

**CALENDAR**  
**for**  
**REGULAR MEETING OF THE COUNCIL**  
**of the**  
**CITY OF LONG BEACH**  
**held**  
**AUGUST 3, 2021**

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**PUBLIC HEARING:** Resolution Granting Waiver of Off-Street Parking Requirements Re: Premises 54 West Park Avenue, (second floor), Long Beach, New York.

Re: Tattoo Studio

**PUBLIC HEARING:** Ordinance to Amend the Code of Ordinances of the City of Long Beach Re: Ocean Beach Park.

**PUBLIC HEARING:** Ordinance to Amend the Code of Ordinances of the City of Long Beach Re: Motor Vehicles and Traffic.

1. Resolution Granting Waiver of Off-Street Parking Requirements Re: Premises 54 West Park Avenue, (second floor), Long Beach, New York.  
Re: Tattoo Studio
2. Ordinance to Amend the Code of Ordinances of the City of Long Beach Re: Ocean Beach Park.
3. Ordinance to Amend the Code of Ordinances of the City of Long Beach Re: Motor Vehicles and Traffic.

August 3, 2021

Item No. 1  
Resolution No.

The following Resolution was moved by  
and seconded by :

Resolution Granting Waiver of Off-Street Parking Requirements  
Re: Premises 54 West Park Avenue, (second floor), Long Beach, New York.

WHEREAS, there has been presented to this Council an application pursuant to Section 9-112(18)(c) of Appendix A (Zoning Law) of the Long Beach Code of Ordinances, for waiver of off-street parking requirements for the premises located at 54 West Park Avenue (second floor), Long Beach, New York (Section 59, Block 84, Lot 12) between Edwards and National Boulevards, having frontage of less than 20 feet, on behalf of the owner 54 West Park LLC, 107 Northern Boulevard, Staten Island, New York 10301 to be used as a Tattoo Studio:

WHEREAS, a Public Hearing was held on this date;

NOW, THEREFORE, after due deliberation, be it

RESOLVED, by the City Council of the City of Long Beach, New York, that the application of the owner 54 West Park LLC, 107 Northern Boulevard, Staten Island, New York 10301 for exemption with respect to the requirements for off-street parking at premises 54 West Park Avenue (second floor), having frontage of less than 20 feet, be and the same hereby is granted, only and during the time that such premises shall be used as a Tattoo Studio.

August 3, 2021

Item No. 2  
Ordinance No.

The following Ordinance was moved by  
and seconded by :

ORDINANCE TO AMEND THE CODE OF ORDINANCES  
OF THE CITY OF LONG BEACH RE: OCEAN BEACH PARK.

BE IT ENACTED, by the City Council of the City of Long Beach, New York, as  
follows:

Sec.1. Chapter 18, Article II, Division 1, Section 18-19 of the Code of  
Ordinances of the City of Long Beach, as heretofore amended, shall be and the same is hereby  
amended to read as follows:

“Sec. 18-19. Food and beverage sales and service.

- (a) Any restaurant, luncheonette or stand situated adjacent to the north boundary of the Ocean Beach Park may be permitted to have an opening facing the park upon the payment of the charges provided in this section. The opening shall be used exclusively for the sale of food and/or nonalcoholic beverages to persons using the park, and shall not at any time be used for entrance to or exit from the park or the waters adjacent thereto. The charge for such an opening shall be one hundred fifty dollars (\$150.00) per season, payable on or before the first day of July in each year. No person, firm or corporation shall place or cause to be placed any table or chair anywhere on the boardwalk, other than the benches placed thereon by the city, and anyone violating this prohibition shall be subject to the penalties provided for in this article.
- (b) Whenever soft drinks are served at stands in the Ocean Beach Park, the vendor shall furnish paper cups and may not permit bottled soft drinks to be carried away from his stand.
- (c) Any establishment dispensing food or beverages in the Ocean Beach Park or abutting upon the park or the Boardwalk shall be required to post a notice clearly indicating the price of merchandise sold therein, in a conspicuous place clearly legible and visible to customers making purchases.
- (d) **Any establishment dispensing food or beverages on the Boardwalk, or abutting the boardwalk, may, upon receipt of express written consent from the City Manager, place tables and/or chairs in a designated location only.”**

Sec. 2. This Ordinance shall take effect immediately.

The following Ordinance was moved by  
and seconded by :

**ORDINANCE TO AMEND THE CODE OF ORDINANCES  
OF THE CITY OF LONG BEACH RE: MOTOR VEHICLES  
AND TRAFFIC.**

BE IT ENACTED, by the City Council of the City of Long Beach, New York, as follows:

Sec.1. Chapter 15, Article VI, Division 2, of the Code of Ordinances of the City of Long Beach, as heretofore amended, is hereby repealed, revoked and rescinded, and new language shall be enacted in the place and stead of said Division, to read as follows:

**“DIVISION 2. Immobilization and Removal of Illegally Parked Vehicles**

**Sec. 15-209. Definitions**

- (a) "Immobilize" or "immobilization" shall mean the act of placing on a parked motor vehicle a mechanical device known as a boot, designed to be attached to the wheel or tire or other part of such vehicle so as to prohibit its usual manner of movement.**
- (b) "Remove" or "removal" shall mean the act of towing a parked motor vehicle, which shall be placed and stored in a location designated by the Police Department or Fire Department and shall be held until it is released or disposed of pursuant to applicable law.**

**Sec. 15-210. Grounds For Removal and/or Immobilization; General Provisions.**

- (a) Grounds for Immobilization/Removal. The following vehicles shall be subject to removal and/or immobilization:**
  - (1) Any vehicle found parked or standing in violation of any of the provisions of this chapter or other city ordinance.**
  - (2) Any vehicle found parked or abandoned on public highways during a snowstorm, flood, fire or other public emergency.**
  - (3) Any vehicle left parked or standing on a public highway for two (2) days or more without proper registration plates.**
  - (4) Any vehicle taken into custody by law enforcement officials having probable cause to believe that it is being used in the commission of a crime. Removal of such vehicle shall be made to the city yard or to such other place as the Commissioner of Police may direct and such removal shall be at the risk of the owner of said vehicle.**
  - (5) Vehicles which have four (4) or more outstanding and unpaid parking violations issued against them and which, after mailing to the registered owner a final notice, at the address provided by the Department of Motor Vehicles records,**

are found operated or parked on any public street, public highway, roadway, any portion of the entire width between the boundary lines of any way publicly maintained or on any property owned, leased by, or in the possession and control of, the City of Long Beach. A parking violation is deemed outstanding when said violation has not been answered by the required appearance date.

- (6) Vehicles operated by an individual in violation of Articles 19 or Article 20 of the New York State Vehicle and Traffic Law (e.g., unlicensed operation, aggravated unlicensed operation).**
- (7) Vehicles operated by an individual in violation of Article 31 of the New York State Vehicle and Traffic Law where no likelihood of vehicle forfeiture exists (e.g., operating a vehicle under the influence of alcohol or drugs or driving while ability impaired).**
- (8) The Police Department, at the direction of the Commissioner of Police, may immobilize and/or remove, any vehicle parked illegally or in violation of any city code, county ordinance, state law or regulation, or where such removal and/or immobilization is required for public safety.**
- (b) Removal following immobilization. Where a vehicle is immobilized and the owner or other person entitled to possession of the vehicle is properly notified pursuant to this division, if all fees are not paid, thereby releasing the vehicle within seventy-two (72) hours, the vehicle may be removed and conveyed, by or under the direction of a member of the police department or the fire department, by means of towing, or otherwise, to the city yard or to such other place as the commissioner of police may direct and there stored; and such removal, conveyance and storage shall be at the risk of the owner of the vehicle.**
- (c) Place of storage; Removal without Notice. The Police Department may transport to, and store, any immobilized vehicle to the City yard, or other such location as directed by the Commissioner of Police, without notice pursuant to this section if said vehicle poses a risk to public safety. Thereafter, the Police Department shall document the reason any such vehicle was transported and/or stored and provide notification pursuant to this division as soon as practicable.**
- (d) Custody. For the purpose of custody, any vehicle removed or immobilized pursuant to this division shall be deemed to be in the custody of the Commissioner of Police.**

**Sec. 15-211. Immobilization and/or Removal; Notice and Penalties.**

- (a) Within twenty-four (24) hours after towing, the Police Department shall notify the owner of such vehicle by telephone or by registered mail, of the fact of its towing or immobilization, the place where it may be recovered and the conditions under which it will be released.**

- (b) **Additionally, when a vehicle is immobilized, the Police Department shall cause to be attached to the immobilized vehicle a notice containing the following information, in such form as directed by the Commissioner of Police:**
- (1) **The location and identifying characteristics of the vehicle;**
  - (2) **The dates and time of placement of the devices and the signature of the installer of the device;**
  - (3) **Notice that further parking penalties will be waived while the vehicle is immobilized;**
  - (4) **Notice that any person tampering with the device or vehicle will be subject to criminal prosecution as provided in paragraph (ii) of this subsection, as well as civil liability for any loss to the City of Long Beach due to damage to or theft of the device;**
  - (5) **The steps that the owner must take to obtain release of the vehicle; and**
  - (6) **Such other information, statements, notices and/or warnings as the Police Department may from time to time determine.**
- (c) **Any person who tampers with, defaces, damages, removes or destroys an immobilization device or moves by any means a vehicle immobilized as herein provided shall be guilty of a violation and subject to the penalty provided for in Section 15-22 of this Chapter. The owner of such vehicle may, as a defense, plead and prove that at the time of such removal or damage, such vehicle was stolen, but only if, prior to such act or acts, notice of a stolen vehicle has been given to the applicable police authority.**

**Sec. 15-212. Procedure for Redemption; Release; Charges.**

- (a) **Before the owner or any other person entitled to possession of a vehicle removed or immobilized pursuant to this division shall be permitted to repossession thereof, that person or authorized agent shall furnish satisfactory evidence of his or her identity and ownership or authorization from the owner to obtain the release of such motor vehicle, and shall make payment to the Police Department for charges incurred in the immobilization or removal of such vehicle, as well as applicable administrative charges under this division. No such vehicle shall be released until the owner or authorized agent has established his or her identity and right to possession and has signed a proper receipt therefor.**
- (b) **Charges for Removal. The owner or other person entitled to possession of a vehicle removed pursuant to this division shall pay to the Police Department a fee of one hundred twenty dollars (\$120.00) to cover administrative costs, as well as towing**

**and storage charges in accordance with the following schedule:**

- (1) For the pickup with standard equipment and towing, two hundred dollars (\$200.00).**
  - (2) For the pickup with required flatbed towing, and towing, two hundred dollars (\$200.00).**
  - (3) Outside storage charges shall be at the rate of twenty-five dollars (\$25.00) for each twenty-four (24) hours or part thereof. This charge shall also apply during any period in which a vehicle is being held as evidence or in anticipation of forfeiture.**
  - (4) Inside storage charges shall be at the rate of thirty dollars (\$30.00) for each twenty-four (24) hours or part thereof.**
- (c) Charges for Immobilization.**
- (1) An owner or other person entitled to possession of an immobilized vehicle pursuant to this division shall pay a two hundred and fifty dollar (\$250.00) immobilization charge to the Police Department.**
  - (2) Once properly removed in accordance with this division, immobilization devices shall returned to the Police Department within twenty four (24) hours, where applicable. Failure to do so shall result in a twenty five dollar (\$25.00) per day fee for the delayed return of the immobilization device.**
  - (3) In the event an immobilization device is not returned or is damaged, the owner or other person entitled to possession of the vehicle shall be responsible for the cost of repair or replacement of the immobilization device.**
- (d) Computation of Daily Charges. For the purpose of computing the charges imposed by subsections (b) and (c), the day shall be deemed to commence at 12:01 a.m. The charges shall be a lien upon the vehicle.**
- (e) The treasurer may designate the owner of the property upon which impounded vehicles are stored to collect the administrative fee pursuant to this section at such time as he may direct, and the city manager is authorized to and shall pay to such owner up to ten (10) percent of any administrative fees collected by such owner. The administrative fee shall not be imposed unless the vehicle is repossessed by the owner or other person entitled to possession of a vehicle impounded pursuant to this division.**
- (f) Release of Vehicle.**
- (1) Before the owner or person in charge of any vehicle taken into custody, or immobilized as above provided, shall be allowed to repossess or to secure the release of said vehicle, the owner or his/her agent shall:**
    - a) Pay any and all sums legally due for any city parking violations issued and outstanding against such vehicle, including fines and penalties;**
    - b) Pay any and all outstanding parking summonses issued in the city against**

**any motor vehicles registered in the name of the registered owner of the impounded motor vehicle, including fines and penalties;**

- c) Comply with all procedures for redemption as provided in section 15-212; and**
- d) Pay all charges as provided in section 15-212.**

**(2) Inability to comply with subsections (1)(a) and (b) – If, after paying applicable charges for removal and/or immobilization of a vehicle, the owner or person in charge of any such vehicle is unable to comply with subsections (1)(a) and (b), that individual shall be entitled to post a bond in an amount sufficient to cover such fines and/or penalties. Such bond may be posted in cash, or by credit card via the Police Department payment kiosk. A three percent (3%) non-refundable processing cost shall be applied to credit card payments. As soon as practicable thereafter, such individual must comply with subsections (1)(a) and (b) in order to be eligible to receive a return of the posted bond.**

**Sec. 15-213. Sale of unredeemed vehicles.**

**Should a vehicle impounded pursuant to this division remain unclaimed or should the lien thereon remain unredeemed for a period of one month from the date of its removal, the Commissioner of Police may sell the vehicle at public sale upon publication of notice thereof by posting conspicuously in three (3) public places in the city at least six (6) days before the sale. The proceeds on the sale shall be applied first to the cost of said sale and advertisement thereof, then to the cost of storage and towage, and any surplus shall be held for the account for the owner of the vehicle by the city treasurer for a period of one year without interest.**

**Sec. 15-214. Severability.**

**If any part of or provisions of this division or the application thereof to any person or circumstance be adjudged invalid by a court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision of or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this division, or the application thereof to other persons or circumstances.”**

**Sec. 2. This Ordinance shall take effect immediately.**