

PROPOSED LOCAL LAW -2021

A LOCAL LAW TO AMEND THE NASSAU COUNTY ADMINISTRATIVE CODE TO PROHIBIT THE REFUSAL TO SERVE FIRST RESPONDERS

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

Section 1. A new title is hereby added to Chapter VIII of the Nassau County Administrative Code as follows:

Title Q

FAILURE TO SERVE A FIRST RESPONDER

Section 8-136.1 Legislative Intent

Section 8-136.2 Failure to Serve a First Responder Prohibited

Section 8-136.3 Violation and Penalty

§ 8-136.1. Legislative Intent

This Legislature finds and determines that first responders serve and protect our communities, and regularly encounter dangerous situations that jeopardize their mental and physical health and well-being.

This Legislature further finds and determines that there have been instances throughout the United States where members of law enforcement have been refused service at restaurants fast food establishments, coffee shops, food trucks and retail stores.

This Legislature further finds and determines that members of law enforcement work tirelessly to protect businesses against criminals, and immediately respond when business are the victim of criminal behavior, or there is a disturbance or physical altercation therein.

This Legislature further finds and determines that the reported refusals to serve members of law enforcement are abhorrent and unacceptable.

It is the purpose of this Legislature to prohibit businesses from refusing the serve not only law enforcement. but all first responders, as their daily actions allow residents to live freely and peacefully.

§ 8-136.2 Failure to Serve a First Responder Prohibited

A business or employee thereof shall not refuse to serve an individual due to his or her status as a first responder. For the purposes of this Title, "first responder" shall mean current or prior service as a police officer, auxiliary police officer, volunteer or paid firefighter, emergency medical technician, ambulance medical technician, corrections officer, deputy sheriff, public

safety officer, peace officer, or any other person who is among those responsible for going immediately to the scene of an accident or emergency to provide assistance. Notwithstanding the foregoing, a business shall not be liable when its employee violates this Title without being directed by the business to do so, and an employee shall not be liable when directed by a business to violate this Title.

§ 8-136.3 Violation and Penalty

A violation of this Title shall be punishable by a civil penalty not to exceed one thousand dollars (\$1,000).

§ 2. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person 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 hereof, 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 or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

§ 3. SEQRA

It is hereby determined, pursuant to the provisions of the State Environmental Quality Review Act, 8 N.Y.E.C.L. section 0101 et. seq. and its implementing regulations, Part 617 of 6 N. Y.C.R.R., and section 1611 of the County Government Law of Nassau County, that the adoption of this local law is a "Type II" Action within the meaning of Section 617.5(c)(20) and (27) of 6 N.Y.C.R.R., and, accordingly, is of a class of actions which do not have a significant effect on the environment; and no further review is required.

§ 4. Effective Date.

This local law shall take effect immediately.