

Thomas J. Parisi

13 March 2018

Clay Town Council
Town of Clay
4401 State Route 31
Clay, NY 13041

Dear Sir/Ma'am,

Due to my employment responsibilities, I am not certain if I will be able to attend the public hearing on 19 March 2018 to address the proposed change to CHAPTER 211, TRAFFIC AND VEHICLES ORDINANCE of the Code of the Town of Clay §211-29 "Parking of certain motor vehicles and trailers prohibited in residential districts" by deleting the words "maximum gross unladen vehicle weight" and replacing with "gross vehicle weight rating and/or gross combined weight rating" in subparagraph D of this section. Please accept this written submission as my contribution to the proposed change.

I hereby object to changing the current Ordinance, which reads:

"No commercial or business vehicle with a **maximum gross unladen vehicle weight** in excess of 10,000 pounds and no racing or stock cars shall be parked outdoors in any residential district."

to

"No commercial or business vehicle with a **gross vehicle weight rating and/or gross combined weight rating** in excess of 10,000 pounds and no racing or stock cars shall be parked outdoors in any residential district."

for the following reasons:

1. The class of vehicles having an "Unladen Weight" of over 10,000 pounds includes large trucks such as tractor trailers, dump trucks, and construction vehicles, but does **NOT** include standard privately owned pickup trucks in the half ton through one ton classes (typically referred to as 1500, 2500, and 3500 pickups). Changing the verbiage to "Gross Vehicle Weight Rating and/or Gross Combined Weight Rating" over 10,000 pounds **DOES** include all vehicles in the 3500 pickup category and, depending on the towing situation, many vehicles in the 1500 and 2500 pickup categories as well (which this law was not originally intended to ban).
2. The code does not define what a "commercial or business vehicle" is, leaving the interpretation up to the discretion of the town, or worse yet, for the town to default to the accepted NYS DMV registration class definition of the term "Commercial Vehicle" which **DOES** include almost all vehicles in the 1500, 2500, and 3500 pickup categories (which this law was not originally intended to ban).

- Solved by
3/19
verbiage
update -

- Not
addressed -

It is my understanding that simply changing the ambiguous term "**Maximum Gross Unladen Vehicle Weight**" to the NYS DMV accepted term "**Unladen Weight**", which is the weight listed on the titles of vehicles registered in NYS, will satisfy the towns objective to maintain this code as an enforceable ordinance without risking enforcement actions against privately owned pickup trucks in the 1500, 2500, and 3500 classes.

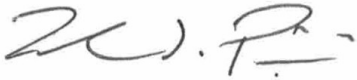
The other issue is the ordering of the law. Subparagraph (C) states:

"Notwithstanding any provisions of this chapter to the contrary, the **aforsaid** prohibition does not apply to deliveries or temporary parking of vehicles for servicing purposes."

Since the subject change applies to subparagraph (D), which comes **after** the exemption for temporary parking of service vehicles; temporary parking of landscaping/lawn mowing trucks, delivery trucks, paving trucks, etc. would likely not be exempt (which again, does not appear to be the intent of this revision). - Not addressed -

I request this letter be made part of the public record for the subject proposed ordinance change and be made available upon any request for information, to include Freedom of Information Law (FOIL) requests, regarding this proposed action.

Sincerely,



Thomas J. Parisi
Thomas241@gmail.com

- Other than the USPS return receipt, no acknowledgment of receipt or reply received. USPS tracking number below.