oswego code, ordinance or local law (hereinafter "violations") or who owes property taxes, water or sewer fees, special assessments, fines for violations of City ordinances or any other fees or past-due monies of any name or nature owed to the City of Oswego (hereinafter "unpaid monies").
- (2) The applicant shall have the burden of providing proof in a form acceptable to the Department that there are no such violations or unpaid monies.
- (3) In the event that the applicant has accrued violations or unpaid monies, such permit or renewal thereof shall be denied regardless of whether such violations or unpaid monies relate to a parcel of real property for which the application is made or another parcel owned by the applicant or are personal to the applicant.
- (4) In the event that the applicant has accrued violations or unpaid monies, such permit or renewal thereof shall be denied regardless of whether such violations or unpaid monies occurred or accrued before the effective date of this section.
- (5) Such permit, once granted, shall be revoked in the event that the applicant accrues violations or unpaid monies, or violations or unpaid monies are discovered, after the permit is granted. The revocation shall take effect five business days after receipt by the permit holder of notice from the City of Oswego of the pending revocation. Upon such revocation, all permitted activities and privileges shall immediately cease.
- (6) No application fees shall be refunded upon revocation of the permit.
- (7) The applicant must reapply for the issuance of such revoked permit by submitting a new application and paying all necessary application fees, and any such permitted activities or privileges may only be resumed once a new permit has been granted.
- (8) If an applicant has a substantial interest in a nonperson entity which owes such unpaid monies or has accrued such violations, that person's application for a parking permit shall be denied. A "substantial interest" shall mean an ownership interest of more than 10% of, membership on the governing board of, holding an office in, or holding the ability to cast or control more than 10% of the votes in, such entity.

This Ordinance shall take effect after approval by the Mayor of the City of Oswego, New York and ten (10) days after the first publication thereof in the official newspaper of the City of Oswego, New York, as required by §C8-12 of the Charter of the City of Oswego, New York.