

**RESOLUTION #102-15**

**PL #109-15**

By Alderman Gonzalez, Seconded by Alderman Smith

**TO AMEND AND REPLACE CHAPTER 24, ARTICLE IV, DIVISION 2, SECTION 24-173 OF THE CITY OF OLEAN CODE OF ORDINANCES, PARKING DURING SNOWFALLS.**

**RESOLVED**, that the City of Olean Code of Ordinances is amended to replace Chapter 24, Article IV, Division 2, Section 24-173 with the following:

Chapter 24. TRAFFIC

ARTICLE IV. STOPPING, STANDING AND PARKING

DIVISION 2. RESTRICTIONS AND PROHIBITIONS FOR SPECIFIC STREETS  
(NONMETERED)

Sec. 24-173. Parking during snowfalls.

a) Definitions.

The following words and phrases, when used in this article, shall have the meanings respectively ascribed to them in this section, except where the context clearly indicates a different meaning:

Chief is the chief of police, or in his/her absence, the duly authorized representative.

Director is the director of public works, or in his/her absence, the duly authorized representative.

Mayor is the Mayor of the city, or in his/her absence, his/her duly authorized representative.

Primary streets shall be designated as follows: North and South Union; East and West State.

Roadway means that portion of a street or highway improved, designed or ordinarily used for vehicular travel, exclusive of the shoulder or berm.

Secondary Streets shall be designated as all streets other than those identified as Primary or Sub-primary streets.

Sub-primary streets shall be designated as follows: Alder from Seneca to Spring; Buffalo; Clark; Clinton, North and South; Constitution; Delaware from Union to Barry; Eighth, North, between West Sullivan Street and Wayne Street; Elm, East and West; Euclid, Fifteenth; First South from State to Irving; First, North; Forest, North (200 and 300 blocks); Fourth, South (200 block); Fourth, North from Wayne north; Franchot Boulevard (east of Union); Franklin; Front; Genesee; Green, West; Hamilton; Henley West; Higgins; Highland Terrace; Homer; Indiana Avenue; Irving; Johnson; King; Laurens; Madison; Main; Nineteenth, South; Oregon; Oviatt (east of Main); Pine; Prospect; Queen; Reed from Third to Thirteenth; River; Seneca; Seventh; South; Spring, East; Spruce; Stardust; Sullivan, West, from Union to Fifteenth; Sunrise, from Stardust to Van Buren; Terrace; Third, North (300 block); Twelfth; Twenty-first; Twenty-fourth; Times Square; Union Street, North Extension; Van Buren; Washington; Wayne; York.

Snow Event means the proactive response plan declaring that parking restrictions will be in effect to allow City snowplows to effectively clear City streets.

Street or highway means the entire width between the boundary lines of every publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

b) Snow Event Declaration and Procedure

1. Declaration: The Mayor or his designee, after consultation with the Director and Chief, may declare a Snow Event on the basis of falling snow, sleet, or freezing rain, or on the basis of a forecast by the National Weather Service or other weather service, that weather conditions will make it necessary to impose parking restrictions in order to allow City snowplows to effectively clear City's streets.
2. Notice: The City shall cause a public announcement of such parking prohibitions and/or restrictions and the areas designated for said restrictions by means of broadcasts and/or telecasts from various commercial stations serving the city and on the public access channel of any cable television franchisee servicing the city, and social media resources available to the city. The Director shall cause a notice of declaration to be posted in the City Building for such period of time as the

parking regulations are in effect, and the Chief shall notify police dispatch of the same.

3. Termination: Once in effect, a prohibition under this section shall remain in effect until terminated by announcement of the individual declaring the snow event in the same manner of notice as above.

c. Prohibition.

1. No person shall allow any vehicle to remain parked on any city street in violation the parking restrictions instituted as part of a declared Snow Event as set forth herein.
2. Restrictions for primary and sub-primary streets. Upon declaration of a Snow Event, the parking of motor vehicles on primary streets shall be prohibited between the hours of 3:00 a.m. and 7:00 a.m., and parking on sub-primary streets shall be prohibited between 12:00 midnight and 7:00 a.m.
3. Restrictions for secondary streets. Upon declaration of a Snow Event, the parking of motor vehicles on secondary streets shall be prohibited between the hours of 8:00 a.m. and 4:00 p.m.

d) Enforcement.

1. Whenever this section is alleged to have been violated, the chief or the appropriate designee shall have the authority to issue and serve an ticket upon the violator if they have reasonable cause to believe that a violation of this section has been committed. Such ticket shall be in the form authorized by state law.
2. Members of the police department are hereby further authorized to remove or cause the removal and/or impounding of any vehicle that obstructs or otherwise impedes traffic on any street in the city. Such vehicle may be removed and conveyed by or under the direction of a member of the police department. The Chief is authorized to engage the services of any private towing company to remove vehicles that are found in violation of the prohibitions of this section. Before the owner or person in charge of such vehicle shall be permitted to remove the same from the custody of the private towing company, said owner shall furnish evidence of identity and ownership and shall sign a receipt and pay a fee to cover cost of removal plus the cost of storage;

e) Exemptions.

1. In all areas of the city, an owner of a motor vehicle who resides at premises which do not have a driveway shall be permitted to park their vehicles in any City owned public parking lot free of charge during the Snow Event.
2. Motor vehicles with handicapped stickers and duly authorized emergency response vehicles shall also be exempt from the provisions of this section.
3. In the event that the Mayor excepts certain streets from the Snow Event, those vehicles parked on streets or portions of streets specifically excepted from the declaration of emergency shall be exempt from the provisions of this section.
4. A stalled vehicle shall not exempt the owner of the vehicle from the penalties of this section. Whenever a vehicle becomes stalled for any reason on any city street on which there is a parking prohibition in effect, the person operating such vehicle shall take immediate action to have the vehicle towed or pushed off the roadway. No person shall abandon or leave his/her vehicle in the roadway except for the purpose of immediately securing assistance.

f.) Relationship to other laws.

1. Any provision of this section which becomes effective by declaration as prescribed above, shall, while temporarily in effect, take precedence over other conflicting provisions of law normally in effect, except that it shall not take precedent over provisions of law relating to traffic accidents, emergency travel of authorized emergency vehicles, or emergency traffic directions by a police officer. Nothing in this section shall be construed to permit parking at any time or place where it is forbidden by any other provision of law.

g. Penalty.

The fine for any violation of this section shall be \$75.00 and shall be imposed on the registered owner of the vehicle. This fine is in addition to any costs for removal and storage payable to any towing company engaged to remove a vehicle under this section.

Approved: November 24, 2015