

Intro. Res. No. 1561-2013  
Introduced by Presiding Officer, on request of the County Executive

Laid on Table 6/18/2013

**RESOLUTION NO. 751 -2013, ADOPTING LOCAL LAW NO. 38 -2013 A LOCAL LAW ADOPTING A NEW CHAPTER IN THE SUFFOLK COUNTY CODE TO CODIFY CERTAIN FEES TO BE COLLECTED BY THE TRAFFIC AND PARKING VIOLATION AGENCY, AS APPROVED IN THE OPERATING BUDGET**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a regular meeting held on June 18, 2013, a proposed local law entitled, "**A LOCAL LAW ADOPTING A NEW CHAPTER IN THE SUFFOLK COUNTY CODE TO CODIFY CERTAIN FEES TO BE COLLECTED BY THE TRAFFIC AND PARKING VIOLATION AGENCY, AS APPROVED IN THE OPERATING BUDGET**"; and said local law in final form is the same as when presented and introduced; now, therefore be it

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

**LOCAL LAW NO. 38 -2013, SUFFOLK COUNTY, NEW YORK**

**A LOCAL LAW ADOPTING A NEW CHAPTER IN THE SUFFOLK COUNTY CODE TO CODIFY CERTAIN FEES TO BE COLLECTED BY THE TRAFFIC AND PARKING VIOLATION AGENCY, AS APPROVED IN THE OPERATING BUDGET**

**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, in accordance with Article 14-B of the General Municipal Law, and pursuant to Local Law No. 9-2013, the County of Suffolk established a Traffic and Parking Violations Agency to assist the Suffolk County District Court in the disposition and administration of traffic and parking violations.

This Legislature further finds that certain administrative fees were adopted pursuant to Resolution No. 908-2012 (Budget Amendment Resolution No. 2-2012), in the amount of \$30 for each notice of violation processed by the Agency which was issued pursuant to Vehicle and Traffic Law Section 1111-b, and \$50 for each infraction of traffic and parking laws, ordinances, or rules and regulations processed by the Agency under General Municipal Law Section 371 other than notices of violation issued pursuant to Vehicle and Traffic Law Section 1111-b.

This Legislature further finds that, although these administrative fees were previously approved in Resolution No. 908-2012 (Budget Amendment Resolution No. 2-2012), it is prudent to incorporate such charges in a fee schedule established for the Traffic and Parking Violations Agency and codified in the Suffolk County Code.

Therefore, the purpose of this law is to codify the previously approved fee schedule for the Traffic and Parking Violation Agency in the Suffolk County Code.

**Section 2. TRAFFIC AND PARKING VIOLATION AGENCY FEES**

§ -1 **Fee Schedule:** A fee schedule for the Suffolk County Traffic and Parking Violations Agency is hereby established as follows:

|  |         |
|--|---------|
| Administrative Fee for Red Light Tickets           | \$30.00 |
| Administrative Fee for Traffic and Parking Tickets | \$50.00 |

§ -2 **Implementation.** All fees are to be implemented pursuant to rules and regulations as determined by the Traffic and Parking Violations Agency.

**Section 3. Applicability.**

The provisions of this law shall apply immediately upon 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 judged 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 Sections 617.5 (c) (20) and (27) of the New York Code of Rules and Regulations (NYCRR) and within the meaning of Section 8-0102(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.

**Section 6. Effective Date.**

This law shall take effect immediately upon filing with the Secretary of State.

DATED: September 12, 2013

APPROVED BY:

/s/ Steven Bellone  
County Executive of Suffolk County

Date: September 25, 2013  
After a public hearing duly held on September 25, 2013  
Filed with the Secretary of State on October 8, 2013

**RESOLUTION NO. 1230 -2013, ADOPTING LOCAL LAW NO. 6 -2014, A LOCAL LAW AMENDING LOCAL LAW NO. 38-2013 TO CLARIFY THE FEE STRUCTURE FOR THE TRAFFIC AND PARKING VIOLATIONS AGENCY**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a meeting held on November 19, 2013, a proposed local law entitled, "**A LOCAL LAW AMENDING LOCAL LAW NO. 38-2013 TO CLARIFY THE FEE STRUCTURE FOR THE TRAFFIC AND PARKING VIOLATIONS AGENCY**;" now, therefore be it

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

**LOCAL LAW NO. 6 -2014, SUFFOLK COUNTY, NEW YORK**

**A LOCAL LAW AMENDING LOCAL LAW NO. 38-2013 TO CLARIFY THE FEE STRUCTURE FOR THE TRAFFIC AND PARKING VIOLATIONS AGENCY**

**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 Local Law No. 9-2013 established the Suffolk County Traffic and Violations Agency to aid in the disposition and administration of traffic and parking violations.

This Legislature also finds and determines that Local Law No. 38-2013 codified the administrative fee structure associated with violations and infractions that come before the Traffic and Parking Violations Agency.

This Legislature further finds and determines that Local Law No. 38-2013 is silent on the application of administrative fees to violations and infractions that are dismissed by the Agency; presently, the Agency is assessing a \$50 surcharge on tickets that are dismissed.

This Legislature finds that individuals whose cases are dismissed or who are found not guilty following a hearing should not be charged an administrative fee.

This Legislature determines that Local Law No. 38-2013 should be clarified to ensure that members of the public are not charged fees by the Traffic and Violations Agency when they are found not to have violated the law.

Therefore, the purpose of this law is to amend Local Law No. 38-2013 to ensure that only parties found guilty of traffic or parking violations will pay administrative fees and to amend the existing fee structure to make this law revenue neutral.

**Section 2. Amendments.**

Section 2 of Local Law No. 38-2013 is hereby amended to read as follows:

\* \* \* \*

**Section 2. TRAFFIC AND PARKING VIOLATIONS AGENCY FEES.**

§ -1 **Fee Schedule:** A fee schedule for the Suffolk County Traffic and Parking Violations Agency is hereby established as follows:

|  |                               |
|--|-------------------------------|
| Administrative Fee for Red Light Tickets           | \$30.00                       |
| Administrative Fee for Traffic and Parking Tickets | <del>50.00</del> <u>55.00</u> |

No fee shall be collected from any person who cannot be fined pursuant to New York State Vehicle and Traffic Law §§ 319, 376-a, 401, or 509 or who is found not guilty of committing a violation following an Agency hearing.

\* \* \* \*

**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.

**Section 6. Effective Date.**

This law shall take effect immediately upon filing in the Office of the Secretary of State.

[ ] Brackets denote deletion of existing language  
\_\_\_ Underlining denotes addition of new language

DATED: December 17, 2013

APPROVED BY:

/s/ Steven Bellone  
County Executive of Suffolk County

Date: January 2, 2014

After a public hearing duly held on December 30, 2013  
Filed with the Secretary of State on January 27, 2014