

Intro. Res. No. 1247-2023  
Introduced by Legislators Kennedy, Flotteron and Caracappa

Laid on Table 3/7/2023

**RESOLUTION NO. 306-2023, ADOPTING LOCAL LAW  
NO. 15-2023, A LOCAL LAW AMENDING CHAPTER 639 TO  
ALLOW MOTORCYCLES TO PARK IN SPOTS DESIGNATED  
FOR CLEAN PASS VEHICLES**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a meeting held on March 7, 2023, a proposed local law entitled, "**A LOCAL LAW AMENDING CHAPTER 639 TO ALLOW MOTORCYCLES TO PARK IN SPOTS DESIGNATED FOR CLEAN PASS VEHICLES**"; now, therefore be it

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

**LOCAL LAW NO. 15-2023, SUFFOLK COUNTY, NEW YORK**

**A LOCAL LAW AMENDING CHAPTER 639 TO ALLOW  
MOTORCYCLES TO PARK IN SPOTS DESIGNATED FOR  
CLEAN PASS VEHICLES**

**BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF  
SUFFOLK**, as follows:

**Section 1. Legislative Intent.**

This Legislature hereby finds that New York State has now registered over 360,000 private and commercial motorcycles yearly.

This Legislature finds and determines that motorcycles are actually some of the most fuel-efficient vehicles on the road and that even the least fuel-efficient motorcycles are likely more economical to operate than a regular car.

This Legislature additionally finds that this County currently has a policy reserving spots for Clean Pass vehicles.

This Legislature also determines and finds that motorcycles should be able to park in spots currently designated for only Clean Pass vehicles.

Therefore, the purpose of this local law is to allow motorcycles to park in spaces at all County facilities reserved for Clean Pass vehicles.

**Section 2. Amendments.**

Article IV of Chapter 639 of the Suffolk County Code is hereby amended as follows:

**CHAPTER 639.  
PARKING, OFF STREET**

\* \* \* \*

**ARTICLE IV.**  
**PARKING FOR "CLEAN PASS" VEHICLES AND MOTORCYCLES AT COUNTY FACILITIES**

**§ 639-28 Legislative intent.**

\* \* \* \*

- J. [Therefore, the purpose of this article is to set aside parking spaces at all County facilities for "Clean Pass" certified vehicles] This Legislature further determines that motorcycles are also fuel-efficient vehicles.
- K. Therefore, the purpose of this article is to set aside parking spaces at all County facilities for "Clean Pass" certified vehicles and motorcycles.

**§ 639-29. Definitions.**

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

\* \* \* \*

MOTORCYCLE – a motor vehicle with motor power having a seat or a saddle for the rider's use and designed to travel on not more than three wheels in contact with the ground.

\* \* \* \*

**§ 639-30 Designation of spaces.**

- A. Notwithstanding any provision of law to the contrary, the Commissioner is hereby authorized, empowered and directed to designate a minimum of 2% of parking spaces at all County facilities, except County facilities under the jurisdiction of the Parks Commissioner, for the exclusive use of parking by the owners/operators of Clean Pass vehicles and motorcycles.
- B. Notwithstanding any provision of law to the contrary, the Parks Commissioner is hereby authorized, empowered and directed to designate a minimum of 2% of parking spaces at all County facilities under his jurisdiction for the exclusive use of parking by the owners/operators of Clean Pass vehicles and motorcycles.
- C. Such designated spaces shall be clearly marked for use by owners/operators of either a Clean Pass vehicle[s] or no more than two (2) motorcycles. The Commissioner and Parks Commissioner shall cause such appropriate signs to be erected and pavement markings to be made to clearly mark these parking spaces and allow for the enforcement of this article. Notwithstanding the foregoing, nothing contained herein shall require pavement markings delineating the area in the space for each allowed motorcycle.
- D. To the extent practicable, spaces designated for parking by owners/operators of Clean Pass vehicles or motorcycles shall be located in the immediate vicinity of an entrance to each County facility. In no event, however, shall "Clean Pass" or motorcycle parking spaces be located closer to a facility entrance than those spaces designated for use by the handicapped.

- E. Spaces designated for Clean Pass vehicles or motorcycles may be used by vehicles with handicapped permits when all designated handicapped parking spaces are occupied.
- F. If the Commissioner or Parks Commissioner determines it is impossible or impracticable to designate 2% of parking spaces for Clean Pass vehicles or motorcycles at a specific County facility, he or she shall so advise the County Executive and each member of the County Legislature, in writing, and enumerate the reasons why Clean Pass/motorcycle spaces cannot be designated at a County facility. The County Legislature may override such determination by a duly enacted resolution.

**§ 639-31 Parking by unauthorized vehicles.**

Except for vehicles that are parked in accordance with § 639-30E, any non-Clean-Pass vehicle, that is not a motorcycle, that is parked in a parking space reserved for Clean Pass vehicles or for motorcycles shall be deemed to be in violation of this article, and the owner of such vehicle shall be responsible for the penalty imposed hereunder.

\* \* \* \*

**Section 3. 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 4. SEQRA Determination.**

This Legislature, 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)(26), (27) and (33) 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 in that the action constitutes routine or continuing administration and management not including new programs or major reordering of priorities that may affect the environment. 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 5. Effective Date.**

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

[ ] Brackets denote deletion of existing language  
 \_\_\_ Underlining denotes addition of new language

DATED: April 4, 2023

APPROVED BY:

/s/ Steven Bellone  
County Executive of Suffolk County

Date: April 18, 2023

After a public hearing duly held on April 18, 2023  
Filed with the Secretary of State on April 25, 2023