

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 1996**

No. 73

Introduced by Council Members Malave-Dilan, Dear, Koslowitz, Eisland, DeMarco, Fields, Linares, Marshall, Povman, Ruiz, Warden and Stabile; also Council Members Cruz, Harrison, Michels, O'Donovan, Robinson and Robles.

A LOCAL LAW

To amend the administrative code of the city of New York in relation to permissible parking for members of the clergy.

Be it enacted by the Council as follows:

Section 1. Legislative findings and intent. It is hereby found that many members of the clergy are frequently called upon to respond to emergencies or situations which warrant immediate attention during the course of performing their official duties. In these instances, many members of the clergy are burdened with the task of locating permissible parking, often delaying their ability to attend to someone in a hospital or to perform an official function.

It is also hereby found that under current New York city traffic rules limited exemptions from parking restrictions exist for doctors and dentists, governmental employees and representatives of certain not-for-profit organizations while these persons are engaged in the performance of their official duties but that there is no analogous exemption from parking restrictions for members of the clergy.

It is the intent of this local law to alleviate a burden on members of the clergy who perform a vital and invaluable public service in the city of New York.

§2. The administrative code of the city of New York is amended by adding a new section 19-162.1 to read as follows:

§19-162.1 Permissible parking for members of the clergy; houses of worship and hospitals. a. For the purposes of this section the following terms shall have the following meanings:

1. The term "member of the clergy" as used in this section means a clergyman or minister as defined in the religious corporations law including, but not limited to, a pastor, rector, priest, rabbi or imam who officiates at or presides over services on behalf of a religious corporation or association of any denomination. Such term shall not include clergy who derive their principal income from any other occupation or profession or who do not officiate at or preside over services on behalf of a religious corporation or association of any denomination.

2. The term "passenger car" as used in this section means a motor vehicle designed and used for carrying not more than fifteen people, including the driver. Such term shall not include a vehicle licensed to operate pursuant to chapter five of this title or a commercial vehicle as defined in section 19-170 of this code.

3. The term "house of worship" as used in this section means a building or space owned or leased by a religious corporation or association of any denomination or used by a religious corporation or association of any denomination pursuant to the written permission of the owner thereof, which is used by members principally as a meeting place for divine worship or other religious observances presided over by a member of the clergy and which is classified in occupancy group F-1(b) pursuant to article eight of subchapter three of chapter one of title twenty-seven of this code. Such term shall not include a dwelling unit as defined in the housing maintenance code.

4. The term "hospital" as used in this section means a general hospital, nursing home or hospice in-patient facility certified pursuant to the public health law or a psychiatric center established pursuant to section 7.17 of the mental hygiene law.

b. Notwithstanding any local law or rule to the contrary, it shall be permissible for a member of the clergy to park a passenger car which is owned, registered or leased by such member of the clergy and displays an appropriate department permit, in an available space where parking is prohibited by a posted sign (i) for a period of up to four hours upon the roadway adjacent to the house of worship at whose services such member of the clergy officiates or presides as noted on such permit or, (ii) for a period of up to three hours on the roadway adjacent to a hospital when such member of the clergy is performing official duties at such hospital. It shall not be permissible for a member of the clergy to park where parking is prohibited by rule or where stopping or standing are prohibited by posted sign or rule.

c. An application for a permit to be issued pursuant to this section, and such supporting documentation as may be required by the commissioner, shall be submitted on behalf of a member of the clergy by the religious corporation or association at whose services the member of the clergy officiates or presides. Such religious corporation or association shall certify on a form provided by the department that the member of the clergy on whose behalf the application is made will use such permit only while performing official duties at the house of worship at whose services such member of the clergy officiates or presides or while performing such official duties at a hospital and that such member of the clergy otherwise qualifies for the benefits of this section. Only one permit shall be issued to any religious corporation or association and shall include on the front side thereof the license plate numbers of up to three vehicles owned, registered or leased by members of the clergy on whose behalf such religious corporation or association submitted an application. In accordance with the criteria set forth in this subdivision for the issuance of a permit, the commissioner shall add, delete or substitute license plate numbers as may be applied for by a religious corporation or association.

d. Where a permit issued pursuant to this section is used for a purpose other than official duties as set forth in this section or by a person other than the member of the clergy indicated in an application such permit may be rescinded. The member of the clergy who engaged in or allowed such unauthorized use of the permit shall not be eligible for inclusion in an application pursuant to this section. The commissioner shall promulgate such rules as may be necessary for the implementation of this section and shall set such fee as may be appropriate for the issuance of permits pursuant to this section.

§3. This local law shall take effect 120 days after its enactment into law except that the department of transportation may promulgate such rules and take such other administrative actions as are necessary for the implementation of this local law prior to such effective date.

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 July 31, 1996, and approved by the Mayor on August 14, 1996.

CARLOS CUEVAS, City Clerk, Clerk of the Council

CERTIFICATION PURSUANT TO MUNICIPAL HOME RULE LAW §27

Pursuant to the provisions of Municipal Home Rule Law §27, I hereby certify that the enclosed Local Law (Local Law 73 of 1996, Council Int. No. 60-A) contains the correct text and:

Received the following vote at the meeting of the New York City Council on July 31, 1996: 45 for, 0 against.

Was approved by the Mayor on August 14, 1996.

Was returned to the City Clerk on August 16, 1996.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel