

Chapter 50

VEHICLES AND TRAFFIC

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[HISTORY: Amended by the Board of Trustees of the Village of Saltaire 7-28-1996 as L.L. No. 4 of 1996. Amendments noted where applicable.]

GENERAL REFERENCES

Bicycles -- See Ch. 10.

Walks, beaches and public places -- See Ch. 52.

§ 50-1. Legislative intent; findings, use of motor vehicles restricted.

- A. Fire Island, as a barrier sandbar, is the only buffer between the Atlantic Ocean and the South Shore of Long Island. It both protects the South Shore and, by its existence, creates the Great South Bay with its unique ecological characteristics and commercial and recreational value. The preservation of the unique character of the barrier beach is of paramount importance not only to the residents of the village of

Saltaire, but also to the thousands of persons who use the island, or the Village, for recreational, residential or business purposes.

- B. Findings. The proliferation of motor vehicles on the barrier beach runs contrary to the declared public policies of all Federal, State, County, Town and Local governmental entities having jurisdiction over all or part of Fire Island, because of the conclusive determination that vehicular traffic is detrimental to the preservation of the barrier beach. This uniform policy of limiting the use of motor vehicles on the island, and the Village policy of limiting the use of motor vehicles within the village, will promote the health, safety and general welfare of the village and its residents, and help protect and preserve public and private property within the village and the fragile ecology of the barrier beach. It shall, therefore, be the policy of the Village to limit and reduce motor vehicle use in the village to the minimum necessary to provide for the general welfare of the village and its residents.
- C. Use of motor vehicles restricted. The Village of Saltaire, in order to protect the property of the village and the health, safety and welfare of its residents; to preserve that portion of the barrier sandbar under its jurisdiction, and in conformity with the declared policy of the Village and all other governmental entities having jurisdiction over all or part of Fire Island; and recognizing that, there being in the village no public highways, streets or roadways as defined by the applicable laws of the State of New York; and the Board having found and determined that because of the nature of the village, its beaches and public places, and the construction and use of its walks, the provisions of this chapter are necessary for the public interest, welfare and safety; hereby declares that no motor vehicle shall be operated at any time within the village except as hereinafter provided.

§ 50-2. Definitions. [Amended 04-23-03 by L.L. No. 2, 2003; 1-25-23 by L.L. 3 of 2023]

The following words and phrases when used in this chapter shall have the meanings respectively ascribed to them in this section:

BEACH INACCESSIBILITY -- Such condition of the ocean beaches of the Village of Saltaire, the Easterly Communities, or the western community of Kismet, which, in the opinion of the Board, its agent, or the Fire Island National Seashore, renders any or all portions of said beaches unusable due to erosion, or such other cause as shall physically prevent the passage of such traffic.

BUSINESS VEHICLE -- A motor vehicle to be used in the performance of a year-round business service, which service is established to the satisfaction of the Board of Trustees to be necessary to the general welfare of the village and its residents. [Added 5-28-1988 by L.L. No. 1, 1988]

EASTERLY COMMUNITIES -- The five (5) Fire Island communities immediately to the east of the Village of Saltaire, namely Fair Harbor, Dunewood, Lonelyville, Atlantique and Robbins Rest, which are physically inaccessible by motor vehicle except by passage through the Village of Saltaire.

ELECTRICAL ASSIST BICYCLE (also known and referred to as an **ELECTRIC BIKE** or **E-BIKE**): Any bicycle with an electrical assist function, having an electrical motor that may be used either exclusively to propel such bicycle, or as an assist when the operator is also manually pedaling such bicycle, and which may also be operated by manual power alone. For purposes of this Code, the term Electrical Assist Bicycle shall include electrically-powered scooters, tricycles and other vehicles.

ELECTRICALLY-POWERED VEHICLE -- Any vehicle which is powered by electricity.

ELIGIBILITY DOCUMENTATION -- Such competent evidence, in writing, which shall demonstrate to the satisfaction of the Board that an applicant for a winter access vehicle permit fulfills the requirements for such a permit as shall be enumerated in this chapter, including but not limited to winter access permits issued by the Fire Island National Seashore and the Town of Islip, an affidavit sworn under penalty of perjury attesting to the applicant's residency, and such other proofs as the Board may require, and, at its sole discretion, accept as satisfactory.

EMERGENCY VEHICLE -- An ambulance or vehicle used as an ambulance or any motor vehicle operated by a Police, Security or Fire Department, County or Deputy County Fire Coordinator, County or Assistant County Fire Marshal, Sheriff or a regularly paid Deputy Sheriff when engaged in the performance of his duties. [Amended 5-28-1988 by L.L. No. 1, 1988]

MOTORBIKE -- Any two- (2-) wheeled vehicle, also called a **MOTORSCOOTER**, built primarily to carry one (1) person and powered by gasoline, batteries or electricity

MOTOR VEHICLE -- Any vehicle powered by gasoline, propane, batteries or any other mechanical means or device, and not by means of human exertion.

OPERATOR -- A person who operates or drives a motor vehicle.

OWNER -- The registered owner of a motor vehicle.

SCHOOL BUS -- A motor vehicle owned or leased by a school district used in the transportation of pupils and/or teachers to and from school or school activities.

TRAILER -- a cart or wagon designed to be pulled by a motor vehicle for the purposes of transporting material

TEMPORARY VEHICLE -- A motor vehicle to be used in the performance of a service, or for such reason as the Board may determine shall inure to the benefit of the Village, which service or reason shall be of a temporary or short-term nature.

TRANSIENT VISITOR: An individual who has no occupation, business, home or residence (as an owner or renter) on Fire Island but is visiting the island solely as a tourist or for recreational purposes on a one-time, sporadic or non-consistent basis.

UTILITY VEHICLE – A business vehicle whose dry weight does not exceed 1,600 lbs.

VEHICLES OF GOVERNMENTAL AGENCIES -- Motor vehicles owned and/or used or leased by any agency or authority of the United States, State of New York, County of Suffolk, Town of Islip or Village of Saltaire.

WINTER ACCESS VEHICLE PERMIT -- A permit issued to the owner of a motor vehicle, who resides on a year-round and exclusive basis in the Village of Saltaire or the Easterly Communities, and who otherwise satisfies the requirements set forth hereunder for the eligibility for such a permit.

YEAR-ROUND RESIDENT -- A person who establishes through the presentation of eligibility documentation that he or she has been, for a period of two years prior to the application for any winter access vehicle permit, actually domiciled and physically residing in the Village of Saltaire or the Easterly Communities on a year-round basis as such person's primary residence throughout the prior two-year period, or is a member of the immediate family of such a person and is domiciled and physically residing in said person's household.

§ 50-3. Operation permitted without permit from Board.

- A. Provided they are operated under required permits from the Fire Island National Seashore and the Town of Islip, the following vehicles may be operated within the Village without a permit from the Village:
- (1) Vehicles of governmental agencies when in use on official business within the Village of Saltaire or the Easterly Communities, or during a period of beach inaccessibility, motor vehicles operated by a public utility company when engaged in the performance of a service within the Village of Saltaire or the Easterly Communities, or during a period of beach inaccessibility.
 - (2) School buses, during the months of September through June, inclusive, when engaged in the transportation of pupils or teachers to and from school or school activities.
 - (3) Emergency vehicles when engaged in the performance of emergency duties.

- (4) Motor vehicles operated under contract with the Village when used for the purpose and under the conditions set forth in the contract and this chapter. [Amended 5-28-1988 by L.L. No. 1, 1988]
 - (5) Motor vehicles operated by permitted operators whose destination is to the communities east of Robbins Rest, during a period of beach inaccessibility.
- B. Operation of vehicles pursuant to subsection A of this section shall be confined to those areas, to be reached by the shortest or most direct routes therein and thereto, necessary for the performance by the operator of his or her duties, or for said operator to reach his or her destination.

§ 50-4. Permit required. [Amended 04-23-03 by L.L. No. 2, 2003]

Motor vehicles may be operated within the limits of the Village in accordance with conditions set forth below:

- A. Business vehicle permit.
- (1) A permit designated "business vehicle permit" may be issued by the Board of Trustees, upon application therefor, to the owner of a four-wheel drive motor vehicle to be used in the performance of a year-round business service within the village, and if it be established to the satisfaction of the Board that the operation of such vehicle in the performance of such business service is necessary to the general welfare of the Village and its residents.
 - (2) The maximum size, weight and method of propulsion of business vehicles operating under any business vehicle permit or temporary business vehicle permit within the village shall be prescribed by the Board from time to time, but in no event shall a permit be issued for any business vehicle having a registered weight greater than seven thousand one hundred (7,100) pounds, as determined by the New York State registration certificate then in effect for such vehicle. When using the walks of the village, no business vehicle for which a business vehicle permit has been issued shall carry or transport a gross load of more than one thousand five hundred (1,500) pounds, and in no event shall the registered weight of such vehicle plus gross load exceed eight thousand six hundred (8,600) pounds.
 - (3) Operation of a motor vehicle pursuant to a business vehicle permit shall be restricted solely to the performance of the service for which the permit was issued and not for personal use of any kind.

- (4) Subject to section 50-15 hereof, each business requesting a permit for operation of a motor vehicle may be granted either one (1) business vehicle permit or one (1) utility vehicle permit. The Board may, at its sole discretion, issue a permit for one (1) business vehicle and one (1) utility vehicle to the same applicant under the condition that the applicant stipulates, in a form acceptable to the Board, that both vehicles will not be operated in the Village on the same day.
- (5) Business permits shall be affixed to the vehicle for which the permit was issued in such a manner that is prescribed by the Board.

B. Winter access vehicle permit.

- (1) A permit designated "winter access vehicle permit" may be issued by the Board of Trustees for a four-wheel drive motor vehicle, on application therefor, to an owner of such vehicle who meets the qualifications hereinafter prescribed, if it is established to the satisfaction of the Board that during the period or periods described below, such owner has no alternative physical access to the mainland of Long Island.
- (2) The qualifications for a winter access vehicle permit shall be as follows:
 - (a) The applicant shall in all respects comply with the definition of a year-round resident as specified in section 50-2 of this chapter; and
 - (b) Except for employees of the Village of Saltaire, said applicant shall submit with his permit application such eligibility documentation as may be required by the Board or this Code; and
 - (c) Applicant shall demonstrate that he or she has been issued a winter access vehicle permit by the Fire Island National Seashore and by the Town of Islip.
- (3) A winter access vehicle permit may be issued to a person who operates but does not own the permitted vehicle, provided that said vehicle shall be operated solely and exclusively by the permit holder, or members of his immediate family residing in the permittee's household, and not by any other person who may claim use of or title to such vehicle. The Board shall require that all permittees provide to the Board a list of all persons in the permittee's household together with eligibility documentation for each to establish that each satisfies the definition of a year-round resident as provided for in section 50-2 of the chapter.
- (4) Operation under a winter access vehicle permit shall be limited to such walk or walks of the village as to provide the most direct access between the

owner's residence and the mainland of Long Island. Only one (1) winter access vehicle permit shall be issued per household.

- (5) Operation under a winter access vehicle permit shall be limited in accordance with directives issued by the Fire Island National Seashore, unless the Board of Trustees shall adopt a separate standard.

C. Temporary business vehicle permit.

- (1) A temporary business vehicle permit, valid for one (1) or more days, may be issued by the Board of Trustees, on application therefor, to the owner of a motor vehicle upon a determination that the issuance of said permit shall inure to the benefit of the Village and its residents
- (2) The duration of each temporary permit shall be determined by the Board, and the permittee shall operate said vehicle in accordance with such restrictions as may be set forth by this Code, and any special terms or conditions included in the permit.

D. Transit permit.

The Board may issue a transit permit, valid for a motor vehicle engaged in business or service activities only, when it is determined that such business or service is conducted solely and exclusively outside the Village of Saltaire, and that passage through the village is necessary due to the inaccessibility of the community or communities being served by said business or service by use of any other route. A transit permit shall under no circumstances be valid for the conduct of such business or service within the Village of Saltaire. Transit permits shall be issued only to owners or operators of motor vehicles who in all other respects satisfy the requirements set forth in section 50-4 A herein. Operation of a vehicle under a transit permit shall be by the shortest or most direct route to effect passage through the Village of Saltaire.

E. Duration and restriction of permits.

- (1) Except for a temporary vehicle permit, all other motor vehicle permits shall be issued annually, for a term commencing January 1 of each year and terminating at 11:59 p.m. on December 31 of the same year.
- (2) Business Vehicle Permits allow driving privileges as prescribed herein only between September 15 of each year and 5:00 p.m. on the Thursday preceding Memorial Day of the following year. If the Fire Island National Seashore or the Town of Islip prescribes later commencement dates, or earlier termination dates, the more restrictive dates shall prevail.

- (3) Winter Access Permits are restricted to allow driving privileges as prescribed herein only between the Tuesday after Labor Day of each year and the last official school day of the Woodhull School on Fire Island the following year, in conformance with the prevailing restrictions of the Fire Island National Seashore and the Town of Islip, and as additionally restricted by the following subsections:
 - (a) Driving is prohibited from 9:00 a.m. and 6:00 p.m. on all Saturdays, Sundays and Holidays between May 1 and June 14, and between the Tuesday after Labor Day and October 31.
 - (b) Driving is prohibited on all Saturdays, Sundays and Holidays between June 14 and September 5 or Labor Day, whichever is later.
 - (c) The Board, at its sole discretion, may extend the term of any permit beyond the periods prescribed in this subsection, if it determines that the absence of adequate scheduled ferry service on weekdays shall impose an undue hardship on permit holders, adversely affecting their ability to work or perform other necessary tasks or duties; and if the Fire Island National Seashore has similarly extended its respective permit terms. Under no circumstances shall such permits be extended later than the resumption of adequate weekday ferry service, or June 30, whichever is earlier, nor shall such extension be effective weekends between 6:00 p.m. Friday and 6:00 p.m. Sunday during the period of said extension.

F. Limitations on permits issued.

- (1) The number of winter access permits that shall be issued to year-round residents of the Village of Saltaire shall be limited to twelve (12) in any one year, subject however to the Board's increasing the above number to fifteen (15) such permits when the Board determines that additional applicants for such permits otherwise comply with the eligibility requirements of this chapter and are, or as a condition of issuance of such a permit shall become, active members of the Saltaire Volunteer Fire Company, Incorporated. The foregoing limitation shall be exclusive of permits issued to employees of the Village of Saltaire resident in the village.
- (2) The Board shall limit the issuance of vehicle permits in any one category to one (1) such permit per business or household, and the Board shall not issue more than one vehicle permit of any one kind to any one business or household.
- (3) An applicant who has been found eligible for a Fire Island National Seashore permit and a Town of Islip permit prior to the adoption of the 1996 amendments to this chapter shall be eligible for the issuance of a winter access vehicle permit if said applicant otherwise fulfills the requirements for such permit as set forth in this chapter.

- (4) The Board shall adopt, by resolution, such standards and procedures in the issuance of vehicle permits as it may determine shall result in the most equitable assignment and distribution of such permits, and inure to the greatest benefit of the Village and its residents. In the issuance of winter access vehicle permits to eligible residents of the Village of Saltaire, the Board shall, in addition to such other criteria as it may employ, determine the eligibility of an applicant, and the order in which such applicant shall be issued such permit, based upon said applicant's standing on the winter access vehicle permit list maintained by the Fire Island National Seashore and the Town of Islip.

§ 50-5. Fees; non-transferability; validity

- A. Fees for such permits shall be in such amount or amounts as the Board may, from time to time, establish.
- B. Except as provided for in section 50-4 B (3) herein, a permit issued pursuant to the provision of this chapter shall be non-transferable and may be terminated if the permit holder ceases to possess any or all of the required qualifications for said permit as set forth herein; if the vehicle is used for purposes other than those for which the permit shall have been issued; or if the permittee shall be presumed in violation of section 50-15 or section 50-17 of this chapter.
- C. The validity of any such permit granted by the Board under this chapter shall be subject to and conditional upon the owner obtaining a permit for the same purpose from the Fire Island National Seashore and the Town of Islip.

§ 50-6. Carrying passengers for hire prohibited.

The carrying of passengers for hire on the walks of the village in any motor vehicle at any time is prohibited.

§ 50-7. Transportation of materials. [Amended 04-23-03 by L.L. No. 2, 2003; 1-25-23 by L.L. 3 of 2023]

- A. Any person holding a business vehicle permit, utility vehicle permit or temporary business vehicle permit shall only use a permitted vehicle for the transport of job-related materials to and from the mainland and the job site during such periods when freight boat service is unavailable, and provided that such transport is within the scope of such permit.

- B. Trailers are prohibited within the Village except under the following conditions: (1) The vehicle towing a trailer displays a valid Permit sticker issued by the Village of Saltaire; (2) The trailer is attached to a vehicle for which a permit was issued that authorized its use in combination with a trailer; (3) Only one trailer may be towed by a vehicle at any time; (4) The combined dry weight of the vehicle and trailer does not exceed 2,500 (two thousand five-hundred) pounds, except when the trailer is a wood chipper, in which case the combined dry weight shall not exceed 5,000 (five thousand) pounds.
- C. Freight deliveries. Delivery and pick-up of freight from the Village docks shall be performed only by the Village Cartage Concessionaire, unless the Board shall otherwise permit.

§ 50-8. **Parking**

- A. In order to allow for the free passage of pedestrians, or emergency or other vehicles, the parking or standing of motor vehicles on village walks, docks or piers, or on the ocean beaches abutting the village, or on the sands abutting the bayfront bulkheads, is prohibited. No vehicle, other than emergency vehicles engaged in the performance of their duties, or such vehicles as may otherwise be permitted by the Board, shall at any time park or stand for more than five minutes in said area, and only to load or unload goods or passengers.
- B. Parking within the limits of the Village shall be limited solely to permitted vehicles, or to vehicles described in section 50-3 A (1) through (5) inclusive, when said vehicles are used in the performance of their operator's duties. No vehicle operated under a transit permit shall at any time park or stand within the village.
- C. The Board may permit parking in such areas of the village as it may, from time to time, designate.

§ 50-9. **Speed limit and safe operation; inspections. [Amended 11-13-1999 by L.L. No. 7, 1999; 1-21-2002 by L.L. No. 1, 2002]**

- A. 1. The Board finds that, pursuant to Chapter 529, subdivision 5, of the laws of 1961, the restrictions and limitations, including the speed limit provided for in subdivision A-2, were in force and effect on September 30, 1961, and at least since 1954, and shall continue in full force and effect until otherwise ordered, or superseded by an appropriate authority having jurisdiction.
- 2. No vehicle of any kind shall at any time be operated at any place within the village at a rate of speed in excess of eight (8) miles per hour, except for emergency vehicles engaged in the performance of their duties.

- B. No vehicle shall be operated in a dangerous, reckless or careless manner or so as otherwise to pose a danger to the peace and safety of the village and its residents, or create any unnecessary noise.
- C. No vehicle shall be operated within the village unless it is in good repair and safe operating condition and fully and properly equipped as required for like vehicles to be operated on the highways of the State of New York. All vehicles to be operated within the village shall be subject to inspection by the Board or its authorized representative at any time, and shall not be operated at any place within the village if such inspection is refused. Failure to comply with a request for such inspection shall subject the permit holder to revocation or denial of such permit in accordance with section 50-15 of this chapter.
- D. In all instances, pedestrians and bicyclists shall have the right-of-way over any and all vehicles permitted under this chapter, except emergency vehicles engaged in the performance of their duties.
- E. Reckless driving is prohibited. Reckless driving shall mean driving or using any motor vehicle or other vehicle propelled by any power other than muscular power or any appliance or accessory thereof in a manner which unreasonably interferes with the free and proper use of the Village walks, docks or piers and unreasonably endangers its residents and visitors.

§ 50-10. **License required; proof.**

- A. No person shall operate any motor vehicle at any time or place within the village unless he or she shall have been duly licensed to operate motor vehicles upon the public highways of the State of New York. Failure of the operator of any such vehicle to exhibit his operator's or chauffeur's license to any Security officer or such other person as the Board may, by resolution, empower to act in an enforcement capacity, shall establish a presumption that said operator is not duly licensed as required herein.
- B. Before any permit shall be granted, the applicant shall have demonstrated compliance with the vehicle inspection requirements of the New York Motor Vehicles Law and effected a policy of public liability insurance covering damage to persons and property in such monetary limits as the Board may, from time to time, establish. In each such policy the Village of Saltaire shall be named as an additional insured. The Board may, from time to time, require proof that such liability insurance is still in effect. Failure of the owner or operator of such vehicle to produce such proof shall establish a presumption that said owner or operator is not insured as required herein.

§ 50-11. **Permitted vehicles for handicapped persons. [Amended 7-2-2016 by L.L. No. 2, 2016]**

- A. It is the findings of the Village that individuals with disabilities in the Village require an adequate means of mobility safe for themselves and for others in the Village; that the safety of the disabled person obtaining a permit for a motorized vehicle pursuant to this Section 50-11 of the Saltaire Village Code and the safety of the others sharing the walkways and public ways in the village is best maintained by the reasonable limitations on the type of vehicles that will be permitted under Section 50-11 of the Saltaire Village Code; that the Board of Trustees should permit under Section 50-11 in their sole discretion only vehicles that due to their type, size, capacity, and use, will provide mobility to the user of the vehicle while also providing for the safe and proper use of public walkways in the Village of Saltaire; that the Board of Trustees may continue to reasonably limit the permits that are granted under this Section both by the number and type of vehicle based on the needs of the individual involved and other concerns for public safety that the Board of Trustees may determine to exist in the Village. The Board of Trustees further finds that after a review of the typical characteristics and condition of the public walkways in the Village, the mobility requirements for persons with disabilities in the Village, and the mandate to provide for the public safety and welfare of pedestrians and the general public in the Village of Saltaire that as a general principle, certain motorized scooters on a very limited basis are an acceptable means of personal transport of a disabled person in the Village while the other motorized vehicles of the style known as “segways” or “golf carts” or “quads” are unacceptable due to the characteristics and dynamics of those vehicles and their risk to public safety.
- B. Subject to the provisions of sections 50-6, 50-7, 50-8, 50-14B, 50-16, and 50-18 of this Chapter, the Board of Trustees within their sole discretion may grant a permit for the operation within the village of an electrically powered vehicle of a three wheeled scooter type, which shall be a maximum of the following dimensions: maximum length of 56 inches; maximum width of 30 inches; maximum speed of 8.5 miles per hour; maximum ground clearance of 7 inches; maximum weight (unladen) of 250 lbs.; maximum ground to seat height of 30 inches. A vehicle of this type and maximum dimensions is deemed to be reasonable in regard to the competing interests of mobility and public safety. Residents of the Village who establish to the satisfaction of the Board of Trustees that they are physically incapable of transporting themselves without the use of such vehicle shall be able apply for permission for an electrically powered vehicle not to exceed the dimensions mentioned above, only for his or her exclusive use. Such permits shall be issued annually, upon application therefor. Such permit shall be valid only during a permittee’s continued disability. There shall be no fee for such permit and the permits shall be non-transferable.

- A. In order to minimize damage to the public walks and docks of the village by full-sized internal combustion motor vehicles, the Board may issue a permit for the use of electrically-powered vehicles of such size and weight as the Board shall determine, to be used solely for the transport of materials and tools between job sites and on deliveries to commercially zoned structures, if it is established to the satisfaction of the Board that the operation or performance of such business or service is necessary to the general welfare of the village and its residents.
- B. The Board may issue a permit for a vehicle under section 50-12 A to a business or service in addition to the issuance of a business or other permit for an internal combustion motor vehicle under §50-4 (A)(4). Operation of an electrically-powered vehicle for unpermitted purposes shall be cause for suspension or revocation of said permit and constitute a violation of this chapter.

§ 50-13. Round-trips restricted.

No vehicle operated under any permits issued by the Board shall make more than two (2) round-trips into and out of the village on any one day, or such lesser number of round-trips as may be permitted by regulation of the Fire Island National Seashore or the Town of Islip.

§ 50-14. Delegation of authority; suspension of provisions.

- A. The Board shall have the right to delegate to one or more of its members, or to any officer, agent or employee of the Village whom it shall by resolution designate, the authority to act on its behalf with respect to the provisions of this chapter. Such actions taken by such individual or individuals shall be subject to ratification by the Board.
- B. The Board, or such agent as it may designate in accordance with the provisions of section 50-14 A above, shall be empowered to suspend any provision of this chapter in cases of emergency or other special circumstance, when in the opinion of the Board or its agents such suspension is justified in a particular instance, and that it shall inure to the health, safety and welfare of the village and its residents. Such action taken by any agent of the Board shall be subject to review and ratification by the Board.

§50-15. Revocation or denial of permits. [Amended 04-23-03 by L.L. No. 2, 2003; 11-2-2008 by L.L. 7, 2008]

- (A) Any person who shall have an unexcused failure to appear at any hearing set for the disposition of any violation of this code before the Village Justice Court, or who shall have defaulted in compliance with any directive of said Court, shall be subject to the revocation of any and all vehicle permits, whether issued in said person's name or to any business or service operated by said person; nor shall a vehicle permit of any kind be issued to any person who shall be presumed liable for any violation of this Code,

pursuant to this provision, or who shall be in default of a Notice of Violation issued by an authorized agent of the Village, within a period of twelve months prior to the date of such application. In any such instance of revocation or denial of such permit or permits, the Board may require a waiting period of at least six months, or such term as the Board may, at its sole discretion, determine, before application for such permit or permits by said person shall be considered; and no such application shall be considered, nor such permit issued, prior to the satisfactory disposition of any violation of this Code, or compliance with any directive of the Village Justice Court.

- (B) Any permit holder who shall have three (3) adjudicated violations in the Village Justice Court of any Section(s) of this Chapter during any period of eighteen (18) months shall be subject, at the sole discretion of the Village Administrator, to immediate revocation of any or all current permits issued under the provisions of this Chapter in the permit holder's name and to the denial of any or all future permits for which the permit holder may apply under this Chapter for a period of time as shall be determined by the Village Administrator, but in no case shall said period of time exceed twelve (12) months commencing from the date of such revocation. For purposes of this Section "permit holder" shall be denied as any individual or entity, or any entity in which such individual or entity has any interest as a manager, member, officer, owner or partner; and "adjudication violation shall include a guilty plea to a violation.
- (C) Any permit holder who has received a notice of revocation of any or all current or future permit(s) pursuant to this Chapter, shall have the automatic right of appeal directly to the Board of Trustees, which appeal must be made in writing to the Board of Trustees within thirty days notice of revocation from the Village Administrator. The revocation of a permit shall be suspended during the period starting from the request for an appeal until a decision is rendered by the Board of Trustees. The Board of Trustees has the sole discretion to uphold, overturn or modify the original decision of the Village Administrator.

§50-16. Display of permit stickers.

The Board shall issue a sticker to all vehicles granted a permit by the Board, coded and numbered in such manner as to allow for ready identification of the type and validity of such permit. Such sticker shall be prominently displayed on the permitted vehicle, in such manner as the Board or its agent shall direct. Failure to properly display, or to possess a proper, current or valid, such sticker, shall constitute a violation of the section.

§50-17. Presumption of liability; responsibility of owner.

- A. The holder of any vehicle permit issued by the Board shall be presumed liable for any violation of this chapter, when the identity of the operator of such vehicle, found in the commission of such violation, cannot be ascertained.

- B. The owner or leasee of any motor vehicle that shall be operated by another in violation of any provision of this chapter shall also be responsible under this chapter for such violation, provided that such owner or leasee has expressly or impliedly consented to the operator's use of such vehicle, which consent shall be presumed in the absence of convincing evidence to the contrary.

§50-18. Prohibited vehicles.

No type or design of motor vehicles other than those herein before described, including but not limited to motorbikes, all-terrain vehicles or other such motor- or electrically-powered vehicles as defined in section 50-2 of this Chapter, shall be permitted within the village, except when such vehicles are operated by government agencies or public utilities as set forth in section 50-3 A of this chapter, or when permission to operate such vehicle has been granted by the Board or its agent in accordance with the provisions of section 50-14 B herein.

§50-19. Penalties for offenses. [Added 1-17-98 by L.L. No. 1, 1998; amended 11-13-99 by L.L. No. 7, 1999; 1-25-23 by L.L. 3 of 2023]

Violations of any of the provisions of this chapter shall be punishable, upon conviction thereof, in such manner as is set forth in § 1-13 of this Code, except as provided hereunder:

- A. Violation of any provision of §50-4, Permit required, shall be punishable by a fine of not less than fifty dollars (\$50) for each offense.
- B. Violation of any provision of § 50-7, Transportation of materials, shall be punishable by a fine of not less than twenty-five dollars (\$25) for each first offense, and of not less than fifty dollars (\$50) for each subsequent offense.
- C. Violation of any provision of § 50-9 A or B, Speed limits and safe operation; inspections, shall be punishable by a fine of not less than one hundred dollars (\$100) for a first offense, and of not less than two hundred fifty dollars (\$250) for each subsequent offense.
- D. Failure to secure a Permit as required in 50-21, B 8 shall be punishable by a fine of not less than two hundred-fifty dollars (\$250) per offense. Violation of any other provision of Section 50-21 shall, upon a first conviction thereof, be punishable by a fine of not less than four hundred dollars (\$400); and not less than five hundred dollars (\$500) for each subsequent offense where the offense date is within one (1) year of the date of offense of the most recent conviction for an offense of this Section 50-19, and for each conviction thereafter.

§50-20. Traffic control apparatus. [Added 11-13-99 by L.L. No. 12, 1999]

The Commissioner of Security, on resolution of the Board, shall cause to be erected, on any street within the village on which vehicular traffic is permitted, such number of stop signs or other traffic control signs, or other clearly marked stop or other traffic control signs, or other clearly marked stop lines or other traffic control notices or devices (collectively "traffic control apparatus"), in such manner as the Board shall direct, as may be deemed necessary to protect the public safety, welfare and interest, in accordance with the provisions of this chapter. Any traffic control apparatus now, or hereafter, placed on any street within the village shall be presumed to have been lawfully placed under the direction of the Board unless conclusive evidence to the contrary is presented to the satisfaction of the Village Justice Court.

§ 50-21. Electric Assist Bicycles. [Added 1-25-23 by L.L. No. 3, 2023]

A. OPERATION

1. The operation and use of an Electrical Assist Bicycle while under power using its electric motor is hereby prohibited within the Village of Saltaire from May 1 through the Monday of Columbus Day weekend of each year, with the exception of any time within that period which exterior construction is permitted in and by the Village of Saltaire. During said period contractors and their employees may operate Electrical Assist Bicycles in the Village powered by their electric motors during weekdays but not on weekends or holidays. Operation and use of an Electrical Assist Bicycle powered by using its electric motor shall be permitted in the Village of Saltaire from the Tuesday following Columbus Day weekend of each year through April 30 of the following year, inclusive.
2. During the period when operation of an Electrical Assist Bicycle using its electric motor is permitted in the Village of Saltaire, no such bicycle shall be operated by means of electrical assist power from one-half (1/2) hour after sunset to one-half (1/2) hour before sunrise of each day. Operation of Electrical Assist Bicycles during such hours shall be permitted only by means of manual or pedal propulsion.
3. The operation of an Electrical Assist Bicycle, whether by manual or pedal power, electrical assist power, or utilizing both, shall be restricted solely to persons 16 (sixteen) years of age and older.
4. The operation and use of electric bicycles shall be subject to and in compliance with all other provisions of this Chapter and Code, and any other regulations as may from time to time be promulgated by resolution of the Board of Trustees, including any and all provisions relating to safety requirements, operating regulations, prohibition of passengers, speed limits (8 miles per hour) and other restrictions, registration and enforcement.
5. The operation and use while under electrical power of any other bicycle (as defined in Section 10-2 of this Code) or prohibited vehicle (as defined in Section 10-8 of

this Code, but including electrically-powered scooters) is prohibited, unless modified by resolution of the Board.

6. Operators of an E-Bike shall observe the restrictions set forth by Section 10-3 of the Village Code while operating the vehicle.
7. All Electrical Assist Bicycles operating within the Village must have a valid permit issued by the Village and display a Permit decal of each registered E-Bike as directed by Public Safety so that it is readily visible.
8. Permits for the operation of Electrical Assist Bicycles shall, upon application therefor, be issued to residents of the Village of Saltaire, residents of the communities of Kismet and the Easterly Communities as defined in Section 50-2 herein, contractors and business operators, emergency service providers, and such other individuals or entities as the Board may from time to time designate. The Board may by resolution authorize a fee for the operation of Electrical Assist Bicycles, in such manner and amount as it shall determine (including setting different fees for separate classes of permit holders), and may also by resolution limit the number of such permits that may be issued to individuals within each eligible class of applicant.
9. The Board of Trustees hereby finds and determines that, because of the inherent difficulties of travel through the Village due to the unique nature and character of its narrow and mostly elevated walks, its predominantly pedestrian traffic, and the "rules of the road" peculiar to Fire Island, the operation under power of Electrical Assist Bicycles by Transient Visitors (as defined in Section 50-2 herein) poses an unacceptable hazard to the residents of the Village of Saltaire due to such Visitors' unfamiliarity with the nature of the Village. Therefore, no Transient Visitor shall at any time operate an Ebike under power within the Village; nor shall any Transient Visitor tow a trailer or any other vehicle or device behind such Visitor's Electrical Assist Bicycle. Transient Visitors shall not be required to obtain a permit to operate an Electrical Assist Bicycle within the Village of Saltaire (as described in subsection (8) above) but shall otherwise be subject to all other laws and regulations governing the operation of such vehicles within the Village.