Filed March 15, 2019

NOTICE OF ENACTMENT

PLEASE TAKE NOTICE that after a public hearing held pursuant to the requirements of law on March 7, 2019 and at a meeting held by the Town board of the Town of East Hampton, New York on March 7, 2019, the following Local Law was adopted:

LOCAL LAW NO. 11 OF 2019

INTRODUCTORY NO. 9 OF 2019

SECTION 1. Legislative Intent.
The proposed local law is intended to update beach parking regulations within the Town of East Hampton.

SECTION 2. Amendment.
Town Code Chapter 240 (Vehicles and Traffic), Article VI (Permit Parking), Section 35 (Permits) is hereby amended by adding the underlined words and removing the struck through words as follows:

§ 240-35. Permits.

Permits for parking in the aforedesignated areas shall be issued by the Town Clerk or his official designee. Fees for said permits shall be set from time to time by resolution of the Town Board and said fee shall be paid by the applicant to the Town Clerk. Permit fees shall be nonrefundable. One half of all fees collected by the Town Clerk from the sale of Commercial Lodging Facility Parking Permits shall go into a segregated fund to be used by the Town for transportation, litter reduction and/or beach clean up. The sale, rental, lease or exchange of permits by other than the Town Clerk or the Clerk's designated agents shall be unlawful and a violation of this Chapter. Notwithstanding the preceding sentence, the holder of a Commercial Lodging Facility Parking Permit may charge a fee to guests of the commercial lodging facility for use of the permit, provided a fee schedule is submitted to the Town Clerk prior to issuance of the permit. Rental vehicles are not eligible for resident, family, cooperative ownership, or general nonresident parking permits. All permits shall be prominently displayed in the manner directed by the Town Clerk.

A. Such permits shall be available in the following categories:

(1) Resident parking permit.

(a) This permit shall be issued by the Town Clerk ~~free of charge~~ to all persons qualified under the following provisions. All persons applying for a resident permit shall be required to sign an affidavit application form and submit for inspection one of the following:

[1] A valid New York State vehicle registration in the name of the applicant, setting forth an address located within the Town of East Hampton, Village of East Hampton or that portion of the Incorporated Village of Sag Harbor located within the boundaries of the Town of East Hampton; or

[2] A validated tax receipt stub for the current year for any taxable property within the Township of East Hampton, Village of East Hampton or that portion of the Incorporated Village of Sag Harbor located within the boundaries of the Town of East Hampton, together with a vehicle registration receipt in the name of the property owner. ~~; or~~

~~[3] A valid voter registration card indicating place of residence as being within the boundaries of the Town of East Hampton, together with a vehicle registration receipt in the voter's name.~~

(b)The Town Clerk shall be required to inspect all applications and determine the validity of the qualifications presented. If necessary, the Town Clerk may consider for review other documentation that demonstrates residency. Upon approval of the application, a ~~free~~ resident~~'s~~ permit shall be issued and inscribed with the vehicle's license plate number and affixed to the vehicle.

~~(c) Permits for leased vehicles shall be inscribed with the vehicle's license plate number followed by (L). Permits issued for leased vehicles shall be surrendered to the Town Clerk when applying for a new permit for a different vehicle.~~

~~(d) Permits shall be prominently displayed in the manner directed by the Town Clerk.~~

~~(e) This permit shall be valid during the remainder of the calendar year in which it is issued and shall expire on December 31 of each year.~~

~~[Amended 1-9-2009 by L.L. No. 1-2009]~~

~~(f) A fee for said permit shall be set from time to time by resolution of the Town Board and shall be paid by the applicant to the Town Clerk.~~

~~[Added 1-9-2009 by L.L. No. 1-2009]~~

(c) This permit shall not be transferable.

(d) Resident Parking Permits shall expire on December 31 of years ending in "5" or "0". Notwithstanding the date of issuance, Resident Parking Permits shall expire on the date set forth thereon.

(2) Nonresident parking permits.

These permits shall be issued by the Town Clerk to persons who do not qualify for resident permits pursuant to this chapter. Nonresident parking permits shall be valid during the remainder of the calendar year in which it is issued and shall expire on December 31 of each year. Such permits shall be available in the following sub-categories:

(a) ~~(2) Supplemental resident~~ Family parking permit.

~~(a)~~ [1] Holders of a current resident parking permit may obtain up to two ~~supplemental resident~~ family permits, for vehicles registered to an address outside of the Township of East Hampton in the name of an individual related to the resident permit holder by blood or marriage. The resident permit

holder shall present the vehicle registration receipt of said individual to the Town Clerk, who shall inspect all applications and determine the validity of the qualifications presented. Upon approval of the application and payment of the required fee, a ~~supplemental resident's~~ family permit shall be issued, ~~to the resident permit holder~~ inscribed with the vehicle's license plate number and affixed to the vehicle.

~~(b) Permits shall be prominently displayed in the manner directed by the Town Clerk.~~

~~(c)~~ [2] This permit shall not be transferable.

~~(d) This permit shall be valid during the remainder of the calendar year in which it is issued and shall expire on December 31 of each year.~~

~~(e) A fee for said permit shall be set from time to time by resolution of the Town Board and shall be paid by the applicant to the Town Clerk.~~

(b) Commercial lodging facility parking permit.

[1] This permit shall be issued by the Town Clerk to the owner or the designated manager of hotels, motels, resorts or similar facilities for the use by paying guests temporarily occupying the commercial lodging facility.

The Town Clerk may issue not more than one permit for each unit in said facility.

[2] This permit shall be issued by the Town Clerk to the designated managers of condominium and cooperative properties with more than 4 total units for use by a person renting and temporarily occupying such units provided that the total number of all permits issued, which is the total of any resident plus cooperative ownership plus commercial lodging facility parking permits, does not exceed the total number of units at the respective property.

[3] Permits shall be inscribed with the name of the hotel, motel, resort, condominium or cooperative and prominently displayed in the manner directed by the Town Clerk.

[4] The renting of a single or multi-family home or portion thereof shall not entitle the property owner or tenant to a permit under this Section.

(c) Cooperative ownership parking permit.

[1] This permit shall be issued by the Town Clerk to cooperative shareholders in a corporation owning residential real property within the Town of East Hampton.

[2] Upon approval of the application and payment of any required fee, a cooperative ownership parking permit shall be inscribed with the vehicle’s license plate number and affixed to the vehicle.

[3] This permit shall not be transferable.

~~(3)~~ (d) ~~Seasonal~~ General nonresident parking permit.

~~(a)~~ [1] This permit shall be issued by the Town Clerk to persons who do not qualify for resident permits pursuant to this chapter, or for any other nonresident

parking permit outlined in sections (a), (b), or (c) above.

[2] Upon approval of the application and payment of the required fee, a nonresident parking permit shall be inscribed with the vehicle's license plate number and affixed to the vehicle.

[3] This permit shall not be transferable.

~~[1] Persons who do not qualify for resident permits pursuant to this chapter.~~

~~[2] All owners or their designated managers of hotels, motels, resorts, rooming houses, boardinghouses, trailer parks, camping areas or similar facilities for the use of paying guests temporarily residing therein. The Town Clerk may issue not more than one permit for each rental unit. These permits shall be inscribed with the name of the hotel, motel, rooming house, boardinghouse, trailer park, camping area, etc., and shall be issued to the owner or designated manager thereof, and shall be available for use of guests at the discretion and control of the management. The sale of such permits by other than the Town Clerk or the Clerk's designated agents shall be illegal.~~

~~(b) Permits shall be prominently displayed in the manner directed by the Town Clerk.~~

~~(c) This permit shall not be transferable.~~

~~(d) This permit shall be valid during the remainder of the calendar year in which is issued and shall expire on December 31 of each year.~~

~~(e) A fee for said permit shall be set from time to time by resolution of the Town Board and shall be paid by the applicant to the Clerk.~~

~~(4)~~ (3) Daily ~~nonresident~~ parking permit.

(a) This permit shall entitle any licensed driver to park certain days of the week at the beach parking area~~s~~ set forth below for the hours and for the daily fee prescribed for said area:

[1] Atlantic Avenue Beach, Amagansett. Daily ~~nonresident~~ parking permits shall be issued weekdays (Monday through Friday), excluding Memorial Day, Labor Day and Independence Day. No daily ~~nonresident~~ parking permit shall be issued on a Saturday, Sunday or a holiday for the period commencing at 12:01 a.m. on the Saturday of Memorial Day weekend and terminating at 11:59 p.m. on Monday of Labor Day weekend with the following exception:

The Town Board may waive said permit restriction to accommodate a special event held at Atlantic Avenue Beach, said waiver to be set forth for a specific day, the daily nonresident parking fee shall be collected on such specified day.

~~[2] Kirk Park Beach, Montauk. Daily nonresident parking permits shall be issued seven days per week.~~

~~(b) The fee for this permit shall be set from time to time by resolution of the Town Board.~~

~~(c)~~ (b) Those ~~persons~~ vehicles having ~~any~~ a valid Town parking permit shall not be required to pay the daily fee.

~~B. Duration of permits.~~

~~(1) Parking permits for hotel-motels and lessees shall be valid during the entire calendar year and shall expire on December 31 each year.~~

~~(2) Resident permits shall be renewed when permit becomes illegible or upon a change of license plate numbers or transfer of the vehicle.~~

SECTION 3. - Authority.

The Town Board of the Town of East Hampton is authorized to establish and promulgate rules and regulations regarding prohibiting, restricting, or limiting the stopping, standing or parking of vehicles pursuant to Vehicle and Traffic Law of the State of New York §1660.

SECTION 4. - Severability.

If any section of subsection, paragraph, clause, phrase or provision of this law shall be adjudged invalid or held unconstitutional by any court of competent jurisdiction, any judgment made thereby shall not affect the validity of this law as a whole or any part thereof other than the part or provisions so adjudged to be invalid or unconstitutional.

SECTION 5. - Effective Date.

This local law shall take effect immediately upon filing with the Secretary of State pursuant to Municipal Home Rule Law.