

ENACTMENT: ADOPT LOCAL LAW INTRODUCTORY NO. 24-2024 AMENDING THE UNIFORM TRAFFIC CODE OF THE TOWN OF HUNTINGTON

Resolution for Town Board Meeting dated: July 9, 2024

The following resolution was offered by: **COUNCILWOMAN MARI**

and seconded by: **SUPERVISOR SMYTH**

WHEREAS, the Town Board is desirous of securing compliance and deterring violations of parking regulations; and

WHEREAS, the Town Board has undertaken a review of the Traffic Code to identify ways to improve the adjudication of parking violations; and

WHEREAS, the Town Board has identified ways to enhance the Town's ability to process and collect on parking violations which will result in issuing tickets that are jurisdictionally sufficient and decreasing the number of tickets that are written in error; and

WHEREAS, pursuant to the SEQRA regulations, updating the Code of the Town of Huntington for recordkeeping purposes is not an action pursuant to 6 NYCRR Part 617.2 (b), and no further SEQRA review is required at this time; and

THE TOWN BOARD having held a public hearing on the 9th day of July, 2024 at 2:00 p.m. to consider adopting Local Law Introductory No. 24-2024 amending the Uniform Traffic Code of the Town of Huntington and due deliberation having been had,

HEREBY ADOPTS

Local Law Introductory No. 24-2024 amending the Uniform Traffic Code of the Town of Huntington as follows:

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF HUNTINGTON AS FOLLOWS:

LOCAL LAW NO. 29-2024
AMENDING THE UNIFORM TRAFFIC CODE OF THE TOWN OF HUNTINGTON

Section 1. Amendment to the Uniform Traffic Code of the Town of Huntington as follows:

CHAPTER TC1
GENERAL PROVISIONS
ARTICLE I (DEFINITIONS; WORD USAGE)

§ TC1-1 Definitions of words and phrases.

* * *

B. The following words and phrases, which are not defined by Article I of the Vehicle and Traffic Law of the State of New York, shall have the following meanings:

CODE

The Uniform Traffic Code of the Town of Huntington, Suffolk County, New York.

COMMUTER PERMIT

1. Paper permit- A paper permit issued by the Town of Huntington that is permanently affixed to a vehicle, that is associated with the license plate of that vehicle.
2. Virtual permit- A permit that is issued by the Town of Huntington to the permit holder electronically which is associated with the vehicle license plate, as an alternative to a paper permit.

* * *

§ TC1-7 Penalties.

Any person or business entity who commits any acts in violation of any provision of the Uniform Traffic Code shall be deemed to have committed an offense against this Code and shall be liable for such violation and the penalty therefor and shall, upon conviction thereof, be subject to a fine or penalty or imprisonment as follows:

- [A. Not less than twenty-five dollars (\$25) nor more than seventy-five dollars (\$75): § TC3-6(A) and § TC3-3(G).
- B. Not less than fifty dollars (\$50) nor more than one hundred and fifty dollars (\$150): § TC3-3(F), § TC3-6(C), § TC3-7, and § TC4-3(F)(2).
- C. Not less than one hundred dollars (\$100) for the first offense nor more than three hundred dollars (\$300); not less than one hundred fifty dollars (\$150) for the second offense nor more than four hundred and fifty dollars (\$450); not less than one hundred seventy-five dollars (\$175) nor more than five hundred dollars (\$500) for each and every offense thereafter: § 3-2; § 3-3(A), (D) and (E); § 4-1(A)(1) and (C); § 4-3(B), (C), (E), (F)(1), (F)(7) and (F)(8); § 4-12; § 4-13; § 4-14; and § 4-15.
- D. Not less than two hundred dollars (\$200) nor more than six hundred dollars (\$600): § 2-2; § 2-3; § 3-3(C) and § 4-3(F)(6).
- E. Not less than two hundred dollars (\$200) nor more than six hundred dollars (\$600) and the violator shall be required to remove the vision obstruction: § 6-7.
- F. Not less than two hundred dollars (\$200) nor more than six hundred dollars (\$600) (fire zones, hydrants and fire stations): § 3-3(B); § 4-1(A)(2); § 4-1(B); § 4-3(F)(5).
- G. Not less than two hundred dollars (\$200) nor more than six hundred dollars (\$600) in addition to the mandatory surcharge imposed by the State of New York (handicapped parking, transfer areas, access aisles): § 3-13(A) and (B); § 4-1(A)(3) and (A)(4); § 4-2(A) and (B); § 4-3(F)(3) and (F)(4).

H. Not less than two hundred fifty dollars (\$250) nor more than seven hundred and fifty dollars (\$750): § 5-1(A) and (B).

I. Not less than two hundred dollars (\$200) and not more than seven hundred fifty dollars (\$750): § 5-2.

J. Not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000) for each infraction and automatic revocation of the handicapped parking permit: § 6-8.

K. Not less than one hundred dollars (\$100) and not more than two hundred fifty dollars (\$250): § 3-10; § 3-11(A) and (B).

L. Not less than one hundred dollars (\$100) for the first offense nor more than three hundred dollars (\$300) and up to two hundred dollars (\$200) for each subsequent offense. Each day or part thereof the offense continues shall be deemed a separate offense: § 3-12.

M. Misdemeanor punishable by a fine or penalty of not more than two thousand five hundred dollars (\$2,500), or by imprisonment not exceeding six (6) months, or by both such fine and imprisonment § 3-6(D) and (E).

N. Not less than two hundred fifty dollars (\$250) and not more than one thousand (\$1,000) dollars: § 2-11.

O. In addition to the penalties set forth in this Chapter, any vehicle parked, left standing or stopped in violation of any provision of the Uniform Traffic Code on any street, highway, Town parking field, private parking field listed in Schedule K, or in any shopping center or facility comprising five or more retail stores and having twenty (20) or more off-street parking spaces shall be subject to removal in accordance with the provisions of Chapter 6, Miscellaneous Provisions.]

Add the following:

Violation	Description of Violation	Fine	Day 31	Day 61	Day 91
TC2-11	Parking or Driving Off Pavement in Town Park	250	500	1000	1000
TC3-13(A)	**Handicap Parking on Street	230	430	630	630
TC3-13(B)	**Handicap Parking Transfer Area	230	430	630	630
TC3-2	Manner of Parking	100	200	300	300
TC3-3(A)1	No Parking	100	200	300	300
TC3-3(A)10	No Parking "Taxi Stands"	100	200	300	300
TC3-3(A)2	Limited Parking	100	200	300	300
TC3-3(A)3	No Parking (Seasonal)	100	200	300	300
TC3-3(A)4	Metered parking prohibited during the hours indicate in 3-7	100	200	300	300
TC3-3(A)5	Parking in "angle parking," only at the angle designated	100	200	300	300
TC3-3(A)6	No Standing	100	200	300	300
TC3-3(A)7	No Stopping	100	200	300	300
TC3-3(A)8	No Parking "Bus Stops"	100	200	300	300
TC3-3(A)9	No Parking "Loading Zones"	100	200	300	300
TC3-3(B)	Parking/Standing/Stopping Within 15' of Fire Hydrant	200	400	600	600
TC3-3(C)	Double Parking	200	400	600	600

TC3-3(D)	Parking / Standing / Stopping in Intersection	100	200	300	300
TC3-3(E)	Parking / Standing / Stopping - Obstructing Driveway or	100	200	300	300
TC3-3(F)	Parking/Standing/Idling on Sidewalk/Median/Island	50	100	150	150
TC3-3(G)	Parking Without Resident Beach Permit	100	200	300	300
TC3-6(A)	Meter Violation	25	50	75	75
TC3-6(C)	Overtime Parking at Meter	50	100	150	150
TC3-7	O-T Parking/On-street Meters & Designated Spaces in Sched P	50	100	150	150
TC3-14	Unregistered/Expired Registration	75	150	225	225
TC3-15	Expired Inspection	75	150	225	225
TC4-1(A)1	Manner of Parking, Standing or Stopping - Schedule K	100	200	300	300
TC4-1(A)2	Fire Zone - Schedule K	200	400	600	600
TC4-1(A)3	**Handicap Parking- Schedule K	230	430	630	630
TC4-1(A)4	**Handicap Transfer Area - Schedule K	230	430	630	630
TC4-1(B)	Parking/Standing/Stopping Fire Station-Unauthorized Vehicle	200	400	600	600
TC4-1(C)	Schedule K -Parked Not In Accordance With Official Signs/Markings	100	200	300	300
TC4-12	Commuter Permit Placement/Obstruction/Removal	100	200	300	300
TC4-13	Commuter Permit - Non-transferable	100	200	300	300
TC4-14	Commuter Permit Tampering	100	200	300	300
TC4-15	Commuter Permit Assignment Prohibited	100	200	300	300
TC4-2(A)	**Handicap Parking - 5+ Retail Stores / 20+ Parking	230	430	630	630
TC4-2(B)	**Handicap Transfer Area - 5+ Retail Stores / 20+ Parking Spaces	230	430	630	630
TC4-3(B)	Parking Without Commuter Permit	100	200	300	300
TC4-3(C)	Parking Without Marina Permit	100	200	300	300
TC4-3(E)	Twelve-hour LIRR Parking Violation	100	200	300	300
TC4-3(F)1	Parking Outside Marked Stall	100	200	300	300
TC4-3(F)2	Overtime Parking Off-Street	50	100	150	150
TC4-3(F)3	**Handicap - Schedule L	230	430	630	630
TC4-3(F)4	**Handicap Transfer Area - Schedule L	230	430	630	630
TC4-3(F)5	Fire Zone - Schedule L	200	400	600	600
TC4-3(F)6	No Parking, Standing or Stopping - Electric Plug in Vehicles	200	400	600	600
TC4-3(F)7	Senior Parking Only -Town Resident ID Card Required	100	200	300	300
TC4-3(F)8	Head-In Parking	100	200	300	300
TC4-16	Alteration of License Plates	75	150	225	225
TC5-1 (A)	No trucks, commercial vehicles, TT's in excess of 5-ton GVM	250	500	750	750

TC5-1(B)	No trucks, commercial vehicles, TT's in excess of 5-ton GVM in Schedule O	250	500	750	750
TC5-2	Overnight Parking - Certain Vehicles	200	475	750	750
TC6-2(D)1	Immobilization by Barnacle - Boot	500	500	500	500
TC6-2(D)4	Tampering with an immobilization device	1000	1000	1000	1000
TC6-7	Vision Obstruction by Parked/Stopped Vehicle	200	400	600	600
TC6-8	Handicap Permit Tampering	500	750	1000	1000

*Fines escalate for subsequent violations upon adjudication of the same Traffic Code violation.

**Fine for Handicap violations include \$30.00 NYS Surcharge

§ TC1-8 Additional penalties.

Notwithstanding any other provision in any law, ordinance or regulation to the contrary, failure to pay or answer a ticket within thirty (30) days of issuance thereof, or any subsequent adjourned date, may result in additional penalties. Such additional penalties may include:

* * *

C. Immobilization. In the event that a vehicle owner should fail to appear and or answer on the return date or any subsequent adjourned date in response to parking violation summonses issued charging violations of the parking laws, ordinances and regulations written pursuant to Huntington Town Code, the vehicle of such owner may be immobilized as outlined in § TC6-2. Once a vehicle is immobilized, it shall not be released until full payment has been made for all outstanding penalties, fines, or fees owed related to all parking violations for all vehicles of the registered owner, plus all immobilization, towing and storage charges and administrative fees.

D. In the event that a vehicle owner should fail to [appear on the return date or any subsequent adjourned date] answer in response to parking violation summonses issued charging violations of the parking laws, ordinances and regulations written pursuant to Huntington Town Code, within ninety (90) days, the owner or person in charge of such vehicle may be denied the following until such time as full payment and proof of same has been made for all outstanding penalties, fines, or fees owed related to all parking violations or, in the event a default judgment has not been entered, that an appearance has been made:

* * *

§ TC1-9 Entry of plea; payment of fines.

A. A person who has received a ticket for violation of this Code, within the time specified in such 30 days' notice, may enter a plea as follows:

* * *

(a) Failure to [show at a conference date] answer a violation. In the event a person charged with a parking violation does not answer within ninety (90) days from when the ticket was issued [appear at a scheduled conference date, or any subsequent adjourned date], the Bureau may enter a plea of guilty on behalf of the defendant and render a default judgment for the maximum amount authorized in § TC1-7, plus an administrative fee, or immobilization as outlined in TC6-2(D), and impose any other applicable penalty outlined in § TC1-8.

(b) Failure to show at a hearing. In the event a person charged with a parking violation does not appear at a scheduled hearing date, or any subsequent adjourned date, the Bureau may enter a plea of guilty on behalf of the defendant and render a default judgment for the maximum amount authorized in § TC1-7, plus an administrative fee, or immobilization as outlined in TC6-2(D), and impose any other applicable penalty outlined in § TC1-8.

(c) [Adjournment of a conference date. A one-time adjournment of a conference date shall be granted without an appearance provided that the Bureau receives such request in advance, in writing, before the date of the conference. Any further adjournments will be considered and granted at the sole discretion of the Bureau. A request for a second or subsequent adjournment shall only be granted for good cause shown.]

[(d)] Adjournment of a hearing date. A one-time adjournment of a hearing date shall be granted without an appearance, for good cause shown, provided that the Bureau receives such request in advance, in writing, before the date of the hearing. A second request for an adjournment of a hearing will not be considered by the Bureau.

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§TC3-3 Designation of areas and restrictions.

* * *

G. It shall be unlawful to park, stand or stop a motor vehicle within Town of Huntington beach parking lots unless [there is affixed to the right rear passenger window of the vehicle] a valid resident beach parking [sticker or display] permit [of a Town issued] or daily pass has been issued to the vehicle. [in accordance with this article.]

* * *

§ TC3-6. Use restrictions and regulations.

A. Deposit of fee required. It shall be unlawful to park a vehicle in a metered parking space during the hours of parking meter or pay station operation, or otherwise obstruct the lawful use of same, unless the appropriate fee is deposited in such meter or pay station.

* * *

[D. Legal currency required. It shall be unlawful to deposit or attempt to deposit in any parking meter or pay station any slug, button or any other device or item as a substitute for legal United States currency.

E. Damage to parking meters and pay stations. It shall be unlawful for any person to deface, tamper with, willfully break, destroy or impair the usefulness of or to open without lawful authority any parking meter or pay station system.]

* * *

[§ TC3-12 Obstructions.

No snow, debris, dirt or other obstruction shall be dumped, placed, left and/or maintained in any parking space, transfer area or access aisle designated for use by handicapped persons. Each handicapped parking space, transfer area or access aisle affected in such manner shall constitute a separate offense.]

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§ TC3-14 Registration of vehicles.

The parking of any motor vehicle on any town, county or state highway within the limits of the Town of Huntington which is not registered in accordance with Article XVII of the New York State Vehicle and Traffic Law is prohibited.

§ TC3-15 Inspection of vehicles.

The parking of any motor vehicle on any Town, county or state highway within the limits of the Town of Huntington which does not have a valid inspection certificate displayed on said vehicle in accordance with Article V of the New York State Vehicle and traffic Law is prohibited.

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Chapter TC4. Parking Fields

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§ TC4-13 Non-transferability of permit.

No person shall permit or allow a paper permit to be posted on a vehicle other than the vehicle for which the permit was issued without the consent of the Huntington Town Clerk. Such permit shall be null and void without such consent. The person or entity to whom the permit was originally issued and the owner of the vehicle where the permit has been unlawfully posted shall be strictly liable for a violation of this chapter.

§ TC4-14 Alteration of permit.

It shall be unlawful to alter, obscure, deface, change or otherwise tamper with any portion of a paper parking permit issued pursuant to this chapter. The owner of the vehicle and/or permit holder shall be strictly liable for a violation of this section.

§ TC4-15 Assignment of permit.

Assignment of a permit is prohibited. It shall be unlawful to assign a paper parking permit to the new owner of a vehicle for which a paper permit has been issued. Such assignment shall be null and void. Failure to comply with this section shall be deemed a violation of this chapter.

§ TC4-16 Alteration of license plates.

It shall be unlawful to alter, obscure, deface, or cover or otherwise tamper with any portion of the license plates, that conceals, obscures, or distorts a recorded or photographed image of said plate.

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Chapter TC6. Miscellaneous Provisions

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§ TC6-2 Authority to impound vehicles; tampering with an immobilization device.

A. When any vehicle is parked or abandoned on any highway within the unincorporated limits of the Town of Huntington during a snowstorm, flood, fire or other public emergency which affects that portion of the public highway upon which said vehicle is parked or abandoned, said vehicle may be removed by the Department of Public Safety or its duly authorized agent.

* * *

D. Immobilization.

(1) When any vehicle is parked on or abandoned on any highway or Town parking field within the Town of Huntington in violation of any provision of this Code prohibiting or regulating the stopping, standing or parking of vehicles or said vehicle is parked, left standing or stopped on any street, highway, Town parking field, private parking field listed in Schedule K, or in any shopping center or facility comprising five or more retail stores and having twenty (20) or more off-street parking spaces and is known to have any one of the following:

- (a) three (3) or more violations of any provision of this Code prohibiting or regulating the stopping, standing or parking of vehicles and which three or more violations are outstanding as unpaid or otherwise unanswered,
- (b) [or] the registered owner of such vehicle has [in excess of] five hundred dollars (\$500) or more in unpaid parking tickets,
- (c) failure to pay any fine within thirty (30) days of a hearing before an Administrative Law Judge held at Town of Huntington Traffic Court the Department of Public Safety may immobilize said vehicle with a device designed for the immobilization of vehicles, and/or said vehicle may be removed by the Department of Public Safety or its duly authorized agent.

(2) Immobilization notice. The Bureau shall notify the vehicle owner, by first-class mail, that the vehicle is eligible for immobilization and that such action may be avoided by paying all outstanding penalties, fines, or fees owed related to all parking violations within ten (10) days of mailing such notice and providing proof of same.

* * *

(4) Tampering with an immobilization device. It shall be unlawful for any person or entity to willfully or negligently deface, tamper with, break, destroy, damage or impair the usefulness of an immobilization device, and or move the vehicle with an immobilization device attached without lawful authority.

* * *

§ TC6-3 Immobilization, removal and storage charges of vehicles; tampering with an immobilization device.

The owner or person in charge of any vehicle immobilized, removed and/or stored shall be charged the following fees and charges for any immobilization, removal or storage of said vehicle:

A. Immobilization of vehicle: [five hundred dollars (\$500.)] three hundred fifty dollars (\$350.)

B. [Any person or entity that willfully or negligently breaks, destroys, damages or impairs the usefulness of an immobilization device, without lawful authority shall be liable for an additional fee of] Tampering with an immobilization device: one thousand dollars (\$1,000.).

C. Removal/towing of vehicle: five hundred dollars (\$500.)

D. Storage of vehicle: ten dollars (\$10.) per day or any fraction thereof.

E. A [two hundred (\$200)] one hundred fifty dollars (\$150.) surcharge for administrative costs.

* * *

§ TC6-7 Designation of vision obstructions.

[If any wall or fence, bush, tree or shrub,] Any motor vehicle that is parked and or stopped and [motor vehicle, or any movable or stationary object] creates a significant vision obstruction to the operator of any motor vehicle seeking to enter onto, leave or travel along any segment of a Town street, [as determined by the Director of the Department of Transportation & Traffic Safety or his or her designee,] such shall be deemed to be a violation of the Code.

* * *

Section 2. Severability.

If any clause, sentence, paragraph, subdivision, section or other part of this local law shall for any reason be adjudged by any court of competent jurisdiction to be unconstitutional or otherwise invalidated, such judgment shall not affect, impair or invalidate the remainder of this local law, and it shall be construed to have been the legislative intent to enact this local law without such unconstitutional or invalid parts therein.

Section 3. Effective Date.

This Local Law shall take effect immediately upon filing in the Office of the Secretary of State of the State of New York.

ADDITIONS ARE INDICATED BY UNDERLINE.

* * * INDICATES NO CHANGE IN PRESENT TEXT.

DELETIONS ARE INDICATED BY [BRACKETS].

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Edmund J. Smyth	AYE
Councilman Dr. Dave Bennardo	AYE
Councilman Salvatore Ferro	AYE
Councilwoman Brooke A. Lupinacci	AYE
Councilwoman Theresa Mari	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.