

**RESOLUTION ADOPTING A LOCAL LAW AMENDING PAID PARKING REGULATIONS IN CHAPTER 265 SECTION 47.1, AND VILLAGE CODE CHAPTER 186, PARKS AND RECREATION, ARTICLE I, HAVENS BEACH, SECTION 186-3 VEHICLES, TO CREATE PAID PARKING AT HAVENS BEACH**

**WHEREAS**, the Village Board of the Village of Sag Harbor seeks to enact a local law amending Village Code, Chapter 186, Parks and Recreation, Article I, Havens Beach, §186-3 Vehicles and Village Code §265-47.1 to create paid parking at Havens Beach from June 17<sup>th</sup> to September 4<sup>th</sup> between the hours of 10:00 am and 5:00 pm; and

**WHEREAS**, in furtherance of this goal, the Board of Trustees is considering enacting a local law amending Village Code, Chapter 186, Parks and Recreation, Article I, Havens Beach, §186-3 Vehicles and Village Code §265.47.1 to create Paid Parking for Havens Beach from June 17<sup>th</sup> to September 4<sup>th</sup> between the hours of 10:00 am and 5:00 pm; and now, therefore be it

**WHEREAS**, a public hearing was held on Tuesday, May 9, 2023, at which time all persons either for or against the proposed local law were heard; and

**WHEREAS**, the Village of Sag Harbor and the Village of Sag Harbor Planning Consultant, Nelson Pope & Voorhis determined that the proposed action is Type II Action requiring no further environmental review; and now therefore be it

**RESOLVED**, that the following local law is hereby adopted:

**LOCAL LAW NO. 4 OF 2023**

Be it enacted by the Village Board of Trustees of the Village of Sag Harbor as follows:

**A LOCAL LAW** amending Village Code, Chapter 186, Parks and Recreation, Article I, Havens Beach, §186-3 Vehicles and Village Code §265-47.1 to create Paid Parking for Havens Beach from June 17<sup>th</sup> to September 4<sup>th</sup> between the hours of 10:00 am and 5:00 pm.

**SECTION 1.** Legislative Intent.

In March of 2021, the Village established a paid parking plan and established a paid parking program on Long Wharf. This local law seeks to extend the paid parking plan to allow for paid parking at Havens Beach from June 17<sup>th</sup> to September 4<sup>th</sup> between the hours of 10:00 am and 5:00 pm. Those vehicles without a resident parking sticker will be subject to the paid parking procedure and regulations set forth in Village Code §§265-47.1 and 186.3 as set forth therein.

**SECTION 2. Amendment.** Please see the following and amend Village Code §265-47.1 Paid parking, by deleting those words that are stricken and adding those words that are underlined:

§ 265-47.1. Paid parking.

[Added 3-9-2021 by L.L. No. 4-2021]

A.

The Village Board of Trustees is hereby authorized to establish a paid parking plan in areas as set forth in this article. The Village Clerk, with the approval by resolution of the Board of Trustees, may procure software programs, if needed, and other equipment and services that are determined necessary to implement the paid parking plan.

B.

Parking fees shall be determined annually by resolution of the Village Board of Trustees. Such fees shall be documented within any smartphone application employed by the Village pursuant to this chapter.

C.

Between the hours of 10:00 a.m. and 11:59 p.m., from May 1<sup>st</sup> at 12:00 A.M. through and including November 30 at 11:59 P.M., the following streets or portions of streets are designated as paid parking zones:

Street	Side	Location
Long Wharf	Both	Entire length

D.

Between the hours of 10:00 a.m. and 5:00 p.m., from June 17<sup>th</sup> through and including September 4<sup>th</sup>, the parking lot at Havens Beach shall be designated a paid parking zone. Those vehicles that display a valid resident beach sticker are exempt and shall not be required to participate in paid parking.

**D E.**

Except in a period of emergency determined by an officer of the Fire or Police Department, or in compliance with the directions of a police officer or traffic control sign or signal, when any vehicle shall be parked in any parking space within a paid parking area pursuant to this chapter, the operator of such vehicle shall, upon entering the parking space, immediately register with the paid parking smartphone application. Alternatively, the operator of such vehicle may register by calling a toll-free number by personal or public telephone. Telephones will be made available by the Village for this purpose in a location on Long Wharf, such as the Harbormaster's Office, or such other location as the Trustees deem appropriate.

**E. F.**

Failure to make proper payment in accordance with the instructions on the smartphone application shall constitute a violation of this article.

**F. G.**

If said vehicle shall remain parked in any such parking space beyond the parking time limit set for such vehicle's parking space, and if the paid parking information system shall indicate such illegal parking, such vehicle shall be considered as parking overtime and beyond the period of legal parking time, and such parking shall be a violation of this chapter.

**G. H.**

In the paid parking areas designated in Subsection C, all spaces designated for handicapped parking and spaces designated for limited (thirty-minute) parking shall be exempt from the provisions of this article.

H.I.

It shall be the duty of the Village Treasurer to keep a record of the collection of fees from parking and to deposit said fees in the appropriate municipal account.

I.J.

The payments required hereunder are hereby levied and assessed as fees to be deposited within the general fund for the Village.

J.K.

Violations. It shall be unlawful and a violation of the provisions of this chapter for any person to cause, allow, permit or suffer any vehicle registered in the name of or operated by such person to be parked without payment within a paid parking space or beyond the period of legal parking time established for any paid parking zone as herein described. Penalties shall be consistent with § 265-50 herein.

**SECTION 3. Amendment.** Please see the following and amend Village Code, Chapter 186, Parks and Recreation, Article I, Havens Beach, §186-3 Vehicles, by deleting those words that are stricken and adding those words that are underlined:

§ 186-3, **Vehicles.**

A.

No vehicle shall be parked upon any portion of the premises known as "Havens Beach," unless, (i) there is at the time displayed, as directed, a current parking permit issued by the Village Clerk for use of the parking facilities at Havens Beach; or (ii) shall comply with the paid parking procedure set forth in Village Code §265-47.1.

B.

The fee for a parking permit for use of the parking facilities at Havens Beach shall be as established from time to time by resolution of the Board of Trustees. The Board of Trustees may, by resolution, establish a fee amount for a seasonal parking permit to be issued to a resident of the Village, a fee amount for a seasonal parking permit to be issued to a nonresident of the Village and a fee amount for a daily parking permit.

C.

The Village Clerk is authorized to issue such parking permit upon due application and payment of the required fee. A seasonal parking permit shall expire at the end of the season in the calendar year for which issued. A daily parking permit shall expire at the end of the day for which issued.

D.

No vehicle shall be parked or driven upon any portion of the premises known as "Havens Beach" except in parking areas designated for that purpose. Vehicles shall park in the designated areas only.

**SECTION 4. Authority.**

The Village of Sag Harbor hereby enacts this legislation pursuant to New York State Vehicle and Traffic Law §§1603 and 1640.

**SECTION 5. Severability.**

If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, the judgment shall not affect, impair or invalidate the remainder of this local law but shall be confined in its operation to the clause, sentence, paragraph, section or part of this local law that shall be directly involved in the controversy in which such judgment shall be rendered.

**SECTION 6. Effective Date.**

This chapter shall take effect immediately upon filing in the office of the Secretary of State pursuant to the Municipal Home Rule Law.