

## INTRODUCTORY LOCAL LAW # 12 OF 2020

### AMEND CHAPTER 5 ENTITLED "APPEARANCE TICKETS", CHAPTER 7 ENTITLED "BIDDING PREFERENCES", CHAPTER 8 ENTITLED "BAY AND HARBOR BOTTOMS" AND CHAPTER 9 ENTITLED "BEACHES" OF THE CODE OF THE TOWN OF BROOKHAVEN

**Section 1. Legislative Intent.** It is the intent of this amendment to Chapter 5 entitled "Appearance Tickets", Chapter 7 entitled "Bidding Preferences", Chapter 8 entitled "Bay and Harbor Bottoms" and Chapter 9 entitled "Beaches" of the Code of the Town of Brookhaven to amend the overall code.

**Section 2. Text Amendment.** Chapter 5 entitled "Appearance Tickets" is hereby amended as follows:

§ 5-3. Public servants authorized.

The following public servants of the Town of Brookhaven are hereby authorized to issue and serve an appearance ticket and/or a Town of Brookhaven parking summons with respect to the violation of any provision of legislation adopted by the Town Board:

C. Fire Marshals and Fire Inspectors assigned to the Division of Fire Prevention.

**Section 3. Text Amendment.** Chapter 7 entitled "Bidding Preferences" is hereby amended as follows:

§ 7.1 Legislative intent.

A. 'The Town Board hereby finds and determines that the Town engages in millions of dollars worth of goods and services contracts annually, many of which are awarded to entities outside of the Town of Brookhaven and Suffolk County. Local businesses may be adversely affected by economic downturn through a reduction in business activity and, therefore, a loss of jobs. The Town Board recognizes that the award of such contracts to entities outside of the Town and Suffolk County, when the area is experiencing an economic downturn, tends to exacerbate local economic difficulties. This Town Board hereby finds and determines that millions of dollars-worth of contracts for goods and services are awarded by Brookhaven Town each year.

B. This Town Board further finds that the current economic downturn being experienced by the Town is adversely affecting local businesses through a reduction in business activity and a concomitant loss of jobs.

C. This Town Board further finds and determines that many of these contracts are awarded to individuals or entities that are located outside the Town of Brookhaven and the County of Suffolk.

D. This Town Board also finds and determines that the award of such contracts to individuals or entities outside the Town of Brookhaven and the County of Suffolk, at a time when the Town

~~is experiencing an economic downturn, tends to exacerbate economic difficulties.~~

E.—Therefore, the purpose of this chapter is to permit Brookhaven Town to award contracts (which are not subject to General Municipal Law § 103) for goods and services to a bidder other than the lowest responsible bidder where such other bidder maintains a principal place of business within the Town of Brookhaven, or sells the contracted-for goods which were manufactured within the Town of Brookhaven, and submits a bid not exceeding 10% more than the otherwise lowest ~~contractors-bidders~~. This chapter would permit award to a bidder other than the lowest responsible bidder where such bidder maintains a principal place of business within the County of Suffolk or sells the contracted for goods which were manufactured within the County of Suffolk and submits a bid not exceeding 5% more than the otherwise lowest ~~contractors-bidders~~.

## § 7.2. Definitions

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

### **PRINCIPAL PLACE OF BUSINESS**

The office to which the preponderance ~~and~~ of communications is directed, and at which at least a majority of the entity's work force is assigned on a regular basis.

**Section 4. Text Amendment.** Chapter 8 entitled “Bay and Harbor Bottoms” is hereby amended as follows:

§ 8-5. Granting, denying or limiting mooring permits.

B. The Division of Environmental Protection shall give preference to those mooring applications which are:

(1) For the sole use of a property owner or lessee of nearby waterfront property; or

**Section 5. Text Amendment.** Chapter 9 entitled "Beaches" is hereby amended as follows:

§ 9-5. Information required; fee.

A. An application for a permit to operate a motor vehicle on the Great South Beach shall be made to the Town Clerk, ~~on a form to be provided by him.~~ The applicant shall furnish the following information:

(2) ~~Whether the permit applied for~~ a permit issued hereunder has ever been suspended or revoked and, if so, the circumstances thereof.

§ 9-9. Towing prohibited.

No motor vehicle shall be operated upon the beach in the use of towing any person in, on, through or over the waters ~~by~~ of the Atlantic Ocean.

§ 9-10. Penalties for offenses.

Any violation of this article shall be deemed to be an offense punishable by a fine not to exceed \$250 or 10 days ~~in jail imprisonment~~, or both. Upon conviction of any violation of § 9-2, 9-7, 9-9 or 9-14 of this article, the permit issued hereunder shall be automatically revoked by the ~~presiding Magistrate~~ Town Clerk. No permit which has been revoked shall be ~~issued~~ reissued for a period of one year from the date of such revocation. Upon conviction of any other violation of this article, the permit issued hereunder shall be automatically suspended for a period of one month from the date of suspension.

§ 9-16. Motor vehicles exempted.

The following motor vehicles may be operated at any time upon the Great South Beach:

A. Motor vehicles of the United States of America, the State of New York, the County of Suffolk, the Towns of Brookhaven and Islip, and ~~the~~ any agency, instrumentality or department thereof, when used on official business or motor vehicles operated by officers or employees of such governmental agencies when used on official business.

§ 9-31. Penalties for offenses.

Any violation of this article shall be deemed to be an offense punishable by a fine not to exceed \$250 or ~~imprisonment for a period not to exceed~~ 10 days imprisonment for each such offense, or both.

§ 9-35. Overnight sleeping.

No person shall sleep on any beach, as defined herein ~~set forth~~, between the hours of sunset and sunrise.

§ 9-38. Penalties for offenses.

Any violation of this article shall be deemed to be an offense punishable by a fine not to exceed \$250 or ~~imprisonment for a period not to exceed~~ 10 days imprisonment for each such offense, or both.

(~~strikethrough~~ indicates deletions)

(underscore indicates additions)

**Section 6. Authority.** The Town Board is vested with the authority to make these amendments pursuant to Town Law §130(5), §130(11), §130(15), and §130(17). The Town Board is vested with the authority to make these amendments by Local Law pursuant to Municipal Home Rule Law §10 and in conformance with Municipal Home Rule Law §20.

**Section 7. Effective date.** This local law shall become effective immediately upon filing with the Secretary of State of the State of New York.