

TOWN OF EAST HAMPTON BEACH DRIVING REGULATIONS

§ 91-5 VEHICLES ON THE BEACH.

A. Requirements.

- (1) No person shall operate a vehicle on the beach unless said vehicle is registered and displays a valid vehicle registration license.
- (2) No person shall operate a vehicle on the beach unless said person has a valid driver's license.
- (3) No person shall operate a vehicle on the beach unless said vehicle is in compliance with the provisions of the Motor Vehicle Financial Security Act as contained in Article 6 of the Vehicle and Traffic Law, requiring liability insurance or other proof of financial security.
- (4) No person shall operate a vehicle on the beach unless said vehicle has been issued and displays a valid and proper East Hampton Town resident beach vehicle permit issued by the East Hampton Town Clerk. Resident permits shall be issued free of charge to all residents of the Town of East Hampton who shall submit proof of residency or property ownership within the township and a valid registration in the name of the resident or property owner. Permits shall be issued to nonresidents upon payment to the Town Clerk of a nonrefundable fee of \$275. Such nonresident permits shall expire on December 31 of each year. Disabled veterans and individuals possessing a valid mobility impaired license-plate shall be entitled to a fifty-percent discount on the cost of the permit. The Town Clerk shall inspect all applications for permits and determine the validity of the qualifications presented in accordance with the provisions of this section. The permit shall be affixed to the vehicle in the location specified by the Town Clerk and shall be placed in such location in a manner which allows the permit to be clearly visible at all times when the vehicle is in motion. A violation of the provisions of this Subsection [A\(4\)](#) shall be punishable as follows: for a first offense, by a fine of not less than \$250 or by imprisonment for up to 15 days, or both; 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; and 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. [Amended 5-1-1998 by L.L. No. 17-1998; 9-18-1998 by L.L. No. 31-1998; 4-4-2008 by L.L. No. 6-2008]
- (5) No person shall operate a vehicle on the beach unless such vehicle is equipped with a towrope or chain, jack and spare tire.

B. Restricted beach areas.

- (1) Year-round. No person shall operate a vehicle on the following beaches at any time, except at designated launching ramp sites, if the same should exist at the subject location: [Amended 5-15-1992 by L.L. No. 14-1992]
 - (a) The beach located on the Accabonac Harbor side of Louse Point from Louse Point to the southernmost point of East Harbor, except the public launching ramp area.
 - (b) The beach located on the Gardiners Bay side of Louse Point from Louse Point to a distance 300 feet south thereof.
 - (c) The bay beach along Gardiner's Bay at the town-owned premises known as Maidstone Park, from the south side of Flaggy Hole Road to the jetty.
- (2) Seasonal. No person shall operate or park a vehicle on the following restricted beaches from the Thursday before Memorial Day to September 15 of each year, between the hours of 10:00 a.m. and 6:00 p.m.:
 - (a) Any ocean beach between the westerly boundary of the Town of East Hampton and the westerly boundary of the Village of East Hampton.
 - (b) The ocean beach lying between the westerly side of Indian Wells Beach and the easterly side of Atlantic Avenue Beach.
 - (c) The ocean beach lying south of Napeague Lane, as designated by the Trustees.
 - (d) Any ocean beach between the western boundary of Camp Hero State Park and the easterly boundary of Hither Hills State Park. [Added 11-1-1991 by L.L. No. 26-1991]
 - (e) All town-owned beaches fronting on Fort Pond Bay to the north and bounded by Navy Road to the south, in the hamlet of Montauk, including but not exclusive of that portion of town-owned beach bounded on the west by parcel SCTM 300-27-2-4.1 and on the east by parcel SCTM 30027-2-2. [Added 8-6-1999 by L.L. No. 17-1999]
- (3) Seasonal parking. No person shall park a vehicle on any ocean beach within 300 feet of any paved road end from the Thursday before Memorial Day to September 15 of each year, between the hours of 10:00 a.m. and 6:00 p.m.
- (4) Exemptions. Operators of the following vehicles shall be exempt from the provisions of Subsection [B\(2\)](#) above, provided that they shall exercise due caution when traversing through restricted bathing areas:
 - (a) Vehicles whose occupants are actively engaged in traditional commercial net fishing.
 - (b) Vehicles displaying a handicapped parking permit being used by a handicapped person.

- (c) After 4:00 p.m. prevailing time, vehicles transporting persons engaged in crabbing at Georgica Pond, provided that such persons have valid East Hampton Town shellfish permits. All such vehicles must enter and exit by way of Beach Lane.[Amended 8-8-1995 by L.L. No. 11-1995]
- (5) Nesting areas. No person shall operate a vehicle within or upon any protected bird nesting area designated as such by the Trustees or Town Board pursuant to § 91-4F hereof at any time. A violation of the provisions of this Subsection B(5) shall be punishable by a fine of not less than \$250 nor more than \$1,000 or by imprisonment for up to 15 days, or both. Upon conviction of such violation, the permission to operate a vehicle on the beach heretofore given said person by the Trustees or the Town Board is hereby revoked, automatically and without recourse, for a period of one year. In the event that the violator is also the owner of the vehicle in which the offense occurred, then, in such event, the permit issued to the violator for said vehicle shall be surrendered to the court and shall be subject to removal from the vehicle by a court officer or police officer if not voluntarily surrendered. A person who operates a vehicle on the beach at a time when his permission to do so has been revoked shall be subject to prosecution for criminal trespass, as well as other applicable statutes, under the Penal Law.
- (6) Access. No person operating a vehicle shall take access to the beach other than from existing access points. No person operating a vehicle shall take access to the beach by climbing over any dune, bluff or vegetation.

C. Regulations for beach use by vehicles.

- (1) All operators of vehicles traveling along the beach shall maintain a distance of no less than 50 feet seaward of the beach grass line, if possible.
- (2) No person shall operate a vehicle over or upon any dune, bluff or vegetation.
- (3) No person shall utilize a vehicle on the beach for the purpose of camping or sleeping.
- (4) No person shall operate a vehicle on the beach during the period from 1/2 hour after sunset to 1/2 hour before sunrise and at such other times as visibility for a distance of 1,000 feet ahead of such vehicle is not clear, unless such vehicle displays at least two lighted headlights on the front and two lighted lamps on the rear.
- (5) No person shall operate a vehicle on the beach at a speed in excess of 15 miles per hour.
- (6) No person shall operate a vehicle in a reckless manner that endangers the safety of other persons.
- (7) Vehicles shall travel in a single line, except when necessary to pass. In the event that vehicle operator(s) deem it necessary and safe to pass another vehicle, they shall do so in a manner so that not more than two vehicles, inclusive of the vehicle to be passed, are traveling beside each other in any one direction at any time.
- (8) No operator of a vehicle shall have the right-of-way over any person on foot.
- (9) No person shall abandon any vehicle on the beach. A vehicle left unattended for a period of 24 hours or more shall be deemed abandoned and may be removed to an impound area designated for the placement of the same by or at the direction of any officer authorized to enforce this local law at the expense of the owner thereof. The Town Board and Trustees and said enforcement officer shall not be responsible for damage to any vehicle occasioned by such removal. Upon impounding an abandoned vehicle, the officer shall make an inquiry as to the owner of the vehicle and shall notify the owner, if known, that the vehicle has been impounded and that, if unclaimed, it will be sold at public auction not less than 10 days after the date such notice was given. The owner may reclaim the vehicle after proving ownership and paying an impound fee of \$200, plus the costs of removal, plus a storage fee of \$20 per day. If a vehicle remains unclaimed for a period of 10 days from the date notice is given to the owner or if the owner cannot be found or ascertained:
 - (a) A vehicle having a value of \$750 or less may be destroyed, junked or otherwise disposed of as the officer or the Trustees see fit.
 - (b) A vehicle having a value in excess of \$750 shall be disposed of at a public auction to the highest bidder. The proceeds from the sale of such vehicle, less the impound fee, costs of removal, storage fee and costs of sale, shall be held by the Trustees, without interest, for the benefit of the owner of such vehicle for a period of one year. If not claimed within said one-year period, such proceeds shall be paid into the general fund of the Trustees.
- (10) Notwithstanding any provision herein contained to the contrary, no person shall operate a motorcycle, hovercraft, snowmobile, all-terrain vehicle or similar vehicle designed for off-road travel on the beach.
- (11) The provisions of this section shall not apply to vehicles operated by the police, fire and rescue services, the dory rescue squad, the East Hampton Dog Control Officer or other emergency vehicles while actually in the performance of their duties.[Amended 6-16-1995 by L.L. No. 8-1995]

§ 91-6 OPERATING A VEHICLE ON THE BEACH WHILE UNDER THE INFLUENCE OF ALCOHOL OR DRUGS.

[Amended 6-12-2007 by L.L. No. 24-2007]

A. Prohibited conduct.

- (1) Driving while ability impaired. No person shall operate a vehicle on the beach while such person's ability to operate such vehicle is impaired by the consumption of alcohol.
- (2) Driving while intoxicated; per se. No person shall operate a motor vehicle on the beach while such person has .08 of 1% or more by weight of alcohol in his or her blood as shown by chemical analysis of such person's blood, breath, urine or saliva, made pursuant to the provisions of § 1194 of the Vehicle and Traffic Law.
- (3) Driving while intoxicated. No person shall operate a vehicle on the beach while in an intoxicated condition.
- (4) Driving while ability impaired by drugs. No person shall operate a vehicle on the beach while his or her ability to operate such vehicle is impaired by the use of a drug, as defined in § 1194 of the Vehicle and Traffic Law.
- (5) Operating a motor vehicle after having consumed alcohol; under the age of 21 per se. No person under the age of 21 shall operate a motor vehicle on the beach after having consumed alcohol as defined in § 1192 of the Vehicle and Traffic Law. For the purpose of this section, a person under the age of 21 is deemed to have consumed alcohol if such person has .02 of 1% or more but not more than .07 of 1% by weight of alcohol in the person's blood, as shown by chemical analysis of such person's blood, breath, urine or saliva, made pursuant to the provisions of § 1194 of the Vehicle and Traffic Law. A person, even if under the age of 21, will be treated as if of majority age if the person has more than .07 of 1% by weight of alcohol in the blood. Notwithstanding any provision of law to the contrary, a finding that a person under the age of 21 operated a motor vehicle on the beach after having consumed alcohol in violation of this section is not a judgment of conviction for a crime or any other offense.
- (6) Driving with a child. No person shall operate a motor vehicle on the beach with any passenger under the age of 17 while the person's ability to operate a motor vehicle is impaired by the consumption of alcohol and/or drugs pursuant to the above Subsection [A\(1\)](#) through [\(4\)](#).

B. Chemical tests.

- (1) Authorization. Any person who operates a vehicle on the beach shall be deemed to have given consent to a chemical test of one or more of the following: breath, blood, urine or saliva for the purpose of determining the alcohol and/or drug content of the blood, provided that such test is administered by or at the direction of a police officer with respect to a chemical test of breath, urine or saliva or, with respect to a chemical test of blood, at the direction of a police officer or peace officer having reasonable grounds to believe such person to have been operating in violation of any subsection of this article and within two hours after such person has been placed under arrest for any such violation, or having reasonable grounds to believe such person to have been operating in violation of this section and within two hours after the stop of such person for any such violation. For the purposes of this subsection, "reasonable grounds" to believe that a person has been operating a motor vehicle on the beach after having consumed alcohol or drugs in violation of Subsection [A](#) of this article shall be determined by viewing the totality of circumstances surrounding the incident which, when taken together, indicate that the operator was driving in violation of such subdivision. Such circumstances may include any visible or behavioral indication of alcohol or drug consumption by the operator, the existence of an open container containing or having contained an alcoholic beverage in or around the vehicle driven by the operator, or any other evidence surrounding the circumstances of the incident which indicates that the operator has been operating a motor vehicle after having consumed alcohol or drugs.
- (2) Right of refusal. Any person arrested for any provision of Subsection [A](#) of this article shall be advised by the arresting officer that he or she may refuse to submit to the chemical test and that as a result of such refusal, his or her permission to operate a vehicle on the beach will be revoked immediately and automatically for a period of two years, regardless of whether such person is convicted of a violation of any provision of Subsection [A](#) above.
- (3) Chemical test evidence. Regarding issues of admissibility, probative value and suppression, chemical test results shall be accorded the same treatment and effect as provided in § 1195 of the Vehicle and Traffic Law.

C. Sanctions.

- (1) Criminal penalties.
 - (a) Driving while ability impaired.
 - [1] First offense. A violation of Subsection [A\(1\)](#) above shall be a traffic infraction and shall be punishable by a fine of not less than \$300 nor more than \$500 or by imprisonment in a penitentiary or county jail for not more than 15 days, or by both such fine and imprisonment. Upon conviction of such violation, a person's permission to operate a vehicle on the beach is revoked, automatically and without recourse for a period of one year.

- [2] Second offense. Any person who operates a vehicle in violation of Subsection [A\(1\)](#) after having been convicted of such subsection or of any subdivision of § 1192 of the Vehicle and Traffic Law within the preceding five years shall be punished by a fine of not less than \$500 nor more than \$700, or by imprisonment of not more than 30 days in a penitentiary or county jail or by both such fine and imprisonment. Upon conviction of such violation, a person's permission to operate a vehicle on the beach is revoked, automatically and without recourse for a period of two years.
 - [3] Recidivist provision Any person who operates a vehicle in violation of Subsection [A\(1\)](#) or of any subdivision of § 1192 of the Vehicle and Traffic Law after having been convicted two or more times of said violation or any subdivision of § 1192 of the Vehicle and Traffic Law within the preceding 10 years shall be guilty of a misdemeanor, and shall be punished by a fine of not less than \$750 nor more than \$1,500, or by imprisonment of not more than 180 days in a penitentiary or county jail or by both such fine and imprisonment. Upon conviction of such violation, a person's permission to operate a vehicle on the beach is revoked, automatically and without recourse for a period of five years.
 - (b) Driving while intoxicated or while ability impaired by drugs or while ability impaired by the combined influence of drugs or of alcohol and any drug or drugs:
 - [1] First offense. A violation of Subsection [A\(2\),\(3\)](#), or (4) above shall be classified as a misdemeanor and shall be punishable by a fine of not less than \$500 nor more than \$1,000, or by imprisonment in a penitentiary or county jail for not more than six months, or by both such fine and imprisonment. Upon conviction of such violation, a person's permission to operate a vehicle on the beach is hereby revoked, automatically and without recourse, for a period of two years.
 - [2] Recidivist provision Any person who operates a vehicle in violation of Subsection [A\(2\), \(3\)](#), or (4) after having been convicted of any of such subsections or of any subdivision of § 1192 of the Vehicle and Traffic Law within the preceding 10 years shall be guilty of a misdemeanor, and shall be punished by a fine of not less than \$1,000 nor more than \$2,000, or by imprisonment of not more than one year in a penitentiary or county jail, or by both such fine and imprisonment. Upon conviction of such violation, a person's permission to operate a vehicle on the beach is revoked, automatically and without recourse for a period of five years.
 - (c) Driving with a child. A violation of Subsection [A\(6\)](#) above shall be classified as a misdemeanor and shall be punishable by a fine of not less than \$1,000 nor more than \$2,000, or by imprisonment of not more than one year in a penitentiary or county jail, or by both such fine and imprisonment. Said penalty is pursuant to § 260.10 of the New York State Penal Law, entitled "Endangering the Welfare of a Child" in that the commission of such violation establishes that such person acted in a manner likely to be injurious to the physical, mental or moral welfare of a child less than 17 years old. Upon conviction of such violation, a person's permission to operate a vehicle on the beach is revoked, automatically and without recourse for a period of five years.
- (2) Additional penalties. In addition to the criminal penalties set forth herein in Subsection [C\(1\)\(a\), \(b\)](#), and (c), in the event that the violator is also the owner of the vehicle in which the offense occurred, the beach vehicle permit issued to the violator for said vehicle shall be surrendered to the court and shall be otherwise subject to removal from the vehicle by a police officer or court officer if not voluntarily surrendered.

§ 91-7 NONLIABILITY OF TRUSTEES AND TOWN BOARD.

Anyone using a beach shall do so with the understanding that the Trustees and Town Board assume no responsibility for any injury or damage to any person or property which may be sustained while using the beach and that the Trustees and Town Board will not be responsible in any manner for any article that may be stolen from any structure or automobile or for any automobile or any other article that may be stolen from a beach.

§ 91-8 PENALTIES FOR OFFENSES.

A. A violation of the provisions of §§ [91-4A,91-4I](#), [91-5A\(4\)](#), [91-5B\(5\)](#) or [91-6](#) of this local law shall be punishable as provided therein. [Amended 9-18-1998 by L.L. No. 31-1998; 3-17-2006 by L.L. No. 7-2006]

B. A violation of any other provision of this local law shall be punishable as follows:

- (1) For a first offense, by a fine of not less than \$100 nor more than \$250 or by imprisonment for up to 15 days, or both. [Amended 5-1-1998 by L.L. No. 17-1998; 9-18-1998 by L.L. No. 31-1998]

- (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.

§ 91-9 ENFORCEMENT.

A. This local law shall be enforced by any duly constituted law enforcement officer, including any Code Enforcement Officer, having jurisdiction within the Town of East Hampton and/or by any Bay Constable of the Town of East Hampton and/or by any Harbormaster of the Town of East Hampton.

B. In addition to the personnel set forth in § [91-9A](#) above, the Town Dog Control Officer shall be authorized to enforce the provisions of §§ [91-4K](#), [91-4L\(1\)](#) and [91-4L\(5\)](#) and shall be authorized to seize any dog found in violation thereof in accordance with the provisions of § [86-11](#) of the Town Code. Such dog may be redeemed in accordance with the provisions of § [86-11](#). [Added 6-16-1995 by L.L. No. 8-1995]

§ 91-10 SEVERABILITY.

Should any section or provision of this local law be decided by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of this local law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

§ 91-11 AMENDMENT.

The Town Board shall not amend any section of this local law as the same applies to any Trustee beach without having first received the written permission of a majority of the Trustees. In the event that the Trustees shall amend any provision of their regulations so as to render any section of this local law ineffective, then the Town Board may repeal such provision as it applies to Trustees beaches without having first obtained the permission of the Trustees. In the event that the Trustees should amend their regulations without having obtained the cooperation and agreement of the Town Board to amend this local law accordingly, then the Town Board shall not be responsible for enforcement of the amended regulation.

§ 91-12 TEMPORARY CLOSURE.

The Trustees or Town Board reserve the right to temporarily close or restrict any beach or portion thereof at any time if deemed appropriate and necessary. Either Board shall advise the other of its decision to order any closure in a manner deemed reasonable under the circumstances, but failure to do so shall not affect the validity of such closure or restriction.

§ 91-13 EFFECTIVE DATE.

This local law shall take effect upon filing with the Secretary of State as required by law.

This document is the direct text of the Town Code of the Town of East Hampton.

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