

169-17

OFFICE OF THE
DEMOCRATIC MINORITY



PETER J. CLINES, ESQ.
MINORITY COUNSEL

NASSAU COUNTY LEGISLATURE
THEODORE ROOSEVELT EXECUTIVE & LEGISLATIVE BUILDING
1550 FRANKLIN AVENUE - ROOM 131
MINEOLA, NEW YORK 11501
TELEPHONE: (516) 571-6232 - FAX: (516) 571-6125
email: PCLINES@NASSAUCOUNTYNY.GOV

Inter-Departmental Memo

To: Michael C Pulitzer, Clerk of the Legislature

From: Peter J. Clines, Esq., Minority Counsel *PJC*

CC: Hon. Norma Gonsalves, Presiding Officer

Hon. Kevan Abrahams, Minority Leader

Date: April 20, 2017

Re: A LOCAL LAW TO AMEND NASSAU COUNTY ADMINISTRATIVE CODE IN
RELATION TO INCREASED POLICE MONITORING OF HOUSES OF WORSHIP AND OF
SECTIONS OF THE PUBLIC ROADWAYS DEEMED TO BE ESPECIALLY DANGEROUS.

Attached please find the above referenced proposed local law which has been approved as to form per the Rules of the Legislature. Kindly distribute a copy to Presiding Officer Norma Gonsalves along with our request that this item be placed on the next available legislative agenda.

Kindly provide a time stamped hard copy acknowledgement of your receipt.

Thank you.

RECEIVED
NASSAU COUNTY
OFFICE OF THE LEGISLATURE
2017 APR 20 A 9:36

Introduced by: Legislator Arnold W. Drucker

PROPOSED LOCAL LAW NO. -2017

A LOCAL LAW TO AMEND NASSAU COUNTY ADMINISTRATIVE CODE IN
RELATION TO INCREASED POLICE MONITORING OF HOUSES OF WORSHIP AND OF
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APPROVED AS TO FORM
PETER J. CLINES MINORITY COUNSEL

RECEIVED
NASSAU COUNTY
LEGISLATURE
2017 APR 20 A 9:38

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

Section 1. Legislative Intent. The purpose of this law to improve the safety and well-being of Nassau County residents by expanding the statutorily-defined duties of the Nassau County Police Department to enhance police protection for houses of worship and religious institutions and increase police monitoring of hazardous areas of the public roadways.

This Legislature recognizes that freedom of worship and the free exercise of religion are inalienable constitutional and human rights of the highest importance. The Legislature finds that such rights are severely inhibited unless worshipers are physically secure, and free from fear, harassment and intimidation, while attending their houses of worship and religious institutions. It is equally essential that such religious facilities, including religious cemeteries and educational institutions, are protected from vandalism and desecration. The Legislature further finds that there has been an increase in threats and acts of intolerance based on religious belief, expression and affiliation. Enhanced police protection and monitoring of churches, temples, synagogues, mosques and other houses of worship is therefore essential to the security and well-being of Nassau County residents and to their

full enjoyment of their right to religious freedom. Accordingly, it is fitting and proper that the duties of the Nassau County Police Department as set forth in the Nassau County Administrative Code be amended to expressly include a duty to concentrate police resources so as to prioritize the protection of houses of worship and religious institutions.

This Legislature further finds that there exist in the County certain accident "hot spots" where the frequency of serious traffic accidents involving injury and death is especially high. Such accident hot spots jeopardize the safety of all motorists and passengers who use the public roadways in Nassau and the tragic consequences of such accidents impact the lives of many Nassau County residents. The Legislature finds that enhanced police presence at accident hot spots may help avert such tragedies and reduce the frequency of serious traffic accidents. Therefore, in the judgment of the Legislature, public health and safety will be promoted by amending the Nassau County Administrative Code to provide that it is the duty of the Nassau County Police Department to allocate police resources so as to provide increased monitoring of those sections of the public roadways deemed to be especially dangerous due to the occurrence of a disproportionately high number of vehicular accidents involving fatalities and serious injury.

Section 2. Title A of Chapter VIII of the Nassau County Administrative Code, §8-22.0, is amended to read as follows:

§ 8-22.0 **Duties of police department.** It shall be the duty of the police department within the boundaries of the police district to:

1. Preserve the public peace.
2. Prevent crime.
3. Detect and arrest offenders.
4. Protect the rights of persons and property.
5. Guard the public health.
6. Preserve order at elections and all public meetings and assemblages.

7. Remove nuisances existing in public streets, roads, places and highways and arrest all street mendicants and beggars.
8. Regulate the movement of vehicular traffic in streets, roads, places and highways and install or authorize the installation of traffic signal lights for said purposes.
Such traffic regulation shall include the duty to allocate police resources so as to provide increased monitoring of those sections of the public roadways deemed to be especially dangerous due to the occurrence of a high number of vehicular accidents involving fatalities and serious injury. (Subdivision amended by Local Law No. 5-1964, in effect August 19, 1964.)
9. Provide proper police attendance at fires. (Subdivision 10 and 11 repealed by Local Law No. 3-1945, in effect July 9, 1945.)
10. Enforce and prevent the violation of all laws and ordinances in force in such district, and for these purposes with or without warrant, to arrest all persons guilty of violating any law or ordinance for the suppression or punishment of crime and offenses. (Subd. 12 renumbered as subd. 10 by Local Law No. 3-1945, in effect July 9, 1945.)
11. **Concentrate police resources so as to prioritize the protection of houses of worship and religious institutions and the lives, security and safety of those attending religious services and engaging in activities related to the free exercise of their religious beliefs. As used in this subsection, religious institutions shall include, but not be limited to, parochial and religious schools and religious cemeteries and burial grounds. Enhanced police protection of religious institutions, houses of worship and worshipers shall be carried out**

without discrimination or favoritism based on creed, denomination or religious affiliation.

Section 3. Severability. If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, 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 person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 4. SEQRA Determination. 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.

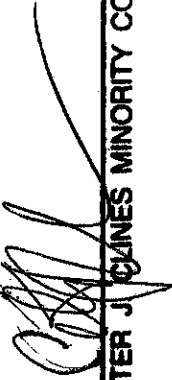
Section 5. Effective Date. This Local Law shall take effect immediately.

Introduced by: Legislator Arnold W. Drucker

LOCAL LAW NO. -2017

A LOCAL LAW TO AMEND NASSAU COUNTY ADMINISTRATIVE CODE IN
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APPROVED AS TO FORM



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