

Amendment in the Nature of a Substitution – Clerk Item Number 541-18

Introduced by: Introduced by: John R. Ferretti, Jr., and Co-Sponsored by Presiding Officer Richard J. Nicoletto, Deputy Presiding Officer Howard J. Kopel, Alternate Deputy Presiding Officer Denise Ford, and Legislators C, William Gaylor III, Vincent T. Muscarella, James Kennedy, Thomas McKeivitt, Laura Schaefer, Rose Marie Walker, and Steven Rhoads

LOCAL LAW - 19-2018

A LOCAL LAW AMENDING TITLE 72 OF THE MISCELLANEOUS LAWS OF NASSAU COUNTY REQUIRING SIGNAGE AT INTERSECTIONS INFORMING MOTORISTS OF A PHOTO VIOLATION-MONITORING SYSTEM

Passed by the Nassau County Legislature on December 17, 2018
Voting: for: 19, against: 0
Became a law on December 20, 2018 with the approval of the Deputy County Executive acting on behalf of the County Executive.

APPROVED AS TO FORM



Majority Counsel

BE IT ENACTED by the Nassau County Legislature as follows:

Section 1. Title 72 of the Miscellaneous Laws of Nassau County is amended to include the following subdivision:

§ 6. Required Signage

- a. All intersections with a traffic-control signal photo violation-monitoring system must have signage posted within a reasonable distance of the intersection where such system is operating indicating the system's presence, as determined by a

traffic engineer rendering services on behalf of Nassau County. Such signage shall be visible to traffic approaching from all directions in which the traffic-control signal photo violation-monitoring system is being utilized to issue a penalty to the driver and or owner of a vehicle. There is no requirement to post a signage visible to traffic . approaching the intersection from directions not subject to the automated traffic enforcement system. Notwithstanding this requirement, no notice of liability issued pursuant to this Title shall be dismissed solely because a sign is missing, provided that the County has made a reasonable effort to install and maintain such sign.

- b. All intersections with traffic-control signal photo violation-monitoring systems where vehicles facing a steady circular red signal are authorized to make a right turn after a complete stop at a clearly marked stop line must have signage posted to indicate where the vehicle must stop, unless the vehicle is authorized to make such other movement as is permitted by other indications shown at the same time. Notwithstanding this requirement, no notice of liability issued pursuant to this Title shall be dismissed solely because a sign is missing, provided that the County has made a reasonable effort to install and maintain such sign.
- c. The Executive Director of the Nassau County Traffic & Parking Violations Agency shall file with the Clerk of the County Legislature on July 15 and December 15 every year a certification that the signage mandated pursuant to this law has been installed and maintained to the best of their knowledge. This Certification shall create a rebuttable presumption in any trial, administrative hearing or any other quasi-judicial proceeding that the signage mandated pursuant to this law has been installed and is being maintained.
- d. Such signs shall be installed by March 1 2019.

§7. Adjudication of Liability. Adjudication of the liability imposed upon owners by this title shall be by the Nassau County Traffic and Parking Violations Agency, as a branch of the District Court of Nassau County.

§8. Report.

The County shall submit an annual report on the results of the use of a traffic-control signal photo violation-monitoring system to the governor, the temporary president of the senate and the speaker of the assembly on or before June first, two thousand ten and on the same date in each succeeding year in which the demonstration program is operable. Such report shall include, but not be limited to:

- a. a description of the locations where traffic-control signal photo violation-monitoring systems were used;
- b. a description of the locations where traffic-control signal photo violation-monitoring systems were used; the aggregate number, type and severity of

accidents reported at intersections where a traffic-control signal photo violation-monitoring system is used for the year preceding the installation of such system, to the extent the information is maintained by the department of motor vehicles of New York State;

- c. the aggregate number, type and severity of accidents reported at intersections where a traffic-control signal photo violation-monitoring system is used, to the extent the information is maintained by the department of motor vehicles of New York State;
- d. the number of violations recorded at each intersection where a traffic-control signal photo violation-monitoring system is used and in the aggregate on a daily, weekly and monthly basis;
- e. the total number of notices of liability issued for violations recorded by such systems;
- f. the number of fines and total amount of fines paid after first notice of liability;
- g. the number of violations adjudicated and results of such adjudications including breakdowns of disposition made for violations recorded by such systems;
- h. the total amount of revenue realized by the County;
- i. expenses incurred by the County in connection with the program;
- j. and quality of the adjudication process and its results.

§9. Effectiveness of Title. In the event of any renumbering of the titles contained within the Miscellaneous Laws of Nassau County by the County Attorney's Office or any other agency of government, no further legislative action shall be necessary to maintain the effectiveness of this title.

§2. 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.

§3. 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,

§4. Effective Date.

This local law shall take effect immediately.

APPROVED
for Helina Wilba
County Executive
DATE 12-20-18