

RESOLUTION NO. 952-2021, ADOPTING LOCAL LAW NO. 29-2021, A LOCAL LAW TO AUTHORIZE LOCALITIES WITHIN THE COUNTY OF SUFFOLK TO REGULATE ELECTRIC SCOOTERS AND BICYCLES WITH ELECTRIC ASSIST

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on September 9, 2021, a proposed local law entitled, "**A LOCAL LAW TO AUTHORIZE LOCALITIES WITHIN THE COUNTY OF SUFFOLK TO REGULATE ELECTRIC SCOOTERS AND BICYCLES WITH ELECTRIC ASSIST**"; now, therefore be it

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

LOCAL LAW NO. 29-2021, SUFFOLK COUNTY, NEW YORK

A LOCAL LAW TO AUTHORIZE LOCALITIES WITHIN THE COUNTY OF SUFFOLK TO REGULATE ELECTRIC SCOOTERS AND BICYCLES WITH ELECTRIC ASSIST

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

Section 1. Legislative Intent.

This Legislature hereby finds and determines that New York State Vehicle and Traffic Law § 1281 authorizes municipal governments to regulate the time, place and manner of the operation of electric scooters in their communities, provided adequate signage is posted.

This Legislature also finds and determines that for Nassau and Suffolk Counties, Vehicle and Traffic Law § 1281 requires that the county governing body authorize municipalities to engage in this regulation.

This Legislature determines that similar language authorizing municipal governments to regulate the time place and manner of the use of bicycles with electric assist, provided the county governing body authorizes such regulation, can be found in New York State Vehicle and Traffic Law § 1242

This Legislature further finds and determines that people are increasingly using electric scooters and bicycles with electric assist as a means of transportation, particularly in downtown locations.

This Legislature finds that municipalities in Suffolk County should have flexibility in determining if the use of electric scooters or bicycles with electric assist need to be regulated in their communities and what such regulations entail.

This Legislature determines that Suffolk County should facilitate local regulatory control over the proper use of electric scooters or bicycles with electric assist in our varied towns and villages.

Therefore, the purpose of this law is to authorize municipalities located within Suffolk County to regulate the time, place and manner of electric scooter use and/or bicycles with electric assist pursuant to New York State Vehicle and Traffic Law §§ 1242 and 1281.

Section 2. Authorization to regulate.

- A. In conformance with New York State Vehicle and Traffic Law § 1281(2)(b), municipalities located within the County of Suffolk are hereby authorized to regulate the time, place and manner of operation of electric scooters within their jurisdiction.
- B. In conformance with New York State Vehicle and Traffic Law § 1242(3)(b), municipalities located within the County of Suffolk are hereby authorized to regulate the time, place and manner of operation of bicycles with electric assist within their jurisdiction.

Section 3. Applicability.

This law shall apply to all actions taken by municipalities located within the County of Suffolk occurring on or after the effective date of this law.

Section 4. 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 5. 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 6. Effective Date.

This law shall take effect immediately upon its filing in the Office of the Secretary of State.

DATED: November 16, 2021

APPROVED BY:

/s/ Steven Bellone
County Executive of Suffolk County

Date: December 02, 2021

After a public hearing duly held on November 30, 2021
Filed with the Secretary of State on December 15, 2021