Intro. Res. No. 1612-2011
Introduced by Legislator Stern

Laid on Table 6/21/2011

RESOLUTION NO. 702 -2011, ADOPTING LOCAL LAW NO. 43 -2011, A LOCAL LAW TO STRENGTHEN THE COUNTY'S ALL-TERRAIN VEHICLE LAW

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on June 21, 2011, a proposed local law entitled, "**A LOCAL LAW TO STRENGTHEN THE COUNTY'S ALL-TERRAIN VEHICLE LAW**;" now, therefore be it

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

LOCAL LAW NO. 43 -2011, SUFFOLK COUNTY, NEW YORK

A LOCAL LAW TO STRENGTHEN THE COUNTY'S ALL-TERRAIN VEHICLE LAW

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 under County law, the operation of all-terrain vehicles ("ATVs") is prohibited on public property and may only be used on private property with the written permission of the property owner.

This Legislature further finds and determines that the County may impound an ATV when its operator violates the County's ATV law.

This Legislature finds that owners whose ATVs have been impounded or seized must pay a redemption fee before the vehicle is returned to them.

This Legislature determines that, in order to avoid paying the redemption fee, some ATV owners are forfeiting their vehicle and subsequently repurchasing the ATV at the County's auction.

This Legislature also finds that the Code does not currently prevent owners of impounded, seized or forfeited ATVs from bidding at the County's forfeiture auction.

This Legislature further finds that the Code should be amended to close this loophole and ensure that individuals who are violating the County's ATV laws cannot purchase ATVs at auction without first redeeming their own property.

Therefore, the purpose of this law is to amend Chapter 469 of the SUFFOLK COUNTY CODE to prohibit individuals who have had one or more ATVs impounded or seized by the County of Suffolk from purchasing ATVs at forfeiture auctions.

Section 2. Amendments.

Section 469-6 of the SUFFOLK COUNTY CODE is hereby amended as follows:

Chapter 469, VEHICLES, OFF-ROAD

ARTICLE I, All-terrain vehicles

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§ 469-7. Sale Restrictions.

A. No person who has forfeited an ATV pursuant to § 469-5 shall be eligible to purchase any ATV from the County of Suffolk.

B. No person who has had an ATV impounded or seized pursuant to § 469-5shall be eligible to purchase any ATV from the County of Suffolk until they have redeemed their ATV in accordance with same.

§ 469-[7]8. Discretionary action.

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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.

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: August 16, 2011

APPROVED BY:

County Executive of Suffolk County

Date: SEP 0 9 2011

After a public hearing duly held on August 30, 2011
Filed with the Secretary of State on September 26, 2011

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 August 16, 2011 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.

Tim Laube

Clerk of the Legislature

Intro. Res. 1612 Res. No. 702 August 16, 2011

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

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

Second:
Romaine, Schneiderman, Browning, Muratore, Anker
Eddington, Montano, Cilmi, Lindsay, Viloria-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	Sarah S. ANKER					
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	18				

MOTION

X 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 X FAILED ___
No Motion ___ No Second ___

RESOLUTION DECLARED

X ADOPTED
___ NOT ADOPTED

Roll Call ___ Voice Vote X

Tim Laube

Tim Laube, Clerk of the Legislature