

§ 306-14. Limited use of street right-of-way for parking purposes. [Added 9-3-1986 by Ord. No. 86-6; amended 2-4-1987 by Ord. No. 87-3; 10-21-1987 by Ord. No. 87-33; 4-6-1988 by Ord. No. 88-3; 10-18-2000 by Ord. No. 7-2000]

- A. Legislative intent. It is the purpose of this section to alleviate the limited number of parking spaces available in the City of Geneva, to maintain the aesthetic appearance of neighborhood residential areas and to protect the public health, safety and welfare.**
- B. Parking between curb and sidewalk or in the front yard area.**
- (1) Permit required.
- (a) No person shall make, maintain or use any space for parking between the sidewalk and the curb or curblines or in the front yard area of any property in any residential district in the City of Geneva that is zoned AR, R1, R2 or MR as established in Chapter 350, Zoning, of this Municipal Code, unless a permit is obtained and is in effect.
- (b) The Director of Public Works will grant permits for the following reasons only:
- [2] The property owner established a need for the parking space through hardship such as age or physical handicap.
- [3] The property owner established a need for the parking space because of the unavailability of alternate or off-street parking.
- (c) Parking in circular driveways through the front yard area is permitted unless the Director of Public Works or his designee determines the aesthetics of the residential area is compromised by such action.
- C. Parking in B-1 District. Notwithstanding any other provisions of this Municipal Code, where there is no adequate room for off-street parking in the B-1 District as established in Chapter 350, Zoning, of this Municipal Code, a permit may be granted subject to all other provisions of this section for the installation of parking areas for vehicles between the sidewalk and the curb or curblines in front of the premises in such number as may be appropriate, provided that there is a minimum of 18 feet between the sidewalk and the curb or curblines and further provided that the character of the neighborhood will not be adversely affected thereby.**
- D. Application for permit. Any person desiring to provide for a parking space as provided in Subsection B or C above of this section shall apply to the Director of Public Works for a permit and shall provide the following information:**
- (1) The applicant is the owner of the premises immediately adjacent to the proposed parking space.

- (2) That there is no driveway, separate or joint, that may be legally or practically used for the parking of vehicles for two or more vehicles for the subject premises.
- (3) That there is a minimum space of 18 feet between the curb and sidewalk.
- (4) A sketch plan of the proposed parking space.
- (5) That the applicant will comply with all applicable laws and ordinances of the City of Geneva and made and maintain all necessary improvements as set forth in this article and as may be reasonably required.

E. Procedure for issuance of permit.

- (1) Upon filing an application for a permit, the applicant shall pay a nonrefundable fee of \$25.
- (2) The Director of Public Works shall review the application and the proposed location of the parking space.
- (3) The Director of Public Works shall inspect the proposed parking space and consider its relationship to adjacent properties, the neighborhood, the topography, the location of and effect upon existing facilities such as utility poles, trees, fire hydrants and underground utilities and the sight clearance for any intersecting streets in the area.
- (4) The Director of Public Works may require any changes that may in his or her opinion be necessary to conform to the purposes of this section.
- (5) If in the opinion of the Director of Public Works the proposed use meets all the requirements of this section, he or she may grant a permit; otherwise he or she shall deny such application.

F. Restrictions on permits and use.

- (1) The use of the residential (AR, R1, R2 or MR) parking areas shall be restricted for use in conjunction with residential purposes only. The use of such parking area for business, commercial or industrial purposes is prohibited.
- (2) The minimum length of the parking area shall be 18 feet.
- (3) The minimum width shall be 10 feet and the maximum width shall be 12 feet for one vehicle and a maximum for two vehicles shall be 22 feet.
- (4) All vehicles shall be parked perpendicular to the street right-of-way.
- (5) No more than two parking spaces shall be permitted under this section for any parcel as set forth on the Tax Maps of the City of Geneva.
- (6) No more than one vehicle or motorcycle shall be parked in each parking space at any one time.
- (7) No vehicle shall be parked so that any portion of the vehicle overhangs the curb or curblineline or the sidewalk adjacent thereto.
- (8) The parking of any boat, trailer or similar object in the parking space is prohibited.
- (9) Except as above provided, no vehicle, motorcycle, boat, trailer or similar object shall be parked in any residential district, as above enumerated, between the sidewalk and curb or in this front yard area in the City of Geneva.

G. Required improvements.

- (1) Any parking space permitted under this section shall be appropriately covered with a minimum of four inches of asphalt on a six-inch stone subbase and maintained and kept in a good state of repair at all times.
- (2) No parking space shall be used until the required improvements are made.

H. Compliance with other regulations. Nothing contained in this section shall be construed to waive any other requirements of this Municipal Code, or any state laws, rules or regulations, and in particular the securing of a permit from the Department of Public Works for performing any work in the public streets.

I. Terms of permit; revocation.

- (1) Any permit issued under this section shall be permanent.
- (2) Since the use of a public street by the public is paramount to any private use by any individual, any permit issued hereunder is subject to revocation at any time with cause or in the best interest of the public health, safety or welfare.
- (3) Upon the termination of a permit under this section, the owner of the property shall restore within a time period set by the Director of Public Works, the parking area by removal of any improvements and properly filling in same and seeding with grass. In case of failure to restore the premises by the owner, the city may restore the premises and shall charge the cost thereof to the property owner; and in case of failure to pay same, the costs thereof, upon certification by the Director of Public Works, shall be assessed, levied, collected and enforced in the same manner and at the same time as provided by law for the collection and enforcement of city taxes.

J. Enforcement.

- (1) The Director of Public Works, any parking attendant as well as any police officer may issue a parking ticket for any violation of this section and may authorize any vehicle parked in violation of this section to be towed away.
- (2) The Director of Public Works, any parking attendant as well as any police officer shall also be empowered, in addition to the issuance of a parking ticket, to issue an appearance ticket for any violation of this section pursuant to Criminal Procedure Law § 150.20 and Municipal Home Rule Law § 10, and may authorize any vehicle parked in violation of this section to be towed away.

K. Penalty. Any person who shall violate any provision of this section shall be punished by a fine of \$25 for a first offense, \$50 for a second offense and \$100 for each further violation. Each day that a violation continues shall be deemed a separate violation.