

**PROPOSED ORDINANCE NO. 59- 2018**

AN ORDINANCE TO AMEND ORDINANCE NO. 105-1985 AS AMENDED BY  
ORDINANCES 154-1989, 103-2000, AND 203-2001 WITH REGARD TO MAINTENANCE  
AND GUARANTEES ASSOCIATED WITH ROAD OPENINGS IN NASSAU COUNTY

BE IT ORDAINED by the County Legislature of the County of Nassau as follows:

Section 1. Section 2. of Ordinance No. 105-1985 is amended as follows:

Section 2. No person, association of persons, corporations, municipal corporation, or any other legal entity whatsoever shall be allowed to open and dig upon any County road or in any way alter any curbing, gutter, basin, drainage line, or other works of the County for any purpose without a written permit from the Commissioner of the Department of Public Works of the County. Notwithstanding any law or rule to the contrary, every person, association of persons, corporations, municipal corporations, and any other legal entity whatsoever that is granted a permit from the Commissioner of the Department of Public Works of the County to open and dig upon any County road or in any way alter curbing, gutter, basin, drainage line, or other works of the County shall agree to maintain restorations and correct failed restorations at the direction of the Commissioner of the Department of Public Works for a period of seven (7) years after the acceptance of restoration by the Commissioner of the Department of Public Works.

§2. Severability.

If any clause, sentence, paragraph, subdivision, section or part of this ordinance or the application thereof to any Permittee, 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 Permittee, individual, corporation, firm, partnership entity or circumstance directly involved in the controversy in which order or judgment shall be rendered.

§3. State Environmental Quality Review Act Determination

It is hereby determined by the Nassau County Legislature, the lead agency, and pursuant to the provisions of the State Environmental Quality Review Act (“SEQRA”), 8 NYECL section 0101 et seq. and its implementing regulations, Part 617 of 6 NYCRR, and Section 1611 of the County Government Law of Nassau County, that this Ordinance will not have a significant impact on the environment and that no further environmental review or action is required.

§4. Effective Date:

This Ordinance shall take effect immediately.