

RESOLUTION NO. -2007, ADOPTING LOCAL LAW NO. -2007, A LOCAL LAW TO PROHIBIT THE OBSTRUCTION OF TOWN ROADWAYS

WHEREAS, there was duly presented and introduced to this Town Board at a meeting held on _____, 2007, a proposed local law entitled, "**A LOCAL LAW TO PROHIBIT THE OBSTRUCTION OF TOWN ROADWAYS**" now, therefore, be it

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

LOCAL LAW NO. -2007, TOWN OF SOUTHEAST, NEW YORK

A LOCAL LAW TO PROHIBIT THE OBSTRUCTION OF TOWN ROADWAYS

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF SOUTHEAST, as follows:

Section 1. Legislative Intent.

This Town Board hereby finds and determines that individuals often congregate on Town roadways and sidewalks in an effort to solicit employment from passing motor vehicles, but do so in an unreasonable manner which can impede the free flow of traffic and pedestrians.

This Town Board also finds and determines that allowing such an unsafe situation to continue is detrimental to public health and safety as those who obstruct the Town roadways endanger not only themselves, but others in the vicinity.

This Town Board further finds and determines that the Town of Southeast has a significant interest in protecting the health, safety and welfare of Town residents, including those who utilize Town roadways, sidewalks and rights-of-way.

Therefore, the purpose of this law is to promote the health and safety of Suffolk residents by prohibiting persons from obstructing the free flow of motor vehicle and pedestrian traffic on Town roadways.

Section 2. Definitions.

As used in this law, the following terms shall have the meanings indicated:

LOITER—to remain in a place of restricted public access for no apparent purpose, or to remain in a certain place for no lawful purpose.

SOLICIT—any request, offer, enticement or action which announces the availability for or offer of employment, the sale of goods, or a request for money or other property, whether or not an actual employment relationship is created; or any request, offer, enticement or action which seeks to purchase or secure goods for employment.

Section 3. Prohibitions.

- A) No person, after first being warned by a law enforcement officer or where a sign or signs have been posted in accordance with this law, shall loiter, stand, sit or lie upon any Town roadway, or Town right-of-way, so as to unreasonably hinder or obstruct the free passage of pedestrians or motor vehicles thereon, unless said activity is permitted by any applicable law, rule or regulation of the State of New York or any political subdivision thereof.

- B) No person, after first being warned by a law enforcement officer or where a sign or signs have been posted in accordance with this law, shall loiter, stand, sit or lie upon any Town roadway, or Town right-of-way, for the purpose of soliciting or selling, or attempting to solicit or sell, any product or service to any occupant of a vehicle, unless said activity is permitted by any applicable law, rule or regulation of the State of New York or any political subdivision thereof.

Section 4. Requirements.

The Highway Superintendent of the Town of Southeast, Building Inspector, Code Enforcement Officer or other authorized agents of the Town shall install, or cause to be installed, signs upon Town roadways or rights-of-way in conspicuous areas, not less than 18 by 24 inches in size with lettering not less than two inches in height, which shall read "No Loitering." Said signs shall be posted in such a manner so as to give the general public reasonable notice of the prohibition contained in this law.

Section 5. Penalties.

Violation of the provisions of this law shall constitute an unclassified misdemeanor punishable by a fine of up to Five Hundred Dollars (\$500.00) for each violation.

Section 6. Applicability.

This law shall apply to all actions occurring on or after the effective date of this law.

Section 7. 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 8. SEQRA Determination.

This Town Board, 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. [Willis Stephens?? - 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 9. Effective Date.

This law shall take effect on the _____ day immediately subsequent to filing in the Office of the Secretary of State.

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