

**LEGAL NOTICE**

**City of North Tonawanda Code Change as follows:**

**Chapter 96**

**VEHICLE AND TRAFFIC**

**ARTICLE VII**

**Terrace Parking**

96-57. Definitions.

As used in this article, the following terms shall have the meanings indicated:

**BOAT-** Any floating craft or vessel which is propelled in whole or in part by mechanical power or oars, paddles and/ or sweeps which is utilized for carrying passengers, freight or for any other use upon water.

**COMMITTEE-** The City of North Tonawanda Traffic Safety Committee

**COMMERCIAL PROPERTY-** Property used primarily for conducting a business.

**COMMERCIAL VEHICLE-** Any motor vehicle used for business or commercial purposes, such as transportation of goods, wares and merchandise, including but not limited to trailers and semi-trailers, tractors and special commercial vehicles registered as such.

**MOTOR VEHICLE-** Any vehicle which may be operated or driven which is propelled by any power other than muscular power and which is NOT defined as a boat, commercial vehicle, recreational vehicle or trailer under this section.

**PAVED TERRACE-** Any terrace paved with blacktop, concrete, stone or other material.

**RENTAL PROPERTY-** Apartments, leased to tenants for human habitation shall be considered Residential Property for the purposes of this chapter.

**RECREATIONAL VEHICLE –**

**A vehicle which is:**

**(1) Built on a single chassis;**

- (2) Four hundred square feet or less when measured at the largest horizontal projections;
- (3) Designed to be self-propelled or permanently towable by a light-duty truck; and
- (4) Not designed primarily for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

**RESIDENTIAL PROPERTY- Property used primarily for human habitation, including but not limited to apartments. Living accommodations such as hotels and motels shall be considered commercial.**

TERRACE- That area of city property lying adjacent to the street between the curb or the edge of the pavement, in the absence of curbs, and the sidewalk or the abutting property line, in the absence of sidewalks.

TRAILER- Any vehicle mounted on wheels, not propelled by its own power and which moves from place to place being drawn by another power driven source or motor vehicle

96-58. Parking near intersections.

No motor vehicle, boat, commercial vehicle, recreational vehicle or trailer shall be parked on any terrace within 20 feet of a crosswalk at an intersection or, in the absence of a crosswalk, within 20 feet of the point where a crosswalk would have been, unless a different distance is indicated by official signs or markings.

96-59. **Residential Terrace Parking Prohibited.**

- (i) Parking of a motor vehicle, boat, commercial vehicle, recreational vehicle or trailer shall be prohibited on any portion of a terrace adjoining residential property on a curbed street within the city except by hardship permit issued by the North Tonawanda Traffic Safety Committee and subject to the regulations contained in this Article.
- (ii) Parking of a boat, commercial vehicle, recreational vehicle or trailer shall be prohibited on any portion of a terrace adjoining residential property on a curbed OR uncurbed street within the city except by hardship permit issued by the North Tonawanda Traffic Safety Committee and subject to the regulations contained in this Article.
- (iii) Terrace parking on commercial property shall not be subject to the regulations set forth in Sec. 96-59 of this ordinance.

- (iv) For the purposes of this section, a property's city tax assessment shall determine whether or not it is to be considered residential or commercial.

96-60. Permits Required; Fees

(a) Hardship Permits

- (i) No motor vehicle, boat, commercial vehicle, recreational vehicle or trailer shall be permitted to park on any residential terrace of a curbed street without the owner of the real property abutting said terrace first obtaining a permit from the North Tonawanda Traffic Safety Committee. Hardship permits shall not be granted to individuals other than the property owner.
- (ii) No boat, commercial vehicle, recreational vehicle or trailer shall be permitted to park on any residential terrace of a curbed OR uncurbed street without the owner of the real property abutting said terrace first obtaining a permit from the North Tonawanda Traffic Safety Committee.
- (iii) Any dispute as to whether real property is to be considered residential or commercial shall be decided by the Traffic Safety Committee.
- (iv) No permit shall be issued until there has been a full and fair investigation of the property and the Committee has determined that a hardship exists, making residential terrace parking necessary. A hardship shall not constitute a mere inconvenience to the permit applicant.
- (v) Terrace parking pursuant to a hardship permit shall only be allowed from November 1 of each year to April 15 of the next succeeding year.
- (vi) Hardship permits shall renew automatically once the renewal fee is paid.

(b) Fees:

- (i) The fee to apply for a hardship permit shall be \$20.00, payable to the City of North Tonawanda.
- (ii) Hardship permits shall be renewed annually before January 31 of each calendar year.
- (iii) Once a hardship permit is granted, the fee for said permit and each renewal thereof shall be \$5.00 per year.

96-61. Preexisting paved terraces.

The city may remove all paved terraces existing prior to the enactment of this ordinance at no cost to the property owner. Said removal shall be by the Department of Public Works upon at least 24 hours notice to the property owner.

96-62. Removal of vehicles; costs.

The police may remove any motor vehicle, boat, commercial vehicle, recreational vehicle or trailer parked or allowed to stand in violation of this article and may store the same, and the owner or operator of said vehicle shall be liable for the payment of reasonable charges for such removal and storage, in addition to any penalty imposed under **Sec. 96-63** hereafter.

96-63. Violations and penalties.

Any person, firm or corporation who or which shall violate the provisions of this article shall, upon conviction thereof, be subject to a fine not to exceed \$50.00 for a first offense and not to exceed \$100.00 for a second or subsequent offense, all of which were committed within a period of 18 months.

96-64. Severability.

The provisions herein shall be considered separable, and if any portion hereof is declared invalid, such declaration or invalidity shall not affect any other portion.

96-65. When effective.

This Article shall become effective on the day after publication in the official newspaper of the City of North Tonawanda.

**Daniel R. Quinn**  
**City Clerk/Treasurer**

**Publish: July 8, 2015**