

**STRICKEN AS OF END OF YEAR**  
**AMENDED COPY AS OF 10/15/2015**

Intro. Res. No. 1822-2015

Laid on Table 10/6/2015

Introduced by Legislators Hahn and Schneiderman

**RESOLUTION NO.                   -2015, ADOPTING LOCAL LAW**  
**NO.       -2015, A CHARTER LAW TO INCREASE OVERSIGHT**  
**OF PARK VIOLATION DETERMINATIONS**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a meeting held on October 6, 2015, a proposed local law entitled, "**A CHARTER LAW TO INCREASE OVERSIGHT OF PARK VIOLATION DETERMINATIONS**"; now, therefore be it

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

**LOCAL LAW NO.       -2015, SUFFOLK COUNTY, NEW YORK**

**A CHARTER LAW TO INCREASE OVERSIGHT OF PARK**  
**VIOLATION DETERMINATIONS**

**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 County of Suffolk operates an extensive park system visited by thousands of people each year who camp, hike, fish and enjoy the beautiful natural environment of Suffolk County.

This Legislature finds that many park visitors purchase green key passes, make camping reservations and obtain permits to hunt deer and ducks, fish, ride horses and fly model aircraft.

This Legislature determines that individuals who engage in prohibited or restricted activities on park property can be fined and/or have their permits and Green Key passes suspended or revoked.

This Legislature also finds that currently, the Commissioner of the Department of Parks, Recreation and Conservation makes the final determination of penalties for violations and there is no procedure that allows for an appeal of those determinations.

This Legislature further finds that some revocations are for multiple years which can create a significant hardship for families who use parks regularly.

This Legislature also determines that a procedure should be established to allow an appeal of multi-year penalties to ensure a full and fair review of violations and the corresponding penalties.

Therefore, the purpose of this law is to provide for review of certain penalties issued by the Commissioner of the Department of Parks, Recreation and Conservation by the Park Trustees.

**Section 2. Amendments.**

I. Article XXVIII of the SUFFOLK COUNTY CHARTER is hereby amended as follows:

**ARTICLE XXVIII  
DEPARTMENT OF PARKS, RECREATION AND CONSERVATION**

\* \* \* \* \*

§ C28-3. Powers and duties of the Board of Trustees.

A. The Board shall have the following powers and duties:

\* \* \* \* \*

(7) To establish rules and procedures to hear appeals of Green Key and permit suspensions that exceeds one (1) year in length or involve subsequent revocations or suspensions within one (1) year of the completion of a revocation or suspension. The Board may form a 3 member subcommittee to hear such appeals. The Board shall issue a final determination following the conclusion of the appeal proceeding and may maintain or reduce the term of the suspension or revocation.

\* \* \* \* \*

II. Chapter 643 of the SUFFOLK COUNTY CODE is hereby amended as follows:

**CHAPTER 643  
PARKS AND PARK FACILITIES**

**Article I. Rules and Regulations**

\* \* \* \* \*

§ 643-9. Penalties for offenses.

\* \* \* \* \*

C. When the Commissioner suspends or revokes a person's Green Key or permit for a period longer than one (1) year or when a subsequent suspension or revocation occurs within one (1) year of an individual completing a suspension or revocation, that person shall have the right to appeal the suspension or revocation to the Board of Trustees.

\* \* \* \* \*

**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 its filing in the Office of the Secretary of State.

\_\_\_ Underlining denotes addition of new language

DATED:

APPROVED BY:

\_\_\_\_\_  
County Executive of Suffolk County

Date: