

**RESOLUTION NO. 671 -2010, ADOPTING LOCAL LAW  
NO. 38 -2010, A LOCAL LAW TO AMEND THE COUNTY'S  
CLEAN PASS PARKING PROGRAM**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a meeting held on May 11, 2010, a proposed local law entitled, "**A LOCAL LAW TO AMEND THE COUNTY'S CLEAN PASS PARKING PROGRAM**"; now, therefore be it

**RESOLVED**, that said local law be enacted in form as follows:

**LOCAL LAW NO. 38 -2010, SUFFOLK COUNTY, NEW YORK**

**A LOCAL LAW TO AMEND THE COUNTY'S CLEAN PASS  
PARKING PROGRAM**

**BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF  
SUFFOLK**, as follows:

**Section 1. Legislative Intent.**

This Legislature hereby finds and determines that the "Clean Pass" parking program, enacted by Local Law No. 53-2008, designates 2% of parking spaces at County facilities for Clean Pass certified vehicles.

This Legislature also finds and determines that the spaces reserved for Clean Pass vehicles are located in close proximity to County facilities.

This Legislature further finds and determines that spaces reserved for Clean Pass vehicles are frequently underutilized.

This Legislature determines that allowing vehicles with handicapped permits to park in Clean Pass spaces when designated handicapped spaces are fully occupied would provide handicapped individuals with better access to County facilities.

Therefore, the purpose of this law is to amend Article V of Chapter 372 of the SUFFOLK COUNTY CODE to allow vehicles with handicapped permits to use Clean Pass parking spaces at County facilities when all handicapped spaces are full.

**Section 2. Amendments.**

Chapter 372 of the SUFFOLK COUNTY CODE is hereby amended as follows:

**Chapter 372, PARKING, OFF-STREET**

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**ARTICLE V, Parking for Clean Pass Vehicles**

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**§372-30. Designation of Spaces.**

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E. Spaces designated for Clean Pass vehicles may be used by vehicles with handicapped permits when all designated handicapped parking spaces are occupied.

F. If the Commissioner or Parks Commissioner determines it is impossible or impracticable to designate 2% of parking spaces for Clean Pass vehicles at a specific County facility, he or she shall so advise the County Executive and each member of the County Legislature, in writing, and enumerate the reasons why Clean Pass spaces cannot be designated at a County facility. The County Legislature may override such determination by a duly enacted resolution.

**§372-31. Parking by Unauthorized Vehicles.**

Excepting vehicles that park in accordance with §372-30(E), [A]any [person who parks a] non-Clean Pass vehicle that parks in a parking space reserved for Clean Pass vehicles shall be deemed to be in violation of this Article and the owner of such vehicle shall be responsible for the penalty imposed hereunder.

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**Section 3. Applicability.**

This law shall apply to all actions occurring on or after the effective date of this law.

**Section 4. Severability.**

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

**Section 5. SEQRA Determination.**

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

DATED: June 22, 2010

EFFECTIVE PURSUANT TO SECTION 2-15(D) OF THE SUFFOLK COUNTY CHARTER,  
RETURNED BY THE COUNTY EXECUTIVE UNSIGNED JULY 26, 2010

After a public hearing duly held on July 6, 2010  
Filed with the Secretary of State on August 4, 2010

SUFFOLK COUNTY  
County Legislature  
RIVERHEAD, NY



*This is to Certify That I, TIM LAUBE, Clerk of the County Legislature of the County of Suffolk, have compared the foregoing copy of resolution with the original resolution now on file in this office, and which was duly adopted by the County Legislature of said County on June 22, 2010 and that the same is a true and correct transcript of said resolution and of the whole thereof.*

*In Witness Whereof, I have hereunto set my hand and the official seal of the County Legislature of the County of Suffolk.*

A handwritten signature in cursive script that reads "Tim Laube".

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Clerk of the Legislature

Intro. Res. 1512 Res. No. 1512

June 22, 2010

**Motion:**  
 Romaine, Schneiderman, Browning, Muratore, Losquadro  
 Eddington, Montano, Cilmi, Lindsay, Vilorio-Fisher, Barraga,  
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

**Co-Sponsors:**  
 Romaine, Schneiderman, Browning, Muratore, Losquadro  
 Eddington, Montano, Cilmi, Lindsay, Vilorio-Fisher, Barraga,  
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

**Second:**  
 Romaine, Schneiderman, Browning, Muratore, Losquadro  
 Eddington, Montano, Cilmi, Lindsay, Vilorio-Fisher, Barraga,  
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

LD	Legislator	Yes	No	Abs	NP	R
1	Edward P. ROMAINE					
2	Jay H. SCHNEIDERMAN					
3	Kate M. BROWNING					
4	Thomas MURATORE					
6	Daniel P. LOSQUADRO					
7	Jack EDDINGTON					
9	Ricardo MONTANO					
10	Thomas CILMI					
11	Thomas F. BARRAGA					
12	John M. KENNEDY, JR.					
13	Lynne C. NOWICK					
14	Wayne R. HORSLEY					
15	DuWayne GREGORY					
16	Steven H. STERN					
17	Lou D'AMARO					
18	Jon COOPER					
5	Vivian VILORIA-FISHER, D.P.O.					
8	William J. LINDSAY, P.O.					
	Totals	17	—	—	—	—

**MOTION**

Approve

Table: \_\_\_\_\_

Send To Committee \_\_\_\_\_

Table Subject To Call \_\_\_\_\_

Lay On The Table \_\_\_\_\_

Discharge \_\_\_\_\_

Take Out of Order \_\_\_\_\_

Reconsider \_\_\_\_\_

Waive Rule \_\_\_\_\_

Override Veto \_\_\_\_\_

Close \_\_\_\_\_

Recess \_\_\_\_\_

APPROVED  FAILED \_\_\_\_\_

No Motion \_\_\_\_\_ No Second \_\_\_\_\_

**RESOLUTION DECLARED**

ADOPTED

NOT ADOPTED \_\_\_\_\_

  
 \_\_\_\_\_  
 Tim Laube, Clerk of the Legislature

Roll Call \_\_\_\_\_ Voice Vote