

**AGENDA FOR THE BOARD OF TRUSTEES APRIL 16, 2021, 11:00 A.M.**  
**REGULAR MEETING – EXECUTIVE SESSION**  
**HELD VIA VIDEO-CONFERENCE**

*Pursuant to Executive Order 202.2 the public will not be permitted to attend in person. Meeting will be held via video conference online and published by Local TV, Inc. (Channel 20/22 LTV – public access) Call in will be available. Public may submit comment by e-mail to: [jlester@easthamptonvillage.org](mailto:jlester@easthamptonvillage.org), fax: 631-324-4189 or mail: Board of Trustees, Village of East Hampton, 86 Main Street, East Hampton, NY 11937.*

1. Pledge of Allegiance
2. Announcements
3. Presentations: • Nelson Pope – Commercial District
4. Public Hearings:
  - 1) Introductory #3-2021, a proposed amendment to Code Chapter 267; Vehicles & Traffic; to implement paid parking regulations and provide for the necessary equipment to enforce said regulations, and to modify the penalties section for such Chapter. (hearing to be continued from March 19, 2021)
  - 2) Introductory #4-2021, a proposed amendment to Ch. 267-5.C., Vehicle & Traffic; Beach Parking; to make available for purchase monthly 2021 non-resident beach parking permits.
  - 3) Introductory #5-2021, proposed legislation adding a new Code Chapter; 275 Temporary (Seasonal) Outdoor Dining Permit.
  - 4) Introductory #6-2021, proposed Amendments of village code Chapter 77; Beaches, to address issues concerning alcohol consumption on the beaches and Chapter 211; Peace and Good Order, to address issues concerning smoking on the beach.
  - 5) Introductory #7-2021, a proposed amendments of village code Chapter 68; Animals, to require dog owners to clean up after their dogs.
5. Public Comment

**RESOLUTIONS/MOTIONS:**

1. Approve claim vouchers for the month of April.
2. Approve fund warrants as listed: General #47, #49 & #50, Capital #51, Trust #46 and LOSAP #48.
3. Approve Budget Transfer Schedule #5, Reference #11, dated April 12, 2021
4. Approve minutes for meetings held on October 16<sup>th</sup>, November 5<sup>th</sup>, November 20<sup>th</sup>, December 3<sup>rd</sup> and December 18<sup>th</sup> of 2020, and January 7<sup>th</sup> and 15<sup>th</sup> of 2021.
5. Make a motion to approve departmental reports.

6. Adopt a negative SEQRA declaration in reference to Introductory #3-2021.
7. Adopt Introductory # 3-2021 as LOCAL LAW # SIX-2021, hereby amending Code Chapter 267; Vehicles & Traffic; to implement paid parking regulations and provide for the necessary equipment to enforce said regulations, and to modify the penalties section for such Chapter.
8. Adopt Resolution #28-2021, hereby establishing the fee schedule for parking within the parking zones as set forth in Chapter 267, Article IX.
9. Adopt a negative SEQRA declaration in reference to Introductory #4-2021.
10. Adopt Introductory # 4-2021 as LOCAL LAW # SEVEN-2021, hereby amending Code Chapter 267-5.C., Vehicle & Traffic; Beach Parking; to make available for purchase monthly 2021 non-resident beach.
11. Adopt Resolution #29-2021 fixing the fee for Non-Resident Monthly Beach Parking Permits at \$300 each, effective May 1, 2021
11. Adopt a negative SEQRA declaration in reference to Introductory #5-2021.
12. Adopt Introductory # 5-2021 as LOCAL LAW # EIGHT-2021, hereby adding a new Code Chapter; 275 Temporary (Seasonal) Outdoor Dining Permit.
13. Adopt a negative SEQRA declaration in reference to Introductory #6-2021.
14. Adopt Introductory # 6-2021 as LOCAL LAW # NINE-2021, hereby amending code Chapter 77; Beaches, to address issues concerning alcohol consumption on the beaches and Chapter 211; Peace and Good Order, to address issues concerning smoking on the beach.
15. Adopt a negative SEQRA declaration in reference to Introductory #7-2021.
16. Adopt Introductory # 7-2021 as LOCAL LAW # TEN-2021, hereby amending code Chapter 68; Animals, to require dog owners to clean up after their dogs.
17. Notice for a public hearing to be held on May 21, 2021 at 11:00 a.m. for Introductory #8-2021; a proposed amendment of Chapter 250 (Streets and Sidewalks) to increase the cost of an excavation permit, include right-of-way and prohibit placement of any shrubbery, hedges, trees, vegetation, rock walls or fences within the Village right of way.
18. Notice for a public hearing to be held on May 21, 2021 at 11:00 a.m. for Introductory #9-2021; a proposed amendment of Chapter 250 (Streets and Sidewalks) to revise and clarify minimum specifications for the constructions of curbs and gutters.
19. Approve the \$19,675.65 proposal received from South Fork Asphalt for Permanent Pavement Patch at the listed locations in DPW Superintendent David Collins' memo dated April 1, 2021.

20. Approve the \$282,390 proposal received from Rosemar for paving at listed locations in DPW Superintendent David Collins memo dated April 1, 2021.
21. Approve the \$10,435 quote received from South Fork Asphalt to install drainage at #5 Hither Lane, as per DPW Superintendent David Collins memo dated April 5, 2021.
22. Deem as surplus and approve disposal of two 2013 Ford Taurus police department vehicles: vin # 1FAHP2M84DG2022102008 and vin# 1FAHP2M84DG202211 (as per Chief Tracey's March 26<sup>th</sup> memo)
23. Deem as surplus and approve disposal of one 2016 Yamaha Grizzly 700 ATV vin #5Y48AM93Y2GA102832, Damaged beyond repair (as per Chief Tracey's March 16<sup>th</sup> memo)
24. Deem as surplus and approve disposal of listed obsolete Ambulance Association equipment: Clock, #1448, Pager #1067, Pagers #1328 - #1339, and pagers #1836 - #1841 (as per Chief Charde's March 24<sup>th</sup> memo)
25. Accept the resignation of Part-time Paramedic Benjamin Doll, effective retroactively to March 26, 2021, as per memo from Chief Tracey.
26. Accept the resignation of Part-time Paramedic Joseph Kuhn, effective retroactively to March 16, 2021, as per memo from Chief Tracey.
27. Employ Jamie Tulp as Seasonal Beach Manager for the 2021 season at the salary of \$ 32,960.
28. Employ 2021 seasonal beach employees, as per Beach Manager J. Tulp's memo dated April 14<sup>th</sup>.
29. ~~Employ Jonda Stilwell (\$18 an hour) and Francine Hanford (\$15 an hour) as 2021 seasonal tour guides at Home Sweet Home Museum. APPROVED ON MARCH 19TH~~
30. Resolution #30-2020, to approve the contract extension with Fundamental Business Service, Inc. to provide professional services for fines & penalty collection for the Town & Village for a period of one year, effective from May 31, 2021 through May 31, 2022.
31. Adopt Resolution #31-2021, concerning erroneous real estate taxes (SCTM# 301-4-6-11.2) paid and refund in the amount of \$4,450.50 due to CVS/Hook Mill Associates to representatives Koeppel Martone & Leistman, LLC.
32. Adopt Resolution #32-2021, concerning erroneous real estate taxes (SCTM# 301-12-4-2.4) paid and refund in the amount of \$2,736.90 to Aventine Properties LLC, as per the Suffolk County Small Claims Review Board.
33. Adopt resolution #33-2021, to amend the 2020-2021 budget, to increase estimated revenue and appropriations in the amount of \$310,000.00 related to additional Beach Parking revenue.

35. Make a motion to accept 2021 - 2022 East Hampton Fire Department Officers as per recent Fire Dept election; Gerard Turza, Jr. - Chief Engineer, Duane Forrester - 1<sup>st</sup> Asst. Engineer, Gregory Eberhart - 2<sup>nd</sup> Asst Engineer and listed Company Officers as per Chief Turza's April 9<sup>th</sup> memo.
36. Approve status change for Fire Department Company #2 member John Kronuch from active member to in-active exempt, effective retroactively to December 27, 2020, as per Chief Turza's April 9<sup>th</sup> memo.
37. Approve status change for Fire Department Company #5 member Garrett Rack to in-active exempt, effective retroactively to November 16, 2020 as per Chief Turza's June 16<sup>th</sup> memo.
38. Adopt Resolution #34-2021 to approve the \$4,402.25 payout to Village Attorney Elizabeth Baldwin (resignation effective April 16, 2021) for accumulated time, as per April 9<sup>th</sup> memo from Marcos Baladron.
39. Employ Armann Gretarsson and John Clark as Full-Time Police Officers effective May 1, 2021, at a starting salary of \$57,879.62, as per Chief Tracey's April 13<sup>th</sup> memo.
40. (Added 4-15) Approve sale of surplus 2013 Ford Ambulance (9-1-16), vin #1FDXE4FS8DDA43964 (deemed surplus/approved for sale by online auction on March 4<sup>th</sup>) for \$20,700 to NJ Mobile Healthcare.

**EXECUTIVE SESSION:** • Personnel

**NOTICE OF PUBLIC HEARING  
INTRODUCTORY #3 - 2021**

NOTICE IS HEREBY GIVEN THAT the Board of Trustees of the Inc. Village of East Hampton will hold a public hearing on Friday, the 16th day of April, 2021, at 11:00 a.m. at the Emergency Services Building, One Cedar St, East Hampton, NY, or via video conferencing, if necessary, at which time all interested persons will be heard with respect to a "Local Law amending the Code of the Village of East Hampton, §267; Vehicles & Traffic" to allow for the creation of paid parking zones in certain lots and streets within the Village of East Hampton.

BE IT ENACTED by the Board of Trustees of the Village of East Hampton as follows:

SECTION I. Purpose.

The streets and parking lots of the Village, just as in our neighboring Towns and Villages, currently have time limits. Such limits ensure the turnover of cars in the Village to help promote the businesses within the Village's commercial core. Historically, the monitoring of time limits within the Village has been accomplished by the chalking of tires. The U.S. Court of Appeals for the 6<sup>th</sup> Circuit recently heard a case which questioned the constitutionality of chalking of tires under the Fourth Amendment of the U.S. Constitution. While chalking has not been held unconstitutional, the Board desires to put into place a system of controlling time which, whenever possible, avoids this perceived intrusion and addresses complaints heard over the years that the chalk dirties their tires. The Board does not want to affect the beauty of our Village with parking meters at every spot on our roads or in our lots.

Current technology makes available a means of monitoring time which can address all these concerns. An application or "app" that members of the public can download onto their phones for free allow for the Village to monitor time without negatively impacting the historic character of the Village. It also provides a means to provide further flexibility in the time limits imposed, another issue many raise, especially when they desire to go to a restaurant and a movie. Accordingly, the introduction of technology provides the Board a means to address numerous concerns expressed over the years, provide a means, absent a fine after a violation, to permit people in our Village flexibility in parking while at the same time ensuring turn over for our businesses. Flexibility of time is accomplished by allowing patrons to pay for time in the lot while also capping the time limits to ensure parking all day in the core lots does not occur.

Furthermore, the core commercial district, not only for Village residents, but for all Town residents, containing vital and fundamental services such as banking, doctors, grocery stores, business and other services, some of which are found nowhere else in the Town, and/or the Village provides the only competitive alternative to what is found in other parts of the Town, providing unpaid time Town residents is vital and necessary for the residents of the Town to obtain and utilize fundamental and necessary services, which visitors to the Town obtain at their own homes. Permitting all Town and Village residents unpaid time is necessary to the Village businesses as well as the livelihood of all people who call the Town of East Hampton their home. It is the Boards belief and intent that the amendments incorporated by this law weighs the concerns of the business owners, the needs of the Village and Town residences which rely on the core services provided, as well as the beauty of the Village and the costs associated with maintaining the infrastructure of the Village such as the parking lots.

SECTION II. Amended.

The provisions of Chapter 267 of the Code of the Village of East Hampton are hereby amended as follows (added material is underlined & highlighted):

INTRODUCTORY NO. 3 -2021  
LOCAL LAW NO. \_\_\_\_ -2021

Article I  
General Regulations

- § 267-1. **Speed limits.** NO CHANGE.  
§ 267-2. **Night parking.** NO CHANGE.  
§ 267-3. **Parallel and angle parking.** NO CHANGE.

§ 267-4. **Parking prohibited in designated locations.**

- (49) On ~~both sides~~ the eastern side of Lumber Lane southerly from the intersection of said Lumber Lane with the southerly side of Railroad Avenue for a distance of 505 feet. As to the western side of Lumber Lane, starting at the northwest corner at intersection of Railroad Avenue running 137 feet south. Beginning at point on the western side of Lumber Lane, 497 feet from the intersection of Railroad Avenue and Lumber Lane continuing south 16 feet.

§ 267-5. **Beach parking.**

A through C. NO CHANGE

- D. Limited daily parking available by fee for non-permit holders. Daily parking is available on a limited basis for individuals not possessing a beach parking permit at a daily fee which shall, from time to time, be fixed by resolution of the Board of Trustees. Daily parking is available at the following beaches ~~and days stated:~~

- (1) Main Beach; Village-owned parking lot adjoining the easterly side of Ocean Avenue. ~~on Monday through Friday. In addition, daily parking will be available Saturdays, Sundays and holidays for not more than 60 vehicles.~~
- (2) Two Mile Hollow Beach parking lot. ~~on Monday through Friday. In addition, daily parking will be available Saturdays, Sundays and holidays. for not more than 40 vehicles.~~

§ 267-6. **Parking prohibited in designated locations during certain hours.** NO CHANGE.

§ 267-7. **Parking time limited in designated locations.**

- A. Except for designated handicapped parking spaces, which are governed by § 267-7B, the parking of vehicles in any of the following locations for longer than stated hereinafter is hereby prohibited. Where parking limits are applicable only between specified hours, unlimited parking is permitted at all other times, except as set forth in § 267-2 or elsewhere in this chapter. At the expiration of any timed parking listed herein, a parked vehicle must move a minimum of 20 feet in any direction in order to restart a new time period, except in any Village parking lot said vehicle must physically exit and reenter a lot to start a new parking period.

- (1) THRU (3) NO CHANGE.
- (4) At the Village-owned premises at 8 Osborne Lane ~~between the hours of 8:00 a.m. and 6:00 p.m. for a period in excess of two hours.,~~ for a period of time in excess of 23 hours, except for the five parking spaces (excludes the handicap space) closest to Osborne Lane on the southerly row of the parking lot, which between the hours of 8:00 a.m. and 6:00 p.m. for a period in excess of three hours.

(5) THRU (16) NO CHANGE.

(17) In that portion of the Lumber Lane Parking Lot (**sometimes referred to as Lot 1**), lying southwesterly of Pleasant Lane for a period of time in excess of 14 days, **subject to the requirements of a parking fee as set forth in Article IX herein.**

(18) NO CHANGE.

(19) In that portion of the Lumber Lane Parking Lot (**sometimes referred to as Lot 2**) lying southeasterly of Pleasant Lane for a period of time in excess of 24 hours.

(20) THRU (22) NO CHANGE.

~~(23) On the east side of Park Place beginning at a point 210 feet from the intersection of Main Street and Park Place and extending north for a distance of 42 feet and beginning at a point 262 feet from the intersection of Main Street, extending north to a point 473 feet from the intersection of Main Street and Park Place and on the north side of Park Place beginning at a point 263 feet from the intersection of Park Place and Newtown Lane extending east 137 feet for a period of time in excess of 15 minutes, during the period from April 1 to and including December 31.~~

**On the east side of Park Place beginning at a point 210 feet from the intersection of Main Street and Park Place and extending north for a distance of 465 feet and on the north side of Park Place beginning at a point 180 feet from the intersection of Park Place and Newtown Lane extending east 265 feet for a period of time in excess of 30 minutes, during the period from May 15 to and including December 31.**

(24) THRU (32) NO CHANGE.

(33) Robert G. Reutershan, Barnes Schenck, 66 Main Street and 73 North Main Street Parking Lots.

(a) In the Robert G. Reutershan Parking Lot and the Barnes Schenck Parking Lot, for a period of time in excess of ~~two~~ **three** hours between the hours of ~~8:00~~ **10:00** a.m. and 6:00 p.m. every day during the period from May ~~1~~ **15** to and including December 31, **subject to the requirements of a parking fee as set forth in Article IX herein,** and for a period of time in excess of ~~two~~ **three** hours on Fridays, Saturdays, federal holidays and only those Sundays that precede a Monday federal holiday during the period from January 1 to ~~April 30~~ **May 14**. Volunteer firemen **members** of the East Hampton Fire Department, ~~and~~ volunteer members of the East Hampton Village Ambulance Association **and volunteer members of the East Hampton Volunteer Ocean Rescue** who work in the central business district and who have applied to the Village Clerk for permits and obtained and place such permits on their cars shall be exempt from the provisions of this section.

(b) NO CHANGE.

~~(c) In the Robert G. Reutershan Parking Lot during the period from May 1 to and including December 31, on the east side of Park Place beginning at a point 210 feet from the intersection of Main Street and Park Place and extending north for a distance of 42 feet and beginning at a point 262 feet from the intersection of Main Street and Park Place and on the north side of Park Place beginning at a point 263 feet from the intersection of Park Place and Newtown Lane extending east 137 feet shall be limited to not more than 30 minutes.~~

~~(d)~~ **(c)** The parking lot located at 66 Main Street, during the period from May 1 to and including December 31, between the hours of 8:00 a.m. and 6:00 p.m., for a period of time in excess of one hour. Employees of 66 Main Street who display a permit issued by the Village Clerk on their vehicles shall be exempt from the provisions of this section. The Village Clerk is authorized to issue not more than 15 such permits.

~~(f)~~ **(d)** In the parking lot located at 73 North Main Street (SCTM No. 301-04-01-10.1) daily between the hours of 8:00 a.m. and 9:00 p.m. for a period of time in excess of two hours.

(34) **NO CHANGE**

(35) **Beginning from a point 137 feet south from the northwest corner of Lumber Lane at intersection of Railroad Avenue running along the western side 360 feet south, subject to the requirements of a parking fee as set forth in Article IX herein.**

B. **NO CHANGE**

C. **NO CHANGE**

§ 267-8. **One-way streets and driveways.** NO CHANGE.

§ 267-9. **Stop streets.** NO CHANGE.

§ 267-10. **Yield intersections.** NO CHANGE.

§ 267-11. **U-turns and left turns prohibited in designated locations.** NO CHANGE.

§ 267-12. **Towing of vehicles parked illegally.** NO CHANGE.

§ 267-13. **Removal of vehicles during emergencies.** NO CHANGE.

§ 267-14. **Traffic signal.** NO CHANGE.

§ 267-14.1. **Robert G. Reutershan Parking Lot.** NO CHANGE

§ 267-15. **Penalties for offenses.** NO CHANGE.

Article II

**Pedestrian Rights and Duties - NO CHANGE.**

Article III

**Operation of Vehicles on Sidewalks and Parking Lots - NO CHANGE.**

Article IV

**Volunteer Program for Handicapped Parking Enforcement - NO CHANGE.**

Article V

**Railroad Avenue**

§ 267-30. **Parking regulations.**

A. & B. **NO CHANGE.**

B. NO CHANGE.

C. (1) – (5) NO CHANGE

(6) On the north side of Railroad Avenue beginning at a point approximately 194 feet west of Race Lane and thence westerly until the intersection of Railroad Avenue and Kings Street ~~for a period in excess of seven days.~~ subject to the requirements of a parking fee as set forth in Article IX herein.

D. NO CHANGE.

E. NO CHANGE.

Article VI  
**Gay Lane - NO CHANGE.**

Article VII  
**Newtown Lane - NO CHANGE.**

Article VIII  
**Main Street - Pantigo Road - NO CHANGE**

Article IX  
**Off-Street Parking Fee Zone**

**§ 267-34. Establishment of off-street parking fee zone.**

The Board of Trustees may by local law, from time to time, designate any land or area owned by the Village as an off-street parking fee zone.

**§ 267-35. Definitions.**

**As used in this article, the following terms shall have the meanings as indicated:**

**ELECTRONIC COMMUNICATION DEVICE**

**Any electronic equipment approved by the Village, capable of transmitting information via telephone, cable, fiber, satellite or antenna to the Village for payment of parking at parking spaces where payment of such space is requested. This includes, but is not limited to, mobile (cellular phones) or any other electronic communication devise approved by the Village.**

**PARKING FEE ZONE**

**Any named and described areas set aside under the provisions of this article where paid parking is made available.**

**PARKING FEE ZONE SPACE**

**Any space within a parking fee zone located in an area controlled by a parking zone meter and which is duly designated for the parking of a single vehicle by lines painted or otherwise durably marked upon the curb or the surface of the street.**

**PARKING ZONE METER**

**An application used for the regulation of parking by the authority of this article.**

~~§ 267-365. Designation of parking lot fee zones.~~

~~The municipal parking lot adjacent to Lumber Lane is hereby established as an off-street parking fee zone. The Department of Public Works is directed and authorized to mark off individual parking spaces by numbering and to install and maintain appropriate signage of the restrictions and instructions for the use of this parking lot.~~

- ~~A. The following named and described areas and such other areas as may be hereinafter included in this subsection by amendment hereto shall constitute Parking Zone B:~~
- ~~(1) Main Beach, as set forth in §267-5D(1).~~
  - ~~(2) Two Mile Hollow Beach, as set forth in §267-5D(2).~~
- ~~B. The following named and described areas, streets or portions of streets and such other areas, streets or portions of streets as may hereafter be included in this section by amendment hereto shall constitute Parking Zone C:~~
- ~~(1) On the north side of Railroad Avenue beginning at a point approximately 194 feet west of Race Lane and thence westerly until the intersection of Railroad Avenue and King Street.~~
  - ~~(2) Beginning from a point 137 feet south from the northwest corner of Lumber Lane at intersection of Railroad Avenue running along the western side 360 feet south.~~
  - ~~(3) Lumber Lane Parking Lot lying southwesterly of Pleasant Lane (sometimes referred to as Lot 1).~~
- ~~C. The following named and described areas, streets or portions of streets and such other areas, streets or portions of streets as may hereafter be included in this section by amendment hereto shall constitute Parking Zone P:~~
- ~~(1) Robert G. Reutershan Parking Lot~~
  - ~~(2) Barnes Schenck Parking Lot~~

~~§ 267-36. Parking fee required.~~

~~A. No person shall park or stand a vehicle in a designated parking space in the municipal lot adjacent to Lumber Lane for a period longer than 23 hours without first:~~

- ~~(1) Having paid the rental deposit fee as indicated by the posted instructions; or~~
- ~~(2) Having been issued a valid Village resident parking permit pursuant to § 267-5C of this chapter and said permit is properly displayed on the vehicle; or~~
- ~~(3) Having been issued a valid Town of East Hampton resident long-term parking permit.~~

~~B. The rental deposit fee shall be \$5 per day (24 hours).~~

~~§ 267-37. Town resident permit.~~

~~A. Long-term parking permits at the rate of one per car, valid for one year, shall be issued by the Village Clerk to individuals owning or leasing a motor vehicle (including individuals who enjoy the exclusive use of one corporate or partnership vehicle) who are registered to vote in town elections, or who own property in the town and/or who are shareholders in a housing cooperative, and the proprietary lessees of a housing unit in said housing cooperative. All parking permits shall be nontransferable.~~

~~B. The cost of a Town of East Hampton resident long-term parking permit shall, from time to time, be fixed by resolution of the Board of Trustees.~~

§ 267-37. Indication of legal parking.

Each parking zone shall indicate, by a sign, the legal parking time established by the Village and shall indicate the duration of the period of legal parking. Certain zones allow for periods of free parking.

§ 267-38. Operation of parking meters.

When a vehicle is parking in a parking space located within Zones B, C or P as designated in §267-36, which space is controlled by a parking zone meter, the operator of the vehicle shall, either upon entering the parking space or upon the expiration of any permitted free parking period, immediately make payment by an electronic communication device as is required. Failure to make payment by an electronic communications device and place the meter in operation shall constitute a violation of this chapter. Upon depositing payment by an electronic communications device and placing the meter in operation, the parking space may be lawfully occupied by the vehicle for the period of time provided for in this chapter. If this vehicle remains parking in the parking space beyond the parking time fixed for the parking space, such vehicle shall be parked overtime and in violation of this chapter.

§ 267-39. Parking time limits.

- A. In addition to the rules and regulations stated herein, official posted signs shall govern the rules and regulations regarding specific parking locations within Zones B, C, and P as stated in § 267-36 of the Village Code, including but not limited to the parking fees, duration of the legal parking period and time period when parking fees are in effect. These rule and regulations shall be as set forth from time to time by resolution of the Board of Trustees.
- B. The charge made for use of each such parking space in Zones B, C & P shall be waived for those ~~holding a parking permit pursuant to §267-5C(1).~~ individuals who demonstrate proof of resident status as set forth in §267-5C(1).

§ 267-40. (Reserved).

§ 267-41. Violations.

- A. It shall be a violation of the provisions of this article for any person to cause, allow, permit or suffer any vehicle registered in the name of or operated by such person to be parked overtime or beyond the period of legal parking established for any parking meter zone as described in this article.
- B. It shall be a violation of the provisions of this article for any person to cause, allow, permit or suffer any vehicle registered in the name of or operated by such person to remain or be placed in any parking space controlled or regulated by a parking zone while the period of time prescribed or fixed for such parking space is or has expired.
- C. At the expiration of the time prescribed or fixed for a parking fee zone space it shall be a violation of this article for said vehicle to park in the same space without having first relocated at least 20 feet before beginning a new parking period, except in any Village parking lot said vehicle must physically exit and reenter a lot to start a new parking period.
- D. Violations of this article shall be subject to the penalties for offenses set forth in § 267-15A of this Chapter.

Article X  
Truck Traffic

§ 267-38 42. Exclusion of heavy trucks on designated roads. NO CHANGE

§ 267-39 43. Penalties for offenses. NO CHANGE

Article XI  
Overnight Parking of Commercial Vehicles

§ 267-40 44. Parking restricted. NO CHANGE.

§ 267-41 45. Parking by commercial vehicles prohibited. NO CHANGE.

SECTION III. SEVERABILITY.

If any section or subsection, paragraph, clause, phrase or provision of this law shall be adjudged invalid or held unconstitutional by any court of competent jurisdiction, any judgment made thereby shall not affect the validity of this law as a whole or any part thereof other than the part or provision so adjudged to be invalid or unconstitutional.

SECTION IV. EFFECTIVE DATE

This local law shall take effect upon filing with the Secretary of State pursuant to the Municipal Home Rule Law.

Dated: April 1, 2021

By Order of the  
BOARD OF TRUSTEES  
Inc. Village of East Hampton  
Pamela Bennett  
Village Clerk

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT the Board of Trustees of the Village of East Hampton will hold a public hearing on the 16<sup>th</sup> day of April, 2021, at 11:00 a.m. at the Emergency Services Building, One Cedar Street, East Hampton, New York, at which time all persons interested will be heard with respect to "A Local Law amending 267-5.C., Vehicle and Traffic; Beach Parking; to make available for purchase monthly non-resident beach parking permits."

**INTRODUCTORY NO. 04-2021**  
**LOCAL LAW NO. \_\_/2021**

BE IT ENACTED by the Board of Trustees of the Village of East Hampton as follows:

SECTION I. PURPOSE. To relieve the burden of the daily parking process by making available to purchase month long non-resident beach parking permits in a limited amount at fee which shall, from time to time, be fixed by resolution of the Board of Trustees.

SECTION II. Chapter 267 of the Code of the Village of East Hampton is hereby amended as follows; deleted text is struck-thru/bracketed, underlined sections & highlighted are to be added):

§ 267-5. Vehicle and Traffic; Beach parking.

\*\*\*\*\*

C. Parking Permits.

- (3) The number of annual full season parking permits issued to individuals who do not qualify under Subsection C(1)(a) or (b) shall not exceed 3,100 permits per year, effective January 1, 2017.
- (4) The number of monthly parking permits issued to individuals who do not qualify under Subsection C(1)(a) or (b) shall not exceed: 500 permits for the period of May 15 to and including June 30; 500 permits for the month of July; and 500 permits for period of August 1 to and including September 15, effective immediately. The monthly permit fee shall, from time to time, be fixed by resolution of the Board of Trustees.

SECTION II. SEVERABILITY.

If any section or subsection, paragraph, clause, phrase or provision of this law shall be adjudged invalid or held unconstitutional by any court of competent jurisdiction, any judgment made thereby shall not affect the validity of this law as a whole or any part thereof other than the part or provision so adjudged to be invalid or unconstitutional.

SECTION III. EFFECTIVE DATE

This local law shall take effect upon filing with the Secretary of State pursuant to the Municipal Home Rule Law.

Dated: March 19, 2021

BY ORDER OF THE BOARD OF  
TRUSTEES OF THE VILLAGE OF  
EAST HAMPTON  
By: Pamela J. Bennett  
Village Clerk

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT the Board of Trustees of the Inc. Village of East Hampton will hold a public hearing on Friday, the April 16, 2021, at 11:00 a.m. at the Emergency Services Building, One Cedar St, East Hampton, NY, or via video conferencing, if necessary, at which time all interested persons will be heard with respect to a Local Law creating Chapter 275 Seasonal Outdoor Dining Permit to allow temporary outdoor dining at restaurants and take-out food stores and the adjacent public right of way.

**INTRODUCTORY NO. FIVE - 2021**  
LOCAL LAW NO. \_\_\_\_\_ - 2021

BE IT ENACTED by the Board of Trustees of the Village of East Hampton as follows:

[ ADD NEW CHAPTER]

**CHAPTER 275**  
**SEASONAL OUTDOOR DINING PERMIT**

§ 275-1. Purpose and intent.

The purpose of this chapter is to establish regulations to allow temporary (seasonal) outdoor dining and to permit same to encroach into the public right-of-way as an accessory component of an adjacent primary business which is located on private property. It is intended that such outdoor dining will not unduly restrict public access or detract from the character and appearance of the surrounding area.

§ 275-2 Definitions.

The following definitions shall apply in the interpretation of this chapter:

**OUTDOOR DINING** -- A temporary use of an adjacent, outside area by a restaurant or take-out food store as defined in Chapter 278 of the Village Code for the same eating and drinking activities that occur within the establishment. However, nothing herein shall be construed to preclude curbside delivery or "contactless" service. The outdoor dining area may be located in a public right-of-way pursuant to this chapter.

**OUTDOOR EATING AREA** -- A designated area on the premises of a restaurant or take-out food store, but outside the principal building, and where patrons may sit at tables while consuming food and beverages served by a waiter or waitress or food and beverages purchased from the restaurant or take-out food store.

**SIDEWALK CAFÉ AREA**-- A designated area of a public sidewalk or other Village property where patrons may sit at tables while consuming food and beverages ordered from and served by a waiter or waitress or purchased from an adjacent restaurant or take-out food store.

**CHAIR or SEAT** -- Either a distinct piece of furniture designed to allow one person to sit upon the same, or when seating is provided on a bench or other similar structure, then every 20 inches of seating space shall be considered as the equivalent of one chair or seat for determining seating capacity.

§ 275-3. Permit required.

- A. No person shall operate an Outdoor Eating Area or a Sidewalk Cafe Area unless a permit has been obtained from the Village of East Hampton.

- B. Applicants shall apply for permit approval in accordance with the provisions of this Chapter. All such applications shall be approved by the Building Inspector and shall be referred to the Chief of Police and the Fire Marshal, who shall provide the Building Inspector with written reports of their opinions and recommendations regarding the application.
- C. Outdoor dining permits issued pursuant to this Chapter shall be valid during the period of April 15 to November 15 of each year, and all equipment used for outdoor dining shall be removed by November 20 of each year.
- D. Applicants shall meet all general ordinance requirements and all other laws, rules, regulations and codes applicable to the proposed activity. Notwithstanding any of the provisions of this Code to the contrary, issuance of a temporary permit granted pursuant to this chapter shall not trigger the requirements of § 121-7.
- E. Notwithstanding the provisions of this Code, granting of this temporary outdoor dining permit does not provide any vested right in outdoor dining. Any permanent or year-round outdoor dining shall be subject to site plan review as required pursuant to the Village Code Chapter 121.

§ 275-4. Application; form and content.

- A. Form. All permits required by this Chapter shall be applied for and obtained from the office of the Building Inspector during normal business hours. Applications for such permits shall be in a form approved by the Village Administrator and be accompanied by permit fees in the amounts established by this Chapter.
- B. Content of Application. Applicants proposing to establish an Outdoor Eating Area or Sidewalk Cafe Area must provide satisfactory proof to the Building Inspector of the following:
  - 1. A plan indicating an architectural barrier such as floral arrangements, landscaping and/or decorative fencing designed to enclose the eating area and limit the ability of litter to blow off the premises. The Building Inspector shall also require such architectural barriers to litter in any other locations or situations where the Building Inspector finds that the litter would otherwise be likely to result from the temporary accessory use. All other Outdoor Eating Areas and Sidewalk Cafe Areas shall be delineated by a means approved by the Building Inspector.
  - 2. An applicant proposing to establish an Outdoor Eating Area or Sidewalk Cafe Area shall submit to the Building Department a layout of the proposed seating areas, which shall include, but not be limited to, a depiction of all aisles, routes of ingress and egress; clearances between tables and between the seating area at the curb; the landscape plan; an illustration, rendering and/or photograph of all proposed furniture, umbrellas, signage and other furniture proposed. No picnic-style tables are permitted.
  - 3. Physical design elements inclusive of but not limited to: architectural barriers, tables, seating, planters and litter containers placed within the Outdoor Eating Area or Sidewalk Cafe Area shall conform to design criteria established by the Building Department.
  - 4. The Building Inspector shall review each application to ensure that the proposed operation of the Outdoor Eating Area or Sidewalk Cafe Area will not interfere with pedestrian or vehicular traffic. Six (6') feet of unobstructed sidewalk should be provided with the exact width being determined by the Building Inspector as he or she deems it to be appropriate to promote pedestrian or vehicular safety or the visual harmony of the neighborhood, however, in no event shall the unobstructed sidewalk be less than six (6') feet.

5. The Building Inspector shall require each applicant to submit a litter control plan which shall include, but not be limited to, a description of the number and location of trash receptacles for the areas and the frequency with which the tables, surrounding area and adjacent public and private properties will be policed for litter. Failure to abide by an established litter control plan shall constitute a violation of the permit approval of which it was made a condition, and shall subject the applicant to a fine in an amount not less than one hundred (\$100.00) dollars per violation.
6. The Building Inspector shall establish the hours of operation for each Outdoor Eating Area or Sidewalk Cafe Area which utilizes the right of way. In establishing the hours, the chief planning official shall take into consideration the nature of the restaurant or retail food establishment at issue, the character of the neighborhood adjacent to the premises, and the character and nature of other uses in the vicinity of the premises at varying times of day.
7. The seating contained in an Outdoor Eating Area, Outdoor Dining Area or Sidewalk Cafe Area shall not be counted in determining any parking space requirement for a retail food establishment or restaurant use. The seating contained in an Outdoor Eating Area, Outdoor Dining Area, or Sidewalk Café shall be counted as part of the existing seating limitations for the subject parcel. In no event shall the seating contained in an Outdoor Eating Area, Outdoor Dining Area, or Sidewalk Café which utilizes public right of way areas result in increased overall seating with respect to the parcel or use.
8. All Outdoor Eating Areas and Sidewalk Cafe Areas must be properly maintained at all times including complying with the litter control plan, complying with all applicable laws, rules, regulations and codes, properly securing and/or removing tables, chairs and other items during times of inclement weather and high wind, further at no time shall chairs, tables or other items be stacked in the area.
9. Tents. Permits issued pursuant to this Chapter may also request permission to utilize tents or other temporary structures in connection with outdoor dining. Permittees may modify existing tents or erect new temporary tents or other structures such as igloos and include heating or cooling equipment. In such instances, the submission of an outdoor dining/tent permit application will include information sufficient for the Village to evaluate:
  - a. The ability of structures to withstand the elements of weather, which may now include snow accumulations.
  - b. Exits remain open at all times or are covered in a manner approved by the State Fire code.
  - c. The installation of lighted exit signs and the illumination of exit paths.
  - d. All heating and/or cooling equipment needs to be listed for the use of heating tents and is installed in accordance with all New York State Uniform Fire & Building Codes.
  - e. Propane tanks shall be separated from the tent and exits, and should be placed in a location that protects them from damage or tampering.
  - f. Carbon monoxide alarms shall be installed in all locations when using fuel fired equipment. The provisions of this Chapter shall supersede any other provisions of the Code of the Village of East Hampton with respect to the utilization of tents in connection with restaurant uses.

§275-5. Fees set by resolution.

- A. The annual fee for each year for the operation of an Outdoor Eating Area and/or Sidewalk Cafe shall be set by resolution by the Board of Trustees.
- B. No fees shall be pro-rated nor any part thereof refunded for any reason.

§275-6. Outdoor dining encroachment into public right-of-way.

- A. Outdoor dining shall be permitted to encroach into the public right-of-way pursuant to this chapter
- B. Notwithstanding any provisions of this Code to the contrary, it is the express intent of this chapter to recognize that curbside delivery, off site and on-site catering, and outdoor dining shall be treated as customary accessory uses for restaurants and food service establishments. Any structure containing any restaurant use that has an existing Certificate of Occupancy for such use shall be permitted to have outdoor dining and all accessory uses as set forth hereinabove.
- C. Location.
  - 1. Outdoor dining in the public right-of-way shall not extend beyond the boundaries of the primary business property to which such activity is subordinate.
  - 2. Outdoor dining may not encroach more than six (6') feet into the public right-of-way.
  - 3. Notwithstanding that outdoor dining may extend into the public right-of-way, a clear pedestrian pathway shall be maintained the full width of the property. The pathway shall maintain a minimum unobstructed passageway of six (6') feet as measured from the dining area to any obstruction including but not limited to light standards, benches, street trees and garbage receptacles.
  - 4. All tables and chairs and other items used in conjunction with outdoor dining in the public right-of-way shall be removed from the public right-of-way one hour after the time outdoor dining must cease at that particular location. .
  - 5. Insurance.

The permittee shall maintain general liability insurance for the benefit of the Village of a type and amount as determined appropriate by the Village Administrator or his/her designee. The permittee must also execute indemnification/defense/release/waiver of liability agreement in favor of the Village, such document to be in a form acceptable to the Village Attorney.

§275-7. General standards for outside dining.

- A. Development Standards.
  - 1. Facilities and equipment shall be of a quality and style that is consistent with any applicable design standards and policies. The design, quality, materials and colors used for chairs, tables, lighting and other fixtures shall complement the architectural style and colors used on the adjacent buildings.
  - 2. Lighting will be required for outdoor dining areas where food will be eaten during the evening hours. All lighting shall be approved by the Building Inspector and shall be temporary in nature. The lighting fixtures must be decorative and complement the architectural character of the building and area.

Lights shall not cause direct glare or other visual obstruction to pedestrians or vehicle drivers along the street and public walkway, and should illuminate only the sidewalk area.

3. Portable umbrellas may be permitted provided they do not obstruct the public right-of-way or walkway, and do not contain advertising.

B. Operational Standards.

1. The owner and/or tenant of the property is responsible for proper operation of the outdoor dining area. Outdoor dining shall be continuously supervised by management or employees. Any behavior that disturbs customers or passersby on the sidewalk or in the right of way will constitute grounds for revocation of any permit(s) to operate an outdoor dining area.
2. Establishments are required to maintain all outdoor dining areas and sidewalk café areas in a manner which is clean and free of litter and debris.
3. All plans and permits for the outdoor dining area approved by the Village must be kept on the premises for public inspection at all times during which the associated establishment is open for business.
4. Outdoor dining areas shall be operated in a manner that meets all requirements of the health department of Suffolk County and all other applicable laws, rules, regulations, ordinances and standards promulgated by the United States of America, State of New York, County of Suffolk, Village of East Hampton, or any body or agency thereof having jurisdiction over such matters. Food establishments serving alcoholic beverages shall also obtain all necessary permits required by the State of New York.

§275-8. Review process.

- A. Review Authority. The Building Inspector shall have administrative authority to review and approve permits issued under this Chapter.
- B. Conditions of Approval. The Building Inspector may impose reasonable conditions of approval to ensure that outdoor dining areas operate in a manner that is not detrimental to the public health, safety and welfare, is consistent with all applicable codes, policies and guidelines, and enhances the image, appearance and vitality of the area in which the use is located. This includes but is not limited to authority to regulate the design, layout, materials, colors, quality and appearance of outside dining and display areas; to require security deposits, insurance and other reasonable financial guarantees and to prescribe operating terms which the permittee must follow.
- C. Appeal.
  1. The decision of the Building Inspector may be appealed to the Zoning Board of Appeals.
  2. The decision of the Zoning Board of Appeals may be appealed to the Village Board of Trustees.
  3. The above decisions must be appealed in writing to the Village Clerk's office within 10 days after the decision is made.

When filing an application for an outdoor dining or display permit or any related appeals, a uniform nonrefundable fee shall be paid for the purposes of defraying the costs incidental to the proceedings. The

fees shall be determined by the Village Board of Trustees and adopted by resolution which may be amended from time to time.

§275-9. Permit required.

A permit must be obtained from the Village before any outdoor dining is permitted.

§275-10. Terms and renewal.

A permit for an outdoor dining area may be approved for the period of April 15 to November 15 of each year. The Village may temporarily suspend the permit upon seven days' notice because of anticipated or actual conflicts in the use of sidewalk areas due to street repairs, parades, festivals and other similar events. The Village may create a renewal application for outdoor dining permits, which shall be in a form approved by the Village Administrator and be accompanied by permit fees in the amounts established by this Chapter.

§275-11. Enforcement.

- A. Penalties. Each violation of the provisions of this chapter shall constitute a separate offense punishable by a fine not to exceed \$500 for the first offense and \$1,000 for each subsequent offense. In addition, the Village may seek civil remedies for any violation including but not limited to injunctive relief and the recovery of reasonable costs for the enforcement and correction of the violation.
- B. Revocation. Violation of any of the standards in this code or any of the conditions imposed by the Building Inspector under shall be grounds for revocation of the permit to operate an outdoor dining area. Such revocation shall require a majority vote of the Zoning Board of Appeals at a regular meeting to which the permittee has been given at least 10 calendar days' notice. The decision of the Zoning Board of Appeals may be appealed to the Village Board of Trustees.

SECTION III. SEVERABILITY.

If any section or subsection, paragraph, clause, phrase or provision of this law shall be adjudged invalid or held unconstitutional by any court of competent jurisdiction, any judgment made thereby shall not affect the validity of this law as a whole or any part thereof other than the part or provision so adjudged to be invalid or unconstitutional.

SECTION IV. EFFECTIVE DATE

This local law shall take effect upon filing with the Secretary of State pursuant to the Municipal Home Rule Law.

Dated: March 19, 2021

By Order of the  
BOARD OF TRUSTEES  
Inc. Village of East Hampton  
PAMELA BENNETT  
Village Clerk

**NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN THAT the Board of Trustees of the Inc. Village of East Hampton will hold a public hearing on Friday, the 16<sup>th</sup> day of April, 2021, at 11:00 a.m. at the Emergency Services Building, One Cedar St, East Hampton, NY, or via video conference, at which time all interested persons will be heard with respect to a "Local Law amending the Code of the Village of East Hampton, Chapter 77 Beaches, to address issues concerning alcohol consumption on the beaches and Chapter 211 Peace and Good Order, to address issues concerning smoking on the beach.

BE IT ENACTED by the Board of Trustees of the Village of East Hampton as follows:

**INTRODUCTORY NO. 6-2021  
LOCAL LAW NO. \_\_\_\_\_ - 2021**

**SECTION I. Purpose**

The Village Board in conjunction with the East Hampton Town Trustees desire to clarify the restrictions as to alcohol possession and consumption in and about the beaches and smoking associated with the Village.

Two sections of the Village Code that pertain to activities on the beaches are located within Chapter 211, Peace and Good Order, rather than in Chapter 77, Beaches. Such provisions have caused confusion as to whether such ordinances include the beaches associated with the Village of East Hampton. Specifically, § 211-15 of the Village Code prohibits possession of any open container of alcoholic beverage on "vacant land areas of the Incorporated Village of East Hampton." Also unclear is § 211-17, which includes a prohibition on smoking and vaping on the Village beaches.

The Village Board recognizes the harmful effects of secondhand smoke. Moreover, studies suggest that sitting 3 feet away from a smoker outdoors can expose you to the same level of secondhand smoke as if you were sitting indoors with a smoker. Secondhand smoke can trigger asthma attacks, increase the risk of blood clots and hurt blood vessels. The new law will reduce people's exposure to secondhand smoke outdoors, especially at the more congested head of the beach.

**SECTION II. Amended.**

In conformance with Section 77-11 of the Village Code, which written permission is annexed hereto, the provisions of Chapter 77 and 211 of the Code of the Village of East Hampton are hereby amended as follows (added material is underlined & highlighted):

**Chapter 77  
Beaches**

- Section 77-1 Authority                      No Change
- Section 77-2 Promulgation of rules; applicability                      No Change
- Section 77-3 Definitions                      No Change
- Section 77-4 Prohibited Conduct
  - Subsection A – Q
  - No Change

R. Alcohol on the beach.

- (1) No person shall possess, consume, ingest, or take internally any alcoholic beverage, nor have in his possession any alcoholic beverage container which has been opened for the purpose of consuming the contents thereof during the hours of lifeguard protection on the beach.
- (2) If there is no lifeguard stationed on the beach, then no person shall possess, consume, ingest, or take internally any alcoholic beverage, nor have in his possession any alcoholic beverage container which has been opened for the purpose of consuming the contents thereof from 9:00 A.M. through 5:00 P.M. from May 15<sup>th</sup> to September 15<sup>th</sup> of any year.
- (3) At no time, without a special event permit specifically permitting such, shall any person possess on any beach an alcoholic beverage container which is capable of holding in excess of one gallon.

S. Alcohol, additional

- (1) Except as hereinafter provided, no person under the age of 21 years shall possess any alcoholic beverage on any Beach, with the intent to consume such beverage.
- (2) A person under the age of 21 years may possess any alcoholic beverage on any Beach with intent to consume if the alcoholic beverage is given:
  - (a) To a person who is a student in a curriculum licensed or registered by the state education department and the student is required to taste or imbibe alcoholic beverages in courses which are a part of the required curriculum, provided such alcoholic beverages are used only for instructional purposes during class conducted pursuant to such curriculum; or
  - (b) To the person under 21 years of age by that person's parent or guardian.
- (3) Any person who unlawfully possesses an alcoholic beverage on any Beach with intent to consume may be summoned before and examined by a court having jurisdiction of that charge; provided, however, that nothing contained herein shall authorize, or be construed to authorize, a peace officer as defined in Subdivision 33 of § 1.20 of the Criminal Procedure Law or a police officer as defined in Subdivision 34 of § 1.20 of such law to arrest a person who unlawfully possesses an alcoholic beverage with intent to consume. If a determination is made sustaining such charge the court may impose a fine not exceeding \$50 and/or completion of an alcohol awareness program established pursuant to § 19.25 of the Mental Hygiene Law and/or an appropriate amount of community service not to exceed 30 hours.
- (4) No such determination shall operate as a disqualification of any such person subsequently to hold public office, public employment, or as a forfeiture of any right or privilege or to receive any license

granted by public authority, and no such person shall be denominated a criminal by reason of such determination, nor shall such determination be deemed a conviction.

- (5) Whenever a peace officer as defined in Subdivision 33 of § 1.20 of the Criminal Procedure Law or police officer as defined in Subdivision 34 of § 1.20 of the Criminal Procedure Law shall observe a person under 21 years of age openly in possession of an alcoholic beverage, as defined in this chapter, on any beach, with the intent to consume such beverage in violation of this section, said officer may seize the beverage, and shall deliver it to the custody of his or her department.
- (6) Any alcoholic beverage seized in violation of this section is hereby declared a nuisance. The official to whom the beverage has been delivered shall, no earlier than three days following the return date for initial appearance on the summons, dispose of or destroy the alcoholic beverage seized or cause it to be disposed of or destroyed. Any person claiming ownership of an alcoholic beverage seized under this section may, on the initial return date of the summons or earlier on five days' notice to the official or department in possession of the beverage, apply to the court for an order preventing the destruction or disposal of the alcoholic beverage seized and ordering the return of that beverage. The court may order the beverage returned if it is determined that return of the beverage would be in the interest of justice or that the beverage was improperly seized.

T. Smoking.

No person shall smoke a cigarette, pipe, cigar or similar smoking substance or engage in any vaping activity at any beach pavilion, beach parking lot, on the Beach within 300 feet of the beach road end, and/or within 20 feet of any other person on the beach.

Section 77-5 through 77-8

No Change

Section 77-9 Penalties for Offense

A. A violation of the provision of §77-4S, § 77-5C, or of § 77-6 of this article shall be punishable as provided therein.

B. A violation of the provisions of § 77-4M, § 77-4N(1), § 77-4N(2), § 77-4Q(10), §77-4R, § 77-5A(1) or of § 77-5A(5) of this article shall be punishable as follows:

(1) A person or entity charged with a violation of any of the sections listed above shall be required to appear or answer within 15 days of the issuance of a ticket, and shall be subject to a minimum fine of \$150.

(2) Upon the failure to answer or appear on the return date or any subsequent adjourned date or to pay the fine when due, a late penalty of \$75 shall be added to the minimum fine.

(3) Upon the failure to pay the fine within 60 days of the issuance of a ticket, a late penalty of \$150 shall be added to the minimum fine.

(4) Upon the failure to pay the fine within 90 days of its due date, a late penalty of \$200 shall be added to the minimum fine.

**C. The provisions of §77-4T shall be punishable by a fine of \$50.**

**€ D.** A violation of any other provision of this article shall be punishable as follows:

- (1) For a first offense within a period of 18 months, by a fine of not less than \$100 nor more than \$250 or by imprisonment for up to 15 days, or both.
- (2) For a second offense within a period of 18 months, by a fine of not less than \$250 nor more than \$500 or by imprisonment for up to 15 days, or both.
- (3) For a third offense within a period of 18 months, by a fine of not less than \$400 nor more than \$1,000 or by imprisonment for up to 15 days, or both

Section 77-10 through 77-15

No Change

**Chapter 211  
PEACE AND GOOD ORDER**

§ 211-17 Smoking in public places.

No person shall smoke a cigarette, pipe, cigar or similar smoking substance or engage in any vaping activity at or within any public property of the Village of East Hampton (including but not limited to: any ~~Village beach~~, beach pavilion, parking lot, Herrick Park).

SECTION III. SEVERABILITY.

If any section or subsection, paragraph, clause, phrase or provision of this law shall be adjudged invalid or held unconstitutional by any court of competent jurisdiction, any judgment made thereby shall not affect the validity of this law as a whole or any part thereof other than the part or provision so adjudged to be invalid or unconstitutional.

SECTION IV. EFFECTIVE DATE

This local law shall take effect upon filing with the Secretary of State pursuant to the Municipal Home Rule Law.

Dated: \_\_\_\_\_, 2021

By Order of the  
BOARD OF TRUSTEES  
Inc. Village of East Hampton  
Pamela Bennett  
Village Clerk

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT the Board of Trustees of the Village of East Hampton will hold a public hearing on the 16<sup>th</sup> day of April, 2021, at 11:00 a.m. at the Emergency Services Building, One Cedar Street, East Hampton, New York, or via video conferencing, if necessary, at which time all persons interested will be heard with respect to "A Local Law amending Chapter 68 (Animals) to require dog owners to clean up after their dogs".

**INTRODUCTORY # 7 - 2021**

**LOCAL LAW NO. \_\_/2021**

A Local Law amending Chapter 68 (Animals) to require dog owners to clean up after their dogs.

BE IT ENACTED by the Board of Trustees of the Village of East Hampton as follows:

SECTION I. Legislative Intent. The Village Board of Trustees seeks to prevent the public welfare issues that stem from irresponsible dog owners that do not pick-up after their dogs on private roads or streets, public roads, streets, sidewalks, public properties or private properties without the permission of the property owner.

SECTION II. Chapter 68 of the Code of the Village of East Hampton is hereby amended as follows (underlined material is added; language that is struck-through is deleted):

Chapter 68  
ANIMALS

ARTICLE I  
Dog Control

\*\*\*\*\*

§ 68-2. Prohibited acts.

\*\*\*\*\*

C. It shall be unlawful for any person owning, harboring or possessing any animal to:

- (1) Fail to provide proper shelter for such animal.
- (2) Cause or permit such animal to enter onto any Village-owned property where it is posted that such entry is prohibited; provided, however, that the presence of an animal on a beach, as defined in Chapter 77, Art. I, of the Village Code, shall be regulated as provided for in said Chapter 77, Art. I, of the Village Code.
- (3) Any person owning, harboring, walking or in custody of a dog that defecates on a private road or street, a public road, street, sidewalk, public property or private property without the permission of the property owner, shall be responsible for cleaning up such waste immediately.
- (~~3~~) (4) Violate, or to allow or permit such animal to be in violation of, any section of this chapter.

SECTION II. SEVERABILITY.

If any section or subsection, paragraph, clause, phrase or provision of this law shall be adjudged invalid or held unconstitutional by any court of competent jurisdiction, any judgment made thereby shall not affect the validity of this law as a whole or any part thereof other than the part or provision so adjudged to be invalid or unconstitutional.

SECTION III. EFFECTIVE DATE

This local law shall take effect upon filing with the Secretary of State pursuant to the Municipal Home Rule Law.

Dated: March 19, 2021

BY ORDER OF THE BOARD OF  
TRUSTEES OF THE VILLAGE OF  
EAST HAMPTON  
By: Pamela J. Bennett  
Village Clerk