



**Smithtown Town Board**

99 West Main Street  
Smithtown, NY 11787

Meeting: 04/18/24 02:00 PM  
Department: Town Attorney  
Category: Local Law  
Prepared By: Lisa Sinacore  
Initiator: Matthew Jakubowski  
Sponsors:

**ADOPTED**

**RESOLUTION 2024-395**

DOC ID: 23065

# Adopt Local Law #11-2024- Amendments to Town Code Chapter 296

**DESCRIPTION**

Adopt Local Law #11-2024, amendments to Chapter 296 of the Town Code entitled "Vehicles and Traffic requirements" as it relates to operations and impoundment, pursuant to Public Hearing held on April 2, 2024, SEQRA Type II Declaration and the recommendation of the Town Attorney.

**PURPOSE**

Adoption of Local Law #11-2024, amendments to Chapter 296 of the Town Code entitled "Vehicles and Traffic requirements" as it relates to operations and impoundment.

**REVIEW:**

Matthew Jakubowski	Completed	04/08/2024 12:18 PM
Edward R. Wehrheim	Completed	04/08/2024 4:58 PM
Town Board	Completed	04/18/2024 2:00 PM



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**ADOPTED**

### **RESOLUTION 2024-395**

The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that the Town Board hereby adopts Local Law #11-2024, amendments to Chapter 296 of the Town Code entitled "Vehicles and Traffic requirements" as it relates to operations and impoundment, pursuant to Public Hearing held on April 2, 2024, SEQRA Type II Declaration and the recommendation of the Town Attorney:

#### **PUBLIC NOTICE**

NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Smithtown, Suffolk County, New York met at the Smithtown Town Hall, Patrick R. Vecchio Building, Victor T. Liss Board Room, 99 West Main Street, Smithtown, NY 11787 on Thursday, April 18, 2024 at 2:00 p.m., time then in effect, and duly adopted Local Law #11-2024 amendments to Chapter 296 of the Town Code entitled "Vehicles and Traffic requirements" as it relates to operations and impoundment.

#### **Local Law #11-2024 Chapter 296 Vehicles and Traffic**

##### **§ TC7-2. Operation restricted.**

- B. No person shall operate an OFF-ROAD VEHICLE (ORV) upon any public property.

##### **§ TC7-4. Impoundment.**

- B. Upon making an arrest or issuing a summons or an appearance ticket for a violation of § TC7-2A, or B, or C, or in the event a police or peace officer has probable cause to believe a person has committed a violation of § TC7-2A, or B, or C and has fled the scene leaving the ORV behind, a police or peace officer may seize such ORV. The impounded ORV shall be stored by the Town of Smithtown or other enforcement agency, pending the identification of the owner as registered with the New York State Department of Motor Vehicles. Such owner shall be sent notice of such impoundment to the address on file with the New York State Department of Motor Vehicles by certified mail within five days after impoundment. The Town of Smithtown shall not be liable for any damages arising out of the provision of an erroneous name or address of such owner.

- C. The owner of the off-road vehicle so impounded may redeem the same upon satisfactory proof of ownership and payment of a redemption fee for storage and impoundment. The redemption fee shall be \$1,000 for an ORV impounded for a violation of § TC7-2A, and the redemption fee shall be \$3,000 for an ORV impounded for a violation of § TC7-2B or C.

Dated: April 18, 2024

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Edward R. Wehrheim, Supervisor
<b>SECONDER:</b>	Thomas J. McCarthy, Councilman
<b>AYES:</b>	Edward R. Wehrheim, Thomas J. McCarthy, Lynne C. Nowick, Thomas W Lohmann
<b>ABSENT:</b>	Lisa M. Inzerillo