

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2021**

No. 171

Introduced by Council Members Rodriguez, Yeger, Holden, D. Diaz and Kallos (by request of the Mayor).

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to parking meters, and to repeal section 19-167 of such code, relating to suspending the activation of parking meters on Sundays; section 19-167.1 of such code, relating to parking at broken or missing meters or muni-meters; section 19-167.2 of such code, relating to transfer of muni-meter time; section 19-167.3 of such code, relating to deactivating muni-meters; section 19-167.4 of such code, relating to new muni-meter installation; section 19-175.3 of such code, relating to notification of changes relating to parking meters; section 19-214 of such code, relating to failure to display a muni-meter receipt; and section 19-215 of such code, relating to cancellation of certain tickets

Be it enacted by the Council as follows:

Section 1. Sections 19-167, 19-167.1, 19-167.2, 19-167.3, 19-167.4, and 19-175.3 of the administrative code of the city of New York are REPEALED, and a new section 19-167 is added to read as follows:

§ 19-167 Parking meters. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Affected council member(s) and community board(s). The term “affected council member(s) and community board(s)” has the same meaning as set forth in section 19-101.2.

Blockface. The term “blockface” means that portion of the street along the curb on one side of a street which is between the boundaries of the corner area at either end of the block.

Credential. The term “credential” means any explicit approval from the department or other authorized agency to park at a parking meter or other location, including, but not limited to, a record of payment or valid parking permit.

Parking field. The term “parking field” means any parking lot containing parking meters that is owned, operated and controlled by the city or its contractor and is available for public use. The term “parking field” does not include any parking lot operated by a city agency intended for exclusive use by such agency’s employees or by the public to conduct business with such agency.

Parking meter. The term “parking meter” means a device which accepts payment or a credential, including, but not limited to a pay-and-display parking meter or a pay-by-plate parking meter.

Pay-and-display parking meter. The term “pay-and display parking meter” means an electronic parking meter that dispenses timed receipts that must be displayed on the dashboard of a motor vehicle or in a visible and secure place on a motorcycle.

Pay-by-plate parking meters. The term “pay-by-plate parking meter” means an electronic parking meter that requires entry of license plate information for proper registration of payment.

b. Suspension of parking meter activation on Sundays. Notwithstanding any other provision of law, no person parking a vehicle at a parking meter is required to activate such meter on a Sunday and no notice of violation or summons may be issued solely for the failure to activate such parking meter on a Sunday.

c. Deactivation of parking meters. The department shall program each parking meter to ensure that such parking meter is unable to accept payment:

1. from the last time in a day that parking meter rules are in effect for any parking space within the blockface or parking field of such parking meter, or for any other parking space within 100 feet of such parking meter, until one hour prior to the next time meter rules take effect for any parking space within the blockface or parking field, or for any other parking space within 100 feet of such parking meter; and

2. when such parking meter is not capable of producing receipts or lacks the functionality to track parking payments.

d. Parking at broken or missing parking meters. If all parking meters in a parking field or on a blockface are missing or broken, a person shall be allowed to park in such parking field or on such blockface up to the maximum amount of time otherwise lawfully permitted by such parking meters in such parking field or blockface.

e. Transferability of parking meter time. Parking time may only be utilized on the blockface for which it was purchased. Transfer of parking time between blockfaces is prohibited.

f. Notification of changes involving parking meters.

1. New parking meter installation. Prior to the installation of new parking meters covering at least four contiguous blockfaces, the department shall forward notice of such installation to the affected council member(s) and community board(s) by electronic mail.

(a) Within 10 business days after receipt of such notice: (i) the affected council member(s) may submit recommendations, comments or both regarding such notice to the department; and (ii) the affected community board(s) may submit recommendations or comments regarding such notice, or request a presentation regarding such installation, which where practicable shall be made to such community board(s) within 30 days of such request.

(b) Any recommendations or comments received by the department pursuant to this subdivision shall be reviewed prior to the installation of such new parking meters.

2. Existing parking meter alterations. Prior to making changes to parking meter rates or replacing a parking meter with a different type of parking meter, the department shall provide at least 30 days written notice of such changes by regular first-class mail and electronic mail to the community board and council member in whose district the affected parking meters are or will be located and shall post such written notice on the department's website. Such notice shall at a minimum provide the following information:

(a) Parking rates. The notice shall include the proposed new rate, the location(s) of the meters affected by such rate change and the earliest date such new rate will go into effect.

(b) Change in meter type. The notice shall include the location(s) where meters will be converted and the earliest date on which such converted meters will go into operation.

§ 2. Section 19-213 of title 19 of the administrative code of the city of New York, as added by local law 82 for the year 2009, is amended to read as follows:

§ 19-213 Grace period; *failure to purchase parking time and cancellation of certain tickets.* a. [For the purposes of this section, the term "munimeter receipt" shall mean the receipt showing the amount of parking time purchased that is dispensed by an electronic parking meter and must be displayed in a conspicuous place on a vehicle's dashboard.] *Definitions. For the purposes of this section, the following terms have the following meanings:*

Agent. The term "agent" means any person employed by the city of New York authorized to issue a notice of violation for parking violations.

Parking meter. The term “parking meter” means a device which accepts payment or a credential that authorizes vehicle parking time, including, but not limited to, a pay-and-display parking meter or a pay-by-plate parking meter.

Pay-and-display parking meter. The term “pay-and-display parking meter” means an electronic parking meter that dispenses timed receipts that must be displayed on the dashboard of a motor vehicle or in a visible and secure place on a motorcycle.

Pay-by-plate parking meter. The term “pay-by-plate parking meter” means an electronic parking meter that requires entry of license plate information for proper registration of payment.

b. *Grace period.* No notice of violation shall be issued for allegedly parking in excess of the [allotted] parking time [displayed on a munimeter receipt] purchased or longer than the time period allowed by a sign posted by the department until five minutes after the time that such a violation occurs.

c. *Failure to purchase parking time. Notwithstanding any rule or regulation to the contrary, and subject to the provisions of the vehicle and traffic law, where a notice of violation is issued to an owner or operator of a vehicle for the failure to purchase parking time, it shall be an affirmative defense to such violation that such owner or operator purchased parking time for the time such notice of violation was issued or up to five minutes thereafter from a parking meter at the location such notice of violation was issued. Evidence in support of the affirmative defense shall be the presentation, in person or by mail, of a valid payment receipt for the time such notice of violation was issued or for up to five minutes thereafter or other suitable evidence, as determined by the hearing officer, that such parking time was purchased.*

d. Cancellation of certain tickets. 1. Any agent who issues a notice of violation by electronic means for failure to pay the parking charge required at a pay-and-display parking meter shall cancel such notice of violation when, not later than five minutes after the issuance of such notice, such agent is shown a valid payment receipt with an official start time indicated and such start time is no later than five minutes after the time of the issuance of such notice. The electronic copy of such canceled notice shall be marked “valid receipt shown; ticket canceled” and shall include the number of such payment receipt shown. The electronic parking meter system shall be programmed to prohibit such notice from being canceled later than five minutes after the issuance of such notice.

2. If an agent has issued a notice of violation by electronic means for failure to pay the parking charge required at a pay-by-plate parking meter, and parking time is purchased for such vehicle for the blockface where the vehicle is located not more than five minutes after the notice of violation was issued, such notice of violation shall be canceled automatically by the electronic parking meter system.

§ 3. Sections 19-214 and 19-215 of the administrative code of the city of New York are REPEALED.

§ 4. This local law takes effect 60 days after it becomes law.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on November 23, 2021 and returned unsigned by the Mayor on December 23, 2021.

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 171 of 2021, Council Int. No. 2422-A of 2021) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council, presented to the Mayor and neither approved nor disapproved within thirty days thereafter.

STEPHEN LOUIS, Acting Corporation Counsel.