

14
4/14

AMENDMENT IN THE NATURE OF A SUBSTITUTION – Clerk Item Number 464-18

Introduced by: Presiding Officer Richard J. Nicoletto

LOCAL LAW¹⁴-2018

**A LOCAL LAW TO AMEND THE COUNTY GOVERNMENT LAW OF NASSAU COUNTY
TO REQUIRE PUBLIC ACCESS TO ALL ACTIVE PARKLAND AND OPEN SPACE IN
NASSAU COUNTY**

APPROVED AS TO FORM
[Signature]
Deputy Majority Counsel

Passed by the Nassau County Legislature on October 15, 2018.
Voting: Ayes:19, Nays:0. Abstained:0
Became a Law on November 13, 2018 with the approval of the
County Executive.

WHEREAS, in August 2004 and September 2006, the Nassau County Legislature
unanimously approved the Environmental Bond Act Program (“Program”), which, in part, called
for the preservation of 400 acres of open space; and

WHEREAS, Nassau County voters overwhelmingly approved the Program during the
2004 and 2006 referenda; and

WHEREAS, in furtherance of the Program, Nassau County purchased hundreds of acres
of open space; and

WHEREAS, Nassau County currently manages over 3,000 acres of preserves; and

WHEREAS, the purchases made under the Environmental Bond Act were made on behalf of all of Nassau County's residents; and

WHEREAS, aside from the properties purchased through the Environmental Bond Act, Nassau County is the owner of active parkland; and

WHEREAS, it is the strong desire of the Nassau County Legislature to provide to the residents to the greatest extent possible full access to open space and active parkland owned by Nassau County for appropriate, non-destructive recreation purposes and for the enjoyment of the natural beauty of these lands; NOW THEREFORE

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

Section 1. §1612. Environmental Program, subdivision f. of the County Government Law of Nassau is deleted and replaced with the following:

f. Public Access to active parkland and open space.

i. It is the intent of the Nassau County Legislature that all active parkland and open space owned or operated by the County of Nassau shall be open and accessible to the public, unless such open space or active parkland is to be restricted in its use due to health and safety concerns or for environmental conservation purposes.

ii. The Commissioners of the Department of Public Works and the Department of Parks, Recreation and Museums shall evaluate all active parkland and open space owned or operated by the County of Nassau to determine where openness and accessibility to the public is inappropriate due to the nature and character of the property. Such written determination and supporting explanation shall be filed with the Clerk of the Legislature within sixty days of the effective date of this legislation.

iii. For the purposes of this section, all active parkland and open space owned or operated by the County of Nassau, except where openness and accessibility is deemed inappropriate pursuant to paragraph f(ii), shall have adequate parking facilities[, except] where the open space or active parkland does not abut a right-of-way and street parking is not authorized, as well as points of access to ensure means of ingress and egress. Where there are no such parking facilities and/or points of access at qualifying active parkland and open space, the Department of Public Works and the Department of Parks, Recreation and Museums shall create them within one year of the effective date of this legislation.

iv. The Commissioner of the Department of Public Works shall place and maintain onsite signage identifying all active parkland and open space as County owned or operated property within sixty days of the effective date of this legislation.

v. Nothing contained herein shall limit the powers and responsibilities of the Commissioner of the Department of Public Works and the Commissioner of Parks, Recreation and Museums or any other County officer or department to enforce rules and regulations associated with the use and enjoyment of active parkland and open space.

§2. §1612. Environmental Program of the County Government Law of Nassau County shall be amended to include the following subdivisions:

g. Annual Report. No later than the first day of September of each year the County Executive shall report to the Legislature in writing detailing the expenditures of funds raised through the clean water, open space and parks bond issue, the balance of funds remaining, and the balance of authorized expenditures during the prior year and recommendations for future years. Such report shall also include at a minimum the following information: (1) identification of all Nassau County active parkland and open space, (2) a description of each property, including details

as to acreage, geography, and topography, (3) the locations of all points of access (ingress and egress) and parking facilities for each property, as applicable, including a reference as to whether appropriate signage has been erected identifying the location as a Nassau County property, (4) the existence of nature trails, fishing locations and other recreational opportunities at such properties, as applicable, (5) a description of the wildlife and plant life that may be found at such properties, (6) the hours these properties are open to the public, as applicable, (7) an evaluation by the Commissioner of the Department of Public Works of the sufficiency of signage and public access, including parking facilities, to all Nassau County active parkland and open space, the suitability for the installation of nature trails at such properties where nature trails do not exist and (8) a list of Nassau County active parkland and open space where openness and accessibility to the public is deemed inappropriate by the Commissioners of the Department of Public Works and the Department of Parks, Recreation and Museums due to the nature and character of the property.

h. Official Website. Within thirty (30) days of the filing of the annual report required by this section, the official website of Nassau County shall be updated to include the information identified by subdivision g. of this section and shall include maps clearly identifying the locations of all points of access (ingress and egress) and parking for all active parkland and open space.

i. Written Materials for Public Distribution. Written materials identifying all Nassau County owned or operated active parkland and open space and providing directions to each by private automobile or public transportation, except at locations where openness and accessibility to the public is deemed inappropriate pursuant to paragraph (f)(ii), shall be kept in all buildings located therein and made available to members of the public except where openness and accessibility to the public is deemed inappropriate pursuant to paragraph (f)(ii)

j. The Commissioner of the Department of Public Works and the Commissioner of Parks, Recreation and Museums shall have the authority to restrict access to active parkland or open space upon a determination by the Commissioner that such a restriction is required to protect the public health and safety or for environmental protection and conservation purposes. Any such restriction shall be reasonably limited in its application to accomplish the health, safety, or environmental protection to be implemented and, except in the event of an emergency, shall be subject to the review and approval of the Open Space and Parks Advisory Committee. All such restricted areas shall be marked with appropriate signage deeming such area as restricted from public use by the order of the Commissioner of the Department of Public Works and the Commissioner of Parks, Recreation and Museums.

§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 its application to the person, individual, corporation, firm, partnership, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.


§4. SEQRA Determination

It is hereby determined, pursuant to the provisions of the State Environmental Quality Review Act, 8 N.C.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 a class of actions which do not have a significant effect on the environment; and no further review is required.

§5. **Effective Date.** This local law shall take effect immediately.

APPROVED



County Executive

DATE 11-13-18