The Nassau County

Administrative Code

PREPARED BY THE NASSAU COUNTY ATTORNEY'S OFFICE

January 1, 2026

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Verification of text:

The annexed has been reviewed and edited through January 1, 2026. Text may be compared for verification to the enacting and amending legislation. Such legislation can be obtained from the Office of the Clerk of the Legislature at (516) 571-4252 or on line at:

http://www.nassaucountyny.gov/525/Local-Laws.

In case of any discrepancy between this compilation and the local laws as enacted by the Legislature, the latter shall be determinative.

The County is not responsible for any errors or omissions in this publication.

Other laws:

Users should be aware that, in addition to the Administrative Code, local laws enacted by the County Legislature are codified in the Nassau County Charter and the Miscellaneous Laws of Nassau County. The Charter and Miscellaneous Law are also available on the County website.

The County Legislature also acts by Ordinance and Resolution. Ordinances and Resolutions are not codified, but the proceedings of the Legislature are available through the office of the Clerk of the Legislature and at:

http://www.mccinnovations.com/weblink/Browse.aspx

Editor's note: Parenthetical notes indicating adoption of amendments, page headings, footnotes and bracketed material are not part of the Administrative Code.

Nassau County Administrative Code

Laws 1939, Chapter 272

AN ACT to provide an administrative code for Nassau County in harmony with and supplemental to the County Government Law of Nassau County.

Became a law April 12, 1939, with the approval of the Governor Passed, on county message, three-fifths being present.

The People or the State of New York, represented in Senate and Assembly, do enact as follows:

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[1] So numbered in Local Law No.4-2016
[2] There are two Title H

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Title D-8	Item Pricing and Pricing Accuracy.	§§21-18.0 to 21-18.6
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Title D-12	Automated Teller Machine Safety.	§§21-22.0 to 21-22.13
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Title D-15	Preventing the spread of invasive species.	§§21-24.1 to 21-24.8
Title D-16	Home Services Licenses.	§§21-25.0 to 21-25.15
Title D-17	Storage Warehouse Operators.	§§21-26.0 to 21-26.16
Title D-18	Second-Hand Precious Metal And Gem Dealers.	§§21-27.0 to 21-27.17
Title D-19	Electronic and Home Appliance Service Dealers.	§§21-28.0 to 21-28.16

[3] Title D-6 was declared invalid in the case of *Board of Education of the Farmingdale Union Free School District v. Gulotta*, 157 A.D.2d 642 (Second Department 1990) on the grounds that it was preempted by state law

[4] A second Title D-9 regarding the registration of taxicabs and limousines was repealed by Local Law18-2014.

Title D-20	Scrap Metal Processors, Vehicle Dismantlers and Junk Dealers.	§§21-29.0 to 21-29.17
Title D-21	Drycleaners And Laundromats.	§§21-30.0 to 21-30.16
Title D-22	Environmental Hazard Remediation Providers.	§§21-31.0 to 21-31.15
Title D-23	Health Club Operators	§§21-32.1 to 21-32.22
Title D-24	Pet Grooming Businesses	§§21-33.1 to 21-33.9
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Title E	Nassau County Traffic Safety Board.	§§21-50.0 to 21-50.3
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Title G	Control and Regulation of Waste Oil Disposition.	REPEALED
Title H	Advisory Council for Senior Citizen Affairs.	§21-80.0
Title I	Nassau County Water Resources Board.	§§21-90.0 to 21-90.4
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CHAPTER I
THE BOARD OF SUPERVISORS[5]

Title A. In General

Section 1-1.0 The County.
1-2.0 County device of arms.
1-3.0 County seal.
1-4.0 County flag.
1-4.1 Closing hours of county offices.
1-4.2 Petty cash funds.
1-5.0 Action by Board of Supervisors.
1-6.0 Regulating and licensing powers concerning use and operation of steam bolters and hoisting and contractors' machinery in the County.
1-6.1 Regulating and licensing powers concerning transactions by second hand dealers.

Title B. Commission of Governmental Revision

1-7.0 Commission: organization; powers.
1-8.0 Employees of commission.

Title A
In General

§ 1-1.0 **The County.** The County of Nassau as now existing shall continue with the boundaries, powers, rights and property and subject to the obligations and liabilities which exist at the time when this code shall take effect.

§ 1-2.0 **County device of arms.** The following is hereby adopted as a device of arms of the County of Nassau and is hereby declared to be clearly described as follows: Arms, azure, lion rampant or between seven billets or.

[5] In an action entitled *Jackson, et al.* v. *Nassau County Board of Supervisors, et al*., 818 F. Supp. 509 (1993), the U.S. District Court declared the Nassau County Board of Supervisors and its system of weighted voting to be unconstitutional. By Order, dated June 30, 1993, the Court established guidelines and recommendations for the adoption of an alternative form of government which would conform to the "one person, one vote" principles embodied in the U.S. Constitution. Based upon that order, Local Law 11-1994 was approved by the Board of Supervisors and placed before and approved by the voters of Nassau County in a referendum on November 8, 1994. The Local Law established the form, powers, structure and districts of a new County Legislature with members elected from nineteen districts replacing the six member Board of Supervisors. The law provided that revised form of county government would maintain a separation of powers between the legislative branch and the executive branch. The Local Law did not become effective until January 1, 1996 when the Nassau County Legislature was established. Pursuant to Nassau County Charter §102, any reference in this Administrative Code to the Board of Supervisors is deemed to be a reference to the County Legislature.

§ 1-3.0 **County Seal**

a. The seal of the County of Nassau shall be of metal two and one-eighth inches in diameter engraven with the coat of arms of the County and surrounded with the legend "NASSAU COUNTY, STATE OF NEW YORK."

b. The following design is hereby adopted as the official and standard design of such corporate seal.

c. A duplicate of the County seal shall be procured and kept at the Office of the Clerk of the Board of Supervisors and such seal may be affixed by the Clerk of the Board of Supervisors to contracts, leases, and deeds executed by the County Executive on behalf of the County and for such purpose the Clerk of the Board of Supervisors shall also be a Deputy County Clerk.
(Subdiv. c added by L. 1942 Ch. 266, In effect April 1, 1942.)

§ 1-4.0 **County flag.** The flag of the County of Nassau is hereby adopted and declared to be orange, charged with the arms of the County of Nassau.

§ 1-4.1 **Closing hours of county offices.** Notwithstanding any inconsistent provision of law, general, special or local, the offices of the clerks of the courts of record, the County Clerk and all county offices shall be kept open for the transaction of business at a minimum every day in the year, except Saturdays, Sundays and other days and half days declared by provision of law or any collective bargaining agreement with the County to be holidays or half holidays, from such hour in the forenoon to such hour in the afternoon as the County Legislature may fix; provided, however, that the County Legislature may provide that such offices shall remain closed for additional days or hours in order to address or avoid a fiscal emergency.
Whenever the last day on which any paper shall be filed or act done or performed expires on any Saturday during such period of Saturday closing as herein provided, the time therefore is hereby extended to and including the next business day.
(Added by L. 1945 Ch. 24 § 1, in effect February 26, 1945; amended by local law 5-2009, signed by the County Executive on March 10, 2009)

§ 1-4.2 **Petty Cash funds.** The Board of Supervisors may authorize the County Treasurer to furnish any officer or department of the County with a petty cash fund, in such amount as the Board of Supervisors may specify by resolution. Expenditures from such a fund shall be covered by itemized vouchers or claims in the name of the fund, verified by the oath of the officer or head of the department for whom the fund was established. Upon audit of such vouchers or claims and by means of a warrant drawn on the County Treasurer, signed by the Comptroller, the County Treasurer shall reimburse to such a petty cash fund the amount so audited and allowed.

(Added by Local Law No. 2. 1945; amended by Local Law No. 4, 1954; amended by Local Law No. 18, 1965, in effect December 1, 1965.)

§ 1-5.0 **Action by Board of Supervisors.** Except as otherwise provided, the Board of Supervisors shall act by ordinance or resolution pursuant to the provisions of the charter in the performance of the powers and duties conferred or imposed thereon by this code.

§ 1-6.0 **Regulating and licensing powers concerning use and operation of steam boilers and hoisting and contractors' machinery in the County.**

a. The Board of Supervisors, by local law, ordinance or resolution, may regulate the operation and use within the County of steam boilers carrying over fifteen pounds of steam and over ten horse-power, except such boilers used for heating purposes in private dwellings or by or for a person or corporation operating an agency for public service and subject to the jurisdiction, supervision and regulations prescribed by or pursuant to the public service law.

b. The Board of Supervisors, in like manner, may also prohibit the pursuit or exercise in the County without a license of:

    1. The occupation of running or operating any such steam boilers.

    2. Running or operating any machinery used for hoisting purposes or cableways, irrespective of motive power, or for construction or excavation work.

c. The Board of Supervisors shall have authority to provide penalties for the violation of any local law, ordinance, or resolution adopted pursuant to the provisions of this section, and in addition thereto, may provide a fine of not more than fifty dollars or imprisonment for not more than thirty days, or both. Any such local law, ordinance, or resolution shall have the force and effect of law.

d. Such a local law, ordinance or resolution shall not, however, apply to or become operative in any city or village in the County until and unless the consent and approval of the city or village thereto shall have been first given in the same manner as required for the enactment of a local ordinance therein and a certified copy thereof shall have been filed with the Board of Supervisors, and any such city or village is hereby specifically empowered to give such consent and approval.

§ 1-6.1 **Regulating and licensing powers concerning transactions by second hand dealers.** The Board of Supervisors, by local law or ordinance,

may prescribe rules and regulations in respect to transactions within the County by second hand dealers involving automobiles, jewelry, clothing and precision Instruments and may require second hand dealers to obtain a license to engage in such transactions. Such local law or ordinance may also delegate to a designated county official or employee the power to issue such licenses and may provide penalties for the violation of such local law or ordinance and in addition thereto, may provide a fine of not more than fifty dollars or imprisonment for not more than thirty days for a violation thereof.
(Added by L. 1948 Ch. 524, in effect March 21, 1948.)

Title B
Commission on Governmental Revision

§ 1-7.0 **Commission; organization; powers.**

a. The executive, subject to confirmation by the Board of Supervisors, shall have the power to appoint, from time to time, a commission of taxpayers of Nassau County, not exceeding seventeen in number, who shall serve without compensation.

   Such commission shall, by majority vote, designate a chairman.

b. Such commission may:

   1. Examine the different laws of the state applicable to the government of the County, towns and other municipalities and political subdivisions in such county, and determine the advisability of changing the forms or methods of government of such county, towns or other political subdivisions;

   2. Examine the form of government of other counties or cities within or without the State of New York, and that method used in the administrative, judicial, economic and other branches of such municipalities: for the purpose of recommending an improvement In the government of such County and its political subdivisions and from such examinations and investigations to determine what form of government is best suited to meet the needs of the residents of Nassau County.

c. Such commission shall report its findings and recommendations to the Board of Supervisors.

§ 1-8.0. **Employees of Commission.** Such commission shall have power by

majority vote to employ necessary experts, clerks and assistants.

CHAPTER I-a
LOCAL LAWS

CHAPTER II
EXECUTIVE

CHAPTER III
BUDGET

Title A
In General

Section 3-1.0 Fiscal year.
3-2.0 Cash basis fund.
3-2.1 Funds for reserves for uncollected taxes.
3-2.2 Allocation and deposit of moneys resulting from the sale of County real property
3-2.3 Allocation, Deposit, and Authorized Disposition of moneys in Excess of the 2021 Adopted Budget
3-3.0 Payment of bills of district superintendents.
3-4.0 Appropriation for the advancement of aviation.
3-4.1 Appropriation for the observance of Memorial Day.

Title A
In General

§ 3-1.0 **Fiscal year.**

a. The fiscal year of the County shall commence on the first day of January in each year and shall terminate at midnight on the ensuing thirty-first day of December except that the fiscal year commencing on January 1, 1995 shall terminate on September 30, 1995.

b. Pursuant to section 302-a of chapter 879 of the laws of 1936 providing for an alternative form of government for certain counties, the County shall have an extended tax year commencing October 1, 1995 and ending December 31, 1996. Thereafter beginning January 1, 1997 the fiscal year of the County shall begin on January 1, 1991 and ending on December 31, 1997 and run from January first to December thirty-first thereafter. All such powers normally granted to various county departments regarding the County budget and funds including but not limited to the treasurer's ability to transfer monies from fund to fund during the period October 1 1995 through December 31, 1996 shall

remain in effect subject to review and approval at the discretion of the Board of Supervisors. Any transfers of funds approved by the Board of Supervisors In the period October 1, 1995 through December 31, 1996 shall not be restricted to months indicated in subdivision c of section 3-2.0 of this code. All other provisions of such section 3-2.0 shall be in full force and effect during the period October 1, 1995 through December 31, 1996 and shall remain in effect fully thereafter beginning the next ensuing county fiscal year starting January 1, 1991.
(Amended by L. 1995 Ch. 14, in effect March 16, 1995.)

§ 3-2.0 **Cash basis fund.**

a. The "cash basis fund" heretofore established for the purpose of enabling the County to finance its current expenditures prior to the receipt of taxes and other revenues authorized to be levied or raised therefore, is hereby continued.

b. The moneys held in such fund shall be segregated from all other moneys of the County and may be deposited as in the case of other county funds. Such moneys shall not be invested or used for any purpose except as hereinafter provided.

c. The County Treasurer shall have power, from time to time, to advance from the moneys held in such fund, to any other fund, moneys required for purposes to which the taxes contained in the taxes levied for the fiscal year in which such advances are made may lawfully be applied.

Any such advance shall be evidenced by tax anticipation notes, and such notes shall be held by the County Treasurer until such advance is repaid. No moneys shall, however, be advanced from such fund unless such advance shall be authorized by resolution adopted by the Board of Supervisors. Any such resolution shall specify the amount to be advanced and the date or dates of maturity of the notes to be issued therefore. All such advances made during any fiscal year shall be restored to such fund and made available for use In making advances in the next succeeding fiscal year in such manner that not less than one-fifth of the aggregate amount of such fund shall be available for such advances in each of the months of January, February, March, April and May of such succeeding fiscal year.
(Amended by L. 1943 Ch. 710 § 107, as last amended by L. 1945 Ch. 338 In effect September 2, 1945, amendment required .by Local Finance Law Sec. 2400 and 30.00: Amended by Laws of the State of New York, Chapter 14-1995, in effect March 16, 1995 in order to prepare to commence the special fiscal period on October 1, 1995 to conclude on December 31, 1995 and the 1996 fiscal year to commence on January 1, 1996.)

d. The County Treasurer shall advance from the moneys held in said fund

such portion thereof as the Board of Supervisors may determine to include as part of the estimated cash balance which is stated in any annual budget hereafter adopted, and is applicable to meet expenditures provided for by said budget, and the moneys so advanced shall be used to meet such expenditures. So much of such advance as is specifically applied to the payment of county bonds, notes or certificates of indebtedness shall not be required to be restored to the fund.
(Added by L. 1941 Ch. 912 § 1, in effect April 30, 1941.)

§ 3-2.1 **Fund, for reserves, for uncollected taxes.** The County Treasurer shall establish a fund or funds for reserves for uncollected taxes including school district taxes, when directed so to do by ordinance of the Board of Supervisors and in such amount or amounts as such ordinance shall direct. The balance remaining in any such fund at the end of a fiscal year shall not lapse.
(Added by L. 1945 Ch. 393 § 1, in effect April 12, 1945.)

§ 3-2.2. **Allocation and deposit of moneys resulting from the sale of County real property.**

a. Definitions: For purposes of this section:

(i) "Natural or scenic resources" shall mean open areas and shall include but not be limited to, agricultural lands, including lands employed for the raising of livestock, defined as open lands actually used in bona fide agricultural production.

(ii) "Open space" or "open area" or "open land" shall, as set forth in section two hundred seventy-four of the general municipal law, mean any space or area (1) characterized by natural scenic beauty or, (2) where the existing openness, natural condition, or present state of use, if retained, would enhance the present or potential value of abutting or surrounding urban development, or would maintain or enhance the conservation of natural or scenic resources.

(iii)"Open space purposes" means purposes or projects that involve one or more of the following: (a) the creation or establishment of parks, nature preserves, or recreation areas; (b) the creation or preservation of open space, including agricultural lands and lands used for livestock, animal husbandry, grazing, or care of animals; (c) preservation of lands of exceptional scenic value; (d) preservation of fresh and saltwater marshes or other wetlands; (e) preservation of aquifer recharge areas; (f) preservation of undeveloped beachlands or shoreline; (g) creation or establishment of wildlife refuges for the purpose of maintaining native animal species, including the

protection of habitat essential to the recovery of rare, threatened or endangered species; (h) preservation of pine barrens consisting of such biota as pitch pine, and scrub oak; (i) preservation of unique or threatened ecological areas; (j) preservation of rivers and river areas in a natural, free-flowing condition; (k) creation or preservation of forested land; (l) preservation of public access to lands for public use including stream rights and waterways; and (m) undertaking any of the aforementioned in furtherance of the establishment of a greenbelt.

(iv) "Real property" shall have the meaning set forth in section 11-6.0 of this code.

b. Notwithstanding the provisions of section 11-59.0 of this code, the Treasurer shall receive all moneys resulting from the sale of real property owned by the County and shall allocate and deposit such moneys as follows:

(i) Five percent of the moneys resulting from the sale of real property owned by the County shall be deposited into an account to be established for the acquisition, rehabilitation and maintenance of property to be used for open space purposes. Such fund shall also include any moneys received from grants or other federal, state, county or private sources for such acquisition, rehabilitation and maintenance. The moneys held in such fund shall not be used for any purpose except as provided pursuant to this subdivision for the acquisition of properties devoted to open space purposes. The Treasurer shall provide a report to the County Executive, the County Legislature, the Planning Department and the Open Space and Parks Advisory Committee annually on or before the first day of July. Such report shall contain an accounting of the balance of the fund, the source of each credit to the fund, interest earned by the fund and any debits to the fund.

(ii) Ninety-five percent of the moneys received from the sale of county real property shall be allocated to and deposited into the general fund of the County.

(Added by Local Law No. 7-2003, in effect May 28, 2003; amended by Local Law No. 21-2010, in effect November 3, 2010.)

§ 3-2.3. **Allocation, Deposit, and Authorized Disposition of Moneys in Excess of the 2021 Adopted Budget**

A special revenue fund is hereby established, to commence concurrently with the 2021 budget, to which all sales tax revenues collected by the County

that are in excess of the adopted 2021 Nassau County budget shall be deposited except as provided herein and to which any budgeted funds in any budget line that become surplus as a result of the receipt of federal aid to address the COVID-19 pandemic shall be deposited.

Sales tax revenues received by the County that exceed $1,023,879,834 shall be deposited by the County Treasurer in such special revenue fund upon the final closure of the 2021 fiscal year. Notwithstanding the foregoing, (i) the County shall not transfer any amounts into such special revenue fund to the extent such funds are required by law to be applied for other purposes such as part-County sales tax allocations and local government assistance programs and (ii) sales tax revenues received by the County and used to fund appropriations for the 2021 fiscal year for any or all the purposes specified in the succeeding paragraph shall not be deposited into such special revenue fund.

The use of this special revenue fund will be to fully or partially fund tax certiorari settlements and judgments (including those arising under Real Property Tax Law ("RPTL") Article 18), principal and interest payments on debt issued in 2021 or later to pay tax certiorari settlements and judgments (including those arising under RPTL Article 18), claims against the County by the Nassau Health Care Corporation, claims relating to the Fair Labor Standards Act, payment and/or prepayment of non-pension post-employment benefits, longevity payments, other general litigation, to fund expenses due to the loss of budgeted state aid, and to pay for unbudgeted COVID-19 response costs in the event that no federal COVID-19 assistance funds remain available to pay for such costs, and shall be restricted for any other purpose.
(Added by Local Law No. 12-2020, in effect December 14, 2020; amended by Local Law 3-2022, in effect April 27, 2022.)

§ 3-2.4 **Allocation of surplus funds to an operating reserves fund.** An operating reserves fund, to include the following authorized categories of funds, is hereby established to provide for payment of unbudgeted or extraordinary costs and to fund other fiscally prudent expenditures related to the purposes set forth herein:

a. A healthcare reserve to provide for payment of unbudgeted or extraordinary costs, and to fund other fiscally prudent expenditures related to health care insurance for existing and retired employees.

b. A labor reserve to provide for payment of unbudgeted or extraordinary personnel costs, and to fund other fiscally prudent expenditures related to negotiated labor agreements, awards or settlements.

c. An insurance reserve to provide for the retention of risk to strengthen the County's risk management strategy through high deductible, excess loss property and casualty, public entity liability and other policies. Any funds above the required retention threshold may also be used for the payment of unbudgeted or extraordinary premiums or other related costs including, but not limited to, expert and professional services in connection with the investigation, adjustment or settlement of claims, actions or judgments.

The County may pay into any fund established hereby such amounts resulting from future surpluses as may be provided by budgetary appropriations or as otherwise may be legally appropriated.

The moneys held in any fund established hereby shall be segregated from all other moneys of the County and shall be deposited and secured in a manner consistent with Section 10 of the General Municipal Law. The Treasurer may invest the moneys in any such fund in a manner consistent with Section 11 of the General Municipal Law.

In the event the County determines that any fund established hereby, or any portion thereof, is no longer needed, the moneys remaining in such fund may be transferred to any other reserve fund of the County, only to the extent that the moneys in such discontinued fund shall exceed the sum sufficient to pay all liabilities incurred or accrued against it.
(Added by Local Law No. 5-2023, in effect July 3, 2023)

§ 3-3.0 **Payment of bill, of district superintendents.** The Board of Supervisors, subject to such conditions as it may prescribe, may provide for the payment of properly itemized and verified bills of the district superintendents of schools of the County, for furniture, telephone service, equipment and office rent.

§ 3-4.0 **Appropriation for the advancement of aviation.** The Board of Supervisors may appropriate annually and provide for the expenditure of such sums as it may deem proper not to exceed the sum of five thousand dollars for the purpose of furnishing suitable and proper comfort and care of persons who, in the interest and promotion of aviation and the public welfare, may depart from or arrive at any flying field located within the County.

§ 3-4.1 **Appropriation for the observance of Memorial Day.** The Board of Supervisors may appropriate annually and provide for the expenditure of such sums as it may deem proper, not to exceed the sum of three hundred dollars, for the purpose of defraying the expense of the proper observance of Memorial or Decoration Day at the Long Island National Cemetery, Pinelawn, New York.
(Added by Local Law No. 5-1965, in effect May 12, 1965.)

CHAPTER IV
COMPTROLLER

Title A. In General

Section 4-1. Delegation of powers and duties.
4-1. Deductions from salaries of County employees.

Title B. Harness Horse Race Admissions Tax

Section 4-2.0 Definitions.
4-2.1 Imposition of tax.
4-2.2 Payment of tax.
4-2.3 Records and audits.
4-2.4 Determination of tax.
4-2.5 Refunds.
4-2.6 Reserves.
4-2.7 Remedies exclusive.
4-2.8 Proceedings to recover tax.
4-2.9 General powers of the Comptroller.
4-2.10 Administration of oaths and compelling testimony.
4-2.11 Penalties and interest.
4-2.12 Notices and limitations of time.
4-2.13 Disposition of revenues.
4-2.14 Separability.

Title A
In General

§ 4-1.0 **Delegation of powers and duties.** The Comptroller, after entering upon the duties of his office, may delegate to one or more of the assistants or clerk in his office specific powers and duties of the Comptroller. Such delegations shall be in writing signed by the Comptroller and shall set forth the specific power or powers, duty or duties so delegated and shall be filed with the County Clerk. The acts so performed by such assistants or clerks shall have the same effect in law as If performed by the Comptroller.
(Added by L. 1942 Ch. 179 § 1, in effect March 25, 1942.)

§ 4-1.1 **Deduction, from salaries of county employees.** The Comptroller is hereby authorized to deduct from the wages or salary of an employee of the County any amount that such employee may specify in writing filed with the Comptroller for payments to or deposits in credit unions or county employees and to transmit the sum so deducted to the said credit unions. Any such

written authorization may be withdrawn by such employee at any time by filing written notice of such withdrawal with the Comptroller.
(Added by Local Law No. 6-1965, in effect May 12, 1965.)

Title B
Harness Horse Race Admissions Tax

§ 4-2.0 **Definitions.** As used in this title:

1. The term "racing corporation or association" means a racing corporation or association or other person owning or operating race meeting grounds or enclosures located within the County of Nassau, or a racing corporation or association or other person conducting race meetings at such grounds or enclosures.

2. The term “person" means an individual, partnership, society, association, joint stock company, corporation, estate, receiver, trustee, assignee, retiree, or any other person acting In a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination of individuals.

3. The term "admissions" means admissions as defined in chapter one hundred forty-eight of the laws of nineteen hundred fifty-two.
(Amended by Local Law No. 1-1954, § 2, in effect April 19, 1954.)

§ 4-2.1 **Imposition of tax.** A tax is hereby imposed on all admissions to harness horse race meetings conducted at race meeting ground or enclosures located within the County of Nassau at the rate of thirty per centum of the admission price. The racing association or corporation conducting a harness horse race meeting shall, in addition to the admissions price, collect such tax on all tickets sold or otherwise disposed of to patrons for admission with the sole exception of those issued free passes, cards or badges In accordance with the specific authority of the laws of the State of New York, in case of failure to collect such tax the tax shall be imposed on the racing corporation or association conducting such meeting.
(Amended by Local Law No. 1-1954, § 2; Local Law No. 1- 1956 in effect April 16, 1956.)

§ 4-2.2 **Payment of the tax.**

a. Every racing corporation or association shall file with the Comptroller at such regular intervals as the Comptroller may require and upon such forms as shall be prescribed by the Comptroller a return showing the taxes collected pursuant to this title and the number of persons admitted to meetings conducted by the racing corporation or association during the periods covered by the return, together with any and all other

information which the Comptroller shall require to be included and reported in such return. The Comptroller may require at any time supplemental or amended returns of such additional information or data as he may specify.

b. Every return required hereunder shall have annexed thereto an affidavit of an officer of the racing corporation or association to the effect that the statements contained therein are true.

c. The tax imposed by this title shall be paid by the racing corporation or association to the Comptroller at such regular intervals as the Comptroller may require in no event later than ten days after the close of the race meeting.

d. The amount of the tax paid on admissions pursuant to this title shall be the property of the County of Nassau and shall be held by the racing corporation or association as trustee for and on account of the County of Nassau and the racing corporation or association shall be liable for the tax. Officers of the racing corporation or association shall be personally liable for the tax collected or required to be collected hereunder.

e. Every racing corporation or association conducting harness horse race meetings at race meeting grounds or enclosures located within title County of Nassau shall, on or before the effective date of this local law and annually thereafter before the opening of any race meeting in each year execute and file with the Comptroller a bond Issue by a surety company authorized to transact business in this state and approved by the superintendent of insurance of this state as to solvency and responsibility in an amount sufficient to secure the payment of the taxes and penalties and interest due or which may become due hereunder, to be fixed by the Comptroller.

§ 4-2.3 **Record and audits.** Every racing corporation or association shall keep such records as may be prescribed by the Comptroller, of all admissions and taxes collected pursuant to this title. Such records shall be available for inspection and examination at any time upon demand by the Comptroller or his duly authorized agents or employees, and such records shall be preserved for a penned of three years, except that the Comptroller may consent to their destruction within that period, and may require that they be kept longer than three years.

§ 4-2.4 **Determination of tax.** If a return required by this title is not filed, or if a return when filed is incorrect or insufficient the amount of tax due shall be determined by the Comptroller from such information as may be obtainable and, if necessary, the tax may be estimated on the basis of external indices,

such as number of race meetings held, admissions, paid attendance, or other factors. Notice of such determination shall be given to the person liable for the collection and payment of the tax. Such determination shall finally and irrevocably fix the tax unless the person against whom it is assessed, within thirty days after giving the notice of such determination, shall apply to the Comptroller for a hearing, or unless the Comptroller of his own motion shall redetermine the same. After such hearing the Comptroller shall give notice of his determination to the person liable for the tax. The determination of the Comptroller shall be reviewable for error, illegality or unconstitutionality or any other reason whatsoever by a proceeding under article seventy-eight of the civil practice act if application therefore is made to the supreme court within ninety days after the giving of the notice of such determination. A proceeding under article seventy-eight of the civil practice act shall not be instituted unless the amount of any tax sought to be reviewed with interest and penalties thereof, if any, shall be first deposited with the County Treasurer and there shall be filed with the Comptroller an undertaking, issued by a surety company authorized to transact business in this state and approved by the Superintendent of Insurance of this State as to solvency and responsibility, in such amount as a justice of the supreme court shall approve to the effect that if such proceeding be dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of the proceeding, or at the option of the applicant such undertaking filed with the Comptroller may be in a sum sufficient to cover the taxes, penalties and interest thereon stated in such determination plus the costs and charges which may accrue against it in the prosecution of the proceeding, in which event the applicant shall not be required to deposit such taxes, penalties and interest as a condition precedent to the application. The Comptroller shall notify the treasurer of all final determinations.

§ 4-2.5 **Refunds.**

a. In the manner provided in this section the Treasurer upon the order of the Comptroller shall refund or credit, without interest, any tax, penalty or Interest erroneously, illegally, or unconstitutionally collected or paid if application to the Comptroller for such refund shall be made within one year from the payment thereof. Whenever a refund is made by the treasurer upon the order of the Comptroller, the Comptroller shall state his reason therefore in writing. The Treasurer may, in lieu of any refund required to be made, allow credit therefore on payments due from the applicant.

b. An application for a refund or credit made as herein provided shall be deemed an application for a revision of any tax, penalty or interest complained of and the Comptroller may receive evidence with respect thereto. After making his determination the Comptroller shall give notice

thereof to the person interested who shall be entitled to review such determination by a proceeding pursuant to article seventy-eight of the civil practice act, provided such proceeding is instituted within ninety days after the giving of the notice of such determination, and provided that a final determination of tax due was not previously made. Such a proceeding shall not be instituted unless an undertaking is filed with the Comptroller in such amount and with such sureties as a justice of the supreme court shall approve to the effect that at such proceeding be dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue In the prosecution of such proceeding.

c. A person shall not be entitled to a revision, refund or credit under this section of a tax, interest or penalty which has been determined to be due pursuant to the provisions of section 4-2.4 of this title where he has had a hearing or an opportunity for a hearing, as provided in said section, or has failed to avail himself of the remedies therein provided. No refund or credit shall be made of a tax, interest or penalty paid after a determination by the Comptroller made pursuant to section 4.2.4 of this title unless it be found that such determination was erroneous, illegal or unconstitutional or otherwise improper, by the Comptroller after a hearing or of his own motion, or in a proceeding under article seventy-eight of the civil practice act, pursuant to the provisions of said section, in which event refund or credit without interest shall be made of the tax, interest or penalty found to have been overpaid.

§ 4-2.6 **Reserves.** In cases where a person has applied for a refund and has instituted a proceeding under article seventy-eight *of* the civil practice act to review a determination adverse to him on his application for refund, the Comptroller shall set up appropriate reserves to meet any decision adverse to the County.

§ 4-2.7 **Remedies, exclusive.** The remedies provided by sections 4-2.4 and 4-2.5 of this title shall be exclusive remedies available to any person for the review of tax liability imposed by this title, and no determination or proposed determination *of* tax liability Imposed by this title, and no determination or proposed determination of tax or determination on any application for refund shall be enjoined or reviewed by an action for declaratory judgment, an action for money had and received or by any action or proceeding other than a proceeding In the nature of a certain proceeding under article seventy-eight *of* the civil practice act: provided, however. That such person may proceed by declaratory judgment if he Institutes suit within ninety days after a deficiency assessment is made and pays the amount of deficiency assessment to the treasurer prior to the Institution of such suit and posts a bond *for* costs as provided in section 4-2.4 of this title.

§ 4-2.8 **Proceedings to recover tax.**

a. Whenever any racing corporation or association or any of its officers or any other person shall fail to collect and pay over any tax or to pay any tax, penalty or interest imposed by this title as therein provided, the County Attorney shall, upon the request of the Comptroller bring or cause to be brought an action to enforce the payment *of* the same on behalf of the County of Nassau in any court of the State of New York or of any other state or of the United States. If, however, the Comptroller in his discretion believes that a person subject to the provisions of this title is about to cease business, leave the state or remove or dissipate the assets out of which the tax or penalties might be satisfied, and that any such tax or penalty will not be paid when due, he may declare such tax or penalty to be immediately due and payable and may issue a warrant immediately.

b. As an additional or alternate remedy, the Comptroller may issue a warrant, directed to the County sheriff commanding him to levy upon and sell the real and personal property of the racing corporation or association or its officers or any other person which may be found within the County, for the payment of the amount thereof, with any penalties and interest, and the cost of executing the warrant, and to return such warrant to the treasurer and to pay to him the money collected by virtue thereof, within sixty days after the receipt of such warrant. The County Sheriff shall within five days after the receipt of the warrant file with the County Clerk a copy thereof, and thereupon such Clerk shall enter in the judgment docket the name of the person mentioned in the warrant and the amount of the tax, penalties and interest for which the warrant is issued and the date when such copy is filed. Thereupon the amount of such warrant so docketed shall become a lien upon the title to and interest In real and, personal property of the person against whom the warrant is issued. The County Sheriff shall then proceed upon the warrant in the same manner, and with like effect, as that provided by law in respect to executions issued against property upon judgments of a court of record and for services in executing the warrants he shall be entitled to the same fees, which he may collect in the same manner. In the discretion of the Comptroller a warrant of like terms, force and effect may be issued and directed to any officer or employee of such Comptroller's office, and in the execution thereof such officer or employee shall have all the powers conferred by law upon sheriffs, but shall be entitled to no fee or compensation in excess of the actual expenses paid in the performance of such duty. If a warrant is returned not satisfied in full, the Comptroller may from time to time Issue new warrants and shall also have the same remedies to enforce the amount due hereunder as if the County had recovered judgment therefore and execution thereon had

been returned unsatisfied.

c. Whenever a corporation or association shall make a sale, transfer or assignment in bulk of any part or the whole of its race meeting grounds or enclosures and the building and structures thereon, or its lease, license or other agreement or right to possess or operate such race meeting grounds or enclosures or of the equipment, machinery, fixtures or supplies, or of the said race meeting grounds or enclosures and the building and structures thereon, or lease, license or other agreement or right to possess or operate such race meeting grounds or enclosures, and the equipment, machinery, fixtures or supplies pertaining to the conduct or the operation of the said race meeting grounds or enclosures, otherwise than in the ordinary course of trade and in the regular prosecution of said business, the purchaser, transferee or assignee shall at least ten days before taking possession of such race meeting grounds or enclosures and the building and structures thereon, or lease, license or other agreement or right to possess or operate such race meeting grounds or enclosures or the equipment, machinery fixtures or supplies, or of the said race meeting grounds or enclosures and the building and structures thereon, or lease, license or other agreement or right to possess or operate such race meeting grounds or enclosures, and the equipment, machinery, fixtures or supplies or paying therefor, notify the Comptroller by registered mail of the proposed sale and of the price, terms and conditions thereof whether or not the seller, transferor or assignor, has represented to, or informed the purchaser, transferee or assignee that it owes any tax pursuant to this title and whether or not the purchaser, transferee or assignee has knowledge that such taxes are owing, and whether any such taxes are in fact owing.

Whenever the purchaser, transferee or assignee shall fail to give notice to the Comptroller as required by the preceding paragraph, or whenever the Comptroller shall inform the purchaser, transferee or assignee that a possible claim for such a tax or taxes exists, any sums of money, property or choses in action, or other consideration, which the purchaser, transferee or assignee is required to transfer over to the seller, transferor or assignor shall be subject to a first priority right and lien for any such taxes theretofore or thereafter determined to be due from the seller, transferor or assignor to the County, and the purchaser, transferee or assignee is forbidden to transfer to the seller, transferor or assignor any such sums of money, property or choses in action to the extent of the amount of the County's claim. For failure to comply with the provisions of this subdivision, the purchaser, transferee or assignee in addition to being subject to the liabilities and remedies imposed under the provisions of section forty-four of the personal property law, shall be personally liable for the payment to the County of any such taxes theretofore or thereafter determined to be due to the County from the seller, transferee or assignor, and such liability may be assessed and

enforced in the same manner as the liability for tax under this title.

§ 4-2.9 **General powers of the Comptroller.** In addition to the powers granted to the Comptroller in this title, he is hereby authorized and empowered:

1. To make, adopt and amend rules and regulations appropriate to the carrying out of this title and the purposes thereof;

2. To extend, for cause shown, the time of filing any returns for a period not exceeding thirty days, in which case he shall notify the treasurer thereof; and for cause shown, to remit penalties but not Interest computed at the rate of six per centum per annum: and to compromise disputed claims in connection with the taxes hereby imposed;

3. To delegate his functions hereunder in the manner prescribed by section 4-1.0 of the code;

4. To prescribe methods for determining the amount of the admission and for determining title tax.
(Amended by Local Law No. 1-1954, § 3, in effect April 19, 1954.)

5. To require racing corporations or associations to keep detailed records of all race meetings and all attendance thereat, and to furnish such information upon request to the Comptroller.

6. To require that the amount of the tax be printed, separate from the price of admission, on tickets of admission.

§ 4-2.10 **Administration of oaths and compelling testimony.**

a. The Comptroller or his employees or agents duly designated and authorized by him shall have power to administer oaths and take affidavits in relation to any matter or proceeding In the exercise of their powers and duties under this title. The Comptroller shall have power to subpoena and require the attendance of witnesses and the production of books, papers and documents to secure information pertinent to the performance of his duties hereunder and of the enforcement of this title and to examine them in relation thereto, and to issue commissions for the examination of witnesses who are out of the state or unable to attend before him or excused from attendance.

b. A justice of the supreme court either in court or at chambers shall have power summarily to enforce by proper proceedings the attendance and testimony of witnesses and the production and examination of books,

papers and documents called for by the subpoena of the Comptroller under this title.

c. Any person who shall refuse to testify or to produce books or records or who shall testify falsely in any material matter pending before the Comptroller under this title shall be guilty of a misdemeanor, punishment for which shall be a fine of not more than one thousand dollars or imprisonment for not more than one year, or both such fine and imprisonment.

d. The officers who serve the Comptroller's summons or subpoena and witnesses attending in response thereto shall be entitled to the same fees as are allowed to officers and witnesses in civil cases in courts of record, except as herein otherwise provided. Such officers shall be the County sheriff and his duly appointed deputies, or officers or employees of the office of the Comptroller designated to serve such process.

§ 4-2.11 **Penalties and interest.**

a. Any person failing to file a return or to pay over or pay any tax to the Comptroller as required by this title shall be subject to a penalty of five percent of the amount of tax due, plus interest at the rate of one per cent of such tax for each month after such return was required to be filed or such tax became due, but the Comptroller, if satisfied that the delay was excusable, may remit all or any part of such penalty, but not interest at the rate of six per cent per year. Such penalties and interest shall be paid and disposed of in the same manner as other revenues from this title. Unpaid penalties and interest may be enforced in the same manner as the tax imposed by this title.

b. Any racing corporation or association and any officer thereof failing to file a return required by this title, or filing or causing to be filed or making or causing to be made or giving or causing to be given any return, certificate, affidavit, representation, information, testimony or statement required or authorized by this title which is willfully false, and any racing corporation or association and any officer thereof willfully failing to file a bond required to be filed pursuant to this title or failing to file such data as the Comptroller may by regulation or otherwise require pursuant to the provisions of this title, or willfully failing or refusing to collect or pay such tax, and any racing corporation or association and any officer thereof failing to keep the records required by this title shall, in addition to the penalties herein or elsewhere prescribed, be guilty of a misdemeanor, punishment for which shall be a fine of not more than one thousand dollars or imprisonment for not more than one year, or both such fine and imprisonment. Officers of a racing corporation or

association shall be personally liable for the tax collected or required to be collected under this title, and subject to the penalties hereinabove imposed.

c. The certificate of the Comptroller to the effect that a tax has not been paid, that a return or bond has not been filed or that information has not been supplied pursuant to the provisions of this title, shall be presumptive evidence thereof.

§ 4-2.12 **Notices and limitation of time.**

a. Any notice authorized or required under the provisions of this title may be given by mailing the same to the person for whom it is intended in a postpaid envelope addressed to such person at the address given In the last return filed by him pursuant to the provisions of this title or in any application made by him or if no rectum has been filed or application made, then to such address as may be obtainable. The mailing of such notice shall be presumptive evidence of the receipt of the same by the person to whom addressed. Any period of time which is determined according to the provisions of this title by the giving of notice shall commence to run from the date of mailing of such notice.

b. The provisions of the civil practice act or any other law relative to limitations of time for the enforcement of a civil remedy shall not apply to any proceeding or action taken by the County to levy, appraise, assess, determine or enforce the collection of any tax or penalty provided by this title. However, except in the case of a willfully false or fraudulent return with intent to evade the tax, no assessment of additional tax shall be made after the expiration of more than three years from the date of the filing of a return, provided, that where no return has been filed as provided by law the tax may be assessed at any time.

c. Where, before the expiration of the period prescribed herein for the assessment of an additional tax, a person has consented in writing that such period be extended, the amount of such additional tax due may be determined at any time within such extended period. The period so extended may be further extended by subsequent consents in writing made, before the expiration of the extended period.

§ 4-2.13 **Disposition of revenues.** All revenues resulting from the imposition of the tax under this title shall be paid by the Comptroller to the County Treasurer and credited and deposited in the general fund of the County.

§ 4-2.14 **Separability**. If any provision of this title, or the application

thereof to any person or circumstances, is held invalid, the remainder of this title, and the application of such provisions to other persons or circumstances shall not be affected thereby.
(Title B consisting of § 4-2.0 to 4-2.14, added by Local Law No. 1-1952, in effect May 19, 1952.)

CHAPTER V
COUNTY TREASURER

Title A In General

Section 5-1.0 Banks of deposit.
5-1.1 Repealed.
5-1.2 Payment over and distribution of mortgage taxes.

Title B Collection of Taxes[6]

Article 1. Collection of Taxes by Town Receiver

Section 5-2.0 Definitions.
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5-4.0 Town receiver of taxes: election: term of office.
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5-8.0 Audit of receiver's accounts.
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5-23.1 Record of tax arrears to be kept by receiver.

[6] For construction clauses to 1939 amendments relating to collection of state and county taxes in cities see L. 1939 Ch. § 45, § § 30, 31, 32.

Article 2. Enforcement at Collection of Taxes by County Treasurer

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5-40.0 Interest on tax lien; how computed.
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Title A
In General

§ 5-1.0 **Banks of deposit.** The Board of Supervisors at any time may designate by written resolution duly adopted and filed as provided in the County law one or more good and solvent banks, trust companies, bankers or banking associations within the city of New York, for the deposit of any moneys received by the County Treasurer which it may deem expedient and proper to deposit therein, and agree with any such designated bank, trust company, banker or banking association upon the rate of interest, if any, to be paid on the moneys so deposited. The provisions of the County law shall apply to proceedings pursuant to this section, except insofar as they may be inconsistent with this section. Any such bank, trust company, banker or banking association so designated shall secure such county In the manner prescribed by the County law.
(Amended by L 1951 Ch. 513, in effect April 3, 1951.)

§ 5-1.1 **Money found upon dead bodies.**
(Repealed by Local Law No. 11-1965, § 2, in effect July 28, 1965; see § 125-c of the Surrogate's Court Act.)

§ 5-1.2 **Payment over and distribution of mortgage taxes.**

a. Notwithstanding the provisions of any general, special or local law to the contrary, upon the first day of each month the County Clerk of the County of Nassau shall pay over to the County Treasurer all moneys received during the preceding month on account of taxes paid to him in pursuance of the provisions of article eleven of the tax law, after deducting the necessary expenses of his office, as provided in such law, except taxes paid upon mortgages which, under the provisions of article eleven of the tax law, are to be apportioned by the state tax commission, and such taxes and money shall be paid over by the County Clerk as provided by the determination of said tax commission.

b. On or before the fifteenth day of January, April, July and October in each fiscal year the County Treasurer and the County Clerk shall prepare a joint report showing the net amount to be credited to each tax district in the County of the moneys collected in pursuance of article eleven of the tax law during the three preceding calendar months. The amounts set forth in such report shall be credited according to the location of real property covered by the respective mortgages upon which a tax was collected. Such report shall be made in duplicate in accordance with the rules and regulations of the state tax commission and filed with the clerk of the Board of Supervisors and the state tax commission. The Board of Supervisors, on or before the fifteenth day of February, May and August in each fiscal year following the filing of the reports as aforesaid, shall issue its warrant for the payment to the respective tax districts of seventy-five percent of the amounts so credited in such report, except that where a town contains within its limits an incorporated village, or a portion thereof, the Board of Supervisors shall apportion to the village or villages so much of the seventy, five percent share credited to the town as the assessed value of said village, or portion thereof, bears to twice the total assessed valuation of the town. Such warrant of the Board of Supervisors shall direct payment to the city treasurer of a city within the County of the amount due the city, to the town supervisor, or if such town has a presiding supervisor, then to such presiding supervisor, of the amount due to the town and to the village treasurer of the amount to which the village shall be entitled.
(Amended by L 1995 Ch. 14, in effect March 16, 1995.)

c. On the fifteenth day of November of each fiscal year the said Board of Supervisors shall issue its warrant to the respective tax districts as provided in this section, but such warrant shall be based upon the entire amount, less expenses, collected for such mortgage tax during the preceding year ended September thirtieth. The Board of Supervisors shall then make a final apportionment between the towns find villages

based upon such figures as if one distribution were being made during such tax period and for the purposes of such apportionments shall use the assessment roll then in force. All amounts theretofore paid to the various supervisors and treasurers during the tax period covered by such warrant shall be deducted from the final figures as determined by the Board of Supervisors and the warrant to be issued shall direct payment of the net amount due to the supervisors and to the city and village treasurers in the same manner as heretofore provided in this section. In no event shall the said warrant direct payment for a greater amount than that remaining in the hands of the County Treasurer at the time of the issuance of the warrant.
(Amended by L. 1995 Ch. 14, in effect March 16, 1995.)

d. For purposes of this section the term "tax district" shall mean a town or City within the County of Nassau.
(Added by L. 1962 Ch. 956, in effect October 1, 1962.)

Title B
Collection of Taxes

Article 1 COLLECTION OF TAXES BY TOWN RECEIVER

§ 5-2.0 **Definitions.** As used in this article:

1. The term "tax" when used alone or as a part of another term, includes assessments for benefit other than those assessments for benefit levied pursuant to title 8 of chapter eleven of the code.

2. The term "assessment," unless the context requires otherwise, means an assessment, for benefit levied by the County pursuant to title 8 of chapter eleven of the code.

3. The term "receiver" or "receiver of taxes" means the town or City receiver of taxes.

4. The term "town receiver" or "town receiver of taxes" means the town receiver of taxes.

5. The term "city receiver" or "city receiver of taxes" means the city receiver of taxes.

6. The term "consolidated tax warrant" means the tax warrant delivered pursuant to section six hundred seven of the charter to the town receiver of the taxes for the collection of state, county, town and special district

taxes or to the city receiver for the collection of county and state taxes. Such warrant only for the period October, 1995 through December 31, 1996, may be in two parts to reflect the fact of an extended fiscal year of the County. There shall be one warrant for the period October 31, 1995 through December 31, 1995 and another warrant for January 1, 1996 through December 31, 1996 payable as indicated herein.
(Amended by L. 1995 Ch. 14, in effect March 16, 1995.)

7. The term "consolidated tax warrants," unless the context requires otherwise, means the tax warrants deliverer to the town and city receivers of taxes pursuant to section six hundred seven of the charter except as indicated in the preceding subdivision.
(Amended by L. 1995 Ch. 14, in effect March 16, 1995.)

8. The term "school district" means every school district in the County except those school districts coterminous with the limits of an incorporated city or village.
(Amended by L. 1951 Ch. 741 § 1, in effect April 11, 1951; for construction and transitory effect see § 11 of such chapter.)

9. The term "school district tax warrant" means the warrant delivered to the town receiver pursuant to section 5-11 of the code for the collection of school district taxes.
(Amended by L. 1939 Ch. 845 § 3, in effect June 9, 1939.)

§ 5-3.0 **Definition of tax roll.** Whenever the term "tax roll" is referred to in any general or special law applicable to the County or to the receiver of taxes, it shall mean a copy of that portion of the "county" or "school district assessment roll," as such terms are defined in section 6-1.0 of the code, containing the properties situated in a town or city with a warrant attached to such copy for the collection of taxes in such town or city.
(Amended by L. 1939 Ch. 845 § 3, in effect June 9, 1939.)

§ 5-4.0 **Town receiver of taxes; election; term of office.** The receiver of taxes in each town of the County now in office shall so continue until the expiration of his term. There shall be elected in each town, at the biennial town election held therein in the year nineteen hundred thirty nine, a receiver of taxes who shall hold office for a term of four years from the first day of January, nineteen hundred forty. Thereafter, at each biennial town election preceding the expiration of the term of office of such receiver of taxes, a successor to such officer shall be elected for a full term of four years.
(Amended by L. 1939 Ch. 845 § 4, in effect June 9, 1939.)

§ 5-4.1 **City receiver of taxes; designation.**

a. Each city in the County shall be the agent of the County for the

collection of county and state taxes within the territorial limits of such city. The Commissioner of finance, treasurer or other fiscal officer of such city who collects taxes for such City shall be the city receiver of taxes. The city receiver of taxes shall collect for the County the state and county taxes on real property subject to taxation within such city.

b. Notwithstanding any provision in any other law, the city receiver shall not receive any remuneration from the County nor any fees, charges or commissions on any state or county taxes collected by him pursuant to the code.
(Added by L. 1939 Ch. 845 § 5, in effect June 9, 1939.)

§ 5-5.0 **Receiver; bond and oath required.**

a. The receiver of taxes of each town:

1. Before entering upon the performance of his duties, and within thirty days after the shall have been notified of his election, shall take and subscribe before an officer authorized by law to administer oaths in his county, the constitutional oath of office and such other oath as may be required by law, which shall be administered and certified by the officer taking same without compensation, and within eight days be filed in the office of the County Clerk.

2. Before entering upon the performance of his duties, shall execute and file in the office of the County Clerk an official undertaking, payable to such town and the County, conditioned upon the faithful performance of his duties.

b. The form and amount of such undertaking and the sureties thereon shall be approved by the town board of each town and such town board or the members thereof shall indorse their approval upon such undertaking. The undertaking of the receiver of taxes shall be further conditioned that he will well and truly keep, pay over and account for all moneys and property coming Into his hands as such receiver of taxes, including all school district taxes. Such undertaking shall be in lieu of any other bond or undertaking otherwise required by law in the collection of such school district taxes and the proper accounting therefore, and the trustees or Board of Education, as the case may be, of every school district for which such receiver of taxes shall act as collector shall have and may exercise the same powers and remedies with respect to such undertakings as is given them with respect to the official bond of the collector by the provisions of article nine of the education law or by the provisions of any other law. The town board at any time may require such receiver of taxes to file a new undertaking for such sum and with

such sureties as the Board shall approve. In addition, the town board may require the receiver of taxes to file a depository bond indemnifying the town against any loss arising out of deposits made pursuant to section 5-9.0 of the code. The town board may by resolution determine that such undertaking or bond shall be executed by a surety company authorized to transact business in the State of New York and the expense thereof shall be a charge against the town. The County Clerk shall notify the town board in writing of the expiration of the undertaking filed in his office pursuant to this section at least thirty and not more than sixty days prior to the time of expiration thereof.

c. The filing of such undertaking and oath shall be deemed an acceptance of office by the receiver of taxes. Neglect or omission to take and file such oath, or neglect to take and file within the time required by law such undertaking, shall be deemed a refusal to serve and the office may be filled as in the case of a vacancy.

d. The receiver of taxes of each city before entering upon the performance of his duties shall execute and file an undertaking for the faithful performance of his duties as city receiver Such undertaking shall be payable to such city and the County. The Board of Supervisors shall prescribe the amount, terms, conditions, and manner of execution of the undertaking. The expense of such undertaking shall be a county charge. Such undertaking shall be in addition to any undertaking otherwise required by law of such city receiver in his capacity as collector of city taxes.
(Two former sections each bearing number 5-5.0 consolidated and amended by L. 1943 Ch. 58, in effect March 4, 1943.)

e. Notwithstanding the foregoing provisions of this section, the County Clerk may obtain a position undertaking, renewable on a year-to-year basis for the receiver of taxes of any town or city within the County of Nassau and such undertaking shall comply with the form, sufficiency and filing requirements specified in the foregoing provisions of this section. The cost of such position undertaking shall be a county charge only with respect to the receiver of taxes in any City within the County of Nassau.
(Added by L. 1976 Ch. 360, in effect January 1, 1977.)

§ 5-6.0. **School district or special district funds.** Each town, after the filing of the undertaking of the receiver of taxes, shall be responsible for the payment to each school district or special district in such town, of the amount collected by the receiver of taxes for such school district or special district. For the purposes of this section, the city school district of the City of Long Beach shall be deemed a school district in the Town of Hempstead.
(Amended by L. 1951 Ch. 741 § 2, in effect April 11, 1951.)

§ 5-7.0 **Receiver of taxes to have an office.**

a. The town board of each town shall provide a suitable office for the receiver of taxes with the necessary furniture and fixtures. The receiver of taxes, unless otherwise directed by the town board, shall attend at such office where he is to collect and receive taxes each day of the year except Sundays and holidays, from nine o'clock in the morning until four o'clock in the afternoon, and one-half day each Saturday. However, the receiver of taxes may sit, from time to time, at such other times and places, within the town, as he may be directed by the town board. The expense of maintaining such office shall be a town charge.

b. Each city receiver at the expense of the city, shall maintain an office at such place as the Council of his city shall provide and designate. Such office shall remain open each day in the year from nine o'clock in the morning until four o'clock in the afternoon except on Sundays and legal holidays and except between the hours of twelve and one o'clock. Such office shall also remain open at such other hours as the Council may from time to time direct.
(Amended by L. 1939 Ch. 845 § 7, in effect June 9, 1939.)

§ 5-8.0. **Audit of receiver's accounts.** The town board of each town, the city council of each city or the Comptroller of the County, at any time in its or his discretion, may cause the accounts of the receiver of taxes of such town or city to be audited and the expense thereof shall be a town, city or county charge, as the case may be.
(Amended by L. 1939 Ch. 845 § 8, in effect June 9, 1939.)

§ 5-9.0 **Duties of Receiver of Taxes.**

a. It shall be the duty of the receiver of taxes of each town to collect all state, county, town, school district and special district taxes levied or assessed upon any property subject to taxation within such town for the state, county, town, school or special district or parts thereof in such town.

b. For the purpose of the collection of school district taxes, all the property within the city school district of the city of Long Beach shall be deemed property subject to taxation within the Town of Hempstead.
(Subd. a and b amended by L. 1951 Ch. 741 § 3, in effect April 11, 1951.)

c. It shall be the duty of the receiver of taxes of each city or town to:

1. Deposit such taxes daily in such bank or banks as the town board or city council, as the case may be, may designate for such purpose, to

remain therein for the time before payment as prescribed in his warrant at such rate of interest as banks pay on such deposits, which interest shall be paid to the supervisor of the town for general town purposes or into the treasury of the city for general City purposes, upon the date for the return of unpaid taxes.

2. Perform all other duties required of the town collectors or receivers of taxes under the tax law.

d. The town receiver of taxes of each town, with the approval of the town board, may appoint, and at pleasure remove, such clerks as may be necessary to assist him in the performance of his duties. Such clerk shall receive such pay or salaries as the Town Board may prescribe.

e. The receiver of taxes of each city may appoint, and at pleasure remove, such clerks as may be necessary to assist him in the performance of his duties. If, under the charter of such city or any other law, the city receiver, in his capacity as the treasurer or county finance or fiscal officer of the city for the collection of city taxes, appoints his subordinates subject to the approval of the mayor, city council or other appointing body or officer, such clerks shall be likewise appointed and removed subject to the approval of such appointing body or officer.
(Amended by L. 1939 Ch. 845 § 9, in effect June 9, 1939.)

§ 5-10.0 **Assessment roll and town receiver's warrant.**

a. The consolidated tax warrant, delivered to the town receiver of taxes pursuant to section six hundred seven of the charter, shall command the receiver of taxes of each town to whom the same shall be directed, to collect from the several persons and on the properties named and described in the assessment roll, the several sums mentioned therein for state, county, town and special district purposes, including penalties assessed pursuant to §6-30.0 of the Nassau County Administrative Code, unpaid water charges and assessments for the construction and repair of sidewalks shown in the statements transmitted by the supervisors of the towns to respective names of properties. Such warrant also shall command him to pay over from time to time until the return of unpaid taxes to the County Treasurer as required by section 5.23.0 of the code all moneys so collected appearing on such roll as follows:
(Amended by Local Law No. 8-2013, in effect December 27, 2013)

1. To the supervisor of the town, an amount equal to the total of one-half such sum as shall have been levied for the support of the highways and bridges therein, one-half such sum as shall have been levied

therein for special district purposes, all unpaid water charges and assessments for the construction and repair of sidewalks levied for such town, and one-half of all the moneys levied therein to defray any other town expenses or charges.

2. To the treasurer of the County, one-half of the sum levied for state and county purposes.

3. After the foregoing payments and installments are made the receiver of taxes shall pay to the supervisor the remaining one-half of taxes levied for all town and special district purposes and thereafter the residue of taxes collected for county and state purposes shall be paid to the County Treasurer.
(Subd. a amended by L. 1944 Ch. 174; L. 1958 Ch. 516; par, 2 of subd. a. amend., by L. 1960 Ch. 813, in effect April 25, 1960; Amended by Local Law No. 8-2013, in effect December 27, 2013.)

b. The receiver of taxes shall pay to the respective fiscal authorities either the full amount of the taxes levied or the first installment due within thirty days after the taxes become a lien pursuant to section 5-15.0 of the code or, if he has not sufficient funds on hand for this purpose, he shall on Monday of each week after the expiration of such thirty days pay to such fiscal authorities in the order provided in this section such sums as he receives from time to time from the collection of such taxes.

c. If it shall be required by law that the taxes levied for any locality for a special purpose are to be paid to any person or officer other than such person or officer named in this section the warrant shall be varied so as to conform to such direction.

§ 5-10.1 **Assessment roll and city receiver's warrant.** The consolidated tax warrant delivered to the city receiver of taxes pursuant to section six hundred seven of the charter, shall command the receiver of taxes of each city to whom the same shall be directed:

1. To collect from the several persons and on the properties named and described in the assessment roll, the several sums mentioned therein for state and county taxes, including penalties assessed pursuant to §6-30.0 of the Nassau County Administrative Code.
(Amended by Local Law No. 8-2013, in effect December 27, 2013)

2. To pay over to the County Treasurer on the fifteenth day of each month all county and state taxes, including penalties assessed pursuant to §6-30.0 of the Nassau County Administrative Code, that he has collected prior to the first day of that month.

(Added by L. 1939 Ch. 845 § 11, in effect June 9, 1939. Amended by Local Law No. 8-2013, in effect December 27, 2013)

§ 5-11.0 **School district assessment roll and receiver's warrant.**

a. On or before the fourth Monday of September in each year there shall be delivered to each town receiver of taxes a copy of that portion of the school district assessment roll which contains the properties situated in the town of which he or she is receiver, together with a warrant for the collection of such taxes which warrant shall be annexed by the clerk of the Board of Supervisors to such copy at the end thereof. The town receivers of taxes shall attend at the meeting of the Board of Supervisors at which the taxes are levied pursuant to section 6-22.0 of the code to receive the warrants so annexed. The warrant shall be sealed with the seal of the County and shall be signed by the County Executive, or in his or her absence or inability to act, by the vice-chairman of the Board of Supervisors and by the clerk of the Board of Supervisors. The warrant shall command the receiver of taxes of each town to whom the same shall be directed to collect from the several persons and on the properties named and described in such school district assessment roll, the sum set opposite the respective names or properties. The warrant also shall command the town receiver of taxes to pay over:

   1. To the treasurer or fiscal officer of each school district on the first day of the month or, in such receiver's discretion, at more frequent intervals until the first day of June in the year following the year in which the warrant was Issued, all moneys collected by the receiver of taxes for each school district on such roll.

   2. To the County Treasurer, after the first day of June in the year following the year In which the warrant was issued, all moneys collected by the receiver of taxes for each school district on such roll.
   (Amended by L. 1951 Ch. 741, § 4 L. 1953 Ch. 828. § 1 in effect April 18, 1953; L. 1980 Ch. 586, in effect June 26, 1980; subd. a amended by L. 1995, Ch. 561, in effect August 8, 1995 in order to prepare to commence the special fiscal period on October 1, 1995 to conclude on December 31, 1996.)

b. For the purpose of this section all property located in the city school district of the City of Long Beach shall be deemed property situated in the Town of Hempstead.
(Amended by L. 1951 Ch. 741 in effect April 11, 1951.)

§ 5-12.0 **Advertising of collection of taxes.**

a. Within seven days after the receipt of the consolidated tax warrant or any authorized part thereof from the Board of Supervisors, the receiver of

taxes shall advertise the collection of such taxes by causing notice of the reception of such warrant to be published once in such newspaper or newspapers, as the town board or city council, as the case may be, may direct. Such notice shall also contain a statement of the penalties for deferred payment of the taxes as provided in section 5-11.0 of the code. The cost of publishing such notice shall be a town or city charge as the case may be.
(Amended by L. 1995 Ch. 14, in effect March 16, 1995.)

b. Upon receipt of the school district tax warrant, the town receiver of taxes shall forthwith advertise the collection of school district taxes in the manner provided by subdivision a of this section.
(Amended by L. 1939 Ch. 845. § 13; L. 1954. Ch. 581, in effect April 8, 1954.)

§ 5-13.0 **Notice of collection of taxes.**

a. Any person or corporation, who is the owner of or in whose name any interest in real property within any town or city is assessed for value may file with the receiver of taxes of such town or city a notice containing a description of such real property with its number or other designation on the tax map as it has been completed, and in the case of a person, his name, residence and post-office address, or in the case of a corporation, the name of such corporation and the post-office address of its principal office. Such notice shall be valid and continue in effect until cancelled by such person or corporation.

b. For the purpose of filing such notice with respect to school district taxes of the city school district of the City of Long Beach, all the property located in such school district shall be deemed property within the Town of Hempstead.

c. Such receiver of taxes, within ten days after receiving any consolidated tax warrant or school district tax warrant, shall mail to each person or corporation filing such notice at the post office address therein stated, a duplicate tax bill for all such taxes upon such real property Included In such warrant. The receiver of taxes shall add to the amount of such taxes the sum of ten cents for each such duplicate tax bill for the expense of stationery and postage, which sum shall be collected with such taxes. The failure of such receiver of taxes to mail such duplicate bill shall not invalidate such taxes or prevent the accrual of any interest or penalty imposed for the nonpayment of taxes, or prevent the sale of tax liens on such property for the nonpayment of taxes. No further notice than that herein required shall be deemed necessary. However, the town board or the city council, as the case may be, may direct the receiver of taxes to mail to each taxpayer in such town or city whose

address is known to such receiver a tax bill for all taxes, the expense thereof to be a town or city charge, as the case may be.

d. The receiver of taxes shall not be liable for any omission or error in any tax bill delivered or mailed to any person or corporation pursuant to this section.
(Subd. a and former b amended by L. 1939 Ch. 845, in effect June 9, 1938; new b added and band c relettered to be c and d by L. 1951 Ch. 141, in effect April 11, 1951; former subd. c and d by L. 1943 Ch. 45, in effect July 1, 1943)

§ 5-14.0 **Bill of taxes to show arrears.** There shall be a ruled column for arrears in every tax bill rendered for taxes on real property on which arrears may be due, or may have been sold and are still redeemable. In such tax bill there shall be written opposite the entry of the description of any such lot or parcel of land the word "arrears." The word "arrears" on the tax bill may indicate that the tax lien has been sold, or is to be sold for tax arrears. The failure to insert in such column the word "arrears" in a proper case shall not:

1. Give rise to a presumption that there are no arrears and shall not Invalidate any tax or stop the County from enforcing the same by sale or otherwise, as provided by law.

2. Cause the receiver of taxes to be personally liable at the suit of a person who may claim to have suffered damage by reason of the failure to make such insertion.
(Amended by L. 1939 Ch. 703 § 1, in effect June 5, 1939.)

§ 5-15.0 **Taxes, except school district taxes; when due and payable.**

a.

1. In any fiscal year for which the County budget shall have been finally adopted by September 15, 1995 for the extended 1996 fiscal year and as of the preceding October 30 for ensuing fiscal years, one-half of all taxes upon real estate. Except school district taxes, shall be due and payable on the first day of January, and the remaining and final one-half at such taxes on real estate shall be due and payable on the first day of July, and one-half of all school district taxes shall be due and payable on the first day at October, and the remaining and final one-half of such taxes shall be due and payable on the first day of April. Payment of county taxes for the period October 1, 1995 through December 31, 1995 shall be due November 10, 1995, payable December 10, 1995.

2. Beginning in the 1997 fiscal year and all fiscal years thereafter, for the County and county special district real property taxes in any fiscal

year for which county budget shall not have been finally adopted by the preceding October 30, the amount due and payable on the first day of January shall be equal to fifty percent of the amount extended by the Board at Assessors upon the levy at exigency tax. The amount due and payable on the first day of July shall be as follows: (1) if a budget has been adopted on or before July 1, the amount extended by the Board at Assessors shall be equal to the sum of fifty percent of the amount extended by the Board of Assessors upon the levy of the exigency tax and the amount extended by the Board of Assessors upon the levy of the residual tax; or (2) in the event the budget has not been adopted prior to July 1, the amount extended by the Board of Assessors shall be equal to fifty percent of the amount extended by the Board at Assessors upon the levy of the exigency tax. For the purposes of this section, the terms "exigency tax" and "residual tax" shall be defined as provided in section 306 of the County Government Law of Nassau County (Nassau County Charter).

2-a. Any exigency tax for the extended period October 1, 1995 through December 31, 1996 shall be calculated by multiplying the amount extended by the Board of Assessors for the nine (9) month 1995 fiscal year budget by one hundred sixty-six and seven-tenths percent. For the extended fiscal year October 1, 1995 through December 31, 1996, if the budget shall not have been finally adopted by September 15, 1995 then the County and county special district property taxes in said extended year shall be based for the period October 1, 1995 through December 31, 1995 upon thirty-three and one-third percent of the exigency tax so calculated and for January 1, 1996 through December 31, 1996, one-hundred thirty-three and one-third percent of the amount of the exigency tax so calculated.

3. All such taxes shall be and become liens on the real estate affected thereby and shall be construed and deemed to be charged thereon on the respective days when they become due and payable and shall remain such liens until paid.

b. In any fiscal year for which the County budget shall have been finally adopted by September 15, 1995 for the extended October 1, 1995 through December 31, 1996 fiscal year and as of the preceding October 30 for any ensuing fiscal year, the second half of such tax on real estate which is due on the first day of July as provided in paragraph 1 of subdivision a of this section, may be paid on the first day of January, the date when the first half becomes due and payable, or at any time thereafter. The second half may be thus paid if the first half shall have been paid or shall be paid at the same time. A discount of one per centum shall be allowed on those payments of the second half which are

made on or before February tenth. Such discounts shall be a town or city charge as the case may be. For purposes of the extended tax year, October 31, 1995 through December 31, 1996, payments made in January and July will be considered first and second half payments for the purpose of this section only.

c. In the event such discounts allowed by a city receiver on the state and county taxes of a given taxable year shall exceed fifty per centum of the amount of penalties and interest collected by such city receiver on the state and county taxes of such taxable year during the time he has had in his possession the consolidated tax warrant for such taxable year and the portion of the assessment roll annexed thereto containing the real property within such city, the County shall reimburse such city for such excess of such discounts.

e[7]. For the nine month fiscal year commencing on January 1, 1995 and ending on September 30, 1995, one-half of all town and town special district taxes upon real estate shall be due and payable on the first day of January, and the remaining and final one-half of such town and town special district taxes on real estate shall be due and payable on the first day of July. Two-thirds of all county and county special district taxes upon real estate (six months taxes) shall be due and payable on the first day of January, and the remaining and final one third of such taxes (three months taxes) shall be due and payable on the first day of July.
(Subd. a. amended by L 1992 Ch. 717 §17, in effect July 31, 1992; subd. b. amended by L. 1943 Ch. 182 Sec. 1, in effect March 30, 1943; L. 1992 Ch. 717 §17, in effect July 31, 1992: subd. c. added by L. 1939 Ch. 845 §5, in effect June 9, 1939: subd. c repealed and subd. d re-lettered by L. 1995 Ch. 14; subd. e added by Local Law No. 1-1995, in effect January 1, 1995: subd. a, b and c amended; subd. 2-a added by L. 1995 Ch. 14, in effect March 16, 1995: subd. 2 and 2-a amended by L. 1995 Ch. 561, in effect August 8, 1995.)

§ 5-16.0 **School district taxes; when due and payable.**

a. One-half of all school taxes upon real estate shall be due and payable on the first day of October and the remaining and final one-half of such taxes on real estate shall be due and payable on the first day of the following April. All such taxes shall be and become liens on the real estate affected thereby and shall be construed and deemed to be charged thereon on the respective days when they become due and payable and shall remain such liens until paid.

b. The second half of such tax on real estate which is due on the first day of April as provided in subdivision a of this section, may be paid on the first day of October, the date when the first half becomes due and payable, or

[7] So in original; probably should read d.

at any time thereafter. The second half may be thus paid if the first half shall have been paid or shall be paid at the same time. A discount of one per centum shall be allowed on those payments of the second half which are made on or before November tenth. Such discounts shall be a town charge.
(Subd. b amended by L. 1943 Ch. 182 § 2, in effect March 30 , 1943; subd. a & b amended by L. 1995, Ch. 14, in effect March 16, 1995)

§ 5-17.0 **Penalties and interest for nonpayment of taxes other than school district taxes.** The following scale of penalties is hereby prescribed for neglect to pay the state, county, town and special district taxes after the levy thereof:

1. Penalties on taxes due January first; if paid on or before February tenth, no interest or penalty; if paid on or before August thirty-first, no penalty; if paid after February tenth, interest shall be added at the rate of one per centum per month to be calculated from the day on which such taxes or part thereof became due and payable as provided by section 5-15.0 of the code, to the first day of the month following the date of payment or time of sale of such unpaid taxes as provided by Section 5-39.0 of the code. Such interest shall be charged on the full amount of such taxes and any penalty. Such interest shall be compounded on the first day of each month, beginning on the first day of September. If taxes are paid after August thirty-first, there shall be added a penalty fee of six per centum.
(Amended by Local Law No. 10-2016 in effect January 1, 2017.)

2. Penalties on taxes due July first, if paid on or before August tenth, no interest penalty; if paid on or before August thirty-first, no penalty; if paid after August tenth, interest shall be added at the rate of one per centum per month to be calculated from the day on which such taxes or part thereof became due and payable as provided by section 5-15.0 the code, to the first day of the month following the date of payment or time of sale of such unpaid taxes as provided by section 5-39.0 of the code. Such interest shall be charged on the full amount of such taxes and any penalty. Such interest shall be compounded on the first day of each month, beginning on the first day of September. If taxes are paid after August thirty-first, there shall be added a penalty fee of six per centum.
(Amended by Local Law No. 10-2016 in effect January 1, 2017.)

3. Whenever the last day to pay taxes without interest or penalties, as hereinbefore provided, falls on Sunday or legal holiday, such taxes may be paid without interest or penalties, as the case may be, upon the next business day.
(Subd. 3. repealed by L. 1995 Ch. 14, in effect March 16, 1995; amended by Local Law 10-2000, in effect March 24, 2000; amended by Local Law 12-2000, repealing Local Law No. 10-2000, in effect May 10, 2000.)

§ 5-18.0 **Penalties and interest for nonpayment of school district taxes.** The following scale of penalties is hereby prescribed for neglect to pay school district taxes after the levy thereof:

1. Penalties on taxes due October first: if paid on or before November tenth of the current year, no interest or penalty; if paid on or before May thirty-first of the following year, no penalty; if paid after November tenth of the current year, interest shall be added at the rate of one per centum per month to be calculated from the day on which such taxes or part thereof became due and payable as provided by section 5-16.0 of the code, to the first day of the month following the date of payment or time of sale of such unpaid taxes as provided by section 5-39.0 of the code. Such interest shall be charged on the full amount of such taxes and any penalty. Such interest shall be compounded on the first day of each month, beginning on the first day of June of the following year. If taxes are paid after May thirty-first of the following year, there shall be added a penalty fee of six per centum.
   (Amended by Local Law No. 10-2016 in effect January 1, 2017.)

2. Penalties on taxes due April first: if paid on or before May tenth, no interest or penalty; if paid on or before May thirty-first, no penalty; if paid after May tenth, interest shall be added at the rate of one per centum per month to be calculated from the day on which such taxes or part thereof became due and payable as provided by section 5-16.0 of the code, to the first day of the month following the date of payment or time of sale of such unpaid taxes as provided by section 5-39.0 of the code. Such interest shall be charged on the full amount of such taxes and any penalty. Such interest shall be compounded on the first day of each month, beginning on the first day of June. If taxes are paid after May thirty-first, there shall be added a penalty fee of six per centum.
   (Amended by Local Law No. 10-2016 in effect January 1, 2017.)

3. Whenever the last day to pay taxes without interest or penalties, as hereinbefore provided, falls on Sunday or legal holiday, such taxes may be paid without interest or penalties, as the case may be, upon the next business day.
   (Subd. 3 added by L. 1941 Ch. 193 §2, in effect March 28, 1941; Subd. 1, 2 & 3 amended by L. 1995 Ch. 14, in effect January 1, 1995, pursuant to L, 1995 Ch. 561 §3; amended by Local Law No. 10-2000, in effect March 24, 2000; amended by Local Law No. 12-2000 and repealing Local Law No. 10-2000, in effect May 10, 2000.)

§ 5-19.0 **Receipt for taxes.**

a. Every receiver of taxes shall deliver a receipt to each person paying any state, town or special district tax, specifying:

1. The date of such payment.

2. The name of such person.

3. A description of the property as shown on the County assessment roll.

4. The assessed valuation of such property.
(Subd. a amended by L. 1939 Ch. 845 §6, in effect June 9, 1939.)

b. In the case of any special franchise tax, the receipt shall also specify:

1. The amount thereof.

2. The name of the person to whom the same is assessed.

3. The amount of such tax.

4. The date of the delivery to the receiver of taxes of the assessment roll on account of which such tax is paid.

c. The receiver of taxes shall furnish with each such receipt, or at any time upon request, a summary of the general tax rates and the rate for each district for which such taxes are separately raised The town board shall prescribe the form of receipts to be issued by the town receiver. Such receipts shall be furnished to the town receiver by the town at the expense of the town. The County Treasurer shall prescribe the form of receipts to be issued by the City receiver. Such receipts shall be furnished to the city receiver of taxes by the city at the expense of the city.
(Subd. c amended L. 1944 Ch. 305, in effect September 1, 1944)

d. So far as practicable, the provisions of this section shall apply to receipts for school district taxes.

§ 5-20.0 **Disposition of penalties and interest.** Penalties and interest which have been collected by the receiver shall be disposed of as follows:

1. The town receiver shall pay such penalties and interest to the supervisor of the town to be applicable to general town purposes.

2. The city receiver shall pay such penalties and interest into the city treasury to be applicable to general city purposes.
(New § 5-20.0 added and former § 5-20.0 as amended by L. 1939 Ch. 845, repealed, by L. 1944 Ch. 711, in effect January 1, 1945.)

§ 5-21.0 **Payment by receiver.** Every receiver of taxes, in the same manner as required under section eighty-four of the tax law, shall pay to the officers and persons specified in the consolidated tax warrant or in the school district tax warrant, as the case may be, the sums required in such warrant to be paid to such officers and persons. Such payment shall be made at the time prescribed in his warrants.
(Amended by L. 1939 Ch. 845 §8, in effect June, 9, 1939: L 1995 Ch. 14, in effect March 16, 1995.)

§ 5-22.0 **Certification of unpaid school district taxes.**
(Repealed by L 1942 Ch. 144, in effect March 20, 1942)

§ 5-23.0 **Return, by receivers of taxes.**

a. The town receiver of taxes, and the City receiver of taxes shall make his return of unpaid taxes, excepting school district taxes, to the County Treasurer on or before the first day of September of the calendar year following the delivery to him of his warrant. The town receiver of taxes shall make his return of unpaid school district taxes to the County Treasurer on or before the first day of June of the calendar year following the delivery to him of his warrant.
(Amended by L. 1944 Ch. 717, in effect January 1 1945 L. 1995 Ch. 14, in effect March 16, 1995.)

b. When the receiver of taxes makes such returns, he shall forward to the County Treasurer the copies of those portions of the County assessment roll and the school district assessment roll containing the properties in the town or city of which he is receiver. Such returns shall be made in the manner provided by section eighty-two of the tax law, except that such receiver shall not add the five per centum penalty as provided by such section and he shall not be required to state in his return the reason for not collecting any tax.
(Amended by L. 1942 Ch. 404, in effect April 11, 1942.)

c. For the County tax for the period October 1, 1995 through December 31, 1996, the town receivers of taxes and the city receivers of taxes shall make their returns of unpaid taxes to the County Treasurer on January 2, 1996. Said returns shall be identified, by the various receivers on January 2, 1996 as "First Portion 1996 County Tax Returns for Period October 1, 1995 through December 31, 1995."

d. For county taxes returned to the County Treasurer by said receivers on January 2, 1996 for the period October 1, 1995 through December 31, 1995, only the County Treasurer shall be allowed to collect unpaid county taxes for the period from January 2, 1996 through August 31, 1996, otherwise in accordance with law together with any appropriate fees or interest thereon.

e. Any unpaid county tax for the period October 1, 1995 through December 31, 1995 will not be merged or added as subsequent taxes with any previously unpaid taxes until September 1, 1996 when unpaid county tax for said paned will merge with or be added as subsequent unpaid taxes as applicable.

f. After August 31, 1996, all unpaid county taxes for the period October 1,

1995 to December 31, 1995 are merged into the remaining unpaid 1996 general tax.
(Subd. c. d. e. &. f added by Local Law No. 1-1998, in effect January 2, 1998.)

§ 5-23.1 **Record of tax arrears to be kept by receiver.** The receiver of taxes shall keep a record of all taxes returned to the County Treasurer as unpaid. For the purpose of maintaining an accurate record of arrears of taxes, the receiver shall enter in such record information furnished to him by the County Treasurer pursuant to section 5-30.0 of the code.
(Added by L. 1940 Ch. 222 § 2, in effect March 21, 1940.)

Article 2 ENFORCEMENT OF COLLECTION OF TAXES BY COUNTY TREASURER

§ 5-24.0 **Definitions.**

1. The term "receiver" or "receiver of taxes" means the town or city receiver of taxes.

2. The term "tax" when used alone or as a part of another term, unless the context requires otherwise, includes taxes and assessments for benefit levied by or for school or special districts, towns the County or the State, other than those assessments for benefit levied pursuant to title 8 of chapter eleven of the code.

3. The term "assessment" or "assessment for benefit" unless the context requires otherwise, means an assessment for benefit levied by the County pursuant to title 8 of chapter eleven of the code.

4. The term “tax lien” includes:

   (a) The right of the County to collect taxes, penalties, interest and other charges on the real property affected by such taxes for failure to pay such taxes, and

   (b) The right of the County to assess penalties, and interest thereon pursuant to §6-30.0 of the Nassau County Administrative Code; and

   (c) The lien against such real property for all the aforementioned items.
   (Amended by Local Law No. 8-2013, in effect December 27, 2013)

5. The term "sale of taxes" or "sale of a tax lien" means the sale by the County of a lien on real property as defined in subdivision 4 (c) of this section.
   (Amended by Local Law No. 8-2013, in effect December 27, 2013)

6. The term 'certificate of sale" or "certificate of sale of a tax lien" means the instrument by which the County transfers a tax lien.

7. The term "holder", "holder of a tax lien" or "holder of a certificate of sale of a tax lien" means the purchaser of a tax lien or if the purchaser has transferred the certificate of sale, a person in lawful possession of such certificate of sale who claims title through the purchaser of such certificate of sale. The term "person" as used in this definition includes the County.

8. The term "actual residence" shall mean the principal dwelling place of the individual owner In fee of record of a lot or parcel classified as class one and the principal dwelling place of the individual owner of record of a condominium classified as class two, pursuant to section 802 of the Real Property Tax Law of the State of New York.
(Amended by Local Law No. 21-1990, in effect November 26, 1990.)

9. The term "person" shall mean any natural person, receiver, trustee, conservator, referee or any other individual acting in a fiduciary or representative capacity, whether appointed by a court or otherwise or any combination of such individuals.
(Subd. 1 added and the Subdivision renumbered by L. 1939 Ch. 845 § 21, in effect June 9, 1939. Subdivisions 5, 6 and 7 amended by Local Law No. 1-1984, in effect January 4, 1984; Subdivisions 8 and 9 added by Local Law No. 13-1986, in effect November 17, 1986.)

§ 5-25.0 **Delinquent tax collection.** (a) In accordance with § 6 of Chapter 602 of the Laws of 1993 which authorize the continuation of the collection of taxes In accordance with delinquent tax collection in effect in a county on January 1, 1993 pursuant to an administrative code and authorizes in such instance, the continued collection of such delinquent taxes pursuant to said code, the County of Nassau shall continue to enforce the collection of delinquent taxes pursuant to, and in the manner provided in said code as the same, from time to time, may be amended. (b) Pursuant to said section 6 of Chapter 602 of the Laws of 1993, Article 11 of the Real Property Tax Law of the State of New York, as amended, shall have no application to the County of Nassau delinquent tax collection.
(Repealed by L. 1939, Ch. 704 § 2, in effect June 5, 1939; New § 5-25.0 added by Local Law No. 1-1994, in effect February 15, 1994.)

§ 5-26.0 **Bill, of arrears of taxes, and assessments**

a. .The County Treasurer, upon the requisition of the owner, the proposed vendee under a contract of sale, a mortgagee, any person having a vested or contingent interest in any real property, or the duly authorized agent of any of the aforementioned persons, shall furnish a bill of all arrears of

taxes, penalties and assessments. Such bill shall be called a bill of arrears of taxes, penalties and assessments. Such bill shall contain a statement of the taxes, penalties assessments pursuant to §6.30.0 of the Nassau County Administrative Code and assessments which appear on the records of the County Treasurer. Such bill of arrears shall not contain village or City taxes and assessments for benefit. Upon the payment of such bill, the receipt of the County Treasurer thereon shall be conclusive evidence of such payment. The County Treasurer shall cause to be kept a duplicate account of amounts so collected.
(Amended by Local Law No. 8-2013, in effect December 27, 2013.)

b. The certificate of the County Treasurer that there are no tax liens on such real property for such taxes and assessments shall forever free such real property from all liens of taxes and assessments which appear or which should appear, pursuant to law, on the records of the County Treasurer, but shall not free such real property from the lien of any county tax lien duly sold, or from the lien of any City or village tax and assessments for benefit.

c. Such bills of arrears of taxes and assessments shall include fees for searches made by the County Treasurer in his office pursuant to such request. The County Treasurer shall also charge fees for issuing certificates relating to real property on which there may be no arrears when the searches are required. Such fees shall be regulated by the Board of Supervisors and shall be paid into the County treasury.
(Amended by L. 1939 Ch. 704 § 4, in effect June 5, 1939.)

§ 5-26.1 **Errors in tax bill; County Treasurer not liable.** The County Treasurer shall not be liable for any omission or error in any tax bill or statement *of* arrears of taxes and assessments which is not issued upon a requisition therefore duly made pursuant to section 5-26.0 of the code.
(Added by L. 1939 Ch. 704 § 4, in effect June 5, 1939).

§ 5-26.2 **Partial payments on payments in lieu of taxes.** Notwithstanding any other provision of this code, with respect to payments in lieu of taxes that appear on a tax roll, the County Treasurer is authorized to accept amounts tendered of at least one million dollars, without prejudice to any rights of the County to enforce collection of any unpaid balance. After any partial payment has been made pursuant to this section, interest and penalties shall be charged against the unpaid balance only. Any partial payment made under this section shall not be construed as a waiver of any fee, as determined by the County Legislature, to offset administrative and associated expenses incurred by the County in connection with the collection of late or delinquent payments on such terms and conditions and for such period of time as may be prescribed by the County Legislature. The Treasurer's authority to accept partial payments pursuant to this section shall expire on December 31, 2015.

(Added by Local Law No. 6-2015, in effect October 5, 2015).

§ 5-27.0 **Payment by County Treasurer to school districts.**

a. On or before the fifteenth day of June, the County Treasurer shall pay over to the fiscal officers of each school district an amount of money equal to:

    1. The taxes which have remained unpaid from the last preceding school tax levy in his school district on the first day of June next succeeding the levy of the taxes, less

    2. Any sums deductible under section 6-26.0 of the code.
    (Subd. amended by L 1942 Ch. 834, in effect May 14, 1942.)

b. Such payment shall be made by the County Treasurer out of any moneys which he may have available therefore, whether from the collection of school district taxes or from the moneys raised for uncollected school district taxes, or in the event there be no such moneys available, the County may borrow moneys therefore pursuant to the local finance law.
(Amended by L. 1945 Ch. 392 § 1, in effect April 2, 1945.)

§ 5-28.0 **Power of board of education to borrow not to be affected.** Nothing contained in this article shall prevent the Boards of education or trustees *of* school districts from borrowing money in anticipation *of* taxes or on account of unpaid taxes as authorized by law.

§ 5-29.0 **School district taxes; when deemed received by the County.**

a. School taxes shall only be deemed to have been collected and received by the County:

    1. When the cash for such taxes has been paid to the County:

    2. If such tax liens have been sold, when the proceeds of such sale have been paid to and received by the County Treasurer; or

    3. In those cases in which the County itself has acquired title to the property affected by such tax liens as a result of having been compelled to purchase such tax liens, when the County has received cash from the proceeds of the sale of such property in an amount equal to the amount of the tax.
    (Subd. b. Repealed by L. 1943 Ch. 712 § 3, as last amended by L. 1945 Ch. 339, in effect September, 1945.)

§ 5-30.0 **County Treasurer to furnish receivers with information**

concerning arrears. The County Treasurer shall furnish to each receiver.

1. A record of every payment made to the County Treasurer of arrears of taxes on real property situated within the City or town of which he is receiver. Such record shall specify by reference to the return of the receiver the real property and the arrears thereon so paid and the date of payment thereof.
(Subd. amended by L.1943 Ch. 38 § 1, in effect February 27, 1943.)

2. Records of cancellations of certificates of sale of tax liens on real property situated in such city or town.

3. Records of deeds given by the County Treasurer pursuant to section 5-53.0 of the code holders of tax liens on real property situated In such city or town

4. Records of resolutions of the Board of Supervisors canceling taxes on real property situated in such city or town.
(Amended by L. 1940 Ch. 222, in effect March 21.1940.)

§ 5-31.0 **Bureau of arrears.**

a. The bureau of arrears in the department of the County Treasurer is hereby abolished and all of the functions, powers and duties of such bureau shall be continued by the County Treasurer. The sums heretofore determined by the County Treasurer to be due in connection with the collection of arrears of taxes shall be a charge upon each parcel or lot of land affected by such arrears of taxes returned to the County Treasurer on or before the first day of September, nineteen hundred forty-five as provided by this section before the effective date of this act but shall not bear any interest.

b. Any surplus heretofore accrued or which, from time to time, may accrue, in connection with the collection of arrears of taxes, shall be paid into the County treasury.
(Amended by L. 1948 Ch. 821, in effect October 31, 1948.)

c. All employees of the bureau of arrears holding positions on a permanent basis shall be continued in such positions in the department of County Treasurer without further examination or qualification and they shall retain their respective civil service classification and status in respect to grade, pension, promotion, rank, salary and seniority.
(Section amended and subd. c. added by L. 1948 Ch. 821, in effect December 31, 1948.)

§ 5-32.0 **Actions to recover unpaid taxes.**

a. After the lapse of thirty days from the return of the receiver of taxes as provided by section 5-23.0 of the code, an action may be maintained by the County Treasurer, as upon contract, to recover the amount of an unpaid tax, penalties, and interest thereon, together with five per centum thereof, and interest from the time of such return at the rate of ten per centum per annum. A judgment in such action for any amount, when docketed in the office of the County Clerk, shall be a lien upon the real property of the defendant, and such lien shall have the same priority as the taxes upon which a recovery was had in such action. An execution upon the judgment may be issued and enforced against the real property of the defendant regardless of the amount of such judgment. Supplementary proceedings may also be taken for such tax in accordance with the provisions of the tax law, regardless of the amount of such judgment. The amount collected by any such action or proceeding shall be used and applied by the County Treasurer in the same manner as if the same had been collected by the sale of the tax lien under the provisions of this article.
(Subd. a amended by L. 1939 Ch. 845 § 4, in effect June, 9, 1939.)

b. The warrant delivered to the receiver of taxes shall be presumptive evidence that all previous proceedings including the assessing and levying of a tax, were regular and according to law. A judgment in such action in favor of the County Treasurer shall not release or in any manner affect the lien of any tax until satisfied. Nothing in such action shall be construed or held to repeal or abridge any other remedy or power given to the County for the collection of taxes on behalf of the County.

§ 5-33.0 **Collection of taxes by sale of tax liens.**

a. The collection of every tax upon real estate and penalties assessed pursuant to §6-30.0 of this code, including a school district tax returned by the receivers of taxes as unpaid, with the interest and additions thereon, shall be enforced by a sale of the tax lien thereof unless the County Treasurer shall have brought an action pursuant to section 5-32.0 of this code. In such event, the County Treasurer nevertheless may sell the tax lien.
(Subd. a amended by Local Law No. 1-1965, in effect January 7, 1965; Local Law No. 11-1971, in effect October 27, 1971; L. 1995 Ch. 14, in effect March 16, 1996; amended by Local Law No. 8-2013, in effect December 27, 2013; amended by Local Law No. 11-2016 in effect November 23, 2016.)

b. The sale of tax liens for the collection of taxes shall be done either in person at an auction which takes place at a public building and/or through an online auction as described in §5-47.0 of this code. The County Treasurer shall have the sole discretion to choose which method

of tax liens sales to implement for each lien.
(Added by Local Law No. 11-2016 in effect November 23, 2016.)

c. The County Treasurer may, in his discretion, sell the tax liens by first using an online auction and then selling any and all remaining unsold tax liens at an in person auction.
(Added by Local Law No. 11-2016 in effect November 23, 2016.)

d. The sale of tax liens shall commence on a day designated by the County Treasurer in the year following the year for which the tax lien was obtained and shall continue until all tax liens are sold and the County Treasurer declares the sale completed.
(Added by Local Law No. 11-2016 in effect November 23, 2016.)

e. The County Treasurer shall include in the sale of the tax lien the unpaid school district taxes and the unpaid state, county, town and special district taxes. The County Treasurer shall designate in separate items the amounts of unpaid school district taxes.
(Amended by L. 1944 Ch. 718, in effect January 1, 1945: L. 1995 Ch. 14, in effect March 16, 1995; subd "b" renumbered "e" and amended by Local Law No. 11-2016 in effect November 23, 2016.)

§ 5-34.0 **Collection of assessments by sale of the lien.**

a. The County Treasurer may enforce the collection of assessments for benefit by the sale of the lien of any such assessment for benefit or installment thereof which has remained unpaid for nine months from the time such assessment or installment became a lien. All the provisions of law relating to the collection of delinquent taxes by sale shall be applicable, as far as practicable, to the sale of delinquent assessments in so far as such provisions are not inconsistent with the provisions of title B of chapter eleven of the code.
(Subd. a amended by 1944 Ch. 718, in effect January 1, 1945.)

b. All the moneys collected upon an assessment for benefit, pursuant to this article, shall be deposited by the County Treasurer to the credit of the appropriate improvement fund.

§ 5-35.0 **Using of real estate for tax sale: additional charges**

a. Immediately after the tax sale has been completed the County Treasurer shall list in the books prepared for that purpose all the real estate on which tax liens have been sold. These books shall be called sales books and shall contain:

1. An accurate description of each parcel of real estate upon which taxes

have been returned as unpaid.

2. The amount of such taxes.

3. The interest charges on such taxes up to the date of sale.

4. The name of the owner or occupant of or party in interest in each piece of real estate either as it appears on the assessment role of the year in which such unpaid taxes were levied or upon the records of the Receivers of Taxes at the times of returns of unpaid taxes pursuant to Section 5-23.0 of the Code.

In a separate column in the sales books opposite each such parcel the County Treasurer shall add to such unpaid taxes an amount sufficient in his judgment to cover the expenses of listing such real estate and of advertising the notice of sale of the tax liens on the real estate so listed. The County Treasurer may at any time prior to the actual sale of such property raise or lower such amount as in his judgment may be expedient.
(Subd. a amended by Local Law No. 1-1965, in effect January 7, 1965; amended by Local Law No. 1-1981, in effect March 30, 1981.)

b. Any deficiency in the amount of such expenses may be paid out of any other fees, penalties or charges added to such taxes. Any surplus accruing in the amount of such estimated expenses shall be paid into the County treasury. The total of such taxes, interest, penalties, charges and expenses shall thereafter be a lien upon the real estate affected. The County Treasurer is empowered to accept payment of an amount less than the total of the aforementioned taxes, interest, penalties, charges and expenses if the amount tendered at least equals the amount of the assessed taxes outstanding. The amount of interest penalties, charges and expenses not paid shall be the amount required to be paid as taxes before the sale of such tax lien.

   If the sale of such tax lien be postponed beyond the date up to which interest on the unpaid taxes is computed, additional interest upon the entire sum then due, at the rate of twelve per centum per annum, from such date to the date of the sale of such property, shall thereafter be added to and collected with such unpaid taxes.
   (Subd. b amended by Local Law No. 1-1981, in effect March 30, 1981.)

c. There shall also be a column in such sales books in which the treasurer shall enter the name of the purchaser and the assignee of the purchaser, if any, of any tax lien, when the same shall have been sold. There shall be another column in which the treasurer shall enter the interest and penalty at which the purchaser shall have agreed to take the tax lien at the tax sale.

d. The County Treasurer shall prescribe the general form of such sales books and shall place therein such other columns and spaces and information as he may deem expedient and useful..

e. When real property on which taxes have been returned as unpaid has been listed in the additional columns in the assessment roll provided for pursuant to section 6-7.0 of the code, such assessment rolls may thereafter also be the tax sales books.

§ 5-36.0 **Advertisement of notice to taxpayers.**

a. Immediately after completion of the lists made pursuant to subdivision e of section 5-35.0 of the code, the County Treasurer shall publish a notice in two consecutive issues of newspapers published in each town and city of the County; provided, however, such notice shall be published only in newspapers which have a bona fide circulation of five hundred or more during the two years preceding the publication of such advertisement. The County Treasurer shall likewise publish such notice in one newspaper of general circulation in the County.
(Subd. a amended by L 1944 Ch. 718 §, in effect January 1, 1945; amended by Local Law No. 1-2009, in effect January 12, 2009; amended by Local Law No. 11-2016 in effect November 23, 2016.)

b. Such notice shall be published in such newspapers in a conspicuous place mainly in agate type or in the next larger available size, but payment for such publication, shall be the same as if agate type were used. Such notice shall specify the approximate date on which the tax lien on such property will be sold and copies thereof shall be posted in the Nassau County court house and in the building of the Nassau County Bar Association on or before the day of its first publication.
(Amended by L. 1948 Ch. 181, in effect March 10, 1948; amended by Local Law No. 11-2016 in effect November 23, 2016.)

c. Such notice shall be substantially as follows:

Notice to taxpayers is hereby given that the lists of unpaid taxes have been made. Unless such taxes with interest and accrued penalties be paid on or before the (here insert date of third Monday) day of December, the tax lien on the said property against which such taxes are levied will be advertised and on or about or around the..... day of February thereafter sold. The lists shall remain open for examination in the County Treasurer's office at Mineola until the.....(here insert date of third Monday) day of December. Any taxpayer interested may send a brief description of the property to the County Treasurer and a statement of the amount of unpaid tax, if any, will be forwarded to him.

Failure to make or publish such notice shall not invalidate or affect the validity of any sale of the tax liens on property mentioned or described in such lists.
(Subd. c amended by Local Law No. 1-1965, in effect January 7, 1965; amended by Local Law No. 11-2016 in effect November 23, 2016.)

§ 5-37.0 **Notice of Sale of Tax Liens**

a. The County Treasurer shall, prior to the commencement of the publication required by subdivisions (b) and (c) of this section, cause notice of tax liens to be sent by first class mail to the name and address of the record owner or occupant and mortgagee of real estate on which the tax liens are to be sold, as shown on the assessment records or on the records kept by the receiver of taxes for the town or city in which the property is located. The expense of mailing such notice shall be an additional expense chargeable against the total unpaid tax lien or liens. These mailings are a courtesy and any party's failure to receive such notice of a sale or any defect in this mailing will not in any way invalidate the tax lien sale.
(Amended by Local Law No. 11-2016 in effect November 23, 2016.)

b. No later than a calendar week immediately preceding a sale of tax liens, the County Treasurer shall publish in each town and city, in a newspaper published in such town or city, as the case may be, and printed in the County a list of real estate on which the tax liens are to be sold. The County Legislature shall designate the newspaper in which the listing or listings shall be made. The County Treasurer may, in his discretion, publish the list of real estate on which the tax liens are to be sold in publications and websites in addition to the newspapers the County Legislature designates. Such newspaper in order to be considered for designation must contain news, articles of opinion (as editorials), features, advertising, or other matters regarded as of current interest and must have been printed and distributed no less than one year prior to being designated as qualified to receive notices required by law provided that such newspapers made available primarily for advertising purposes to the public generally without consideration being paid therefore shall not be deemed suitable for the purpose of publication or advertisement of notice required by law. Such list shall contain the name of the owner or occupant of, or party in interest in, each piece of real estate either as it appears on the assessment roll of the year in which such unpaid taxes were levied or upon the records of the receivers of taxes at the times such taxes were unpaid pursuant to section 5-23.0

of this code.
(Amended by Local Law No. 11-2016, in effect November 23, 2016.)

c. Once within each of the two calendar weeks immediately preceding the week in which the notice described in subdivision (b) of this section is published, the County Treasurer shall publish in the newspapers designated pursuant to subdivision (b) of this section a notice which shall contain:

1. The date, time, and place, if applicable, of the sale of tax liens. If the sale of any tax liens is through an online auction, the notice shall include where to find information accessing the online system; and
(Amended by Local Law No. 11-2016 in effect November 23, 2016.)

2. The web address of the County Treasurer's website and a statement that the list of real estate on which real estate tax liens are to be sold is available on such website; and

3. The week in which the notice described in subdivision (b) is to be published in such newspaper or other publication.

The notice described in this subdivision shall be published in agate type or the next largest typeface.

d. The County Treasurer shall publish on the County Treasurer's website a list of real estate on which real estate tax liens are to be sold not later than the date of the first publication of the notice described in subdivision (c) of this section. Such publication shall contain the information described in subdivisions (b) and (e) of this section.

e. The notice described in subdivisions (a), (b) and (d) of this section shall contain the following information:

1. A brief description of such real estate; and

2. The total amount of such unpaid taxes; and

3. The date, time, and place, if applicable, of such sale. If the sale of any tax liens is through an online auction the notice shall include where to find information about how to access the online auction; and

4. A statement that unless such amount is paid prior to the commencement of tax lien sale proceedings, the tax lien shall be sold at public auction and the maximum rate of interest shall be imposed, and that the maximum rate of interest is ten percent per

six month period for the first twenty-four months from the date of sale, and thereafter as provided in section 5-40.0 of this code.

5. A statement that the purchase of tax lines by County officials, employees, and board members, either directly or indirectly, is prohibited by the Nassau County Charter.
(Amended by Local Law No. 11-2016 in effect November 23, 2016.

f. As used in this section and in section 5-39.0 of this Code, the term "total amount of such unpaid taxes" shall include all taxes for the year or years advertised, the interest and penalty on such taxes to the date of the sale and other expenses and charges against the property.

g. The tax lien shall be sold either in person at public auction at a public building designated by the County Treasurer or through an online auction as described in section 5-47.0 of this code. The County Treasurer shall have the sole discretion to choose which method of tax liens sales to implement for each tax lien.
(Amended by Local Law No. 11-2016 in effect November 23, 2016.)

(Former § 5-37.0: Subd. a and c amended by Local Law No. 1-1965, Subds. a. b, and c amended by Local Law No. 5-1970, in effect August 25, 1970. Subd. d added by Local Law No. 1-1988, In effect January 25, 1988. Amended by Local Law No. 34-2000, in effect November 10, 2000. Amended by Local Law No. 42-2000, in effect January 1, 2001 so as to be applicable to the listings advertised for the 1999/2000 school taxes and the 2000 state, county, town and other taxes; former section 5-37.0 repealed and new section 5-37.0 added by Local Law 1-2009, in effect January 12, 2009; amended by Local Law No. 11-2016 in effect November 23, 2016.)

§ 5-38.0. **Copies of notice of sale, to be furnished County Treasurer.** Each paper advertising such notice of sale shall furnish and deliver, without additional charge, to the County Treasurer not less than five hundred copies of the notice of sale containing the complete list of real estate advertised in such paper. The County Treasurer shall distribute such copies of the notice of sale to all applicants therefore without charge.

§ 5-39.0 **Sale of tax liens.**

a. If the owner, mortgagee, occupant of or any other party in interest in any real estate does not pay the total amount of unpaid taxes, then without further notice, the County Treasurer shall commence the sale in the manner set forth in the notice referred to in section 5-37.0 of this code, and shall continue the sale until the tax lien on every such lot or parcel to be sold at sale is sold.

b. The rate of interest and penalty at which any person or persons purchase the tax lien shall be established by his bid. This rate thus established

shall be the rate of interest and penalty to which the bidder shall be entitled for a period of two years from the date of such sale or if the lien is discharged prior to such time, then up to the time of such discharge and provided further that for all tax liens sold on lots or parcels classified as class one or as residential condominiums classified as class two pursuant to section 1802 of the Real Property Tax Law of the State of New York on or after the effective date herein indicated as well as for any tax lien sold on class one lots or parcels or on residential condominiums classified as class two to which title has not been conveyed to the tax lien purchaser or the assignee of such purchaser prior to such effective date provided that in such instance twenty-four months have not elapsed from the sale of the tax lien and where in either instance a hardship designation has been granted the rate of interest and penalty shall be for a period of three years from the date of such sale or if the lien is discharged prior to such time, then up to the time of discharge. The rate of interest and penalty on a tax lien for a class one lot or parcel or for a residential condominium classified as class two bearing a hardship designation shall be fixed by bid for the first two years and in the third year fixed by subdivisions five and six of section 5-40.0 of this code. Notwithstanding the foregoing, the rate of interest payable by the property owner for such respective periods shall be the maximum rate as set forth in § 5-40.0.

c. When selling two or more liens on separate parcels of real estate the County Treasurer may, in his discretion, group together those liens and sell them as a bundle.

d. Tax Liens, on any real property on which the County holds a certificate of sale shall be excluded from any subsequent tax lien sale. Such tax liens shall automatically merge with tax liens previously sold to the County and shall bear maximum interest and penalties as set forth in section 5-40.0 and from the dates specified in sections 5-11.0 and 5-23.0 of this chapter.

(Subd. c. added by L. 1941 Ch. 203 § 1, in effect March 28, 1941, and amended by Local Law No. 8-1982, in effect January 1,1983. Amended by Local Law No. 34-2000, in effect November 10, 2000; subd. a amended by Local Law 1-2009, in effect January 12, 2009; subd. a & b amended by Local Law No. 11-2016 in effect November 23, 2016; subd. c added by Local Law No. 11-2016 in effect November 23, 2016; subd. d renumbered by Local Law No. 11-2016 in effect November 23, 2016.)

§ 5-40.0 **Interest on tax liens; how computed.** The maximum interest and penalties which a tax lien may carry and bear are the following:

1. If satisfied within six months of the date of sale, ten per centum on the purchase price.

2. If satisfied after the expiration of six months and within twelve months of the date of sale, an additional ten per centum on the purchase price.

3. If satisfied after the expiration of twelve months and within a period of eighteen months of the date of sale, an additional ten per centum on the purchase price.

4. If satisfied after the expiration of eighteen months and within a period of twenty-four months of the date of sale, an additional ten per centum on the purchase price.

5. If satisfied after the expiration of twenty-four months and within a period of thirty months of the date of sale, an additional five per centum on the purchase price.

6. If satisfied after the expiration of thirty months and within a period of thirty-six months of the date or sale, an additional five per centum on the purchase price. However, with respect to tax liens sold before 2001, if the rate of interest at which the tax lien was purchased is less than the maximum interest rate, the tax lien shall carry and bear such lower interest rate. Tax liens sold in 2001 or thereafter shall carry and bear interest at the maximum rate.
(Amended by L. 1941, Ch. 679 §2, in effect April 22, 1941. Subds. 5 and 6 added by Local Law No. 13-1986, in effect November 17, 1986; amended by Local Law No. 34-2000, in effect November 10, 2000.)

§ 5-41.0 **Deposit; content of certificate of sale of tax lien.**

a. When the tax liens sales occur in person each purchaser at the sale shall pay to the County Treasurer ten per cent of the amount of the tax lien immediately after such sale on the same day as the sale occurred.

b. When a tax liens sale is conducted through an online auction each purchaser shall deposit a sum equal to ten per cent of the total dollar amount of liens they anticipate purchasing by the close of business the day before the auction begins. Purchasers shall make this deposit to the County Treasurer or the County Treasurer's designee in such manner as the County Treasurer or his designee directs, including but not limited to bank checks, credit cards, and wire transfers. No bid from an online purchaser shall be accepted unless that purchaser has sums on deposit equal to ten percent of the tax liens bid upon. Any excess deposits shall be credited to winning bids. The County Treasurer shall return any excess deposits not credited toward a winning bid.

c. After a purchaser successfully bids the remaining ninety per cent of the tax lien shall be paid within thirty days after the sale.

d. After receipt of full payment of the tax lien amount the County Treasurer shall execute to each purchaser a certificate in writing which shall contain:

1. A description of the real property affected by the tax lien which description shall refer to the designation of such property on the tax map, if such map has been completed.
2. The name of the owner of the real property as it appears on the tax records.
3. The interest and penalty at which such tax lien was purchased.
4. The date of the sale.
5. A statement that the tax lien was sold for unpaid school district, special district, town, county or state taxes, as the case may be.
6. The amount paid for the tax lien.
7. Such other Information as the County Treasurer shall deem appropriate.

e. The County Treasurer shall issue certificates as described in this code to the County when the County is the purchaser.
(Amended by Local Law No. 9 2005; amended by Local Law No. 11-2016 in effect November 23, 2016.)

§ 5-42.0 **Liens on one or more separate and distinct parcels of real estate may be included in on, certificate.** If the tax liens on separate and distinct lots or parcels of real estate are offered-separately at a public tax sale, the County Treasurer may include such tax liens In one certificate of sale.

§ 5-43.0 **The County may purchases tax liens at tax sale.**

a. The County is empowered to purchase the tax liens on such lots or parcels of land at such tax sale at the maximum penalty, and is further empowered to accept deeds and to foreclose the certificates of sale and perform all other acts to perfect title to real property thus acquired. The County Treasurer shall annually furnish the Board of Supervisors with a report of the tax liens acquired by the County at such sales, which remain unredeemed and to which the County is entitled to a deed or

upon which foreclosure proceedings may be commenced.

b. The County Attorney or special counsel to the County shall conduct all foreclosure proceedings and, under the supervision of the Board of Supervisors, shall perform all necessary legal work on behalf of the County in connection therewith. The Board of Supervisors may release or sell the real property thus acquired and by ordinance may prescribe the terms and conditions therefor. Such board may provide in such terms and conditions for public sale, the taking back of purchase money mortgages by the County, installment contract sales and other means of selling and financing the sale of such real property. Such ordinance shall provide that the real property shall be offered for release or sale at public auction before any other method of release or sale may be used. However, this section shall not prevent the sale or release of such real property before public auction if the consideration is not less than the amount of taxes thereon, together with interest, penalties and all charges and expenses through the date of such release or sale including the expenses of such release or sale.

c. The Board of Supervisors may cause to be transferred or conveyed any interest In such land necessary to facilitate the perfection of the title thereto.

(Subd. b and c. amended by L. 1939 Ch. 70. § 6, in effect June 5, 1939.)

§ 5-44.0 **Registration Fee**. The County Treasurer shall charge a registration fee to each person who shall seek to bid at an auction required by section 5-33.0 of the code and shall include a statement informing potential bidders of such fee in the advertisement required by section 5-37.0 of this code. The amount of such fee shall be set by the County Legislature by ordinance.

(Prior §5-44.0 entitled "Financing the purchase of tax liens by the County" repealed by L. 1939 Ch. 70. § 5, in effect June 5, 1939; current § 5-44.0 added by Local Law No. 9-2000, in effect March 24, 2000; amended by Local Law No. 11-2016 in effect November 23, 2016.)

§5-44.1 **Individual Tax Lien Certificate Fee.** The County Legislature shall by ordinance set a fee for each certificate issued. If tax liens are sold in a bundle, there shall be a certificate for each lien and a separate fee for each. The County will not be responsible for payment of any fee for tax liens that become County liens.

(Added by Local Law No. 11-2016 in effect November 23, 2016.)

§ 5-45.0. **Assignment of tax liens**.

a. The County Legislature may approve by resolution the assignment, sale or transfer of any certificate of sale held by the County pursuant to such

agreements, as the County Treasurer shall deem necessary or appropriate.

b. Certificates of sale held by the County shall be assigned, sold or transferred upon payment to the County of an amount of cash sufficient to pay the taxes for which such sale shall have been made with interest thereon to the time of sale, and all costs, expenses and charges accrued thereon; provided, however, that certificates of sale held by the County may be assigned, sold or transferred for consideration less than the full amount of such unpaid taxes, interest, penalties and expenses and/or for consideration other than cash, including but not limited to notes, obligations or any combination thereof, whenever it is in the best interests of the County; provided further, that no such assignment, sale or transfer for less than the full amount of such unpaid taxes, interest, penalties and expenses or for consideration other than cash shall be made to any owner of the affected property or any person having an interest therein or any related person.

c. A holder of a certificate of sale of a tax lien or liens, other than the County, may transfer and assign such certificate of sale as to any or all tax liens included therein by a written instrument for that purpose which instrument shall be filed with the County treasurer. The County treasurer shall collect such fees for filing of each such instrument provided for in this subdivision as shall be provided by ordinance of the County Legislature.

d. Any agreement entered into by the County treasurer for the transfer or assignment of a certificate of sale held by the County may provide for the terms and conditions under which the purchaser shall be liable to the County for a default under such agreement, the manner of determining damages, the remedies available to the County, including without limitation the forfeiture of any deposit, partial payment or other security or consideration and the reversion of tax liens to the County treasurer.

e. The County treasurer shall collect a fee for the filing of an affidavit in lieu of a lost certificate of sale of a tax lien or liens by other than the County, as shall be provided by ordinance of the County Legislature.
(Subds. b and c of § 5-45.0; Local Law No. 8-1980, in effect August 11, 1980; subds c & d added by Local Law No. 17-2000, in effect June 1, 2000; amended by Local Law No 17-2000, in effect June 1, 2000.)

§ 5-46.0 **Failure of purchaser to complete purchase.** In case the purchaser at a tax sale either at an in person auction or through an online auction shall fail to pay the remaining ninety per cent due on his purchase within thirty days after he has been notified by the County Treasurer that the certificates of sale are ready for delivery, the ten per cent paid by him to the

County Treasurer upon the sale, without any notice or demand, shall be irrevocably forfeited by the purchaser and shall be retained by the County Treasurer. Thereupon the agreement to purchase shall be of no further effect. The tax lien shall be transferred to the County and all rights shall accrue and be vested in the County in the same manner as though the County had purchased the tax lien at the original tax sale. Tax liens sold in bundles shall be considered a single purchase.
(Amended by Local Law No. 1-1965, in effect January 7, 1965; amended by Local Law No. 11-2016 in effect November 23, 2016.)

§5-46.1 **Disqualification of potential purchasers**. A party who has registered as a purchaser and engages in conduct disruptive to the County's sale of tax liens or the consummation of the sale of tax liens may be disqualified from a future tax lien sale or sales. The Treasurer's designee shall make written findings and a recommendation to the Treasurer regarding the disqualification of a party after the party has received notice and an opportunity to be heard. The Treasurer may accept or reject his designee's recommendation. The Treasurer's decision shall be final.
(Added by Local Law No. 11-2016 in effect November 23, 2016.)

§ 5-47.0 **Online Tax Liens Sales.** When the County Treasurer deems it appropriate the County may sell any and all tax liens through an online auction instead of through an in person auction.

a. When selling through an online auction potential purchasers shall register and pay the registration fee with the County Treasurer or his designee by 5:00 P.M. on the business day prior to the beginning of the online auction.

b. The online auction shall begin at a time and date designated by the County Treasurer. The online auction shall continue from the designated time for such time as necessary in the discretion of the County Treasurer.

c. During the online auction, tax liens designated by the County Treasurer for purchase online shall be on the auction system and potential purchasers shall place their bids on the liens they wish to purchase. After the bidding window ends the purchaser who placed the winning bid shall have purchased the tax lien.

d. While the bidding process is ongoing, the County Treasurer shall make available public computers that have access to the online auction. The number of computers and the hours they are available to the public shall be determined by the County Treasurer. The computers shall be available in a public building designated by the County Treasurer. The County Treasurer shall designate this public building at least one (1) day before the beginning of the auction. There will be a fee for use of a computer which shall be set by ordinance. The County Treasurer may waive the computer use fee for good cause shown.

e. The use of County computers for the tax lien auctions shall be considered a convenience and the County shall not be liable for any mistake, inaccuracy, or lost bids that may occur as a result of computer error.
(Original § 5-47.0 "Advertisement of resale of tax liens" repealed by Local Law No. 1. 1965, in effect January 7, 1965; new section added by Local Law No. 11-2016 in effect November 23, 2016.)

§ 5-48.0 **Rights of purchasers.**

a. There shall be due and payable to a holder of a tax lien twenty-four months from the date of sale of such lien:

   1. The amount paid for the lien.

   2. The interest and penalty thereon at the rate for which he purchased the lien.

   3. The cost and expenses which have accrued against the property affected by the lien, as provided in this article.

b. Regardless of whether the property owner or other person interested in or having a lien upon such property shall pay such amounts to the holder of the tax lien, the excess, if any, of the interest and penalty borne at the maximum rate over the interest and penalty borne at the rate at which such holder purchased the lien shall remain a lien on the real property and shall be payable to the County.
(Amended by L. 1941 Ch. 679 § 3, in effect April 22, 1941; amended by Local Law No. 34-2000, in effect November 10, 2000.)

§ 5-49.0 **Payment by holder of certificate of sale; penalties thereon.**

a. The holder of a certificate of sale of tax liens, at any time after the annual return of taxes to the County Treasurer by the receiver of taxes, may pay to the County treasurer any taxes on such return and any older' taxes that are a lien on such property.

b. The holder of such certificate making payment of such taxes shall entitled to and shall receive the full amount of the taxes thus paid with interest and penalties thereon from the date of payment at the same rate and payable in the same manner as the interest and penalties at which he purchased such tax lien.

c. The taxes, so paid by the holder of the certificate of sale of the tax lien, plus the interest and penalty at the maximum rate determined pursuant to § 5-40, shall become a lien on the property and shall be payable at the

time of the discharge of the certificate or sale of the tax lien or at the time of completion of foreclosure proceedings out of the proceeds realized at such sale of the property.
(Amended by Local Law No. 34-2000, in effect November 10, 2000.)

§ 5-50.0 **When tax lien may be discharged.**

a. The owner of, or any person interested in, or having a lien upon any real estate on which the tax lien has been sold may satisfy the same, at any time before the delivery of the County Treasurer's deed or the sale in an action to foreclose the tax lien, upon the following terms:

   1. To satisfy the tax lien prior to the service of the notice to satisfy provided for in section 5-51.0 of the code, he shall pay to the County Treasurer.

      (a) The sum for which the tax lien was purchased.

      (b) The subsequent taxes paid by the purchaser on the property affected by the tax lien; or in the event that the County is the holder of the certificate of sale, the taxes which remain unpaid on the books of the County Treasurer pursuant to subdivision c of section 5-39.0 of the code.
      (Subd. a-1 (b) amended by L. 1939 Ch. 706 § 2, in effect June 9, 1939; amended by Local Law No. 34-2000, in effect November 10, 2000.)

      (c) Interest and penalties on the amounts of the tax lien and the subsequent taxes, calculated as provided in section 5-40.0 of the code.

   2. To satisfy the tax lien after the service of the notice to satisfy provided for in section 5-51.0 of the code he shall pay to the County Treasurer, in addition to the sums aforementioned, a further sum which shall be the actual costs of the title and tax search and of serving such notices. Such sum shall be payable only if proof of service of such notice or notices and the expense thereby incurred shall have been filed with the County Treasurer.

   3. To satisfy the tax lien after the commencement of the foreclosure proceedings, the person satisfying the same shall pay in addition to the aforementioned sums the bill of costs as prescribed in section 5.65.0 of the code. The expenses allowed for title and tax searching in this section shall be part of the foreclosure disbursements and not in addition thereto.

b. The County Treasurer shall continue to receive and allow satisfactions of the tax lien in the manner set forth in subdivision a of this section and on the terms provided until the delivery of the County Treasurer's deed or until a notice of election to foreclose the tax lien is filed with him by the holder thereof together with proof by affidavit or certificate that a summons, complaint and notice of tendency of action in an action to foreclose the lien shall have been duly filed in the office of the County clerk. The County Treasurer shall not thereafter allow satisfactions or receive payments therefore except on order of the court duly made in the action.

c. A payment made pursuant to this section, to satisfy a tax lien shall be received by the County treasurer on behalf of the holder of the tax lien to the extent of the amount owed to the holder. Upon the receipt of such payment, the County treasurer shall give notice thereof to the holder of such tax lien by mail, addressed to such address as may have been furnished to the County treasurer. Upon receiving the surrender of the certificate of sale of the tax lien, the County treasurer shall pay to the holder the amount owed to him as holder of the tax lien. The County treasurer, upon receipt of the satisfaction money, as above provided or upon the surrender of the certificate of sale of the tax lien, shall cancel and discharge the tax upon record. Any such moneys remaining on deposit for more than five years after the date of redemption shall be paid over and credited to the general fund of the County. After a deposit shall have been so transferred, the holder or his successor in interest may obtain payment upon surrender of the certificate and proof of the title to such deposit, satisfactory to the Treasurer, but the claim to such deposit must be filed with the County Treasurer prior to the expiration of twenty years from the day the deposit was transferred to the County general fund.
(Subd. c amended by Local Law No. 1-1959, in effect June 22, 1959; amended by Local Law No. 34-2000, in effect November 10, 2000.)

§ 5-51.0 **Notice to owner by holder.**

a. The holder of any tax lien which is not satisfied, shall give notice to the occupant, owner in fee, trustee, mortgagee, judgment creditor or purchaser at any other county tax sale of a tax lien affecting the same property, and the heirs, legal representatives and assigns of any or either of them, the guardian of any infants having any interest therein, and any other person having a lien, claim or interest appearing of record on the premises affected by such sale. The words "appearing on record" shall be construed to refer to any person on whom a notice is hereby required to be served, the nature and degree of whose Interest appears from the records kept by the County Clerk, County Treasurer, Surrogate of the

County and receiver of taxes for the town or city in which the property is located.
(Amended by L. 1952 Ch. 514, in effect May 1, 1952.)

b. Such notice may be given at any time after the expiration of twenty-one months from the date of the sale of the tax lien. Such notice shall be printed in a clear and coherent manner using words with common and everyday meanings on the form prescribed by the County Treasurer for such purpose and shall state briefly:

1. The lot or lots or parcel or parcels of land or condominium affected by the tax lien.

2. The lien date of the tax for which the tax lien was sold and the month and year at which the tax lien was sold and the other tax years which may have been paid by the holder pursuant to section 5-49.0 of this code.

3. The expense of making searches thereon and serving the notice.

4. The first day upon which the holder of the tax lien may elect to accept a deed of conveyance of such property or to call his money and foreclose his tax lien as the case may be, which day shall not be less than three months from the day of service of the same if the copy of the notice and affidavit be filed pursuant to subdivision e of this section on the same date. If the copy of the notice and the affidavit be filed subsequent to the date of service, the first day upon which the holder of the tax lien may make his election shall not be less than three months from the date of such filing.

5. The right of the owner in fee appearing of record of a class one lot or parcel or of a residential condominium classified as class two that serves as the actual residence of such owner to make an application to the Board of Hardship Review for a one year extension of time to redeem such lot or parcel or condominium and the time period In which such an application is to be made.

6. The notice shall further state that the satisfaction is to be made at the office of the County Treasurer at Mineola, and that in the event of such notice, the holder may elect to accept a deed of conveyance of such property or to call his money and foreclose his tax lien as the case may be.
(Subd. 6 amended by Local Law No. 13-1986, in effect November 17, 1986; subds. 1 and 5, amended by Local Law No. 21-1990, in effect November 26, 1990; subd. 6, added by Local Law No. 21-1990, in effect November 26, 1990.)

c. A holder of a tax lien shall serve notice on the owner in fee as appearing of record for said premises classified as class one or of a residential condominium classified as class two by personal service, as defined in the Civil Practice Law and Rules of the State of New York when said owner is a resident of Nassau County; notice shall be served on a non-resident owner as appearing of record of class one lot or parcel and/or of a class two residential condominium and owners appearing of record of other lots and parcels and other parties in interest as specified in subdivision a of section 5-51.0 of this code by certified mail, postage paid, return receipt requested, showing address where delivered, and addressed to such person's last known address. The receipt of the postmaster for such certified mail and the return card by the post office and the affidavit of the person mailing it, setting forth the means by which the last known address was ascertained, shall be sufficient evidence of the service of the notice. Where certified mail is not available registered mail may be substituted for service of notice.
(Amended by Local Law No. 13-1986, in effect November 17, 1986; amended by Local Law No. 21-1990, in effect November 26, 1990.)

d. If no information can be obtained as the last reputed place of residence of the parties in interest or any of them, the County Treasurer, upon the payment of a fee of fifty cents, shall issue a certificate to the holder of the certificate of sale of the tax lien that no taxes have been paid on the property within the last five years, by the person sought or if so paid that no address is disclosed by such payment. Upon the issuance of such certificates, service by certified mail shall be dispensed with.

e. The County Treasurer, upon receiving a copy of such notice, together with an affidavit by the holder or his attorney or agent that service has been properly made pursuant to this section and stating the expense incurred for searches and serving the notice, shall make an appointee notation of such service and expense in his records. Such expense must not exceed two hundred fifty dollars and shall be collected by the County Treasurer at the time of satisfaction of the tax lien as provided in Section 5-50.0 of the Code. Such searches may be made by an attorney or title company, or title searcher, and in the event of the foreclosure of the tax lien shall be allowed in the bill of costs. Not more than one notice, however, may be served by any purchaser of tax liens where the certificates of sale of tax liens cover lots of identical title which are contiguous. However, as many certificates of sale as the holder may wish may be included in one notice, without respect to difference in ownership, in which event the cost shall be equally apportioned by lot.
(Subd. c amended by Local Law No. 14-1990, in effect October 15, 1990.)

f. If such notice is not served by the holder of the certificate of sale before commencing an action to foreclose, he shall be entitled to disbursements

only as provided by the civil practice act, and not to costs, provided the defendant offers to pay the penalties allowed by law at any time before final judgment is entered.

g. The validity of any deed issued by the County Treasurer, pursuant to section 5-53.0 of the code, and the regularity of any proceedings prior to its delivery shall not be affected or impaired by failure to give the notice provided for by this section, but such deed shall be as valid and effectual as if the notice had been regularly made and served. If a notice is served upon a person after the time it should properly have been served, the person so served, or his successor in interest, at any time prior to the expiration of three months from the date of service of such notice, may satisfy the tax lien upon the terms provided in section 5-50.0 of the code as if the treasurer's deed had not been issued. Similarly, any person who should have been served and was not so served or the successor in Interest of such person, may, in the same manner satisfy the tax lien prior to the granting of a judgment in the action instituted pursuant to section 5-57.1 of the code. Every such satisfaction shall be as effectual as if made before the delivery of the treasurer's deed.

h. An application for the County Treasurer's deed must be made, or an action to foreclose the tax lien commenced within fifteen years of the first day on which a notice to redeem pursuant to this section could first be served. Unless such application is made or action commenced within the time limited hereby, all nights of the holders of such tax lien to enforce it shall terminate and the tax lien shall cease to be a lien upon the real property described therein and the County Treasurer shall mark his records accordingly.

i. If a tax sale certificate shall have been assigned pursuant to sections 5-45.0 of this Code subsequent to the serving of a notice to redeem pursuant to this section, such notice shall be deemed cancelled and the assignee shall be required to serve a new notice upon which the name of the assignee shall be endorsed.

j. If subsequent to the services of a notice to redeem as provided by this section, the holder of the certificate of sale, or the assignee of such certificate, shall pay any further taxes, in pursuance of section 5-49.0 of this code, which are not set forth in the notice to redeem served in accordance with this section, then such notice shall be deemed cancelled and the holder of the certificate, or the assignee thereof, shall be required to serve a new notice to redeem in which such taxes shall be set forth together with such other information as shall be required by this code.

(Para. 2 of subd. b amended by L. 1950 Ch. 543 and L. 1959 Ch. 144, part 4 of subd. b amended by L. 1943 Ch. 71 and L. 1959 Ch. 144; subd. L. amended by Local law No. 16-1967, in effect October 1, 1967, and Local Law No. 8- 1979, in effect July 9, 1979,

and by Local Law No. 8-1982, in effect January 1, 1983; subd. d amended by Local Law No. 8-1979, in effect July 9, 1979; subd. e amended by Local Law No. 8-1979, in effect July 9, 1979; subd. g added by L. 1939 Ch. 704; subd. h added by L. 1948 Ch. 188 and amended by L. 1959 Ch. 139: subd. i added by L. 1959 Ch. 140: subd. j added by L. 1961 Ch. 853, in effect May 7, 1961.)

§ 5-52.0 **Possession of real estate affected by tax Use; when obtained by holder.**

a. In the event that the tax lien has not been satisfied as provided in section 5-50.0 of the code, the holder of the tax lien may obtain actual possession of the premises after title to such premises has been conveyed to him pursuant to this article.

b. Such actual occupation may be obtained by an action at law or by causing the occupant of such real property to be removed, therefrom, and the possession thereof to be delivered to the holder of the tax lien in the same manner, and in the same proceedings, and before the same officers as In the case of a tenant holding over after the expiration of his term without the permission of his landlord. If the owner of such real property, and not a tenant thereon, is in actual occupation of such real property at the time an action is brought pursuant to this section, and if such owner has not been given notice pursuant to section 5-51.0 of the code, then the holder of the tax lien shall not be entitled to actual occupation of the premises until after three months from the service of notice in such an action.
(Amended by L. 1939 Ch. 704 § 8, in effect June 5, 1939.)

§ 5-53.0 **Conveyance by the County when tax lien is not satisfied.** If such tax lien is not satisfied, the County Treasurer shall prepare and execute to the holder of such certificate of sale of the tax lien a conveyance of the real estate on which the tax lien has been sold. This conveyance shall vest in the grantee an absolute estate in fee, subject to any claims which the County may have thereon for tax or other liens or encumbrances. Upon preparation and execution of such conveyance, the County Treasurer shall cause such conveyance to be filed with the office of the County Clerk and the grantee shall, at the time of execution of such conveyance, pay to the County Treasurer an amount equal to the fee charged by the County Clerk for such filing. Such conveyance shall be executed only upon:

1. Performance by such purchaser of the condition which he is required to perform pursuant to this article.

2. Surrender of such certificate of sale.

3. The taking and paying for by the holder of an assignment of all

outstanding prior tax liens held by the County upon the premises.

4. The filing of proof of service of notice upon owners and other interested persons as provided by section 5-510 of the code.
(Amended by L. 1941 Ch. 635 § 1 in effect April 21, 1941 and by Local Law No. 8-1979, in effect July 9, 1979.)

§5-54.0 **Effect of conveyance by the County.**

a. The County Treasurer may demand and receive from such grantee for the use of the County the sum of twenty five dollars for each tax parcel conveyed, with the maximum number of parcels on a single tax deed not to exceed ten (10).
(Amended by Local Law No. 15-1990, in effect October 15, 1990.)

b. Every such conveyance shall be attested by the County Treasurer and the seal of the County Treasurer shall be attached thereto. When so executed, the conveyance shall be presumptive evidence that:

    1. The sale of the tax lien was regular.

    2. All proceedings prior to such sale, including the assessing of the lands affected by such tax lien were regular.

    3. All notices required by section 5-51.0 of the code to be given previous to the expiration of the time allowed by that section for the satisfaction of the tax lien, were given and were regular and according to law. After six years from the date of record of any such conveyance In the County Clerk's office, such presumption shall be conclusive.

c. Two or more lots or parcels of real estate may be included in the same deed of conveyance if the tax liens on such lots or parcels were sold to the same person.
(Subd. a amended by Local Law No. 8-1919, in effect July 9, 1919, and amended by Local Law No. 8-1982, in effect January 1, 1983.)

§ 5-55.0 **Conveyances may be obtained until foreclosure is instituted.** Notwithstanding any provisions in the tax law, the holder of any certificate of sale of a tax lien may apply for and obtain a conveyance of the land affected by such certificate of sale, after complying with section 5-53.0 of the code and at any time prior to bringing action for foreclosure.

§ 5-56.0 **Record of conveyance; cancellation thereof.** Every certificate of sale of a tax lien and every conveyance by the Treasurer executed as provided by section 5-53.0 of the code may be recorded as other conveyances of land under the laws of this state. Such conveyance, if not recorded in the office of

the County Clerk may be returned to the County Treasurer and cancelled at any time. Such cancellation shall terminate all nights hereunder of the grantee.

§ 5-57.0 **Removal of property from real estate when deed of county is invalid.** If a person enters into possession of real property under such conveyance and erects or places any building, building materials or other property on such real property, and thereafter is ousted by another person claiming adversely to such deed, the person so ousted shall have the right to remove such building, building materials or other property within three months after trial, judgment, ouster or ejectment.

§ 5-57.1 **Action to establish the regularity of a tax sale and the title to real estate resulting therefrom.**

a. The owner, including the County, of any specific real property in the County or of any undivided interest therein in fee, or for life or for a term of years not less than ten, whose ownership or interest originated in or is founded upon a deed of conveyance executed by the County Treasurer pursuant to section 5-53.0 of the code, may maintain in the supreme court or in the County court of the County an action to compel the determination of any claim which any person makes or which, as appears, from the public records, any person might make to any legal or equitable estate or interest in such real property. Jurisdiction of such action and of all the issues raised therein is hereby conferred upon the County court of the County.

b. All of the provisions of article fifteen of the real property law shall apply to such an action, except that:

    1. The plaintiff shall not be required to allege or prove that either he or his predecessor in title is or ever has been in possession of such real property.

    2. The action may be maintained notwithstanding the fact that the real property is vacant and unoccupied.

c. So much of article fifteen of the real property law, however, as limits such an action to the determination of adverse claims, liens or encumbrances of a value not less than two hundred fifty dollars shall not apply to such an action, but such an action may be maintained whatever the value of the claim, lien or encumbrance sought to be determined may be; nor shall it be necessary for the complaint to set forth facts showing whether any defendant is known or unknown, and whether any defendant is or might be an infant, an idiot, a lunatic, or a habitual drunkard. Provided, however, that before the plaintiff obtains judgment,

he shall be required to inform the court, by affidavit, of those facts within his knowledge that might show a defendant to be an infant, an idiot, a lunatic or a habitual drunkard.

d. But any defendant shall have the right, and the plaintiff must in such action specially plead that he extends such right to such defendant to set aside the deed of the County Treasurer and to satisfy the tax lien on which such deed was based by making a satisfaction pursuant to the terms of section 5-50.0 of the code as if no deed had been issued. In addition, such defendant shall pay to the plaintiff such actual disbursements as in the judgment of the court shall be fairly attributable to such lots or parcels, the tax lien on which has been thus satisfied. Such right of satisfaction shall terminate and cease upon the granting of final judgment. If the satisfaction be made by a municipal corporation, it may at its option, obtain an assignment of the plaintiff's title, and continue the action in its own name, as plaintiff. If the plaintiff so desires, the final judgment may be recorded as a deed in the office of the County Clerk upon the payment of the recording fees The County Clerk shall index the same as if the defendant were grantor and the plaintiff grantee.

e. So much of section two hundred seventeen of the civil practice act or of article fifteen of the real property law as requires or permits the court to allow a defendant to defend an action after final judgment shall not apply to such an action.
(Added by L. 1939 Ch. 704 § 9, in effect June 5, 1939.)

§ 5-57.2 **Service of summons by publication in an action provided for in section 5-57.1.**

a. The summons may be served on the defendant by publication pursuant to an order of the court in which the action is pending, or a judge thereof. The order must be founded upon a verified complaint showing the cause of action against the defendant to be served and proof by affidavit as hereinafter required in this section.

b. Such affidavits shall show:

1. That the deponent is qualified to make personal service of the summons within the state.

2. That the deponent has been employed by the plaintiff's attorney to serve the summons on the defendant.

3. That the deponent has searched and inspected the records in the

offices of the County Clerk, the County Treasurer, the surrogate of the County and the receiver of taxes for the town or City in which the property is located, for the purpose of making such service and ascertaining places where such defendant resides or could be found or would be likely to receive matter transmitted to him through the mail.

4. The last address of the defendant ascertained by, or otherwise known to the deponent, to the best of his knowledge and belief and a statement that his knowledge has been acquired from and his belief is founded upon his searches, and inspection of the records in the offices of such clerk, treasurer, surrogate and receiver of taxes.

5. Whether the real property affected by the action is improved or vacant, occupied or unoccupied, and if occupied, the name of the occupant, if the deponent has been able to learn such name.
(Subd. g. amended by L. 1952 Ch. 514, in effect May 1, 1952.)

c. The order for service of the summons by publication:

1. Shall direct that such service be made by publication thereof in two newspapers published in the County, designated in the order as most likely to give notice to the defendant to be served, for a specified time, not less than once in each of two successive weeks.

2. Shall contain either a direction that on or before the day of the first publication the plaintiff deposit in a post office, or in any post office box regularly maintained by the government of the United States, one or more sets of copies of the summons, complaint and order, and of the notice required by rule fifty-two of the rules of civil practice, each set property enclosed in a postpaid wrapper addressed to the defendant to be served, at his last known address as stated in such order, and If the defendant be an infant, addressed to his father, mother or guardian or a person having the care or control of him or with whom he resides, at a place or the places where such defendant or any such person probably would receive matter transmit through the post office, dispenses with the deposit of any papers therein.
(Added by L 1939 Ch. 704 § 10, in effect June 5, 1939.)

§ 5-58.0 **Action by purchaser.** The holder of any certificate of sale of a tax lien, instead of taking a conveyance of the property, may at his option recover the amount paid for such certificate at the tax sale, with all interest, penalties, additions and expenses allowed by law in the foreclosure of the tax lien as provided in this article. For that purpose such holder may maintain an action in the supreme court or in the County court of Nassau County to sell such

property. Jurisdiction of such action is hereby conferred upon such county court.

§ 5-59.0 **Parties to the action.**

a. The plaintiff in such action shall include and join therein and may likewise recover upon all prior and subsequent certificates of sale of tax liens, held by him, and such other taxes which he has paid and which relate to the same property in whole or in part. If the County is the plaintiff, it shall include and recover upon taxes which remain unpaid on the books of the County Treasurer pursuant to subdivision c of section 5-30.0 of the code. The plaintiff may include and join in one action all certificates of sale relating to two or more separate and distinct parcels of real property belonging to the same person or to two or more persons or corporations. However, all lots or parcels belonging to separate persons shall be distinctly set forth in separate paragraphs of the complaint and shall be sold under such proceedings separately.

b. In any action to foreclose a tax lien, the plaintiff shall make a party to such action any person who has or may have, or any person that the plaintiff has reason to believe has or may have an interest in, or a claim upon the real property affected by such tax lien. The people of the State of New York, the County of Nassau, any municipal corporation or district may be made a party in the same manner as a natural person, but in such event the complaint shall set forth, in addition to the other matters required by law, detailed facts showing the particular nature of the interest in or the lien on such real property of such party; provided, however, that the plaintiff shall not be required to state the amount of such interest or lien.
(Amended by L. 1939 Ch. 707 § 1, in effect June 5, 1939.)

§ 5-60.0 **When foreclosure action may be commenced.** The action provided for in section 5-58.0 of the code may be commenced at any time after twenty-four months from the date of sale mentioned in the certificate of sale. All the provisions of the civil practice act and all other provisions of law and the rules of practice relating to actions for the foreclosure of mortgages shall apply to the action hereby authorized so far as applicable except as otherwise provided in this article. It shall be sufficient for the plaintiff to set forth in his complaint in such action:

1. A copy of or the substance of his certificate of sale of the tax lien, and the amount of interest, additions and expenses claimed by him.

2. A statement that the tax lien has not been satisfied pursuant to section 5-50.0 of the code or that the real property affected by such tax lien and

the Interest, penalties, additions and expenses thereon.

3. A statement that the plaintiff elects to recover the amount of the tax lien and the Interest, penalties, additions and expenses thereon.

4. A statement that the defendants have or may have some interest In or lien upon the property affected by the action.
(Amended by L. 1941 Ch. 679 § 5, in effect April 22, 1941.)

§ 5-61.0 **Pleadings and proof required in action of foreclosure.** In such proceedings to recover the amount due the holder of such certificate of sale of the tax lien. It shall not be necessary to plead or prove any action, proceedings, or right of action, preceding the delivery of such certificate by the County Treasurer, or to establish the validity of the tax lien transferred by such certificate.

§ 5-62.0 **Court to determine and enforce all rights of parties to such action.**

a. The court shall have full power:

    1. To determine and enforce in all respects the rights, claims and demands of the several parties to such action, including the rights, claims and demands of the defendants as between themselves.

    2. To direct a sale of such real property:

    3. To direct the distribution or other disposition of the proceeds of such sale.

b. Any party to the action may become the purchaser at any such sale.
(Subd. d amended by L. 1939 Ch. 707 § 2, in effect June 5, 1939.)

§ 5-63.0 **Distribution of proceeds of sale; pleadings of holders of certificates of sale who are defendants.** The parties in such action shall be paid from the proceeds of sale the several amounts found to be due to them by the judgment so far as such proceeds shall suffice to pay the same, in the order of the lawful priority of the liens and the interest of the respective parties in and against the premises as the same may be determined in this action. It shall be sufficient for any defendant who is a holder of a certificate of sale to set forth in his answer his certificate of sale or the substance thereof with the other allegations as provided in this article with regard to the complaint in the action. A defendant alleging irregularity or invalidity in the assessing for the assessment roll of the real property affected by the tax lien, the levying of the taxes on such property or the sale of the tax lien thereon shall particularly

specify in his answer such irregularity or invalidity.
(Amended by L. 1939 Ch. 107 § 3, in effect June 5, 1939)

§ 5-64.0 **Conveyance vests absolute fee in purchaser.**

a. The conveyance made pursuant to a judgment in any such action shall vest in the purchaser all right, title, interest, estate, claim lien and equity of redemption in and against the premises sold:

    1. Of all the parties to the action;

    2. Of each person claiming from, through or under such parties by title accruing after the filing of notice of tendency of the action; or

    3. Of persons whose conveyance or encumbrance is subsequent or is subsequently recorded.

b. All such parties and persons shall be barred and forever foreclosed by the judgment in such action of all right, title, interest, estate, claim, lien and equity of redemption in and to the premises sold or any part thereof. The judgment in any such action may direct the cancellation or satisfaction of record of taxes, assessments or other claims of any of the parties to the action.

c. Such conveyance shall not affect:

    1. Subsequent taxes and assessments, and sales on account thereof, and

    2. Taxes and assessments which have become liens subsequent to the tax lien which was sold by the County to the plaintiff and which is being foreclosed by the plaintiff in an action in which the County is not the plaintiff, and sales on account of such subsequent taxes and assessments.
    (Subd. e amended by L. 1939 Ch. 707 § 4, in effect June 5, 1939.)

§ 5-65.0 **Costs and allowances.**

a. The court, in its discretion, may designate the sheriff as the officer to make the sale of real property in any such action or proceeding. Unless the judgment otherwise directs, the officer making the sale must first pay, out of the proceeds, as a part of the expenses of the sale all taxes and assessments which are liens upon the property sold and which have become such prior to or subsequent to the filing of notice of tendency of the action. In addition, he must satisfy any tax lien on such real property

which tax lien has been sold subsequent to the filing of such notice of tendency of action.

b. The plaintiff's cost and allowances, exclusive of disbursements, shall be the same as the costs and allowances provided by the civil practice act in the case of foreclosure of mortgages on real estate by action, except that there shall be no allowances by statute or by the court unless the amount recovered is in excess of five hundred dollars.

c. In any action to foreclose a tax lien sold on lots or parcels classified as class one or on lots or parcels that are residential condominiums classified as class two pursuant to section 1802 of the Real Property Tax Law of the State of New York on or after the effective date herein indicated or on such other lot or parcel classified as class one or on such other lot or parcel that is a residential condominium classified as a class two to which title has not been conveyed to the tax lien purchaser or the assignee of such purchaser tax deed prior to such effective date the plaintiff shall be entitled to an additional allowance for reasonable counsel fees to be fixed by the court provided the amount recovered in the action to foreclose is in excess of five hundred dollars.
(Subd. c added by Local Law No. 13-1986, in effect November 17, 1986: amended by Local Law No. 21-1990, in effect November 26, 1990.)

§ 5-66.0 **Notice of foreclosure to County Treasurer.** Any party to an action to foreclose a certificate of sale of a tax lien, or any purchaser of the real property or any party in interest may give notice of such foreclosure to the County Treasurer after the sale of such property pursuant to a judgment under such proceeding. After such notice has been duly served, the items which constituted the tax lien thus foreclosed shall not be entered by the County Treasurer or the town receiver of taxes on any will or by the Board of Assessors in any assessment roll, so long as the judgment of foreclosure of such lien remains in force.

§ 5-67.0 **Remedy of action for foreclosure is additional.** The remedy for the recovery of the amount due the purchaser by action and foreclosure shall be in addition to all other remedies allowed by law with regard to certificates of sale, and shall not be dependent upon them, or any of them.

§ 5-68.0 **Reimbursement for invalid or irregular certificates of sale.**

a. When any holder of tax liens shall be unable to recover or retain possession of any real estate affected by the tax lien, by reason of any irregularity or error in:

1. The assessment of real property;

2. The levying of any tax thereon; or

3. The proceedings for the collection of any tax, the County Treasurer, with the approval of the County Comptroller, shall reimburse such holder. Such reimbursement shall be for the money paid for the tax lien, with interest from the time of its payment, at the rate of either four per centum per annum or the rate of interest bid on the lien, whichever is lower, but not to exceed two years less any payments made toward satisfying the tax lien or amounts collected as interest on the tax lien.
(Amended by L. 1950 Ch. 80, in effect March 7, 1950.)

b. If the irregularity or error is only in the proceedings for the collection of any tax, the County Treasurer upon the cancellation of the sale shall reinstate the tax upon the assessment roll.

c. In any event the Board of Supervisors upon such cancellation, may if it shall deem advisable, order a relevy and reimposition upon the same real property of any amount or sum so paid by the County. Such sum for all the purposes of the code shall be deemed, and taken to be, an original general county tax as of the date of such relevy and reimposition.
(Amended by L. 1941 Ch. 181 § 1, in effect March 21, 1941.)

§ 5-68.1 **Agreements between the County and municipal corporation, or districts therein for the collection of taxes.**

a. The County, by resolution of the Board of Supervisors, may enter into an agreement with any municipal corporation or district therein with respect to any parcel of real property on which each of the parties has tax liens. The resolutions of the governing bodies of the parties to the agreement authorizing such parties to enter into the agreement may also provide for the satisfaction and discharge of such tax liens of record although the amount realized from the sale or other disposition of the property pursuant to the agreement is insufficient to pay the full amount of the tax liens of the parties to the agreement.

b. The agreement shall provide that such real property shall be released to one of the parties for a valuable consideration or shall be sold pursuant to foreclosure proceedings or shall be sold pursuant to section 5-43.0 of the code. At a sale pursuant to such an agreement, such real property may be sold free and clear of all tax liens of municipal corporations or districts which are parties to the agreement and tax liens which have been returned to the County Treasurer as unpaid. If the proceeds of such sale after paying the costs and expenses thereof are insufficient to pay in

full the tax liens of the parties to the agreement, such proceeds shall be divided, among the parties pursuant to the terms of the agreement.

c. In the event such an agreement is entered into and foreclosure proceedings are brought thereunder, the affidavit of regularity shall so state and a copy of such agreement shall be attached thereto. Thereupon, notwithstanding anything to the contrary in the code or in any other general or special law, the judgment shall refer to such agreement and shall provide for the distribution of the proceeds pursuant to the agreement.

d. Such an agreement may also be made between the County and any person having any tax lien on or any other right, title, interest or equity of redemption in such property. However, such agreement shall not authorize the County to release the property to such person.

e. When authorized by resolution of the Board of Supervisors, the County may protect any tax lien owned by it by bidding for and purchasing the real property affected by such tax lien at a judicial sale of such real property in any action for the foreclosure of a lien for unpaid county, municipal corporation or district taxes or assessments for benefit or local improvements.

f. The term "tax lien," as used in this section, shall include liens for taxes, and assessments for benefit or local improvements, whether or not:

    1. Such taxes or assessments have been relevied as a part of any annual tax;

    2. Any of such liens have been sold and certificates of sale issued therefore;

    3. Deeds or conveyances have been issued by a treasurer or similar fiscal officer base upon such certificate of sale; or

    4. Deeds or conveyances have been issued pursuant to a judgment foreclosing any such lien.
    (Added by L. 1939 Ch. 708 § 2, in effect June 5, 1939.)

§ 5-69.0 **Record of certificates of sale.** The County Treasurer shall enter and record in his office his proceedings upon all tax sales, and all certificates of sale granted by him, and all assignments of such certificates, and discharges of certificates of sale, and all satisfactions and all proceedings whereby sales of tax liens are defeated or tax liens are discharged.

§ 5-70.0 **Notices and affidavits of publication of such notices to be preserved.** It shall be the duty of the County Treasurer to procure, preserve and register in his office, affidavits of the publication of all the notices required to be published by this article, together with such notices. Such affidavits must be made by the County Treasurer or the publisher of the newspaper or newspapers in which such notices were published. Such affidavits shall be presumptive proof of such publication in all the courts of this state.

§ 5-71.0 **Reissue of certificate of sale.** If a certificate of sale of a tax lien shall have been lost or destroyed, the County Treasurer, upon submission to him of satisfactory evidence of such loss or destruction, shall issue a duplicate of the original certificate. The evidence of loss or destruction must be in writing, proved by the oath of one or more persons to the satisfaction of the treasurer, who shall preserve the same in his office.

§ 5-72.0 **Cancellation of taxes imposed on wrong parcel.** If it shall appear to the Board of Supervisors from a certificate of error issued by the Board of Assessors that a parcel of real property, separately assessed, upon which taxes have been duly paid, has been erroneously included in the description or assessment of a larger tract or parcel of real property upon which taxes have not been paid for one or more years, the Board of Supervisors may authorize the cancellation of any such unpaid tax, upon the records of the County, in so far as it applies to or constitutes a lien upon the smaller parcel of real property so erroneously included and upon which taxes have been duly paid.
(Amended by L. 1941 Ch. 205 § 1, in effect March 28, 1941.)

§ 5-72.1 **Seal of County Treasurer; when used.** Any certificate, deed, instrument or document which the County Treasurer is required to execute pursuant to this article shall be executed under the seal of his office.
(Added by L. 1939 Ch. 704 § 11, in effect June 5, 1939.)

§ 5-73.0 **Presumption of validity of taxes and of assessing for assessment roll.**

a. It shall be presumed that every assessment of real property for the assessment roll and every tax levied is valid and regular, and that all the steps and proceedings required by law were taken and had, until the contrary shall be made to appear. Any action or proceeding, commenced by any person or persons to test the validity or regularity of any assessment for the assessment roll or of any tax levied, shall be commenced within one year from the first publication of the notice that the receiver of taxes has received the warrant from the Board of Supervisors, and that such tax is ready for collection, as provided by section 5-12.0 of the code.
(Subd. a amended by L.1939 Ch. 845 § 30, 31, 32, in effect June 9, 1939.)

b. The invalidity or irregularity of any tax or assessment for the assessment roll shall not be available as a defense:

1. To any action or proceeding commenced after the expiration of one year from the delivery of such warrant; or

2. To the enforcement of any right or title, by virtue of any sale under warrant, unless an action or proceeding to test the validity or regularity of such tax or assessment shall have been commenced within the time limited in subdivision a of this section for commencing the same, and shall be still pending, or such tax or assessment shall have been adjudged to be irregular and invalid.

§ 5-74.0 **Claims barred by lapse of time not to be revived.** Nothing in this article shall be held to revive or validate any claim or demand, the enforcement of which otherwise is barred by lapse of time.

§ 5-75.0 **Transitional Provisions.** The provisions of article 2 that relate to the conveyance by tax deed as authorized by section 5-53.0 of this code shall not be applicable to any lot or parcel designated as class one or to any lot or parcel that is a residential condominium classified as class two pursuant to section 1802 of the Real Property Tax Law of the State of New York on which a tax lien has been sold and title not conveyed by tax deed to the tax lien purchaser or the assignee of such purchaser prior to the effective date as hereinafter indicated and on any tax lien sold on any class one lot or parcel and on any residential condominium classified as a class two lot or parcel on or after such effective date. The remedy for the recovery of the amount due the purchaser of such a tax lien on class one lots or parcels and on residential condominiums classified as class two lots or parcels on which title has not been conveyed to the tax lien purchaser or the assignee of such purchaser by tax deed prior to the effective date hereinafter indicated and on all other tax liens on class one lots or parcels and on residential condominiums classified as class two lots or parcels sold on or after such effective date shall be limited to an action to foreclose the tax lien. A notice shall be sent in the manner presented by section 5-51.0 of this code to the owner in fee appearing of record and other parties in interest as therein specified at any time after the expiration of twenty-one months from the date of the sale of the tax lien. Such notice shall state the first day on which an action to foreclose may be commenced and the other information specified in subdivision b of section 5-51.0 of this code.
(Added by Local Law No. 13-1986, in effect November 17, 1986; amended by Local Law No 21-1990, in effect November 26, 1990.)

§ 5-76.0 **Hardship Review Board.**

a. There is hereby created a hardship review board consisting of three members to decide applications for hardship designation. Such a determination shall be made by first ascertaining the ability to pay real estate taxes of the owner in fee of record for a lot or parcel classified as class one or for a residential condominium classified as class two pursuant to section 1802 of the Real Property Tax Law of the State of New York and serving as the actual residence of such owner and then determining whether a one year extension of time to pay back taxes is warranted under the circumstances of the application. The members of the Board of Hardship Review shall be appointed by the Board of Supervisors and shall serve without compensation, but shall be reimbursed for the expenses actually and necessarily incurred by them in the performance of their duties. Of the three members first appointed, one shall be appointed for a term of three years, one for a term of two

years and one for a term of one year. All other appointments shall be for a term of three years.
(Amended by Local Law No. 21-1990, in effect November 28, 1990.)

b. In addition to the powers and duties elsewhere presented in this section or as may be further prescribed by ordinance, the Board of Hardship Review shall have the power to adopt after a public hearing such rules and regulations as may be necessary to effectuate the purposes of this section including regulations relating to procedure, the form and content of applications to be used and any other matters incidental or appropriate to the powers and duties of the Board of Hardship Review and enforcement of the provisions of this section as well as to amend or repeat any of such rules and regulations. At least seven days prior notice of such public hearing shall be published in the official newspaper of the County. A copy of the rules and regulations adopted hereunder and any amendments thereto shall be filed in the office of the clerk of the Board of Supervisors.

c. The owner in fee of record of a lot or parcel classified as class one or of a residential condominium classified as class two or any person on behalf of such owner may apply to the Board of Hardship Review for a hardship designation provided such lot or parcel or residential condominium is the actual residence of such owner a designation of hardship shall entitle the owner in fee of record to a one year extension of time to pay back taxes, interest, penalties and other charges commencing from the twenty, fourth monthly following the sale of the tax lien. An application for a hardship designation shall be on forms designed, by the Board of Hardship Review for such purpose. Any application shall be made after the sale of the tax lien and prior to the expiration of twenty-four months from the date of such sale. During the tendency of the application, an action to foreclose the tax lien may not be commenced.
(Amended by Local Law No. 21-1990, in effect November 26, 1990.)

d. Whenever the Board of Hardship Review shall consider an application for hardship designation, the applicant shall notify in writing the holder of the certificate of sale of the time, date and place of the hearing by registered or certified mail, return receipt requested at least ten days prior to the scheduled hearing on such application. All interested parties shall have the right to be heard prior to any final action on the application by the Board of Hardship Review in reaching a decision, the Board of Hardship Review shall consider all relevant factors including, but not limited to the age, financial circumstances as well as the physical and mental condition of the owner in fee of record. The Board of Hardship Review shall furnish a written report of its findings and decision on each application to the applicant, the owner in fee of record if not the applicant, the holder of the certificate of sale and the County

Treasurer. A copy of such written report shall be filed with the clerk of the Board of Supervisors.

e. No meeting of the Board of Hardship Review convened to transact business may be held unless all the members of the Board of Hardship Review receive actual written notice of such meeting specifying the meeting time and place at least five days in advance. This requirement is waived if all members attend the meeting.

f. The provisions of this section shall be applicable to any lot or parcel serving as the actual residence of the owner and designated as class one or a residential condominium designated as class two pursuant to section 1802 of the Real Property Tax Law of the State of New York on which a tax lien is sold on or after the effective date for the establishment of a hardship review board as well as to any class one lot or parcel or any residential condominium designated as class two serving as the actual residence of the owner on which a tax lien has previously been sold and to which title has not been conveyed by tax deed to the tax lien purchaser or the assignee of such purchaser prior to the effective date for the establishment of the hardship review board provided twenty-four months have not elapsed since the sale of such tax lien.
(Added by Local Law No. 13-1988, in effect November 17, 1986; Paragraph f amended by Local Law No. 21-1990, in effect November 26, 1990.)

§ 5-77.0 **Separability.** If any clause, sentence, paragraph, section or part of this article shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof directly involved in the controversy In which judgment shall have been rendered.
(Added by Local Law No. 13-1988, in effect November 17, 1986; amended by Local Law No. 2-1990, in effect November 26, 1990.)

§ 5-78.0 **Homestead Tax lien Redemption Period Extension.**

a. Any/all other provisions of article 2 that relate to the foreclosure of a tax lien on an actual residence, as defined hereinabove in section 5-24.0, subdivision 8, notwithstanding, there is hereby granted for all said existing tax liens created before July 1, 1994, on the property owner's actual residence a homestead tax lien redemption period extension, for an additional twenty-four months, commencing with the date of sale of any/all said liens on said class one and class two residential condominium parcels, in addition to the twenty-four month period provided in section 5-51-0 hereinabove, prior to the conclusion of an action to foreclose a tax lien, under the following provisions: first, the submission by the parcel owner to the hardship review board, prior to

the conclusion of a foreclosure proceeding, of an affidavit stating that the parcel in question is his/her actual residence as defined hereinabove, together with a statement and explanation that said owner is experiencing financial difficulty, a copy of said owner's latest federal and state income tax returns and such other documentation as the hardship review board may reasonably require: second, the parcel owner shall notify the tax lien holder and the County Treasurer in writing of said application by certified mail, return receipt requested, and, when scheduled, of the time, date, and place that the hardship review board schedules a hearing on such application in writing, by certified mail, return receipt requested, at least ten days before said hearing; third, all interested parties shall have the right to be heard prior to any final action on the application by the hardship review board; fourth, the hardship review board shall follow its procedures as authorized and defined in section 5-76.0 hereinabove; and, fifth, during the pendency of the application an action to foreclose the tax lien may not be commenced, and, if previously commenced, is stayed pending the determination of the hardship review board.

b. Once the homestead tax lien redemption period extension is granted by the hardship review board, the tax lien holder may not serve (or reserve, as the case may be) the notice to redeem described in action 5-51.0 hereinabove until forty-five months from the date of the initial sale of the tax lien, and, thereafter, shall not commence an action to foreclose said tax lien until three months from the date of said service and the filing of the notice of said service, as provided in section 5-51.0 hereinabove.

c. A tax lien on a parcel granted the homestead tax lien redemption period extension shall earn interest at the maximum rate of eight per centum per six month period or the interest bid at the tax lien sale, whichever is lower, for each of four six month periods during the extension period, the first period for months twenty-five through thirty from the date of the tax lien sale, the second period for months thirty-one through thirty-six from the date of the tax lien sale, the third period for months thirty-seven through forty-two from the date of the tax lien sale, and the fourth period for months forty-three through forty-eight from the date of the tax lien sale, unless paid prior thereto.

d. The right to a homestead tax lien redemption period extension created herein is apart from and in addition to any/all other rights to which a parcel owner is entitled under article 2 including but not limited to the right to a hardship designation, which may be applied for at any time prior to the commencement of a foreclosure action, whether or not the owner/applicant has benefited from the homestead tax lien redemption period extension created herein.

e. Owner-occupants of said class one and class two residential condominium parcels wherein the subject parcels are their actual residence, as defined hereinabove in section 5-24.0, subdivision 8, may make partial payments on tax arrearages for outstanding liens on said subject parcels under rules and regulations promulgated by the County Treasurer.

f. Notwithstanding any/all other provisions of article 2, and specifically sections 5-370(c), 539.0(b), and 5-40.0, the maximum amount of interest a tax lien on a class one and/or a class two residential condominium parcel may carry and bear, if sold on and after February 1, 1992, is eight per centum of the purchase price, for each six month period, for a maximum of four six month periods, unless said parcel is granted the homestead tax lien redemption period described hereinabove.

g. Section 5-78.0 shall expire and be of no force and effect for any/all otherwise applicable tax liens initially offered for sale by the County Treasurer on and after July 1, 1994.
(Added by Local Law No. 1-1992, in effect January 28, 1992.)

ARTICLE 3 ENTERTAINMENT SURCHARGE

§ 5-79.0 **Definitions.** When used in this article the following words shall have the meanings herein indicated:

1. "Comptroller." The Comptroller of the County.

2. "County." The County of Nassau.

3. "Entertainment." All forms of commercial and/or professional entertainment, including, but not limited to, concerts, professional athletic events, theatrical or operatic performances, and trade shows.

4. "Event." Any discrete event of entertainment for which a ticket is required for admission or attendance, including, but not limited to the following: a concert, professional athletic game, contest, meet or event, theatrical, dramatic musical, comedy or operatic performance, play, ballet, dance show, dance contest, musical competition, monologue, dialogue, debate, talk show, lecture, mime show, comedy show, vaudeville show, circus, carnival, demonstration, happening, performance event, light show, planetarium, star show, home improvement show, horse race, dog race, livestock show, air show, automobile show, boat show, computer show, garden show, horse show, dog show, cat show, pet show, gem show, trade show or other like or

different entertainment event. Any event which requires a separate fee or charge for admission to or attendance at different of separate performances or times shall be taxed as a separate event for each separate fee or charge.

5. "Facility." Any area or facility or other place of entertainment with a permanent seating capacity in excess of two thousand, five hundred individuals, located in the County, excepting only (i) any such facility located at a college or university; and (ii) any such facility owned or operated by an off-track betting corporation or a non-profit racing association. The open space adjacent to a facility which is not within the physical structure of the facility itself shall not be deemed to be a facility for events which have occurred prior to the effective date of this legislation and occur thereafter.

6. "Operator." Any person having the right, as owner, tenant or otherwise, to operate a facility and sell tickets for events held at such facility or otherwise to collect the revenues derived therefrom. A facility may have more than one operator to the extent that more than one person has the right to derive revenues from ticket sales.

7. "Person." Any individual, partnership, society, association, joint-stock company, corporation, estate, receiver, trustee, assignee, referee or any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination of individuals.

8. "Ticket." The right of admission to or attendance at an event for an individual, whether or not such right is evidenced by a ticket. Tickets entitling more than one individual to be admitted or to attend an event shall be counted as one ticket for each individual. Season tickets or other tickets permitting admission to or attendance at more than one event shall be counted as one ticket for each such event. Tickets permitting admission to or attendance at a single event lasting longer than twenty-four consecutive hours shall be counted as one ticket for each day or portion thereof during which attendance is permitted.

9. "Treasurer." The treasurer of the County.

§ 5-80.0 **Imposition of tax**.

a. A tax, to be known as an entertainment surcharge, is hereby imposed on the operator of every facility at the rate of one dollar and fifty cents on every ticket.

b. The tax imposed hereunder shall not apply to events sponsored by colleges or universities or to amateur athletic competitions.

c. The tax imposed hereunder shall be in addition to any and all other taxes. It shall be imposed only once per ticket.

d. It is intended that the liability for the tax shall be upon the operator. The operator shall have the right to add the amount of the entertainment surcharge to and collect the same as part of the sales price of any ticket, but failure to do so shall not excuse payment of the tax. It shall be presumed that all tickets are subject to tax until the contrary is established, and the burden of proof that a ticket is taxable hereunder shall be upon the operator.

§ 5-81.0 **Regulations.**

a. The Treasurer shall prepare regulations as he shall deem appropriate for the administration, collection and enforcement of the entertainment surcharge. The regulations and any amendments thereto prepared by the Treasurer shall be submitted to the County Legislature and shall take effect when approved by local law, resolution or ordinance.

b. The regulations shall conform to the provisions of this article. The regulations may contain any provision for the administration, collection and enforcement of the entertainment surcharge, including, without limitation, the identification of or means of identifying facilities, events and operators, the methods of calculation of the tax, the payment of the tax, exemptions and exclusions from the tax, the forms of any tax returns and other required information, the due dates of returns and payments, the determination of who must file returns, refunds for overpayments, procedures for the collection and enforcement of and challenges to the tax, including judicial review, record keeping requirements for affected persons, interest and penalties for unpaid taxes and other violations, and powers of investigation, audit and enforcement.

c. The Treasurer is hereby authorized and empowered (i) to delegate his functions hereunder to a deputy treasurer or other employee or employees of his department, and, with consent of the County Comptroller, to the County Comptroller or any of his employees; (ii) to retain consultants, agents and counsel to assist in his duties hereunder; and (iii) subject to the approval of the County Legislature, to promulgate regulations for the interpretation, administration and enforcement of this article as provided in this section.

§ 5-82.0 **Disposition of revenues.** All revenues resulting from the imposition of the tax under this article shall be paid to the Treasurer and shall be credit to and deposited in the general fund of the County. Notwithstanding the foregoing, the Treasurer may apply the revenues derived from the entertainment surcharge tax to costs and expenses incurred in connection with the administration collection and enforcement of the entertainment surcharge to the extent funds have not been appropriated for such purposes.

§ 5-83.0 **Construction and enforcement.** This article shall be construed and enforced in conformity with section two of chapter one hundred seventy-nine of the laws of two thousand, pursuant to which it is enacted, and shall expire and be deemed repealed upon the expiration of such section.
(Amended by Local Law No. 2-2006, in effect on January 1, 2006.)

§ 5-84.0 **Effective dates of entertainment surcharge.** The entertainment surcharge shall be applicable to sales occurring on or after September 15, 2000 or tickets for events scheduled to occur or occurring on or after October 1, 2000.
(Title 3 added by Local Law No. 28-2000, in effect July 31, 2000; amended by Local Law No. 33-2000, in effect September 12, 2000; amended by Local Law No. 3-2001, in effect September 6, 2000.)

ARTICLE 3a ENTERTAINMENT SURCHARGE REGULATIONS

§ 5-90.0 **Authorization.** These regulations are promulgated pursuant to Chapter 179 of the Laws of 2000, effective July 19, 2000, codified at New York State Tax Law Section 1202(d), and Local Law 28-2000, effective July 31, 2000 authorizing Nassau County to impose an entertainment surcharge (the "Local Law"). These regulations are not all inclusive, but are an adjunct to and must be read in conjunction with Article 29 of the New York State Tax Law, including Section 1202(d), and Local Law 28-2000.

§ 5-91.0 **Definitions.** When used in these regulations the following words shall have the meanings herein indicated:

1. “Comptroller." The Comptroller of the County.

2. "County." The County of Nassau.

3. "Entertainment." All forms of commercial or professional entertainment, including, but not limited to, concerts, professional athletic events, theatrical for operatic performances, and trade shows.

4. "Event." Any discrete event of entertainment for which a ticket is required for admission or attendance, including, but not limited to the following: a concert, professional athletic game, contest, meet or event,

theatrical, dramatic, musical, comedy or operatic performance, play, ballet, dance show, dance contest, musical competition, monologue, dialogue, debate, talk show, lecture, mime show, comedy show, vaudeville show, circus, carnival, demonstration, happening, performance event, light show, planetarium, star show, home improvement show, horse race, dog race, livestock show, air show, automobile show, boat show, computer show, garden show, horse show, dog show, cat show, pet show, gem show, trade show or other like or different entertainment event. Any event which requires a separate fee or charge for admission to or attendance at different or separate performances or times shall be taxed as a separate event for each separate fee or charge.

5. "Facility." Any arena or facility, or other place of entertainment with a permanent seating capacity in excess of two thousand five hundred individuals, located in the County, excepting only (i) any such facility located at a college or university and (ii) any such facility owned or operated by an off-track betting corporation or a non-profit racing association. Facilities must have a permanent seating capacity in excess of two thousand five hundred individuals in one room or open space and shall not include facilities where the seating capacity exceeds two thousand five hundred in the aggregate for two or more rooms or open space areas.

6. "Operator." Any person having the right, as owner, tenant or otherwise, to operate a facility and sell tickets for events held at such facility or otherwise to collect the revenues derived therefrom. A facility may have more than one operator to the extent that more than one person has the right to derive revenues from ticket sales. The owner of the facility will be presumed to be the operator of the facility and therefore responsible for filing the necessary returns and paying the taxes due unless such owner registers a statement with the Treasurer on a form to be prescribed by the Treasurer indicating the identity of the party or parties who will be treated as an operator of the facility for purposes of this tax and providing a signed agreement by such other party or parties to be treated as such. Operators of a facility so designated by the owner thereof will be permitted to also register a statement with the Treasurer indicating the identity of any other party or parties who will also be treated as an operator of the facility and providing a signed agreement by such other party or parties to be treated as such.

7. "Person." Any individual, partnership, society, association, joint-stock company, corporation, estate, receiver, trustee, assignee, referee or any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination of individuals.

8. "Ticket." The right of admission to or attendance at an event for an individual, whether or not such right is evidenced by a ticket. Tickets entitling more than one individual to be admitted or to attend an event shall be counted as one ticket for each individual. Season tickets or other tickets permitting admission to or attendance at more than one event shall be counted as one ticket for each such event. Tickets permitting admission to or attendance at a single event lasting longer than twenty-four consecutive hours shall be counted as one ticket for each day or portion thereof during which attendance is permitted. To be considered a ticket, the right of admission to or attendance at an event must be obtained by a person in exchange for consideration, which includes monetary consideration, exchange, barter, the rendering of any service or any agreement therefore.

9. "Treasurer." The treasurer of the County or any duly authorized representative of the treasurer.

§ 5-92.0 **Imposition or tax.**

a. A tax, to be known as an entertainment surcharge, is hereby imposed on every facility at the rate of one dollar and fifty cents on every ticket.

b. The tax imposed hereunder shall not apply to events sponsored by colleges or universities or to amateur athletic competitions, provided that no event otherwise taxable shall be exempted from the entertainment surcharge solely because of the inclusion in such event of an amateur athletic contest and/or the participation with others by a college or university in the sponsorship of such event.

c. The tax imposed hereunder shall be in addition to any and all other taxes. It shall be imposed only once on each ticket.

d. It is intended that the liability for the tax shall be upon the operator. The operator shall have the right to add the amount of the entertainment surcharge to and collect the same as part of the sales price of any ticket, but failure to do so shall not excuse payment of the tax. It shall be presumed that all tickets are subject to tax until the contrary is established, and the burden of proof that a ticket is not taxable hereunder shall be upon the operator.

§ 5-93.0 **Exemptions.** The following organizations are exempt from the entertainment surcharge:

a. The State of New York, or any of its agencies, instrumentalities, public

corporations (including a public corporation created pursuant to agreement or compact with another state or Canada) or political subdivisions where it is the purchaser, user or consumer;

b. The United States of America, and any of its agencies and instrumentalities insofar as it is immune from taxation where it is the purchaser, user or consumer;

c. The United Nations or other international organizations of which the United States of America is a member; and

d. Any corporation, or association, or trust, or community chest, fund or foundation, organized and operated exclusively for religious, charitable, or educational purposes, or for the prevention of cruelty to children or animals, and no part of the net earnings of which inures to the benefit of any private shareholder or individual, and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation; provided however, that this subdivision shall not apply to an organization operated for the primary purpose of carrying on a trade or business for profit, whether or not all of its profits are payable to one or more organizations described in this subdivision.

§ 5-94.0 **Returns and payments; overpayments and underpayments.**

a. Every operator of an event whose receipts from the sale of tickets total $300,000 or more in any quarter of the preceding four quarters must file with the Treasurer, on or before the 20th day of each month, a return showing the amount of all sales of tickets during the preceding month.

b. Every other operator shall file with the Treasurer, on a quarterly basis, a return showing the amount of sales of tickets during the preceding calendar quarter. A quarterly return shall be filed on or before the 20th day of the month following the end of the calendar quarter.

c. For the period through September 30, 2001, operators will determine their reporting cycle (monthly or quarterly) based on receipts from the sale of tickets for periods prior to the effective date of the entertainment surcharge as if the entertainment surcharge had been in effect.

d. Each return must be accompanied by the amount of tax, payable to the Treasurer, which is due with respect to sales of tickets occurring during the month or calendar quarter covered by the return.

e. The Treasurer will prescribe the form of the return and accompanying instructions. The return must show:

1. the name, address, federal employer identification number, and type of business of the operator;

2. for each event: the date, the number of tickets sold, the turnstile attendance, the name and location of the facility, the gross receipts from the sale of tickets, and the amount of tax due;

3. any credits claimed for tickets that are refunded;

4. for any event or sale of tickets that are exempt from tax: the date of the event, the number of tickets sold that are exempt, and the basis for the exemption;

5. penalties and interest, if any, and total amount due;

6. the signature of the operator or officer or employee of the operator signing the return and the individual's title;

7. the signature and address of the preparer, if other than the operator; and

8. the date prepared.

f. If the amount of tax required to be reported and paid is later determined to be greater or less than the amount actually reported and paid, the Treasurer shall:

   1. Charge and collect from the operator the additional tax determined to be due, with interest and penalties, if any, thereon until paid; or

   2. Refund any overpayment to the person entitled thereto pursuant to the regulations, without interest.

§ 5-95.0 **Records to be kept; examination.**

a. All operators and all other vendors of tickets and sponsors of events held within the County shall maintain and keep for a period of three years such records of tickets received, sold, collected, canceled or delivered as may be required by the Treasurer.

b. The Treasurer and the Comptroller are hereby authorized to examine the books, papers, invoices and other records of any operator or other vendor of tickets or sponsor of events held within the County. To verify the accuracy of the tax imposed and assessed by Local Law, each such

person is hereby directed and required to give to the Treasurer and the Comptroller, the means, facilities and opportunity for such examinations as are herein provided for and required.

c. The Treasurer shall investigate any failure to pay the tax required by Local Law or any other failure to comply with Local Law or the rules or regulations promulgated hereunder, and shall take the necessary steps to enforce compliance therewith.

§ 5-96.0 **General powers of the Treasurer.** In addition to the powers granted to the Treasurer in Article 29 of the New York State Tax Law, he is authorized and empowered pursuant to Local Law:

1. To delegate his functions hereunder to a deputy treasurer or other employee or employees of his department, and, with the consent of the Comptroller, to the Comptroller or any of his employees;

2. To promulgate rules and regulations for the interpretation, administration and enforcement of this article;

3. To extend, for cause shown, the time of filing any return for a period not exceeding thirty days; and

4. To retain consultants, agents and counsel to assist in his duties hereunder;

§ 5-97.0 **Administration of oaths and compelling testimony.**

a. The Treasurer and the employees or agents duly designated and authorized by the Treasurer shall have power to administer oaths and take affidavits in relation to any matter or proceeding in the exercise of their powers and duties under Local Law and these regulations. The Treasurer shall have power to subpoena and require the attendance of witnesses and the production of books, papers and documents to secure information pertinent to the performance of the duties of the Treasurer hereunder and of the enforcement of Local Law and these regulations, and to examine them in relation thereto, and to issue commissions for the examination of witnesses who are out of the state, or unable to attend before the Treasurer, or excused from attendance.

b. A justice of the supreme court, either in court or in chambers, shall have power summarily to enforce by proper proceedings the attendance and testimony of witnesses and the production and examination of books, papers and documents called for by the subpoena of the Treasurer.

c. Any person who shall refuse to testify or to produce books or records or who shall testify falsely in any matter pending before the Treasurer hereunder shall be guilty of a misdemeanor, punishment for which shall be a fine of not more than one thousand dollars or imprisonment for not more than one year, or both such fine and imprisonment.

d. The officers who serve the summons or subpoena of the Treasurer and witnesses attending in response thereto shall be entitled to the same fees as are allowed to officers and witnesses in civil cases in courts of record, except as herein otherwise provided. Such officers shall be the County sheriff and the County sheriff's duly appointed deputies.

§ 5-98.0 **Determination of tax.** If any person fails to pay the tax, or to file a return required by Local Law and these regulations, or if a return, when filed, is insufficient and the maker fails to file a corrected or sufficient return within ten days after, the same may be required by notice from the Treasurer. The Treasurer shall determine the amount of tax due from such information as may be obtainable or on the basis of external indices, such as the number of tickets purchased, sold, collected, canceled or on hand, the volume of attendance at similar events and/or other factors. Notice of such determination shall be given to the person liable for the payment of the tax. Such determination shall finally and irrevocably fix the tax unless the person against whom it is assessed shall, within thirty days of the giving or such notice, apply to the Treasurer for a hearing on such determination, or unless the Treasurer shall of his own motion redetermine such tax. After such hearing the Treasurer shall give notice of his decision to the person liable for the tax.

§ 5-99.0 **Judicial review.** Any final determination of the amount of any tax payable pursuant to Local Law shall be reviewable for error, illegality or unconstitutionality or any other reason whatsoever by a proceeding under article seventy-eight of the Civil Practice Law and Rules if application therefore is made to the supreme court within four months after the giving of the notice of such final determination, provided however, that any such proceeding under article seventy-eight of the Civil Practice Law and Rules shall not be instituted by a taxpayer unless (I) the amount of any tax sought to be reviewed, with such interest and penalties thereon as may be provided for by local law, ordinance, resolution or regulation, shall be first deposited and there is filed an undertaking, issued by a surety company authorized to transact business in this state and approved by the superintendent of insurance of this state as to solvency and responsibility, in such amount as a justice of the supreme court shall approve to the effect that if such proceeding be dismissed or the tax confirmed the taxpayer will pay all costs and charges which may accrue in the prosecution of such proceeding or (II) at the option of the taxpayer, such undertaking may be in a sum sufficient to cover the taxes, interest and penalties stated in such determination, plus the costs and charges which may

accrue against such taxpayer shall not be required to pay such taxes, interest or penalties as a condition precedent to the application.

§ 5-100.0 **Refunds.** The Treasurer shall refund any tax, interest or penalty erroneously, illegally or unconstitutionally collected or paid. No refund shall be granted unless application to the Treasurer therefore is made within one hundred eighty days from the payment thereof. Whenever a refund is authorized by the Treasurer and made by the Treasurer, on the Treasurer's own initiative or after a hearing by the Treasurer, the Treasurer shall state his reasons for the refund in writing. A person shall not be entitled to a hearing in connection with such application for a refund if he has already had a hearing or had been given the opportunity of a hearing as provided in these regulations. No refund shall be made of a tax, interest or penalty paid pursuant to a determination of the Treasurer, unless the Treasurer, after a hearing as in the above section provided on forms on motion, shall have reduced the tax or penalty, or it shall have been established in a proceeding, pursuant to article seventy-eight of the Civil Practice Law and Rules, that such determination was erroneous, illegal, unconstitutional or otherwise improper, in which event a refund without interest shall be made as provided upon the determination of such proceeding. An application to the Treasurer for a refund made as herein provided shall be deemed an application for a revision of any tax, interest or penalty complained of and the Treasurer shall receive evidence with respect thereto. After making his determination the Treasurer shall give notice thereof to the person interested who shall be entitled to maintain a proceeding under article seventy-eight of the Civil Practice Law and Rules in accordance with section 5-99.0, Judicial Review.

§ 5-101.0 **Remedies; exclusive.** The remedies provided by these regulations shall be the exclusive remedies available to any person for the review of tax liability imposed by Local Law and no determination or proposed determination of tax or determination on an application for refund shall be enjoined or reviewed by an action for declaratory judgment, an action for money had and received, or by any legal or equitable action or proceeding other than a proceeding under article seventy-eight of the Civil Practice Law and Rules.

§ 5-102.0 **Proceeding to recover tax.** Whenever any operator shall fail to pay any tax penalty or interest imposed by Local Law as herein provided the County Attorney shall, upon the request of the Treasurer, bring or cause to be brought an action to enforce the payment of the same on behalf of the County in any court of the State of New York or of any other state or of the United States.

§ 5-103.0 **Notices and limitations of timing.**

a. Any notice authorized or required under the provisions of these

regulations may be given by mailing the same to the person for whom it is intended in a postpaid envelope addressed to such person at the address given in the last return filed by him pursuant to the provisions of these regulations or in any application made by him or, if no return has been filed or application made, then to such address as may be obtainable. The mailing of such notice shall be presumptive evidence of the receipt of the same by the person to whom addressed. Any period of time which is determined according to the provisions of the regulation by the giving of notice shall commence to run from the date of mailing of such notice.

b. The provisions of the Civil Practice Law and Rules or any other law relative to limitations of time for the enforcement of a civil remedy shall not apply to any proceeding or action taken by the County to levy, appraise, assess, determine or enforce the collection of any tax, interest or penalty provided by this article. However, except in the case of a willfully false or fraudulent return with intent to evade the tax, no assessment of additional tax shall be made after the expiration of more than three years from the date of the filing of a return, provided, that where no return has been filed as provided by law, the tax may be assessed at any time.

c. Where, before the expiration of the period prescribed herein for the assessment of any additional tax, a person has consented in writing that such period be extended, the amount of such additional tax due may be determined at any time within such extended period. The period extended may be further extended by subsequent consents in writing made before the expiration the extended period.

§ 5-104.0 **Penalties and interest.**

a. Any person failing to pay a tax payable under this article when due shall be subject to a penalty of fifty per centum of the amount of tax due. Such penalty shall be paid and disposed of in the same manner as other revenues under Local Law. Unpaid penalties may be enforced in the same manner as the tax imposed by Local law.

b. If any amount of tax is not paid on or before the last date prescribed for payment, without regard to any extension of time granted for payment, interest on such amount and on the penalty at the rate of nine percent per annum, shall be paid for the period from such last date to the date of payment. In computing the amount of interest to be paid, such interest shall be compounded daily. The interest imposed by this subdivision shall be paid and disposed of in the same manner as otherwise required from this article. Unpaid interest may be enforced in the same manner

as proposed by Local law.

§ 5-105.0 **Disposition of revenues.** All revenues resulting from the imposition of the tax under Local Law shall be paid to the Treasurer and shall be credited to and deposited in the general fund of the County.

§ 5-106.0 **Construction and enforcement.** These regulations shall be construed and enforced in conformity with chapter five, article 3, of the administrative code of the County of Nassau, pursuant to which they are promulgated.

§ 5-107.0 **Effective data of entertainment surcharge.** The entertainment surcharge shall be applicable to sales occurring on or after September 15, 2000, of tickets for events scheduled to occur or occurring on or after October 1, 2000.
(Amended by Local Law 31-2000, in effect September 12, 2000.)

CHAPTER VI
DEPARTMENT OF ASSESSMENT

Title A. In General

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Title A
In General

§ 6-1.0 **Definitions.** As used in this title:

1. The term "Board of Assessors" means the County Board of Assessors.

2. The term "school district" means every school district in the County except those school districts coterminous with the limits of an incorporated city or village.
(Amended by L. 1951 Ch. 741 § 8.)

3. The term "assessment" means the valuation of real property on the assessment roll either before or subsequent to the correction of the assessment roll.

4. The term "assessment roll" or "County assessment roll" means the assessment roll prepared by the Board of Assessors, pursuant to article six of the charter and title A of chapter six of the code, for the state, county, towns and special districts, either prior or subsequent to the correction of such roll.

5. The term "school district assessment roll" means the assessment roll prepared by the County Board of Assessors for the collection of the taxes of the school district.

§ 6-2.0 **County to be tax district.** Notwithstanding the definition of the term "tax district" in section two of the tax law, that term means the County whenever referred to in any general or special law relating to the preparing, correcting and verifying of the assessment roll or relating in any manner whatsoever to the assessing of real property in the County for the assessment roll.

§ 6-2.1 **Taxable status of real property.**

a. Notwithstanding the provisions of section three hundred one and three hundred two of the Real Property Tax Law, and except as otherwise provided by section 6-24.1 of this title, the Board of Assessors shall determine the taxable status and classification of all real property for

state, county, town, special and school district taxes for the second succeeding fiscal year according to its condition, ownership and use as of the second day of January in each year. “Classification” shall mean the termination made pursuant to section eighteen hundred two of the Real Property Tax Law.

b. Nothing in this section or in section 6-24.1 of this title shall preclude the assessment review commission from accepting and considering evidence that the value of a parcel has been affected by a change of conditions occurring after the taxable status date applicable to an assessment for which an application for correction has been filed on or before the taxable status date applicable to the assessment for the following year. (Amended by L. 1944 Ch. 716, in effect January 1, 1945: L. 1995 Ch. 561, in effect August 8, 1995. Subd. a amended and subd. b added by L. 2002 Ch. 401.)

§ 6-2.2 **Real property taxation exemption for certain persons with limited income.**

a) Real property in the County owned by one or more persons, each of whom is sixty-five years of age or over, or real property owned by husband and wife or by siblings, one of which is sixty-five years or over shall be exempt from taxation by the County to the extent set forth in the following Schedule A:

SCHEDULE A

ANNUAL INCOME	PERCENTAGE ASSESSED VALUATION EXEMPTION FROM TAXATION
Up to and including $50,000	50 %
More than $50,000 but less than $51,000	45 %
At least $51,000 but less than $52,000	40 %
At least $52,000 but less than $53,000	35 %
At least $53,000 but less than $53,900	30 %
At least $53,900 but less than $54,800	25 %
At least $54,800 but less than $55,700	20 %
At least $55,700 but less than $56,600	15 %

At least $56,600 but less than $57,500	10 %
At least $57,500 but less than $58,400	5 %

Schedule A shall apply to the assessment roll for the 2023-2024 real property tax year.

(Amended by Local Law No. 9-1991, in effect September 23, 1991 and shall apply to assessment rolls prepared on the basis of taxable status dates occurring on or after January 1, 1992; Local Law No. 13-1992, in effect August 11, 1992 and shall apply to assessment rolls prepared on the basis of taxable status dates occurring on or after January 1, 1993; Local Law No. 10-1994, in effect August 15, 1994 and shall apply to assessment rolls prepared on the basis of taxable status dates occurring on or after January 1, 1995; Local Law No. 9-1995, in effect October 2, 1995; applies to assessment rolls prepared on the basis of taxation status dates occurring on or after January 1, 1996; Local law No. 7-1996, in effect October 1, 1996 and shall apply to assessment rolls prepared on the basis of taxable status dates occurring on or after January 1, 1991; Local Law No. 3-1999, in effect May 11, 1999 and shall apply to assessment rolls prepared on the basis of taxable status dates occurring on or after January 1, 2000; Local Law No. 32-2000 in effect September 27, 2000 and shall apply to assessment rolls prepared on the basis of taxable status on or after January 1, 2001; Local Law No. 27-2002, in effect December 31, 2002 and shall apply to assessment rolls prepared on the basis of taxable status on or after January 2, 2003; amended by Local Law No. 18-2003, in effect December 3, 2003 and shall apply to assessment rolls prepared on the basis of taxable status on or after January 2, 2004.; amended by Local Law No. 15-2006, passed on November 13, 2006 and signed on Dec. 11, 2006; amended by Local Law No. 7-2022, effective September 19, 2022.)

b) For the purposes of this section, sibling shall mean a brother or a sister, whether related through half blood, whole blood or adoption.
(Added by Local Law 32-2000, in effect September 27, 2000 and shall apply to assessment rolls prepared on the basis of taxable status on or after January 1, 2001; amended by Local Law No. 27-2002, in effect December 31, 2002 and shall apply to assessment rolls prepared on the basis of taxable status on or after January 2, 2003; amended by Local Law No. 18-2003, in effect December 3, 2003 and shall apply to assessment rolls prepared on the basis of taxable status on or after January 2, 2004.)

b)[12] No exemption shall be granted:

(1) unless annual application is made therefore in accordance with the provisions of subdivision (c) of this section;

(2) if the income of the owner or the combined income of the owners of the property: exceeds the sum of thirty-four thousand three hundred ninety-nine dollars and ninety-nine cents for the income tax year ending December 31, 2005; exceeds the sum of thirty-five thousand three hundred ninety-nine dollars and ninety-nine cents for the income tax year ending December 31, 2006; exceeds the sum of

[12] There are two subd. (b).

thirty-six thousand three hundred ninety-nine dollars and ninety-nine cents for the income tax year ending December 31, 2007; exceeds the sum of thirty-seven thousand three hundred ninety-nine dollars and ninety-nine cents for the income tax year ending December 31, 2008; and exceeds the sum of fifty-eight thousand three hundred ninety-nine dollars and ninety-nine cents for the income tax year ending December 31, 2021. Income tax year shall mean the twelve month period for which the owner or owners filed a personal federal income tax return, or if no such return is filed, the calendar year. Where title is vested in either the husband or the wife, their combined income may not exceed such sum except where the husband or wife, or ex-husband or ex-wife is absent from the property as provided in section 467(3)(d) (ii) of the Real Property Tax law of New York State, then only the income of the spouse or ex-spouse residing on the property shall be considered and may not exceed such sum. Such income shall include social security and retirement benefits, interest, dividends, total gain from the sale or exchange of a capital asset which may be offset by a loss from sale or exchange of a capital asset in the same income tax year, net rental income, salary or earnings, and net income from self-employment, but shall not include a return of capital, gifts, inheritances, payments made to individuals because of their status as victims of Nazi persecution as defined in P.L. 103-286, monies earned through employment in the federal foster grandparent program and any such income shall be offset by all medical and prescription drug expenses actually paid which were not reimbursed or paid for by insurance or veterans disability compensation, as defined in Title 38 of the United States Code. In computing net rental income and net income from self-employment no depreciation deduction shall be allowed for the exhaustion, wear and tear of real or personal property held for the production of income.

(Amended by Local Law No. 9-1991, in effect September 23, 1991 and applied to assessment rolls prepared on the basis of taxable status dates occurring on or after January 1, 1992; Local Law No. 13-1992, in effect August 11, 1992 and applied to assessment rolls prepared on the basis of taxable status dates occurring on or after January 1, 1993; Local Law No. 10-1994, in effect August 15, 1994 and applied to assessment rolls prepared on the basis of taxable status dates occurring on or after January 1, 1995; Local Law No. 9-1995, in effect October 2, 1995; and applied to assessment rolls prepared on the basis of taxable status dates occurring on or after January 1, 1996; Local Law No. 7, 1996, in effect October 1, 1996 and applied to assessment rolls prepared on the basis of taxable status dates occurring on or after January 1, 1997; Local Law No. 13-1996, in effect December 12, 1996 and applied to assessment rolls prepared on the basis of taxable status dates occurring on or after January 1, 1997; Local Law 4-1997, in effect November 5, 1997 and applied to assessment rolls prepared on the basis of taxable status dates occurring on or after January 1, 1998; Local Law No. 3-1999, in effect May 11, 1999 and applied to assessment rolls prepared on the basis of taxable status dates occurring on or after January 1, 2000; Local Law 32-2000, in effect September 27, 2000 and applied to assessment rolls prepared on the basis of taxable status dates occurring on or after

January 1, 2001; Local Law No. 27-2002 in effect December 31, 2002 and applied to assessment rolls prepared on the basis of taxable status dates on or after January 2, 2003; Local Law No. 18-2003, in effect December 3, 2003 and applied to assessment rolls prepared on the basis of taxable status dates on or after January 2, 2004; amended by Local Law No. 15-2006, passed on November 13, 2006 and signed on December 11, 2006; amended by Local Law No. 7-2022, effective September 19, 2022.)

(3) unless the title of the property shall have been vested in the owner or one of the owners of the property for at least twenty-four consecutive months prior to the date of making application for exemption, provided however, that in the event of the death of either a husband or wife in whose name title of the property shall have been vested at the time of death and then becomes vested solely in the survivor by virtue of devise by or descent from the deceased husband or wife, the time of ownership of the property by the deceased husband or wife shall be deemed also a time of ownership by the survivor and such ownership shall be deemed continuous for the purposes of computing such period of twenty-four consecutive months provided further, that in the event of a transfer by either a husband or wife to the other spouse of all or part of the title to the property the time of ownership of the property by the transferor spouse shall be deemed also a time of ownership by the transferee spouse and such ownership shall be deemed continuous for the purposes of computing such period of twenty-four consecutive months and provided further that where property of the owner or owners has been acquired to replace property formerly owned by such owner or owners and taken by eminent domain or other involuntary proceeding, except a tax sale, and further provided that where a residence is sold and replaced with another within one year and is in the same assessment unit, the period of ownership of the former property shall be combined with the period of ownership of the property for which application is made for exemption and such periods of ownership shall be deemed to be consecutive for purposes of this section;
(Paragraph 2 of subdivision b and subdivision f of § 6-22; Local Law No. 6-1980, in effect July 21, 1980; subdivision a and paragraph 2 of subdivision b amended by Local Law No. 8-1983, in effect September 26, 1983; subdivision a and paragraph 2 of subdivision b amended by Local Law No. 15-1988, in effect November 11, 1986; subdivision a and paragraph 2 of subdivision b amended by Local Law No. 2-1990, in effect January 22, 1990; subdivision a and paragraph 2 of subdivision b amended by Local Law No. 6-1910, in effect July 2, 1990 and shall apply to assessment rolls prepared on the basis of taxable status dates occurring on or after January 1, 1990.)

(4) unless the property is used exclusively for residential purposes;

(5) unless the real property is the legal residence of and is occupied in whole or in part by the owner or by all of the owners of the property.

(c)

(1) A verified application for the annual exemption shall be made by the owner, or all of the owners, of the property on forms prescribed by the State Board of Equalization and Assessment to be furnished by the Board of Assessors office. Any person otherwise qualifying under this section shall not be denied the exemption if he becomes sixty-five years of age after the appropriate tax status date and before December thirty-first of the same year.
(Subdivision (c) paragraph 1 amended by Local Law No. 2-1990, in effect January 22, 1990 and shall apply to assessment rolls prepared on the basis of taxable status dates occurring on or after January 1, 1990.)

(2) The owner, or all of the owners, shall file any supporting documents the Board of Assessors deems necessary.

(3) The application and the supporting documents shall be filed in the Board of Assessors office on or before December thirty-first in each year.

(4) The Board of Assessors office shall accept applications and supporting documents only from September first to and including December thirty-first. Income included with the application shall be based upon the preceding calendar year's income and said exemption if applicable will apply to the immediate ensuing assessment roll.
(Subds. 3 & 4 amended by L. 1995 Ch. 561, in effect August 5, 1995.)

(d) The Board of Assessors shall not amend the assessment rolls to reflect any exemptions authorized by section four hundred sixty-seven of the Real Property Tax Law until a certified copy of the local law, ordinance or resolution providing for such exemption is filed with the Board of Assessors. Applications and supporting documents for exemptions from town or school district taxes shall be filed with the Board of Assessors together with supporting documents in the same manner and within the time specified by subdivision (c).

(e) At least sixty days prior to the first of May in each year, the Board of Assessors shall mail to each person who was granted exemption pursuant to this section on the latest completed assessment roll an application form and a notice that such application must be filed on or before such first day of May and be approved in order for the exemption to be granted. Failure to mail any such application form and notice or the failure of such person to receive the same shall not prevent the levy, collection and enforcement of the payment of the taxes on property owned by such person.

(f) Notwithstanding subdivision e hereof, for the year nineteen hundred eighty-two, the following procedures shall be applicable:

1. The Board of Assessors shall within five days after the effective date of this local law prepare forms for an exemption pursuant to this section. Such forms shall be mailed to each person who is granted an exemption pursuant to this section on the latest completed assessment roll and which exemption was not renewed for the tax year nineteen hundred eighty-two - eighty-three;

2. Applicants may file for such exemption on such forms until the final completion of the assessment roll as provided in section 6-13.0 of the Nassau County Administrative Code;

3. Applicants who file such form on or before such final completion of the assessment roll shall be granted the exemption pursuant to this section;

4 Upon the effective date of this local law the Board of Supervisors of the County of Nassau shall notify the Nassau County Department of Senior Citizen Affairs of its action; and

5. The Nassau County Department of Senior Citizen Affairs shall cause notice of the adoption of this local law to be disseminated by news media and other means to senior citizens in the County of Nassau.
(Paragraph 2 of subdivision b and subdivision f of § 6-22: Local Law No. 6-1980, in effect July 21, 1980; Subdivision a and paragraph 2 of subdivision b amended by Local Law No. 8-1983, in effect September 26, 1983.)

(g) Notwithstanding any provision of law to the contrary, where a renewal application for the exemption authorized by New York State Real Property Tax Law §467 has not been filed on or before the taxable status date, and the owner believes that good cause existed for the failure to file the renewal application by that date, the owner may, no later than the last day for paying taxes without incurring interest or penalty, submit a written request to the assessor asking him or her to extend the filing deadline and grant the exemption. Such request shall contain an explanation of why the deadline was missed, and shall be accompanied by a renewal application, reflecting the facts and circumstances as they existed on the taxable status date. The assessor may extend the filing deadline and grant the exemption if he or she is satisfied that (i) good cause existed for the failure to file the renewal application by the taxable status date, and that (ii) the applicant is otherwise entitled to the exemption. The assessor shall mail notice of his or her determination to the owner. If the determination states that the assessor has granted the

exemption, he or she shall thereupon be authorized and directed to correct the assessment roll accordingly, or, if another person has custody or control of the assessment roll, to direct that person to make the appropriate corrections. If the correction is not made before taxes are levied, the failure to take the exemption into account in the computation of the tax shall be deemed a “clerical error” for purposes of title three of article five of the New York State Real Property Tax Law and shall be corrected accordingly.
(Subdivision (g) added by Local Law 17-2018, in effect December 6, 2018.)

§ 6-2.3 **Real property taxation exemption for certain improvements to real property by persons who are disabled.**

(a) An improvement to any real property used solely for residential purposes as a one, two or three family residence shall be exempt from taxation to the extent of any increase in value attributable to such improvement if such improvement is used for the purpose of facilitating and accommodating the use and accessibility of such real property by a resident owner of the real property who is physically disabled or a member of the resident owner's household who is physically disabled, if such member resides in the real property.

(b) The exemption shall apply to improvements constructed in accordance with (a) above notwithstanding the date of construction.

(c) To qualify as physically disabled for the purposes of this section, an individual shall submit to the Board of Assessors a certified statement from a physician licensed to practice in the State of New York on a form prescribed and made available by the State Board of Equalization and Assessment which states that the individual has a permanent physical impairment which substantially limits one or more of such individual's major life activities, except that an individual who has obtained a certificate from the State Commission for the Blind and Visually Handicapped stating that such individual is legally blind may submit such certificate in lieu of a physician’s certified statement.

(d) Such exemption shall be granted only upon application by the owner or all of the owners of the real property on a form prescribed and made available by the State Board of Equalization and Assessment. The applicant shall furnish such information as the State Board of Equalization and Assessment shall require. The application shall be filed together with the appropriate certified statement of physical disability or certificate of blindness with the Board of Assessors on or before the first day of May.

(e) If the Board of Assessors is satisfied that the improvement is necessary to facilitate and accommodate the use and accessibility by a resident who is physically disabled and that the applicant is entitled to an exemption pursuant to this section, it shall approve the application and enter the taxable assessed value of the parcel for which an exemption has been granted pursuant to this section on the assessment roll with the taxable property, with the amount of the exemption as determined pursuant to this section in a separate column.

(f) Once granted, the exemption shall continue on the real property until the improvement ceases to be necessary to facilitate and accommodate the use and accessibility of the property by the resident who is physically disabled.
(Local Law No. 9-1983, in effect December 1, 1983.)

§ 6-2.4 **Partial exemption from taxation for persons with disabilities who have limited incomes.**

(a) Real property located in Nassau County owned by one or more persons with disabilities, or real property owned by husband, wife, or both, or by siblings, at least one of whom has a disability, and whose income, as hereafter defined, is limited by reason of such disability, shall be exempt from taxation by Nassau County to the extent set forth in the following schedule:

SCHEDULE A

ANNUAL INCOME	PERCENTAGE ASSESSED VALUATION EXEMPTION FROM TAXATION
Up to and including $50,000	50 %
More than $50,000 but less than $51,000	45 %
At least $51,000 but less than $52,000	40 %
At least $52,000 but less than $53,000	35 %
At least $53,000 but less than $53,900	30 %
At least $53,900 but less than $54,800	25 %
At least $54,800 but less than $55,700	20 %
At least $55,700 but less than $56,600	15 %

At least $56,600 but less than $57,500	10 %
At least $57,500 but less than $58,400	5 %

Schedule A shall apply to the assessment roll for the 2023-2024 real property tax year.

(b) For the purposes of this section the following definitions apply:

(A) "Sibling" shall mean a brother or a sister, whether related through half blood, whole blood or adoption.

(B) "A person with a disability" is one who has a physical or mental impairment, not due to current use of alcohol or illegal drug use, which substantially limits such person's ability to engage in one or more major life activities, such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working, and who (I) is certified to receive social security disability insurance (SSDI) or supplemental security income (SSI) benefits under the federal social security act, or (II) is certified to receive railroad retirement disability benefits under the federal railroad retirement act, or (III) has received a certificate from the State Commission for the Blind and Visually Handicapped stating that such person is legally blind.

(C) "Proof of Disability" shall be an award letter from the Social Security Administration or the Railroad Retirement Board or a certificate from the State Commission for the Blind and Visually Handicapped.

(c) No exemption shall be granted:

(1) Unless annual application is made therefore in accordance with the provisions of subdivision (e) of this section.

(2) If the income of the owner or the combined income of the owners of the property for the income tax year immediately preceding the date of making application for exemption exceeds the sum of thirty-four thousand three hundred ninety-nine dollars and ninety-nine cents for the income tax year ending December 31, 2005; exceeds the sum of thirty-five thousand three hundred ninety-nine dollars and ninety-nine cents for the income tax year ending December 31, 2006; exceeds the sum of thirty-six thousand three hundred ninety-nine dollars and ninety-nine cents for the income tax year ending December 31, 2007; exceeds the sum of thirty-seven thousand three

hundred ninety-nine dollars and ninety-nine cents for the income tax year ending December 31, 2008; and exceeds the sum of fifty-eight thousand three hundred ninety-nine dollars and ninety-nine cents for the income tax year ending December 31, 2021. Income tax year shall mean the twelve month period for which the owner or owners filed a federal personal income tax return, or if no such return is filed, the calendar year. Where title is vested in either the husband or the wife, their combined income may not exceed such sum, except where the husband or wife, or ex-husband or ex-wife is absent from the property due to divorce, legal separation or abandonment, then only the income of the spouse or ex-spouse residing on the property shall be considered and may not exceed such sum. Such income shall include social security and retirement benefits, interest, dividends, total gain from the sale or exchange of a capital asset which may be offset by a loss from the sale or exchange of a capital asset in the same income tax year, net rental income, salary or earnings, and net income from self-employment, but shall not include a return of capital, gifts, inheritances or monies earned through employment in the federal foster grandparent program and any such income shall be offset by all medical and prescription drug expenses actually paid which were not reimbursed or paid for by insurance. In computing net rental income and net income from self-employment, no depreciation deduction shall be allowed for the exhaustion, wear and tear of real or personal property held for the production of income.

(3) Unless the property is used exclusively for residential purposes, provided, however, that in the event any portion of such property is not so used exclusively for residential purposes but is used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided by this section.

(4) Unless the real property is the legal residence of and is occupied in whole or in part by the disabled person; except where the disabled person is absent from the residence while receiving health-related care as an inpatient of a residential health care facility, as defined in section twenty-eight hundred one of the public health law, provided that any income accruing to that person shall be considered income for purposes of this section only to the extent that it exceeds the amount paid by such person or spouse or sibling of such person for care in the facility.

(5) In the case of real property where a child resides if such child attends a public school of elementary or secondary education, no school tax should be exempted.

(d) This exemption shall apply to real property owned by a cooperative apartment corporation. Title to that portion of real property owned by a cooperative apartment corporation in which a tenant-stockholder of such corporation resides, and which is represented by his share or shares of stock in such corporation is determined by its or their proportional relationship to the total outstanding stock of the corporation, including that owned by the corporation, shall be deemed to be vested in such tenant-stockholder.

That proportion of the assessment of such real property owned by a cooperative apartment corporation determined by the relationship of such real property vested in such tenant-stockholder to such entire parcel and the buildings thereon owned by such cooperative apartment corporation in which such tenant-stockholder resides shall be subject to exemption from taxation pursuant to this section and any exemption so granted shall be credited by the appropriate taxing authority against the assessed valuation of such real property, the reduction in real property taxes realized thereby shall be credited by the cooperative apartment corporation against the amount of such taxes otherwise payable by or chargeable to such tenant-stockholder.

(e) Application for such exemption must be made annually by the owner, or all of the owners of the property, on forms prescribed by the State Board, and shall be filed in such assessor's office on or before the appropriate taxable status date; provided, however, proof of a permanent disability need be submitted only in the year exemption pursuant to this section is first sought or the disability is first determined to be permanent.

(f) At least sixty days prior to the appropriate taxable status date, the assessor shall mail to each person who was granted an exemption pursuant to this section on the latest completed assessment roll an application form and notice that an application must be filed on or before taxable status date and be approved in order for the exemption to continue to be granted. Failure to mail such application form or the failure of such person to receive the same shall not prevent the levy, collection and enforcement of the payment of the taxes on property owned by such person.

(g) Notwithstanding any other provision of law to the contrary, the provisions of this section shall apply to real property held in trust solely for the benefit of a person or persons who would otherwise be eligible for a real property tax exemption, pursuant to subdivision one of this section, were such person or persons the owner or owners of such real property.

(h) Any exemption provided by this section shall be computed after all other partial exemptions allowed by law have been subtracted from the total amount assessed, provided, however, that no parcel may receive an exemption for the same municipal tax purpose pursuant to both this section and section four hundred sixty-seven of this title.
(Added by Local Law No. 4-1998, in effect June 26, 1998; amended by Local Law No. 28-2002, in effect December 31, 2002; amended by Local Law No. 17-2003, in effect December 3, 2003 and shall apply to assessment rolls prepared on the basis of taxable status on or after January 2, 2004; amended by Local Law No. 2-2007, passed on January 22, 2007 and signed into law on January 25, 2007; amended by Local Law No. 8-2022, effective September 19, 2022).

§ 6-2.5 **Real property tax exemption for Gold Star Parents.**

(a) As used in this section, "Gold Star Parent" shall mean the parent of a child who died in the line of duty while serving in the United States armed forces during a period of war as defined in section 1458-a(1)(a) of the New York State Real Property Tax Law.

(b) As used in this section, "qualifying residential real property" shall mean property owned by a Gold Star Parent which is used exclusively for residential purposes, provided, however, that in the event any portion of such property is not so used exclusively for residential purposes but is used for other purposes, such portion shall be subject to normal taxation and the remaining portion only shall be entitled to the exemption provided by this section. Such property must be the primary residence of the Gold Star Parent or the remarried surviving spouse of the Gold Star Parent, unless the Gold Star Parent or unremarried spouse is absent from the property due to medical reasons or institutionalization.

(c) As provided in § 1458-a(2)(a) of the New York State Real Property Tax Law (veterans alternative exemption), qualifying residential real property shall be exempt from taxation to the extent of fifteen percent of the assessed value of such property; provided, however, that such exemption shall not exceed twelve thousand dollars or the product of twelve thousand dollars multiplied by the latest state equalization rate as defined in § 1458-a(1)(f) of the New York State Real Property Tax Law for the assessing to, or in the case of a special assessing unit, the latest class ratio as defined in § 1458-a(1)(g) of the New York State Real Property Tax Law, whichever is less.

(d) The additional exemptions provided for in § 1458-a(2)(c) of the New York State Real Property Tax Law shall not apply to real property owned by a Gold Star Parent.
(Added by Local Law No. 36-2000, in effect November 29, 2000.)

§ 6-2.5 **[Abatement of tax for senior citizens]** [13]

a) The property of a senior citizen that qualifies for and receives the enhanced exemption pursuant to subdivision four of section four hundred twenty-five of the Real Property Tax Law shall be eligible to receive an abatement of county taxes equal to one hundred percent of the general tax rate increases for the roll finally completed in the year two thousand two as compared to the tax rate applicable to the assessment roll finally completed in calendar year two thousand one. This abatement shall not limit increases in tax that result from changes to the full taxable value of property or from subsequent tax rate increases or from increases in taxes other than the general county tax.

b) No separate application shall be required for the abatement authorized by subdivision a of this section. The Assessor of Nassau County shall compute and apply the abatement when extending the tax on eligible property. Eligibility for such abatement shall be determined annually provided that a property that becomes eligible for a year subsequent to the initial year in which such abatement is authorized shall receive the abatement for such subsequent year and for each year thereafter while it remains eligible and until the authorization for the abatement expires. If the enhanced extension granted pursuant to subdivision four of section four hundred twenty-five of the Real Property Tax Law is later discontinued or revoked, the abatement granted pursuant to this section shall likewise be discontinued or revoked. If eligibility for the abatement or the amount of the abatement changes after the extension of taxes, the Assessor shall notify the official responsible for the collection or refund of taxes, who shall calculate and impose or refund the difference in taxes accordingly.

c) The general county tax extended on an eligible parcel shall be abated by the abatement amount, which shall be calculated by multiplying the taxable assessed valuation, after application of all exemptions for which such parcel is eligible for general county tax purposes, by the abatement tax rate determined pursuant to this section, provided that the abatement shall not exceed the general county tax otherwise chargeable to such eligible parcel. The legislature shall determine separate abatement tax rates for each class of property, each roll year and each portion of the County for which a general county tax is determined. The abatement rate shall be the base abatement tax rate calculated pursuant to this subdivision multiplied by the abatement ratio. The abatement ratio shall be set forth in the local law, as it may be amended from time to time, which adopts the abatement authorized by this section. Such

[13] There are two § 6-2.5. Title not in Local Law. Title supplied to facilitate use.

ratio shall be one-half if no other ratio is specified in the local law. In no event shall the abatement ratio be greater than one.

(d) For the general county tax levied on the assessment roll finally completed in calendar year two thousand two, the base abatement tax rate for a class shall be the general county tax rate, for such class applicable to such assessment roll less the tax rate for such class for the roll finally completed in calendar year two thousand one.

(e) In each subsequent year, the base abatement tax rate shall be adjusted to account for changes in the level of assessment by multiplying the base abatement tax rate calculated pursuant to paragraph (e) of this subdivision by the ratio between the class equalization rate for such class for the roll completed in calendar year two thousand two and the class equalization rate for such class for the assessment roll for such subsequent year.

(f) If the equalized tax rate for a class in any year is less than the equalized tax rate for the roll finally completed in calendar year two thousand two but more than the rate for the roll completed in calendar year two thousand one, the base abatement tax rate shall be recalculated by dividing the difference between such equalized tax rates by the class equalization ratio for the roll year of the taxes to be abated.

(g) If the equalized tax rate for a class and roll year after calendar year two thousand two is less than the equalized tax rate for the roll completed in calendar year two thousand one, no abatement shall be granted for property in such class for such roll year.

(h) For purposes of this section, "class" shall have the meaning provided by section eighteen hundred two of this chapter and "class equalization rate" shall have the meaning provided by section twelve hundred two of this chapter. The term "equalized tax rate" shall mean:

i) The general county tax rate for a class and roll year multiplied by the class equalization rate for such class and year.

ii) The abatement authorized by this section shall apply to taxes on real property owned by a cooperative corporation and to trailers and mobile homes to the extent such taxes are attributable to the property of eligible shareholders or owners and shall be credited against the taxes or rent otherwise payable by or chargeable to such eligible individuals in the same manner as if provided within the exemption granted by section four hundred twenty-five of the Real Property Tax Law.

(Section added by Local Law No. 17-2002, in effect Nov. 15, 2002 with abatement remaining in effect through and including the roll finally completed in the year two thousand fifteen. Abatement extended indefinitely by Local Law No. 1-2017, in effect January 24, 2017.)

§6-2.6 **Partial Exemption from Taxation for Volunteer Firefighters and Volunteer Ambulance Workers**

1. Real property owned by an enrolled member of an incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service or such enrolled member and spouse residing in Nassau County shall be exempt from taxation to the extent of up to ten percent of the assessed value of such property for county purposes, exclusive of special assessments.

2. Such exemption shall not be granted to an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service residing in Nassau County unless:

   (a) the applicant resides in the city, town or village which is served by such incorporated volunteer fire company or fire department or incorporated voluntary ambulance service;

   (b) the property is the primary residence of the applicant;

   (c) the property is used exclusively for residential purposes; provided however, that in the event any portion of such property is not used exclusively for the applicant's residence but is used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided by this section; and

   (d) the applicant has been certified by the board of directors of the incorporated volunteer fire company, fire department, or voluntary ambulance service as an enrolled member of such incorporated volunteer fire company, fire department, or voluntary ambulance service; provided, however, that such applicant has been an enrolled member for no less than two years.

3. Any enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service who accrues more than twenty years of active service and is so certified by the board of directors of the incorporated volunteer fire company, fire department or incorporated voluntary ambulance service, shall be granted the ten percent exemption as authorized by this section for the remainder of

their life as long as their primary residence is located within Nassau County.

4. Un-remarried spouses of volunteer firefighters or volunteer ambulance workers killed in the line of duty. The County shall continue an exemption or reinstate a pre-existing exemption claimed under this section by an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service, for such deceased enrolled member's un-remarried spouse if such member is killed in the line of duty; provided, however, that:

   (a) such un-remarried spouse is certified by the board of directors of the incorporated volunteer fire company, fire department or incorporated voluntary ambulance service as an un-remarried spouse of an enrolled member of such incorporated volunteer fire company, fire department or incorporated voluntary ambulance service who was killed in the line of duty; and

   (b) such deceased volunteer had been an enrolled member for at least five years; and

   (c) such deceased volunteer had been receiving the exemption prior to their death.

5. Un-remarried spouses of volunteer firefighters or volunteer ambulance workers. The County shall continue an exemption or reinstate a pre-existing exemption to an un-remarried spouse of a deceased enrolled member of an incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service; provided, however, that:

   (a) such un-remarried spouse is certified by the board of directors of the incorporated volunteer fire company, fire department or incorporated voluntary ambulance service as an un-remarried spouse of a deceased enrolled member of such incorporated volunteer fire company, fire department or incorporated voluntary ambulance service; and

   (b) such deceased volunteer had been an enrolled member for at least twenty years; and

   (c) such deceased volunteer and un-remarried spouse had been receiving the exemption for such property prior to the death of such volunteer.

6. Application for such exemption shall be filed with the Nassau County Assessor on or before the taxable status date on a form as prescribed by the commissioner.

7. No applicant who is a volunteer firefighter or volunteer ambulance worker who by reason of such status is receiving any benefit under the provisions of Article Four of the Real Property Tax Law on the effective date of this section shall suffer any diminution of such benefit because of the provisions of this section.

(Added by Local Law No. 24-2002 in effect December 17, 2002, amended by Local Law No. 1-2005; subd. 5 added by Local law No. 1-2007, passed on January 22, 2007 in effect January 1, 2007; amended by Local Law No. 2-2023, effective March 28, 2023.)

§6-2.6[14] **Adjustment of veterans' exemption.**

(a) Recomputation. In the event of a revaluation or update of assessments, where an exemption pursuant to section four hundred fifty-eight of the Real Property Tax Law has been granted the amount of such exemption shall be recomputed pursuant to the provisions of paragraph a of subdivision five of section four hundred fifty-eight of the Real Property Tax Law.

(b) Notice of adjusted exemption. If at the time of providing an assessment disclosure notice pursuant to section five hundred eleven of the Real Property Tax Law or publication of the tentative assessment roll, the change in the level of assessment has not been certified pursuant to the rules of the State Board of Real Property Services, the Board of Assessors may estimate the exemption as recomputed in accordance with the provisions of subdivision (a) of this section for purposes of such disclosure notice or tentative roll.

(Added by Local Law 18-2002 in effect November 15, 2002)

§ 6.2-7[15] **[Partial exemption for Cold War Veterans][16]**

(a) Legislative Intent. Section 458-b of the New York state real property tax law authorizes local governments to extend a partial exemption from real property taxes for real property owed by persons who rendered military service to the United States during the Cold War. In order to institute such partial real property tax exemption, the governing board of a municipality must adopt a local law providing for such partial exemption. The purpose of this local law is to extend such partial real property tax

[14] There are two § 6-2.6.
[15] Section so numbered by Legislature. Probably should be numbered 6-2.7.
[16] No title in Local Law. Title supplied to facilitate use.

exemption to the extent authorized by New York state law.

(b) Definitions. As used in this section:

(1) “Cold War veteran” means a person, male or female, who served on active duty for a period of more than three hundred sixty-five days in the United States armed forces, during the time period from September second, nineteen hundred forty-five to December twenty-sixth, nineteen hundred ninety-one, and was discharged or released therefrom under honorable conditions.

(2) “Armed forces” means the United States army, navy, marine corps, air force, and coast guard.

(3) “Active duty” means full-time duty in the United States armed forces, other than active duty for training.

(4) “Service connected” means, with respect to disability or death, that such disability was incurred or aggravated, or that the death resulted from a disability incurred or aggravated, in line of duty on active military, naval or air service.

(5) “Qualified owner” means a Cold War veteran, the spouse of a Cold War veteran, or the unremarried surviving spouse of a deceased Cold War veteran. Where property is owned by more than one qualified owner, the exemption to which each is entitled may be combined. Where a veteran is also the unremarried surviving spouse of a veteran, such person may also receive any exemption to which the deceased spouse was entitled.

(6) “Qualified residential real property” means property owned by a qualified owner that is used exclusively for residential purposes; provided, however, that in the event that any portion of such property is not used exclusively for residential purposes, but is used for other purposes, such portion shall be subject to taxation and only the remaining portion used exclusively for residential purposes shall be subject to the exemption provided by this section. Such property shall be the primary residence of the Cold War veteran or the unremarried surviving spouse of a Cold War veteran, unless the Cold War veteran or unremarried surviving spouse is absent from the property due to medical reasons or institutionalization.

(7) “Latest class ratio” means the latest final class ratio established by the state board pursuant to title one of article twelve of this chapter for use in a special assessing unit as defined in section eighteen hundred one of the New York state real property tax law.

(c) Partial exemption from taxation for Cold War veterans. Qualified real property owned by a Cold War Veteran or an otherwise qualified owner, including a Cold War Veteran’s interest in real property owned by a cooperative corporation, shall be exempt from taxation to the extent of fifteen percent (15%) of the assessed value of such property; provided, however, that such exemption shall not exceed seventy-five thousand dollars or the product of seventy-five thousand dollars multiplied by the

latest class ratio, whichever is less.
(Amended by Local Law No. 11-2010, in effect July 21, 2010; amended by Local Law No. 4-2018, in effect April 2, 2018.)

(d) Additional exemption. In addition to the exemption provided by subdivision (c), where the Cold War veteran received a compensation rating from the United States veterans affairs or from the United States Department of Defense because of a service connected disability, qualifying residential real property, including a Cold War Veteran's interest in real property owned by a cooperative corporation, shall be exempt from taxation to the extent of the product of the assessed value of such property, multiplied by fifty percent of the Cold War veteran disability rating; provided, however, that such exemption shall not exceed two hundred fifty thousand or the product of two hundred fifty thousand dollars multiplied by the latest class ratio, whichever is less.
(Amended by Local Law No. 11-2010, signed July 21, 2010; amended by Local Law No. 4-2018, in effect April 2, 2018.)

(e) Limitations. (1) The exemption from taxation provided by this section shall not be applicable to taxes levied for school purposes.
(2) If a Cold War veteran receives the exemption under New York State real property tax law sections 458 or 458-a, the Cold War veteran shall not be eligible under this section.
(3) The exemption authorized by this section shall apply to qualifying owners of qualifying real property for as long as they remain qualifying owners.
(Amended by Local Law No. 4-2018, in effect April 2, 2018.)

(f) Application for exemption shall be made by the owner, or all of the owners, of the property on a form prescribed by the state board. The owner or owners shall file the completed form in the Nassau County Assessor's office on or before the first appropriate taxable status date. The exemption shall continue in full force and effect for all appropriate subsequent tax years and the owner or owners of the property shall not be required to refile each year. Applicants shall be required to refile on or before the appropriate taxable status date if the percentage of disability percentage increases or decreases or may refile if other changes have occurred which affect qualification for an increased or decreased amount of exemption. Any applicant convicted of willfully making any false statement in the application for such exemption shall be subject to the penalties prescribed in the penal law.
(Added by Local Law No. 8-2008, signed September 17, 2008. Subd. (c) & (d) amended by Local Law No. 11-2010, signed July 21, 2010.)

§ 6-2.10. **Partial Exemption for Veterans of Operation Graphic Hand.** All military personnel who served in the Reserve component of the United States Armed Forces who were deemed on active duty under Executive Order

11519, signed March 23,1970, 35 Federal Register 5003, dated March 24, 1970 and later designated by the United States Department of Defense as Operation Graphic Hand, and were discharged or released therefrom under honorable conditions shall be entitled to an exemption pursuant to Real Property Tax Law section 458-a provided that such veteran meets all other qualifications of Real Property Tax Law section 458-a.
(Added by Local Law No. 14-2016, in effect December 16, 2016.)

§ 6-3.0 **Name of owners on assessment roll.** The Board of Assessors shall make diligent effort to ascertain the true name and address of the owner of each parcel of land assessed and charge the land to such owner on the assessment roll.

§ 6-4.0 **Special franchise assessment.** When a town or city clerk shall have received from the state tax commission the statement of the equalized valuation of a special franchise as fixed by the state tax commission in accordance with the provisions of the tax law, he shall deliver a copy of such statement to the chairman of the Board of Assessors within five days after such receipt by him. As required by the tax law, the Board of Assessors shall proceed to apportion the valuation of the special franchise among the several school and special districts according to their best judgment, and shall indicate such apportioned valuations upon the assessment roll.

§ 6-5.0 **Assessment of property in separate districts to be apportioned**. The Board of Assessors, in addition to the requirements contained in section 6-4.0 of this code, shall, whenever necessary, make an apportionment of the assessment of the real property among the several school and special districts in which such real property is located.

§ 6-6.0 **Assessment of exempt property; assessment of property of non-residents.** The property of non-residents shall be assessed in the same manner as the property of residents. All real estate exempt from taxation shall be assessed in the same manner as property subject to taxation.

§ 6-7.0 **Form of assessment roll.**

a. The chairman of the Board of Assessors shall be responsible for the preparation of the assessment roll with the assistance of the deputy assessors. In the preparation of the assessment roll, columns or books may be provided, in addition to those required by the tax law, for the designation of:

    1. The assessment of property exempt from taxation.

    2. Property situated in school districts.

b. Additional columns may also be provided for the purpose of listing all real estate, on which taxes and assessments have been levied and returned to the County Treasurer as unpaid.

c. The Board of Assessors by its rules and regulations may provide for the convenient grouping, assessing and taxation of lots or subdivided real property which are under the same ownership.

d. All property assessed shall be designated or described in the same manner as such property is designated or described on the tax maps of the County when the same shall have been completed pursuant to section six hundred three of the charter.

e. When the tentative assessment roll has been prepared, the Board of Assessors, or at least a majority of such Board of Assessors, shall severally appear before any officer of the County authorized by law to administer oaths and shall severally make and subscribe before such officer an oath in the following form: “We, the undersigned, do severally depose and swear that, to the best of our knowledge and belief, we have set forth in the tentative assessment roll attached hereto or filed herewith all the real property situated in the assessing unit in which we are assessors and, with the exception of assessments made by the State Board of Equalization and Assessment, we have estimated the value of such real property at the sums which we have determined to be in accordance with the provisions of section three hundred five of the Real Property Tax Law," which oath shall be set forth on such tentative assessment roll and signed and verified by the assessors.
(Old subdivision e renumbered to be d by L. 1939 Ch. 702 § 3, in effect June 5, 1939: new subdivision e added by Local Law No. 3-1983, in effect April 25, 1983.)

f. Each year, within 30 days of the completion of the tentative assessment roll, the Department of Assessment shall mail to each resident property owner in the County of Nassau a “Notice of Tentative Assessed Value”. Such notice shall include, at a minimum, the following information:

(1) The street address of the subject property
(2) The section, block, and lot of the subject property
(3) The Department of Assessment’s estimate of the full market value of the subject property for the tentative assessment roll and pending assessment roll
(4) The Level of Assessment for the tentative assessment roll and pending assessment roll, including the difference between the two Levels of Assessment
(5) The Tentative Assessed Value for both the tentative assessment roll and pending assessment roll

(6) If applicable the Transitional Assessed Value of the property
(7) The following statement: If you would like to challenge your assessment of property's classification or exemption status, you may file and "Application for Correction of Assessment" with the Assessment Review Commission (ARC) between January 2 and March 1. The application is available and can be obtained on-line at www.nassaucountyny.gov/arc, in person at the Department of assessment's office located at 240 Old Country Road in Mineola, or by contacting ARC at (516) 571-3214 after January 2, 2018. The Department of Assessment's hours of operation are from 8 A.M. to 4:45 P.M.
(8) The following definitions:
    a. Full Market Value is the estimate of your property's market value as of January 2
    b. Level of Assessment is the percentage of Full Market Value at which properties are assessed as determined by the Department of Assessment
    c. Tentative Assessed Value (TAV) is calculated using your property's Full Market Value multiplied by the current Level of Assessment.

The notice required by this section shall include an example of how the Tentative Assessed Value is calculated by multiplying a property's Full Market Value by the current Level of Assessment.

A property owner may opt out of the requirements of this section by filing a written demand with the Chairperson of the Board of Assessors. An opt out filed with the Chairperson of the Board of Assessors shall be effective until the property is transferred to a new owner.
(Subdivision (f) added by Local Law 13-2018, in effect August 13, 2018)

§ 6-7.2 **Truth in Taxation. Form of Assessment Notice pursuant to §511 of the Real Property Tax Law.**

(a) In the year of a revaluation or update of assessments, the assessment disclosure notice required to be mailed to Nassau County property owners pursuant to §511 of the Real Property Tax Law shall conform to the requirements of §511(2)(a) of the Real Property Tax Law. Such notice shall include, pursuant to §511(2)(a)(iv), a "Tax Impact Calculation" consisting of a comparison of actual extension of county, school, town, city, village and special district taxes for the prior year to a hypothetical extension of the same taxes against the preliminary determination of assessed value for the current year adjusted for changes in the condition of real property and the applicable level of assessment for both the prior year and the current year.

(b) For the 2019 Tentative Assessment Roll, in the event the assessment disclosure notice required to be mailed to Nassau County property owners pursuant to §511 of the Real Property Tax Law does not include the information required by subdivision (a) of this section, then the Department of Assessment shall issue a notice to be mailed to Nassau County property owners containing the Tax Impact Calculation required by subdivision (a) of this section. Such notice shall be mailed no later than November 15, 2018.
(Added by Local Law 15-2018, in effect November 14, 2018)

§6-7.3**. Tentative Assessment Data to be Publicly Available.** Upon the receipt of a written request for information pursuant to this section, the Department of Assessment shall disclose within five (5) business days a complete database of all electronic data files, formulas, algorithms, codes, scripts, programs, and materials ("Assessment Data") utilized to determine the Tentative Assessment Roll. Such information shall include the names of any software programs and all electronic data files, formulas, algorithms, codes, scripts, programs, and materials required to access, execute, evaluate, run, or analyze the Assessment Data.
(Added by Local Law No. 14-2019, in effect on September 4, 2019).

§ 6-8.0 **Board of Assessors to correct assessment roll in accordance with list.** In the preparation of the assessment roll the Board of Assessors shall give effect to such relative information as may appear from the lists furnished to it pursuant to section six hundred four of the charter.

§ 6-9.0 **Completion of assessment roll.** Notwithstanding the provisions of article five of the Real Property Tax Law, the Board of assessors shall complete the assessment roll on or before the first business day of January.
(Amended by L. 1944 Ch. 716, in effect January 1, 1945; amended by Local Law No. 11-1995, in effect December 13, 1995; amended by L. 2002 Ch. 401.)

§ 6-9.1 **Resolution of completion of assessment roll to be published.** The resolution required to be published in the official newspapers pursuant to section six hundred six of the charter, shall also be published in such other newspapers as the Board of Supervisors may designate.
(Added by L. 1939 Ch. 702, in effect June 5, 1939.)

§ 6-10.0 **Notice of publication of assessment roll to non-residents and to corporations.** Between the first and fifth days of May, the Board of Assessors shall mail a copy of the resolution and notice specified in section six hundred six of the charter to each corporation and person non-resident in the County who has filed a written demand therefore with the chairman of the Board of Assessors on or before the fifteenth day of the preceding March. Such notice also shall specify each parcel of land assessed to such non-resident corporation or person and the assessed valuation thereof.
(Amended by L. 1944 Ch. 716, in effect January 1, 1945.)

§ 6-11.0 **Hearing of complaints.**

a. Complainants shall file with the Board of Assessors a statement, under oath, specifying the respect in which the assessment complained of is incorrect. Such statement must be verified by the person assessed or whose property is assessed, or by some person authorized to make the statement, and who has knowledge of the facts stated therein.

b. The member of the Board of Assessors or the deputy assessor designated by the chairman of the Board of Assessors pursuant to section six hundred seven of the charter to sit and hear complaints may administer oaths, take testimony and hear proofs in regard to any such complaint and the assessment to which it relates. If not satisfied that such assessment is erroneous, such member of the Board of Assessors or deputy assessor may require the person assessed, or his agent or representative, or any other person, to appear before him and be examined under oath concerning such complaint, and to produce any papers relating to such assessment with respect to his property or his residence.
(Subd. b amended by L. 1943 Ch. 59 § 1, in effect March 4, 1943.)

c. If any such person, or his agent or representative, shall willfully neglect or refuse to attend to be so examined, or to answer any material question put to him, such person shall not be entitled to any reduction of his assessment. Minutes of the examination of every person examined by any such assessor upon the hearing of any such complaint shall be taken and filed in the office of the Board of Assessors.

§ 6-11.1 **Hearing of complaints on assessment roll to include hearing on school district assessment roll.** The hearing of grievances provided for by section six hundred six of the charter, in relation to the assessment roll, shall include and be deemed a hearing of grievances in relation to the school district assessment roll. There shall be included in the resolution, required to be adopted and published pursuant to section six hundred six of the charter, a statement to that effect.
(Added by L. 1940 Ch. 318, in effect April 9, 1940.)

§ 6-12.0 **Exclusion of property from assessment roll.**

a. The Board of Supervisors, on or before the first day of August of each year, shall exclude from the assessment roll those parcels of real property that have been struck down to the County at a tax sale, and have not been redeemed as provided in section 5-50.0 of the code and the time to so redeem has expired. The County Treasurer shall annually, on or before the first day of July in each year, prepare and submit to the

Board of Supervisors a list of all parcels to be excluded pursuant to this section.
(Subd. a amended by L. 1940 Ch. 234 § 1, in effect March 24, 1940.)

b. No such property shall be so excluded from such assessment roll except by a resolution of such board adopted at a regular meeting, or special meeting, after due notice to each member of the object of such meeting. Whenever such real property is so excluded from the assessment roll by the Board, the total assessed valuation of the real estate, as the same appears on the completed assessment roll, shall be the correct valuation of the real estate in the County subject to taxation.

§ 6-13.0 **Final completion.** Notwithstanding the provisions of article five of the Real Property Tax Law, the tentative assessment roll shall be completed and verified as the final assessment roll on or before the first business day of April in the year following its initial publication.
(Amended by L. 2002, Ch. 401)

§ 6-14.0 **Verification of assessment roll.**

a. When the tentative assessment roll has been finalized after the hearing and determination of all complaints as provided in sections five hundred twelve and fifteen hundred twenty-four of the Real Property Tax Law, the Board of Assessors or a majority of them, shall severally appear before any officer of the County authorized by law to administer oaths and shall severally make and subscribe before such officer an oath in the following form: “We, the undersigned, do severally depose and swear that, to the best of our knowledge and belief, the foregoing final assessment roll conforms in all respects to the tentative assessment roll with the exception of changes made by the Board of Assessment Review and assessments made by the State Board of Equalization and Assessment," which oath shall be set forth on such final assessment roll and signed and verified by the assessors.

b. Such oaths shall be written or printed on the assessment roll, signed by the members of the Board of Assessors and certified by the officer.
(Subd. a amended by Local Law No. 9-1972, in effect August 29, 1972; amended by Local Law No. 3-1983, in effect April 25, 1983.)

§ 6-15.0 **County assessment roll official for county, towns, special districts.** The assessment roll prepared by the Board of Assessors shall be the official assessment roll for the County, each town and special district therein.

§ 6-16.0 **Change of record ownership.** Real property which has been properly charged to one person upon the assessment roll for any assessment year shall not be transferred afterwards on the assessment roll to another

person within that assessment year.

§ 6-17.0 **Assessment roll; filing of.** The Board of Assessors shall on the first business day of April in each year file and thereafter keep on file in its office a certified copy of the completed and verified county final assessment roll. It shall not be necessary for the Board of Assessors to file a copy of the County or school district assessment roll in the office of the clerks of the towns or cities, notwithstanding the provisions of any general or special law requiring such filing.
(Amended by L. 1940 Ch. 458 § 1, in effect April 13, 1940; amended by L. 2002 Ch. 401.)

§ 6-17.1 **Notice of filing of assessment roll.** When the completed County assessment roll shall have been filed as provided by section 6-17.0 of the administrative code, the assessors shall forthwith cause to be posted conspicuously in at least three public places in such city and township in the County and to be published in the official newspapers of the County, a notice that such assessment roll has been finally completed and stating that such certified copy has been filed in the office of the Board of Assessors and will be open to public inspection for a period of fifteen days. Failure to publish such notice shall not, however, invalidate or affect the validity of any assessment on such assessment roll.
(Added by L. 1940 Ch. 458 § 2, in effect April 13, 1940.)

§ 6-17.2 **Proceedings to review assessments.** An assessment on the County assessment roll shall be reviewed in the manner provided by the general tax law of the State of New York, except as provided in section 6-17.3 of the administrative code.
(Added by L. 1940 Ch. 458 § 2, in effect April 13, 1940.)

§ 6-17.3. **Time for beginning and service of papers in proceedings for review of assessment.** The petition and notice for the review of an assessment on the County assessment roll as provided for in section 6-17.2 of the administrative code must be served within thirty days after the filing of the certified copy of the completed and verified County assessment roll in the office of the Board of Assessors as required by section 6-17.0 of the administrative code. In any proceeding to review an assessment on the County assessment roll, three copies of the petition, notice and any other papers in connection therewith must be served upon the chairman of the Board of Assessors or upon the chief clerk of the Board of Assessors, Notwithstanding the provisions of any other general or special law to the contrary it shall not be necessary to deliver a copy of said petition or notice to the clerk of any school district.
(Amended by L. 1951 Ch. 295, in effect May 1, 1951 amended by Local Law 18-2010 in effect November 3, 2010[17].)

[17] Local Law No. 18-2010 was declared "unconstitutional, invalid, unenforceable and void" in *Matter of Baldwin Union Free School District v. County of Nassau*, 22 N.Y.3d 606 (2014).

§ 6-18.0 **School district assessment roll.** The assessment roll annually made and completed as the County assessment roll shall be the assessment roll for school district tax purposes. The Board of Assessors, on or before the first day of August, shall prepare a separate assessment roll of property situated within the school districts, copied from the preceding County assessment roll shall be verified and used for school district tax purposes.[18]
(Amended by L. 2002 Ch. 401.)

§ 6-19.0 **Certification of assessed value of property in school districts.** As soon as the Board of Assessors has finally completed and verified the school district assessment roll and on or before the first day of August in each year, such board shall certify to the Board of Education or to the trustees of each school district the total assessed value of the real property, including special franchises, in the school district, and in each of the four classes of real property designated in Section 1802(1) of the Real Property Tax Law, as the same appear upon the school district assessment roll.
(Amended by Local Law No. 6, in effect July 26, 1982.)

§ 6-20.0 **Certification of budgets by school districts.** After the lawful authorities in each school district shall have adopted their budget and fixed the amount of taxes to be raised therein for such school district in the manner provided by law, the Board of Education, trustees or trustee of such school district shall, on or before the fifteenth day of August in each year, certify to and file with the Board of Assessors and the Board of Supervisors such budget and the amount to be raised by taxes, together with copies of all resolutions in connection therewith.
(Amended by Local Law No. 6-1982, in effect July 26, 1982: L. 1995 Ch. 14, in effect January 1, 1995 pursuant to L. 1995 Ch. 561 sec. 23.)

§ 6-20.1 **Election of classes by school districts.** On or before the fifteenth day of August in each year, the Board of Education, trustees or trustee of such school districts shall certify to the Board of Assessors and the Board of Supervisors whether or not they have elected to allocate their tax levy amongst two classes pursuant to section 1803(5) of the Real Property Tax Law, together with copies of all resolutions in connection therewith. In addition, the Board of Education, trustees or trustee of such school districts may make recommendations to the Board of Supervisors as to the allocation of the five (5) percent adjustments for each class authorized by section 1803(2)(d) of the Real Property Tax Law. This recommendation shall be contained in the same resolution electing the number of classes.
(Added by Local Law No. 6-1982, in effect July 26, 1982.)

[18] § 6-18.0 should probably read ". . . copied from the preceding County assessment roll, *which* shall be verified . . . ."

§ 6.20.2 **Establishment of base proportions and adjusted proportions by the Board of Supervisors.**

(a) In the calendar year 1982, the Board of Supervisors shall, on or before September 1st, establish the base proportion in accordance with the direction of section 1803(1) of the Real Property Tax Law. The base proportion shall be established for each class set forth in section 1802 of the Real Property Tax Law and for each portion (as defined in section 1801(d) of the Real Property Tax Law) included within the County.

(b) In the calendar year 1982 and in each succeeding year, the Board of Supervisors shall, on or before September 1st of each year, make adjustments to the proportions as provided for in section (2) of the Real Property Tax Law.

(c) Beginning with the calendar year 1982 and in each succeeding year, the Board of Supervisors shall, on or before September 1st of each year, certify the appropriate base proportion, adjusted base proportion or adjusted proportion for each class and for each portion, to the County Treasurer and to the chief fiscal officer of each city and of each village which uses the County's assessment roll for the levy of taxes. Such certifications shall also be filed with the State Board of Equalization and Assessment.
(Added by Local Law No. 6-1982, in effect July 26, 1982.)

§ 6-20.3 **Establishment of tax rates.** Beginning with the calendar year 1982 and in each succeeding year, the Board of Supervisors and the legislative body of each municipal corporation which levies taxes on the County's assessment roll, shall annually allocate to each class in each portion a share of such municipal corporation's tax equal to the base proportion, adjusted base proportion or adjusted proportion as certified in accordance with § 6-20.2(c).
(Added by Local Law No. 6-1982, in effect July 26, 1982.)

§ 6-21.0 **Extension of school district taxes by Board of Assessors.** As soon as the Board of Assessors shall receive from the lawful authorities of the school districts their budget and the amount to be raised by taxes and from the Board of Supervisors the base proportion, adjusted base proportion and adjusted proportion and tax shares fixed and determined pursuant to § 6-20.2 and § 6-20.3 herein, the Board of Assessors shall extend on the school district assessment roll the taxes for school district purposes. Such taxes shall be entered in separate columns.
(Amended by Local Law No. 6-1982, in effect July 26, 1982.)

§ 6-22.0 **Levy of school district taxes.** The Board of Assessors shall complete the extension of taxes for school district purposes on or before the tenth day preceding the fourth Monday of September in each year and shall file

with the Clerk of the Board of Supervisors a certificate to the effect that such taxes have been extended in accordance with Sections 6-20.0, 6-20.1. 6-20.2, 6-20.3 and 6-21.0 of the code together with those portions of the school district assessment roll to which the warrants are to be annexed as provided in section 5-11.0 of the code. Such certificate of the Board of Assessors when so filed shall be conclusive as to the extension of such taxes in accordance with said sections 6-20.0, 6-20.1, 6-20.2, 6-20.3 and 621.0 of the code. Thereupon the Board of Supervisors shall levy the taxes so extended for such school district purposes in accordance with such certificate.
(Amended by L. 1944 Ch. 254; L. 1953 Ch. 828 § 2, in effect April 18, 1953; Local Law No. 6-1982, in effect July 26, 1982; L. 1995 Ch. 14, in effect January 1, 1995, pursuant to L. 1995 Ch. 561 § 23.)

§ 6-23.0 **Apportionment of assessment and taxes.**

a. The receiver of taxes or the owner, mortgagee, holder of a tax lien or prospective purchaser or prospective mortgagee of all or part of a parcel of real property may petition the chairman of the Board of Assessors for an apportionment of such real property and the assessment thereof on the County and school district assessment roll, and the apportionment of taxes and assessments for benefit on such real property and the arrears thereof including tax liens which have been sold by the County.

b. The petitioner shall state in his petition:

    1. The interest which he possesses in such real property or that he is the receiver of taxes.

    2. The name, address, nature and degree of the interest of the owners, mortgagees or holders of tax liens in such real property and the heirs, legal representatives and assigns of any of them, so far as the petitioner can ascertain the same from the records of the County Clerk, County Treasurer or the surrogate of the County.

    3. The relief sought by the petitioner.

    4. Any other information which the Board of Assessors may require by its rules and regulations. Such petition shall be verified by the petitioner.
    (Subds a and b amended by L. 1944 Ch. 125, in effect March 7, 1944.)

c. Upon receipt of the petition, the chairman of the Board of Assessors shall notify by mail the persons mentioned in subdivision b (2) of this section that the petitioner has submitted a request for an apportionment.

d. The chairman of the Board of Assessors may approve or reject the

petition and shall promptly notify the petitioner by mail of his or her decision.

e. A hearing shall be granted on such petition if:

   1. The chairman of the Board of Assessors requests it.

   2. The chairman of the Board rejects the petition in whole or in part and the petitioner files with the chairman of the Board of Assessors, within ten days from the date of the issuance of the notice or rejection of the petition, a written request for a hearing.

   3. Any person possessing a legal or equitable interest in such real property files with the chairman of the Board of Assessors, within ten days after the filing of the petition, a written notice objecting to the apportionment.

f. The chairman of the Board of Assessors shall determine whether the hearing shall be held before the Board of Assessors or before the chairman of the Board or before a member of the Board designated by him or before a deputy assessor so designated. The chairman of the Board shall determine whether the hearing shall be held at the main office or at a branch office of the Department of Assessment. The chairman of the Board shall notify by mail the petitioner and the other parties mentioned in subdivision b (2) of this section of the time and place of the hearing. However, the petitioner or any such party, by a written statement, may waive notice of such hearing.

g. If the petition is approved in whole or in part, the Board or chairman of the Board shall issue a memorandum of apportionment setting forth the apportionment of such real property and the assessment thereof in such manner as it deems advisable and also the apportionment of taxes and assessments for benefit on such real property and the arrears thereof, including tax liens which have been sold by the County Treasurer. However, the memorandum may provide for apportioning only such real property and the assessment thereof, without apportioning the taxes and assessments for benefit and the arrears thereof. No amendment or change in the County land and tax map shall be made as a result of the issuance of such memorandum of apportionment. Whenever an instrument is to be recorded in the office of the County Clerk which requires the amendment or change to the County land and tax map the Board or chairman of the Board shall issue a certificate of apportionment which shall set forth the same matters as provided for in a memorandum of apportionment. Upon the issuance of a certificate of apportionment as herein provided, the assessors shall forthwith mark all current

assessment rolls which have not yet been delivered to the receiver of taxes including the school district assessment rolls and shall extend the taxes thereon in accordance with such certificate of apportionment.
(Amended by L. 1946 Ch. 749 § 2, in effect July 1, 1940.)

h. If a certificate of apportionment of taxes and assessments for benefit and the arrears thereof, if any, is issued, the chairman of the Board of Assessors shall send a copy of the certificate of apportionment to the receiver of taxes of the town in which the real property is situated, and in a proper case to the County Treasurer. Thereupon, such officer of the town or county, as the case may be, shall mark his records in accordance with such certificate of apportionment and shall thereafter separately receive the taxes and assessments for benefit so apportioned, and the arrears thereof with interest, penalties and additions thereon as provided in title B of chapter five of the code.
(Amended by L. 1946 Ch. 749, in effect July 1, 1946,)

i. Whenever an application is made for the apportionment of taxes and assessments for benefit, whether before or while said taxes and assessments for benefit are in the hands of the receivers of taxes for collection, no interest or penalties shall accrue on such taxes and assessments for benefit from and after the date of such application and until the filing of the certificate of apportionment with the receiver of the town in which the real property is situated or the County Treasurer as the case may be, provided, said application was made at least ten days prior to the interest or penalty date and further provided, that the taxes and assessments for benefits so apportioned are paid within twenty days after the date of billing in accordance with the certificate of apportionment.
(Amended by L. 1948 Ch. 190, in effect March 10, 1948; amended by L. 1939 Ch. 702.)

§ 6-24.0 **Correction of errors in assessment rolls.** Upon the verified petition to the Board of Supervisors by a majority of the Board of Assessors:

1. That any property subject to taxation has by mistake been placed for the current year on the County assessment roll or on the school district assessment roll, at a value different from that which the Board of Assessors intended for such property, the Board of Supervisors may cause the same to be corrected. If the value is increased, the Board of Supervisors shall insert thereon the additional amount of assessment, tax or assessment for benefit due on such property and if the value is decreased it shall credit thereon so much of the assessment, tax or assessment for benefit as is represented by the amount of decrease.

2. That any property subject to taxation has been omitted for any preceding year from the County assessment roll or any special district column

thereof or from the school district assessment roll, the Board of Supervisors shall insert such property on such roll for the current year at a valuation to be fixed by the Board of Assessors in its petition. The valuation so inserted shall be the value for the year omitted. The Board of Supervisors shall make the appropriate entry in the special district column in which the omission occurred. The Board of Supervisors shall also insert in such assessment roll in addition to the amount of the tax or assessment for benefit for the current year and in a separate column properly designated, the amount of tax or assessment for benefit which such property should have borne for the year when such property was omitted. The tax shall be computed at the tax rate of the omitted year.

3. That any property subject to taxation has been omitted for the current year from the County assessment roll or any special district column thereof or from the school district assessment roll, the Board of Supervisors shall place such property on the roll from which it was omitted at a valuation to be fixed by the Board of Assessors in its petition or shall make the appropriate entry in such special district column. The Board of Supervisors also shall place the amount of the tax or assessment for benefits on such property. The tax shall be computed at the tax rate of the current year.

4. That any property subject to taxation has been assessed erroneously or illegally, for either the County assessment roll or for the school district assessment roll, the Board of Supervisors shall cancel on such roll such assessment and the tax or assessment for benefit on such property.

5. That in any of the County assessment rolls or any special district column thereof or in any of the school district assessment rolls, including such current rolls, any property subject to taxation has been assessed with the property of another, or that another person or persons have become owners of a part or parts of such property since the making of such roll, the Board of Supervisors may apportion such assessment and the amount of tax or assessment for benefit on such property.

6. That any property subject to taxation was indefinitely assessed, in either the County assessment roll or in the school district assessment roll, the Board of Supervisors may cause the same to be corrected at any time before the lands are advertised for sale for the nonpayment of taxes or assessments.
(Amended by L. 1948 Ch. 205, in effect March 12, 1948.)

7. The Board of Supervisors, when authorizing the correction of an error in the assessment rolls based upon a verified petition submitted to it by the Board of Assessors pursuant to any subdivision of this section, or when

it shall appear that such taxes or assessments for benefit have not been paid because of errors or omissions not the fault of the owner and which cannot be corrected under other provisions of this act may modify or waive the penalties, charges, costs and interest to be paid on such taxes or assessments.
(Amended by L. 1948 Ch. 205, in effect March 12, 1948; amended by Local Law 18-2010 in effect November 3, 2010[19].)

§ 6-24.1 **Determination of new assessment upon change in taxable status or construction or destruction of improvements.[20]**

a. When the tentative assessment roll fails to reflect the filing of an application for a new exemption, a change in eligibility for exemption, or the construction or destruction of improvements, which occurred after the taxable status date applicable to such roll, but on or before the taxable status date applicable to the assessment roll for the following year, the Board of Assessors shall determine a new assessment pursuant to the provisions of this section. For purposes of this section, construction of improvements shall include the construction of a new building or other structure, the expansion of an existing building or structure, or the addition to property of other articles of real property. Destruction of improvements shall include the full or partial destruction of a building or other structure or other articles of real property by fire or other casualty or by demolition.

b. Notwithstanding the provisions of section 6-2.1 of this title, an application for a new exemption based on eligibility as of a date occurring on or before the second day of January may be filed in the form and manner and within the time period specified by law and shall apply to the next published tentative or final assessment roll. No request pursuant to subdivision c of this section shall be necessary for purposes of obtaining such new exemption.

c. Except in the case of an application for a new exemption, only the owner or any other taxpayer who would be entitled to file an application for correction pursuant to section 523-b of the Real Property Tax Law may submit a request to the Board of Assessors for a new assessment pursuant to this section no later than the first business day of January in the year in which the final assessment roll is published. In the event that improvements are destroyed in full or in part by fire or other casualty, such application may be filed by such date or sixty (60) days

[19] Local Law No. 18-2010 was declared "unconstitutional, invalid, unenforceable and void" in *Matter of Baldwin Union Free School District v. County of Nassau*, 22 N.Y.3d 606 (2014).
[20] This provision was analyzed by the Appellate Division, Second Department in *Matter of Seidel v. Board of Assessors,* 88 A.D.3d 369 (2d Dept. 2011).

after such destruction, whichever is later.

d. Notwithstanding the provisions of section 6-2.1 of this title, upon a change in eligibility for exemption or the construction or destruction of improvements, the Board of assessors shall determine a new assessed valuation and taxable assessed valuation and shall, if appropriate, reclassify the property pursuant to section 1802 of the Real Property Tax Law.

    1. Such new assessment shall be based on the value, use and condition of the property as of the second day of January occurring on or after the date of such change in eligibility for exemption, construction or destruction.

    2. Notwithstanding paragraph one of this subdivision, if the only change relates to eligibility for a personal exemption, the assessment shall remain the same as it appeared on the tentative assessment roll except to the extent of the change in such exemption. For purposes of this paragraph a "personal exemption" includes an exemption granted pursuant to section 425, 458, 458-a, 459-c, 460 or 467, or any similar provision of the Real Property Tax Law granting a partial exemption based on ownership and residency by an individual who is a member of a class specified in the statute conferring the exemption.

e. When the Board of Assessors determines a new assessment pursuant to this section it shall be entered on the next following tentative assessment roll, except that where the new assessment is less than the original assessment but is not determined in sufficient time for entry on the next tentative assessment roll, it may be entered on the final roll. In the case of an increased assessment entered on the tentative assessment roll, the Board of Assessors shall send a notice to the owner in the manner provided by section 510 of the Real Property Tax Law.

f. In the event that the Board of Assessors enters a new assessment on the next tentative assessment roll pursuant to this section, or fails to grant an exemption or determine a new assessment as required by this section, the owner or other taxpayer may apply to the Assessment Review Commission for correction of such assessment within the time provided by section 523-b of the Real Property Tax Law for review of assessments appearing on such next tentative assessment roll. If an application for correction has been previously filed, the owner or other taxpayer need not file a new application; the previously filed application shall remain valid for review of the assessment.

g. In the event that no application for correction has been filed, the Board

of Assessors shall enter the new assessment on the roll. The Board of Assessors shall also enter all exemption changes on the roll. Except in the case of an exemption change only, where an application for correction has been filed, the Board of Assessors shall transmit its determination and supporting documents to the Assessment Review Commission for disposition. The commission may increase the assessment to the same or a lesser amount than was determined by the assessors and may take any other action that it may take on an application for correction.
(Added by L. 2002, Ch. 401; amended by L. 2002, Ch. 402.)

§ 6-25.0 **Petition; notice of presentation.** A copy of the petition for the correction of an error which correction would increase the valuation of property on the County assessment roll or on the school district assessment roll and the copy of the petition for the correction of an error pursuant to subdivision two or three of section 6-24.0 of the code, with due notice of the presentation of such petition to the Board of Supervisors shall be served in such manner as the Board of Supervisors may direct or approve on the person or corporation alleged to be liable to taxation. The Board of Supervisors shall take no action on such petition unless proof of the manner of service of such petition and notice be made to them by affidavit. The Board of Supervisors shall give an opportunity to be heard to the person alleged to be liable to taxation for such property and on such hearing and review, the Board of Supervisors shall have all the powers that the Board of Assessors have in reviewing and correcting the assessment rolls. The person or corporation alleged to be liable to taxation shall have the right to make an agreement in writing with the Board of Assessors consenting to the increase in valuation of the property on the County assessment roll or on the school district assessment roll. Upon the execution of such an agreement by the parties thereto, the Board of Assessors shall submit such written agreement to the Board of Supervisors together with the verified petition certifying the error to be corrected and in such event notice of the presentation of such petition to the Board of Supervisors need not be served on the person or corporation alleged to be liable to taxation and no hearing on said petition and agreement shall be necessary.
(Amended by L. 1943 Ch. 354 § 3, in effect April 17, 1943.)

§ 6-26.0 **Action by the Board of Supervisors on the petition.**

a. If under subdivision one of section 6-24.0 of the code, the value of the assessment is decreased, the Board of Supervisors shall cause so much of the tax or assessment for benefit not due to be refunded, if the same has been paid. If under subdivision four of section 6-24.0 of the code, any assessment, tax or assessment for benefit shall be erroneous, the Board of Supervisors shall cause the same to be reassessed in a proper manner. If under subdivision four of section 6-24.0 of the code, any tax

or assessment for benefit is illegal or erroneous, the Board of Supervisors shall cause the same to be refunded or adjusted if same has been paid. If under subdivision five of section 6-24.0 of the code, any tax or assessment for benefit is apportioned, the receiver of taxes and treasurer shall receive the same separately when so apportioned. If under subdivision seven of section 6-24.0 of the code, any penalty, charge, cost or interest and any tax or assessment for benefit is waived, the receiver of taxes shall receive the amount of tax or assessment without such penalty, charge, cost or interest when a certified copy of the resolution waiving the same is filed with him.
(Amended by L. 1947 Ch. 378 § 1, in effect March 25, 1947.)

b. If:

1. Any tax or assessment for benefit shall be illegal under subdivision four of section 6-24.0 of the code;

2. Any tax or assessment for benefit shall be decreased under subdivision one of section 6-24.0 of the code; or

3. In the case of a reassessment and relevy of an erroneous assessment, tax or assessment for benefit, the amount of tax or assessment for benefit finally due is less than the amount of tax or assessment for benefit as shown on the roll, or any special district column thereof, before such tax or assessment for benefit was found to be erroneous, then

(a) In the case of an assessment for benefit for a special or school district the amount of such cancelled assessment for benefit, or the amount of difference of such assessment for benefit, irrespective of whether the same appears upon the tax books in the possession of the town receiver of taxes or upon the books of the County Treasurer, shall be certified by the County Treasurer, on or before July fifteenth in each year to the proper officials of such district and shall be included in the amounts to be raised for such district for the next succeeding year and shall be duly paid to the County.

(b) In the case of town assessments for benefit other than a special district assessment for benefit, the amount of such refund or reduction, irrespective of whether the same appears upon the tax books in the possession of the town, receiver of taxes or upon the tax books of the County Treasurer, shall be certified by the County Treasurer on or before July fifteenth in each year to the proper officials of such town and shall be included in the amounts to be

raised for such town for the next succeeding year and shall be duly paid to the County.

(c) Notwithstanding any provisions of this chapter, or any other general or special law to the contrary, any deficiency existing or hereafter arising from a decrease in an assessment or tax under subdivisions one, four and seven of section 6-24.0, or sections 6-12.0 or 5-72.0 of the code or by reason of exemption or reductions of assessments shall be a county charge.
(Subparagraphs (a) and (b) amended and subparagraph (c) added by L. 1948 Ch. 851, in effect April 16, 1948.)

c. A tax or an assessment for benefit which is made greater shall not be a lien on the real property for such additional amount as against purchasers or mortgagees in good faith, if pursuant to section 6-24.0 of the code, the increase is due to the fact that:

1. omitted property subject to taxation has been added to the rolls;

2. there has been a reassessment and relevy of any tax or assessment for benefit;

3. there has been a correction of an error.

§ 6-27.0 **Validity of assessment roll.** Any incorrect statement of the name of the owner or owners of any property described in the County or school district assessment rolls, shall in no way affect the validity of such assessment roll.

§ 6-28.0 **When lands imperfectly described.** When any lands are imperfectly described in the County or school district assessment roll, the Board of Supervisors may direct the Board of Assessors to correct the description. The Board of Assessors may correct the imperfect description at any time before the lands are advertised for sale for the nonpayment of taxes or assessments, and not thereafter.

§ 6-29.0 **Assessments for benefit to be certified to town supervisor.** As assessments for benefit are made for town or special district purposes, they shall be certified to the town supervisor by the lawful authorities making the assessment.

§ 6-30.0 **Requirement to furnish income & expense statements.**

a. For the purposes of this section, “incoming producing property means real property used for but not limited to commercial, industrial, utility

and residential purposes, but excludes residential property containing three dwelling units or less and class two properties as defined by subdivision 1 of section 1802 of the Real Property Tax Law.

b. Where real property is an income-producing property, the owner shall be required to submit annually to the Department of Assessment not later than the first day of April a statement of all income derived from and all expenses attributable to the operation of such property. All such statement shall be filed as follow:

(1) Where the owner's books and records reflecting the operation of the property are maintained on a calendar year basis, the statement shall be for the calendar year preceding the date the statement shall be filed.

(2) Where the owner's books and records reflecting the operation of the property are maintained on a fiscal year basis for federal income tax purposes, the statement shall be for the last fiscal year concluded as of the first day of March preceding the date the statement shall be filed.

(3) Notwithstanding the provisions of paragraphs one and two of this subdivision, where the owner of the property has not operated the property and is without knowledge of the income and expenses of the operation of the property for a consecutive twelve month period concluded as of the first day of March preceding the date the statement shall be filed, then the statement shall be for the period of ownership, and shall include, if applicable, the sale price and the identity of the grantor(s).

(4) The Assessor may for good cause extend the time for filing an income and expense statement by a period not to exceed sixty days.

c. Such statement shall contain the following declaration, signed by the owner of the income producing property of a certified public accountant: "I certify that all information contained in this statement is true and correct to the best of my knowledge and belief. I understand that the willful making of false statement of material fact herein will subject me to the provision of law relevant to the making and filing of false instruments and render this statement null and void."

d. The form on which such statement shall be submitted shall be prepared by the Assessor and copies of such form shall be made available at the

offices of Department of Assessment and on the official website of Nassau County. The statement may require rent rolls, lease information, contamination reports, and any other information relevant to the operation of the property as shall be prescribed by the Assessor, and may include such additional information as may seem relevant to the owner, and shall be submitted as prescribed by the Assessor. The Assessor shall, by rule, require such statement be submitted electronically in such form and such manner as the Assessor may determine. For good cause, the Assessor may waive any rule requiring electronic filing and may permit a statement to be filed in such other manner as the Assessor may designate.

e. A request for waiver of the electronic filing requirement must be made in writing no later than thirty (30) days prior to the deadline for filing an income and expense statement. Any filing in paper format must be filed with the Department of Assessment at such address as may be designated by the Assessor.

f. In the event that an owner of an income-producing property fails to file an income and expense statement within the time prescribed in subdivision b of this section (determined with regard to any extension of time for filing), such owner shall be subject to a penalty in amount not to exceed one quarter of one percent (.25%) of the fair market value of such income-producing property as such value is determined by the Assessor for the current fiscal year provided, however, that if such statement is not filed by the thirtieth day of September, the penalty shall be in an amount not to exceed one half of one percent (.5%) of such fair market value. If in the year immediately following the year in which an owner of an income producing property fails to file by the thirtieth of September the owner again fails to file the income and expense statement within the time prescribed by subdivision b of this section (determined with regard to any extension for time for filing), such owner shall be subject to a penalty in an amount not to exceed three quarters of one percent (.75%)of the fair market value of such income-producing property as determined by the Assessor for the current fiscal year. Such owner shall also be subject to a penalty of up to three quarters of one percent (.75%) of the fair market value in any year immediately succeeding a year in which a penalty of up to three quarters of one percent (.75%) of the fair market value could have been imposed, if in such succeeding year the owner fails to file an income and expense statement within the time prescribed in subdivision b of this section (determined with regard to any extension of time for filing). The penalties prescribed in this paragraph shall be determined by the Assessor or his designee after notice and an opportunity to be heard.

g. Notwithstanding the submission of an income and expense statement, for the purposes of this section, the following shall constitute a failure to file an income and expense statement for the purposes of this section:

(1) failure to file in the electronic format prepared by the Department of Assessment, or, in the event that the electronic filing requirement is waived by the Assessor, failure to use the forms prepared by the Department of Assessment;

(2) failure to complete forms in a legible manner;

(3) failure to file a substantially complete and accurate income and expense statement which shall include but shall not be limited to:

i. failure to provide data for the appropriate accounting period; and
ii. failure to provide a complete, accurate, and itemized list of income and expense data.

h. Except in accordance with a proper judicial order or as otherwise provided by law, it shall be unlawful for an officer or employee of the County, any person engaged or retained by County on an independent contract basis, or any person, who, pursuant to this section, is permitted to inspect any income and expense statement or to whom a copy, an abstract or a portion of any such statement is furnished, to divulge or make known in any manner except as provided in this subdivision, the amount of income and/or expense or any particulars set forth or disclosed in any such statement required under this section. The Assessor, the Assessment Review Commission, or any commissioner or officer or employee of County charged with the custody of such statements shall not be permitted or required to produce any income and expense statement or evidence of anything contained in them in any action or proceeding in any court, except on behalf of the County. Nothing herein shall be construed to prohibit the delivery to an owner or his or her duly authorized representative of a certified copy of a statement filed by such owner pursuant to this section, or to prohibit the publication of statistics so classified as to prevent the identification of particular statements and the items thereof, or making known aggregate income and expense information disclosed with respect to property classified as class four as defined in article eighteen of the Real Property Tax Law without identifying information about individual leases, or the inspection by the legal representatives of the County of the statement of any owner who shall bring an action to correct the assessment. Any

violation of the provisions of this subdivision shall be punished by a fine not exceeding on thousand dollars or by imprisonment not exceeding one year, or both, at the discretion of the court, and if the offender be an officer or employee of the County, the offender shall be dismissed from office.

i. The Assessor shall be authorized to promulgate rules and regulations necessary to effectuate the purpose of this section.

j. The penalties prescribed in this section shall be a lien on such income-producing property when entered by the Assessor in the records in which charges against the property are to be entered, and shall continue to be, until paid, a lien on such property. Such lien shall be tax lien within the meaning of section 5-24.0 of this Code and may be collected, sold, enforced or foreclosed in any manner provided by law or may be satisfied in accordance with the provisions of section thirteen hundred fifty-four of the Real Property Actions and Proceedings Law. If such penalties are not paid within thirty days from the date of entry, it shall bear interest thereon at the rate of interest applicable to such property for a delinquent tax on real property, to be calculated to the date of payment from the date of entry. The penalties prescribed in this paragraph may also be collected in an action brought against the owner of the income-producing property in a court of competent jurisdiction. The institution of any such action shall not suspend or bar the right to pursue any other remedy provided by law for the recovery of such penalties.

k. On or before February 1st of each year, the Assessor shall mail to the owners of record of income producing properties to which the terms of this section apply, a notification of the requirements of this section. Failure to mail such notice or the failure of such owner to receive the same shall not relieve the owner of the requirements of this section and shall not prevent the enforcement of this section.
(Local Law No. 5-1984, in effect April 30, 1984; amended by Local Law 8-2013, in effect December 27, 2013.)

l. Income producing property owners that have failed to provide income and expense statements due in accordance with this section in the years 2014, 2015 and 2016 and that are liable for fines pursuant to subdivision f of this section shall be authorized to pay seventy-five percent (75%) of such fines in full satisfaction of all amounts for which such owners are liable pursuant to the following conditions:

    1) The Department of Assessment shall notify each income producing property owner no later than January 15, 2017 by first class mail that such owner has failed to file income and expense statements as required by Nassau County

Administrative Code §6-30.0, that the Department of Assessment is authorized to fine such property owner pursuant to this section, the amount of such fine to be assessed, and the years for which such fine will be assessed.

2) Such notification shall inform the owner of the income producing property that a partial amnesty program has been authorized by Nassau County and that Nassau County will accept a payment of seventy-five percent (75%) of any such fines in full satisfaction of all amounts for which such owners are liable pursuant to Nassau County Administrative Code §6-30.0, provided such payment is made within sixty (60) days of the date of such notification and further provided that the owner signs an agreement, prepared by the Nassau County Attorney, that such action constitutes a final resolution of all fines due and owing and that both Nassau County and the income producing property owner waives any action that may result therefrom.

3) Participation by the owners of income producing properties with the terms of this partial amnesty program is voluntary.
(Added by Local Law No. 8-2016, signed by the County Executive on November 23, 2016).

§ 6-31[21] **Exemption of capital improvements to residential buildings.** Pursuant to Chapter 590 of the Laws of 1994, the County of Nassau opts to enact a law pursuant to section 421-f of the Real Property Tax Law without any limitations of subdivision (7).
(Added by Local Law No. 5-1996, in effect July 9, 1996.)

§ 6-32.0 **Exemption for first-time homebuyers of newly constructed homes.** Newly constructed primary residential property purchased by one or more persons, each of whom is a first-time homebuyer and has not been married to a homeowner in the three years prior to applying for this first-time homeowners exemption, shall be exempt from taxation levied by and on behalf of the County of Nassau for the first five years of such ownership, subject to the following provisions:

a. The exemption provided in this section shall be computed in accordance with the following table:

YEAR OF EXEMPTION	PERCENTAGE ASSESSED VALUATION

[21] So numbered in the Local Law.

	EXEMPT FROM TAX
1	50%
2	40%
3	30%
4	20%
5	10%

b.

(i) Any newly constructed primary residential real property that is no more than twenty-five percent above the purchase price limits defined by the State of New York Mortgage Agency Low Interest Rate Mortgage Program in the non-target, one family new category for the county of Nassau and in effect on the contract date for the purchase and sale of such property, shall be eligible for the exemption allowed pursuant to this section.

(ii) A first-time homebuyer who either as part of the written contract for sale of the primary residential property, or who enters into a written contract within ninety days after closing of the sale of the primary residence for reconstruction, alteration or improvements, the value of which exceeds three thousand dollars, to the primary residential property shall be exempt from taxation to the extent provided by this section. Such exemption shall apply solely to the increase in assessed value thereof attributable to such reconstruction, alteration or improvement provided that the assessed value after reconstruction, alteration, or improvements does not exceed fifteen percent more than the purchase price limits as defined in paragraph (i) of this subdivision. For purposes of this section the terms reconstruction, alteration and improvement shall not include ordinary maintenance and repairs.

(iii) A first-time homebuyer shall not qualify for the exemption authorized pursuant to this section if the household income exceeds income limits defined by the State of New York Mortgage Agency Low Interest Rate Mortgage Program in the non-target, one and two person household category for Nassau County and in effect on the contract date for the purchase and sale of such property.

(iv)

(a) The term "household income" as used herein shall mean the total combined income of all the owners, and of any owners' spouses residing on the premises, for the income tax year preceding the

date of making application for the exemption.

(b) The term "income" as used herein shall mean the "adjusted gross income" for federal income tax purposes as reported on the applicant's latest available federal or state income tax return subject to any subsequent amendments or revisions, reduced by distributions, to the extent included in federal adjusted gross income, received from an individual retirement account and an individual retirement annuity; provided that if no such return was filed within the one year period preceding taxable status date, "income" shall mean the adjusted gross income that would have been so reported if such a return had been filed. For purposes of this provision, "latest available return" shall mean the federal or state income tax return for the year immediately preceding the date of making application, provided however, that if the tax return for such tax year has not been filed, then the income tax return for the tax year two years preceding the date of making application shall be considered the latest available.

c. Newly constructed primary residential property purchased by first-time homebuyers at a sales price greater than the maximum eligible sales price shall qualify for the exemption allowed pursuant to this section for that portion of the sales price of such newly constructed primary residential property equal to the maximum eligible sales price, provided, however, that any newly constructed primary residential property purchased at a sales price greater than fifteen percent above the maximum eligible sales price shall not be allowed any exemption.

d. No exemption shall be allowed pursuant to this section for any newly constructed primary residential property purchased by a first-time homebuyer on or after December thirty-first, two thousand ten, unless such purchase is pursuant to a binding written contract entered into prior to December thirty-first, two thousand ten. Provided, however, that any first-time homebuyer who is allowed an exemption pursuant to this section prior to such date shall continue to be allowed further exemptions pursuant to subdivision one of this section.

e.

(i) No portion of a single family newly constructed primary residential property shall be leased during the period of time when the first-time homeowner exemption shall apply to the residence. If any portion of the single family newly constructed primary residential property is found to be the subject of a lease agreement the assessor shall discontinue any exemption granted pursuant to this section.

(ii) In the event that a primary residential property granted an exemption pursuant to this section ceases to be used primarily for residential purposes or title thereto is transferred to other than the heirs or distributees of the owner, the exemption granted pursuant to this section shall be discontinued.

(iii) Upon determining that an exemption granted pursuant to this section should be discontinued, the assessor shall mail a notice so stating to the owner or owners thereof at the time and in the manner provided by section five hundred ten of this chapter. Such owner or owners shall be entitled to seek administrative and judicial review of such action in the manner provided by law, provided that the burden shall be on such owner or owners to establish eligibility for the exemption.

f. Such exemption shall be granted only upon application by the owner of such building on a form prescribed by the state board. The application shall be filed with the County Assessor on or before the appropriate taxable status date of the County.

g. If satisfied that the applicant is entitled to an exemption pursuant to this section, the assessor shall approve the application and such primary residential property shall thereafter be exempt from taxation and special ad valorem levies as provided in this section commencing with the assessment roll prepared on the basis of the taxable status date referred to in subdivision seven of this section. The assessed value of any exemption granted pursuant to this section shall be entered by the assessor on the assessment roll with the taxable property, with the amount of the exemption shown in a separate column.

h. For purposes of this section:

(i) "first-time homebuyer" means a person who has not owned a primary residential property and is not married to a person who has owned a residential property during the three-year period prior to his or her purchase of the primary residential property, and who does not own a vacation or investment home.

(ii) "Primary residential property" means any one or two family house, townhouse or condominium located in this state which is owner occupied by such homebuyer.

(iii) "Newly constructed" means an improvement to real property which was constructed as a primary residential property, and which has never been occupied and was constructed after the effective date of this section. "Newly constructed" shall also mean that portion of a

primary residential property that is altered, improved or reconstructed. (Added by Local Law No. 18-2006, signed by the County Executive on January 2, 2007.)

§ 6-33.0 **Verification of Section, Block, and Lot Information**. The Assessor shall be entitled to a fee of two hundred and seventy dollars for the verification of the section, block and lot information contained in any deeds, mortgages or satisfactions, or any modifications or consolidations of the foregoing, presented for recording pursuant to Title A of Chapter 19 of this code.
(Added by Local Law No. 20-2012, in effect November 27, 2012; amended by Local Law No. 7-2014, in effect June 19, 2014; amended by Local Law No. 9-2015, in effect November 30, 2015. The effect of Local Law No. 9-2015 was, however, suspended until January 4, 2016, by Local Law No. 11-2015 in effect December 22, 2015; amended by Local Law No. 13-2016, in effect December 14, 2016; amended by Local Law No. 3-2023, effective May 2, 2023.)

§6-34.0. **Class one reassessment exemption.**

1. Eligibility. The Assessor shall, for the 2020-2021 final assessment roll and for the subsequent four years, apply an exemption as provided in this section to each property classified in class one pursuant to Article 18 of the Real Property Tax Law.

2. Exemption calculation.

(a)(i) The Assessor shall calculate the exemption as a percentage of the exemption base. The exemption base shall be the amount by which the assessment of a property on the 2020-2021 tentative assessment roll issued on or about January 2, 2019 exceeds the equalized assessment on the 2019-2020 final assessment roll. The Assessor shall determine the equalized assessment on the 2019-2020 final assessment roll by multiplying a property's effective full value on the 2019-2020 final assessment roll by the class one level of assessment on the 2020-2021 final assessment roll. The Assessor shall determine a property's effective full value on the 2019-2020 final assessment roll by dividing the assessment on the 2019-2020 final assessment roll by the class one level of assessment on the 2019-2020 final assessment roll. Such exemption base shall not include assessment increases due to a physical improvement or a removal or reduction of an exemption on property.

(ii) Any increase in the assessment of a property due to an increase in a property's full value or physical changes subsequent to the 2020-2021 final assessment roll shall not be eligible for the exemption. If any portion of a property is fully or partially removed from the assessment roll subsequent to the 2020-2021 final assessment roll by reason of fire, demolition, destruction or new exemption, the Assessor shall reduce the exemption for any remaining portion in the same proportion the assessment is reduced for such fire, demolition, destruction or new exemption.

(b) The exemption shall be eighty per centum (80%) of the exemption base on

the 2020-2021 final assessment roll, sixty per centum (60%) of the exemption base on the 2021-2022 final assessment roll, forty per centum (40%) of the exemption base on the 2022-2023 final assessment roll, twenty per centum (20%) of the exemption base on the 2023-2024 final assessment roll and zero per centum (0%) of the exemption base on the 2024-2025 final assessment roll.

3. **Entering of exemption on assessment roll.**
The Assessor shall enter in a separate column on the assessment roll the value of any exemption provided by this section.
(Added by Local Law No. 3-2020, effective March 23, 2020)

§6-35.0. **Renewal of the exemption for persons sixty-five years of age or over.**

a) Any person who has been granted an exemption pursuant to Section 467 of the Real Property Tax Law on five (5) consecutive completed assessment rolls, including any years when the exemption was granted to a property owned by a husband and/or wife while both resided in such property, shall not be subject to the requirements set forth in paragraph (a) of subdivision six of Section 467 of the Real Property Tax Law, provided, however that each said person shall be mailed an application form and a notice informing him or her of his or her rights.

b) Such exemption shall be automatically granted on each subsequent assessment roll, provided, however, that when tax payment is made by such eligible person, a sworn affidavit must be included with such payment which shall state that such person continues to be eligible for such exemption. Such affidavit shall be on a form prescribed by the commissioner of the New York State Department of Taxation and Finance. If such affidavit is not included with the tax payment, the collecting officer shall proceed pursuant to section five hundred fifty-one-a of the Real Property Tax Law.
(Added by Local Law No. 13-2020, in effect December 16, 2020).

Title B.
Assessment Review Commission

Section	6-40.0	Legislative intent.
	6-40.1	Establishment of Assessment Review Commission.
	6-40.2	Powers and duties.
	6-40.3	Applications for corrections of assessments for taxation.
	6-40.4	Procedures for review of applications for corrections of assessments for taxation.

6-40.5 Separability.
6-41.0[22] [Class Four real property][23]
6-41.0 Levy and Extension of Taxes; Class Four Real Property.
6-42.0 Disputed Assessment Fund

§ 6-40.0 **Legislative intent.** Section 523-b of the Real Property Tax Law authorizes and empowers the Nassau County Legislature to create an Assessment Review Commission to replace the current Board of Assessment Review to review applications for corrections of assessments for tax purposes between the first day of January and the last day of December each year. The Nassau County Legislature finds the creation of an Assessment Review Commission to be in the best interests of the residents and taxpayers of Nassau County.

§ 6-40.1 **Establishment of Assessment Review Commission.**

a) There shall be an Assessment Review Commission to consist of nine commissioners who shall be appointed by the County executive subject to approval of the County Legislature, for a term of five years except as specified in paragraph (c) of this section. One commissioner shall be designated chairman and shall serve for a term of three years. Each commissioner shall have at least five years' business experience in the field of real estate, real estate law, in a public agency or in a municipal department and shall attend such training courses as shall be prescribed by the State Board of Equalization and assessment pursuant to section 523 of the Real Property Tax Law. Not more than six commissioners shall at any one time be enrolled voters of the same political party.

b) The members of the Board of Assessment Review serving immediately prior to the creation of the Assessment Review Commission shall be appointed to initial terms as commissioners of the Assessment Review Commission.

c) The terms of the nine commissioners first appointed pursuant to this section shall be two members for one year, two members for two years, two members for three years, two members for four years, and one member for five years.

d) The compensation for the Commissioners of the Assessment Review Commission shall be determined and fixed by the County Legislature and

[22] There are two §6-41.0.
[23] No title in Local Law. Title provided to facilitate use. Pursuant to Local Law 7-2014, "A Local Law to Sunset the Provisions of 6-41.0 of the Nassau County Administrative Code Requiring the Owners of Class Four Properties to Certain Actions" this section would apply only to the 2013/14 assessment rolls and no others.

shall be set forth in the ordinance or resolution confirming the appointment of the nine commissioners of the Assessment Review Commission.

§ 6-40.2 **Powers and duties**

a) The Assessment Review Commission shall be charged with the duty of reviewing and correcting all assessments of real property made pursuant to the provisions of title one of this title.

b) Every commissioner shall exercise such other powers and duties as the chairman may from time to time assign to such commissioner. The chairman may, at his or her discretion, permit individual commissioners to hear and determine complaints filed in accordance with this title.

c) The commission shall recommend regulations and its own rules of procedure and rules for conduct of the commission, not inconsistent with the provisions of this title, to the County legislative body for approval in accordance with the County Legislature's rules of procedure.

d) The commission shall have the power, within the limits of the appropriation made by County Legislature, to employ or contract with such appraisers and other employees as may be approval of the Rules Committee of the County Legislature if such contract exceeds a term of on necessary in the performance of the duties of the Assessment Review Commission subject to the awarded any contracts the aggregate amount of expenditures under which exceeds $100,000 without prior approval of the Rules Committee of the County Legislature.[24]
(Amended by Local Law No. 12-1999, in effect January 1, 1999).

e) Commissioners and others appointed to the Assessment Review Commission shall be required to disclose on a form prescribed by the State Board of Equalization and Assessment any direct or indirect interest in a property for which a complaint has been filed. Such disclosure shall be filed with the Chairman of the Board of Assessors on or before the date when the Assessment Review Commission submits the statement of assessment changes pursuant to subdivision 3 of section 525 of the Real Property Tax Law. Any member of the Assessment Review

[24] Section d probably should read: "The commission shall have the power, within the limits of the appropriation made by the County Legislature, to employ or contract with such appraisers and other employees as may be necessary in the performance of the duties of the Assessment Review Commission subject to the approval of the Rules Committee of the County Legislature if such contact exceeds a term of one year or a sum in excess if $25,000. In addition, no person, firm or entity shall, in any year, be awarded any contract the aggregate amount of expenditures under which exceeds $100,000 without prior approval of the Rules Committee of the County Legislature." However, the intent of the 1999 amendment is unclear.

Commission who knowingly and intentionally fails to disclose such interest shall be subject to a civil fine of two hundred fifty dollars for each such omission with respect to property for which a complaint has been filed. The chairman of the Board of Assessors may recover in the name of the County in a civil action commenced in any court of competent jurisdiction such civil penalty in addition to any actual damages incurred by the County. Any recovery shall be deposited in the general fund of the assessing unit. For purposes of this section, a member of the Assessment Review Commission shall be deemed to have a direct or indirect interest in any property for which a complaint has been filed when the member, spouse or any of his or her minor children:

(1) is the owner of such property;

(2) is an officer, director, partner or employee of an entity which is an owner of lessee of such property;

(3) is an officer, director, partner or associate of a law firm or real estate firm which has a financial interest with the owner or lessee of such property; or

(4) legally or beneficially owns or controls stock of a corporation which is an owner or lessee of such property, provided, however, ownership of stock shall not constitute an interest where such stock is listed on a major stock exchange or is sold on the over the counter market and the value thereof is less than ten thousand dollars.

f) The Assessment Review Commission may appoint a secretary who shall perform such confidential duties and such other duties as are necessary to enable the Assessment Review Commission to properly and efficiently carry out the provisions of this title. The Assessment Review Commission staff shall include a minimum of 3 appraisers and 3 assistants. The compensation of the secretary and such appraisal support personnel shall be fixed by the County Legislature.
(Amended by Local Law 1-2002, in effect May 2, 2002)

g) The chairman, a commissioner or their representatives may, when accompanied by the petitioner, enter upon real property and into buildings and structures upon notice by certified or registered mail to the petitioner, after the filing of the complaint in accordance with this title, to ascertain the character of the property. The chairman or commissioner may designate persons to act on the commission's behalf for the purposes of this section. Willful failure, neglect or refusal by the person whose real property is assessed, or his or her agent or representative to permit such entry shall, in the discretion of the Assessment Review

Commission, result in dismissal of the administrative petition thereby denying administrative review and relief.

§ 6-40.3 **Application for the correction of assessment for taxation.**

a) During the time between publication of the tentative assessment roll and publication of the final assessment roll, any person or corporation claiming to be aggrieved by the assessed value of real property may apply for a grievance for correction of such assessment on state approved forms. Such application shall be duly verified by a person having personal knowledge of the facts stated therein, provided that if the application is signed by someone other than the person or an officer of the corporation claiming to be aggrieved, the application must be accompanied by a duly executed power of attorney or authorization or as otherwise prescribed by the rules and regulations of the Assessment Review Commission.

b) The grounds for reviewing an assessment shall be as prescribed in subdivision 2 of section 524 of the Real Property Tax Law.

c) The application with respected to an assessment shall be on state approved forms and shall contain a statement specifying the grounds for review, and the reduction in assessed valuation or taxable assessed valuation or change in class designation or allocation of assessed valuation sought.

d) Where an application is determined to be incomplete, the Assessment Review Commission shall notify the person whose real property is assessed, or his or her agent, representative or counsel of such incompleteness, and provide them with the opportunity to cure such incompleteness. If the incompleteness is not cured, the incomplete petition may be rejected by the Assessment Review Commission thereby denying administrative review and relief, and notice of rejection shall be sent to the person whose real property is assessed, or to his or her agent, representative or counsel.
(Amended by Local Law 1-2002, in effect May 2, 2002.)

e) For income producing properties, when an application is submitted by an applicant for correction of assessment for taxation, all income received or accrued and all expenses paid or incurred in the real estate operation of the property, shall be submitted and filed as prescribed by the rules of the Assessment Review Commission. Such statements with respect to income received or accrued and expenses paid or incurred shall be provided as a condition precedent to a review of the application. If no such statement is provided with the application, the Assessment Review

Commission shall not grant a hearing or make an adjustment to the assessment for any year(s) under review otherwise than in accordance with the provisions of Article 5 of the Real Property Tax Law. The failure to provide such statements may, in the discretion of the Assessment Review Commission, result in a dismissal of the petition thereby denying administrative review and relief.

f) Notwithstanding the foregoing, for any grievance for the correction of an assessment contained in the tentative assessment roll filed by the Department of Assessment on January 2, 2020, the deadline to file an application for the correction of an assessment shall be April 30, 2020. (Subdivision f added by Local Law No. 4-2020, effective April 22, 2020).

f) Notwithstanding the foregoing, for any grievance for the correction of an assessment contained in the tentative assessment roll filed by the Department of Assessment on January 3, 2022, the deadline to file an application for the correction of an assessment shall be April 30, 2022. (Subdivision f added by Local Law No. 1-2022, effective February 10, 2022. There are two subdivisions labeled as subdivision f).

§ 6-40.4 **Procedures for review of application for correction of assessments for taxation.**

a) The Assessment Review Commission, with the approval of the County Executive and County Attorney, shall make rules of practice for proceedings and internal review of determinations before the Assessment Review Commission which rules shall be subject to the approval of the County Legislature, in accordance with the rules of the County Legislature, before December 31, 2002. Between the first day of January and the last day of December, the Assessment Review Commission may itself, or by a commissioner or hearing officer authorized by the Assessment Review Commission, act upon complete applications, reasonably compel attendance of witnesses, administer oaths or affirmations and examine applicants and other witnesses under oath. All oral and written testimony taken by the Assessment Review Commission, via a commissioner, authorized hearing officer or any other employee of the commission authorized to take testimony on complete applications shall constitute part of the record of the proceedings upon an assessment. All completed applications shall be reviewed by the Assessment Review Commission in accordance with a priority plan that has been established by the Assessment Review Commission and reviewed and approved by the County Attorney and County Executive. If for any reason a completed application cannot be reviewed by the Assessment Review Commission, the chairman is to so report annually to the County Executive and County Legislature, providing the basis for such inability. Such annual report to be made within 60 days after the end of the Assessment Review Commission review period.

(Amended by Local Law No. 1-2002, in effect May 2, 2002.)

b) The Assessment Review Commission shall determine the final assessed valuation or taxable assessed valuation, or the actual assessment or transition assessment, or the proper class designation of the real property of each applicant. The final assessed valuation or taxable assessed valuation of real property may be the same as or less than the original assessment or, if determined to be unlawful, the same shall be ordered stricken from the roll or where appropriate entered on the exempt portion of the roll. If it is determined that the real property is misclassified, the correct class designation or allocation of assessed valuation shall be entered on the roll by the Board of Assessors.

c) The final determination of the Assessment Review Commission upon applications for the correction of an assessment shall be based upon a substantive review of information provided by the applicant or otherwise obtained by the Department of Assessment and the Assessment Review Commission, which should include, but not be limited to, consideration of comparable sales, available appraisals and/or income and expense statements, and shall be rendered not later than the thirty first day of December so that the results may be considered for the tentative assessment roll for the next year and so the final assessment roll may be prepared for publication on April first. The Assessment Review Commission, or one of the designated commissioners, may continue to take testimony and render determinations on applications subsequent to April tenth. The Commissioner may reduce or make determinations on any grieved assessment with the attorney of record of such applicant or duly substituted attorney of said applicant. The Board of Assessors, upon receipt of such determination, shall correct its assessment rolls. The Receiver of Taxes of any town in which the property is situated shall issue corrected tax bills in accordance with such determination and stipulation upon receipt of the determination, stipulation or judgment with notice of entry wherever applicable within thirty days after entry of a final determination by the Assessment Review Commission.
(Amended by Local Law No. 8-2013, in effect December 27, 2013.)

d) Pursuant to subdivision (c) of § 6-40.4, the Assessment Review Commission may determine the issues relating to the grievance and enter into a stipulation through the Assessment Review Commission's attorneys in accordance with the determination agreed to between the Assessment Review Commission and petitioner. The Assessment Review Commission may reduce an assessment imposed upon real property where lawful cause is shown, including where such assessment is found to be excessive or erroneous in accordance with such determination, and resolve the current and the immediately previous two tax years' outstanding assessment challenges in accordance with Article 5 of the

Real Property Tax Law by entering into stipulations and, where necessary, judgments with notice of entry in settlement of such challenges. If the tax shall have been paid, the County Treasurer is authorized to refund any excess tax paid, with interest. No settlement can be offered without adequate documentation of entitlement to the settlement. Such adequate documentation shall be as set forth in the rules of practice for proceedings before the Assessment Review Commission referred to in Section 3 (a), above.
(Amended by Local Law No. 1-2002, in effect May 2, 2002; amended by Local Law No. 12-1999, in effect January 1, 1999).

e) Notwithstanding any rule or law to the contrary, for pro se applicants, unless otherwise authorized by such applicants, an offer to settle an application for correction of an assessment made by the Assessment Review Commission shall be mailed to the residence of the applicant and delivered electronically to those who submitted applications electronically.

For assessments contained within the 2020 Tentative Assessment Roll and all Tentative Assessment Rolls thereafter, if this offer does not reduce an assessment, it shall be deemed a "Preliminary Determination Notice" and shall not be an offer to settle by the Assessment Review Commission. The "Preliminary Determination Notice" shall state the following in bold, 16 point font: "This is a Preliminary Determination of your assessment by the Assessment Review Commission. You are not required to act at this time. You may request a conference with the Assessment Review Commission by filing a written request by mail or in person at the following address:

Nassau County Assessment Review Commission
240 Old Country Road, 5th Floor
Mineola, NY 11501
Attn: Residential Supervisor

Whether or not you are granted a conference by the Assessment Review Commission, you will receive a subsequent notice pursuant to § 6-40.4(e) of the Nassau County Administrative Code, which will be the Assessment Review Commission's Final Determination."

Further, for challenges to the 2019 Tentative Assessment Roll, the Assessment Review Commission shall mail a "Notice of Rejection" to pro se applicants that received an offer that does not reduce their assessments, including to those pro se applicants that have accepted such offer in writing. This "Notice of Rejection" shall state that the Assessment Review Commission's offer conveyed by the "ARC Residential

Stipulation of Settlement" will not impact an applicant's rights to seek judicial review under Title 1 or Article 7 of the Real Property Tax Law or under small claims assessment review (SCAR) law provided by Title 1-A of Article 7 of the Real Property Tax Law regardless of whether the pro se applicant accepted an offer in writing that does not reduce their assessments.

On or before April first, each year the Assessment Review Commission shall mail to each applicant, who has filed an application for the correction of the assessment, a notice of the Assessment Review Commission's determination of such applicant's assessment. Such notice shall also contain the statement as to the final determination of the Assessment Review Commission, or a statement that the Assessment Review Commission has not yet made a determination as to the final assessed valuation which shall be made as soon as the petitioner's application is reviewed or heard. If the applicant's property is a property defined in subdivision one of section 1802 of the Real Property Tax Law as "class 1", the Assessment Review Commission's determination shall contain the statement: "If you are dissatisfied with the determination of the Assessment Review Commission and you are the owner of a one, two or three family residential structure or residential real property not more than three stories in height held in condominium form of ownership, provided that no dwelling unit therein previously was on an assessment roll as a dwelling unit in other than condominium form of ownership, and you reside at such residence, you may seek judicial review of your assessment either under Title 1 or Article 7 of the Real Property Tax Law or under small claims assessment review law provided by Title 1-A of Article 7 of the Real Property Tax Law." Such notice shall also state that the last date to file petitions for judicial review and the location where small claims assessment review petitions may be obtained. A final determination when rendered shall contain the same statement. Failure to mail any such notice or failure of the applicant to receive the same shall not affect the validity of the assessment.
(Amended by Local Law No. 16-2019, in effect September 5, 2019; amended by Local Law No. 26-2019, in effect December 4, 2019).

f) Each applicant that has filed an application of a property as defined in subdivision 1 of section 1802 of the Real Property Tax Law as “Class 2", “Class 3" or “Class 4" shall receive a notice as to the final determination of the Assessment Review Commission or a statement that the Assessment Review Commission has not yet made a determination as to the final assessed valuation which shall be made as soon as the petitioner's application is reviewed or heard, such application shall contain the statement: "If you are dissatisfied with the determination of the Assessment Review Commission you may seek judicial review of your

assessment either under Title 1 of Article 7 of the Real Property Tax Law or under small claims assessment review law provided by Title 1-A of Article 7 of the Real Property Tax Law." Such notice shall also state the last date to file petitions for judicial review. A final determination when rendered shall contain the same statement. Failure to mail any such notice or failure of the applicant to receive the same shall not affect the validity of the assessment.

g) A proceeding to review or correct on the merits any final determination of the Assessment Review Commission may be had as provided by law, and if brought to review a determination mentioned in subsection (a) of this section must be commenced on or before the last business day of April after final completion and filing of the assessment roll containing such assessment, as provided in appropriate provisions of the Real Property Tax Law or within thirty days after notice of a final determination has been made and sent to the applicant.

h) Each application that is denied or settled by the Assessment Review Commission requires a record, which includes, but is not limited to, the date of the filing of the application, and if the application is incomplete, the date the notice was sent, and the date the completed application was thereafter received; the settlement requested; the documents utilized by the Assessment Review Commission in denying or settling the application; the names of the Commissioners and/or authorized hearing officers; and the dates denying or settling the application.
(Added by Local Law 1-2002, in effect May 2, 2002)

i) For purposes of this section, an application that is rejected means that the application was not considered because it was incomplete. An application that is denied means that a complete application was considered, but no reduction was indicated.
(Added by Local Law No. 1-2002, in effect May 2, 2002)[25]

§ 6-40.5 **Separability.**

a) If any part of, or provisions of the title or the application thereof to any person, entity, or circumstances be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part of or provision of or the application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this title or the application thereof to other persons, entities or circumstances.
(Added by Local Law No. 8-1998, in effect February 1, 1999.)

[25] - Local Law 1-2002 purported to amend section 6-40.4 "as follows" but then only printed subdivisions a, d, h, and i. It is unclear whether this had the effect of repealing subdivisions b, c, e, f, and g.

§ 6-41.0[26] [**Class Four real property**][27] [28]

a) Definitions:

1. "ARC" or the "Commission" means the Nassau County Assessment Review Commission.

2. "Certified Appraisal" means an appraisal prepared by a licensed real estate appraiser that includes a statement by the licensed appraiser setting forth the basis for the appraisal and attesting to its accuracy as of the valuation date for the assessment.

3. "Class Four Property" or "Class Four Properties" mean that class of property or properties, consisting primarily of commercial and business properties, defined in section 1802 of New York Real Property Tax Law as "Class four." As used herein, the terms "commercial property" and "commercial properties" shall have the same meaning as Class Four Properties.

4. "Grievance" means an application filed with ARC, pursuant to section 6-40.3 of this Code, for administrative review of the assessed value of the Class Four property.

5. "Grievant" means a party authorized to file a Grievance including, but not limited to, a commercial property owner or tenant and their authorized representatives.

6. "Petition" means a tax certiorari petition filed with the New York State Supreme Court seeking judicial review of the assessed value of real property.

7. "Reasonable Basis Proposal" means a good faith proposal by the filer to settle a disputed assessment. A proposal that is eighty-seven and one-half percent (87.5%) or more of the assessed value determined by the Assessor in the tentative assessment roll shall be automatically deemed a Reasonable Basis Proposal. A proposal that is less than eighty-seven and one-half percent (87.5%) of the assessment in the tentative assessment roll shall also be deemed a Reasonable Basis Proposal provided that the proposal is accompanied by credible evidence supporting the amount of the proposal, is consistent with

[26] There are two §6-41.0
[27] No title in Local Law. Title provided to facilitate use.
[28] Pursuant to Local Law 7-2014, "A Local Law to Sunset the Provisions of 6-41.0 of the Nassau County Administrative Code Requiring the Owners of Class Four Properties to Certain Actions" this section would apply only to the 2013/14 assessment rolls and no others.

and based upon the standards and guidelines utilized in assessing real property, including any relevant judicial precedents and statutory provisions, and is also based upon the market conditions as of the applicable date of assessment relevant to the property whose assessment is being grieved.

8. "Reasonable Offer to Settle" means a good faith offer, made by ARC, to settle a disputed assessment after ARC has received a Reasonable Basis Proposal from the Grievant and ARC has reviewed the disputed assessed value, which review shall include the evidence submitted by the Grievant, is consistent with and based upon the standards and guidelines utilized in assessing real property, including any relevant judicial precedents and statutory provisions, and is also based upon the market conditions as of the applicable date of assessment relevant to the property whose assessment is being grieved.

9. "Substantial Change to the Property" shall mean:

   (1) material construction or destruction of improvements as such terms are defined by subdivision a of section 6-24.1 of this Code; or

   (2) change in zoning, use, or classification of such property that has a material impact on value; or

   (3) change in the physical or economic occupancy rate of thirty-three percent (33%) or greater from the valuation date for the tentative assessment roll that is the subject of a grievance application. Economic occupancy is the actual gross cash collected (after vacancy, credit, and collection loss) as a percentage of the total potential rents; or

   (4) discovery of environmental contamination that has a material impact on value.

b) (i) All Grievants who file Grievances for correction of their assessments with ARC shall, on or before October 1st of the year in which such Grievance is filed, take one of the following actions with respect to each commercial property: (1) submit to ARC, by email, portable data format or other electronic means, the receipt of which will be confirmed by ARC, a Certified Appraisal for each commercial property whose assessment is being grieved; (2) make a Reasonable Basis Proposal to ARC to settle the Grievance; or (3) withdraw the Grievance with prejudice and not file any Petition bringing a judicial challenge to the assessment.

(ii) The Grievant shall include with the submission of either a Certified Appraisal or a Reasonable Basis Proposal, a certification for the pending tentative assessed valuation executed by the Grievant or his representative in which the Grievant agrees to be bound by the assessed value set forth in either the Certified Appraisal or the Reasonable Basis Proposal. If ARC accepts such value or ARC fails to respond within 150 days as provided herein, the County shall be bound by such value.

(iii) Within one hundred and fifty (150) days of the submission to ARC of a Certified Appraisal, ARC shall respond by either accepting the assessed value set forth in the Certified Appraisal or by making a Reasonable Offer to Settle with the Grievant. If ARC does not respond within one hundred and fifty (150) days, ARC shall correct the tentative assessment to reflect the assessed value in the Certified Appraisal.

(iv) Within one hundred and fifty (150) days of the submission to ARC of a Reasonable Basis Proposal, ARC shall respond by either accepting the Reasonable Basis Proposal or by making a Reasonable Offer to Settle with the commercial property owner. If ARC does not respond within one hundred and fifty (150) days, ARC shall correct the tentative assessment to reflect the assessed value in the Grievant's Reasonable Basis Proposal.

(v) A Grievance shall be deemed finally determined and shall be binding on the Grievant and the County if ARC makes a Reasonable Offer to Settle in response to a Reasonable Basis Proposal under paragraph (i) of this subdivision, and the Grievant accepts ARC's Reasonable Offer to settle

c) Not withstanding the forgoing provisions of law, ARC may choose to sustain the challenged assessment as valid, and such determination shall be deemed to be a Reasonable Offer to Settle.

d) In the event that:

(i) ARC accepts a Reasonable Basis Proposal that is eighty-seven and one-half percent (87.5%) or more of the assessed value determined by the Assessor on the tentative assessment roll; or

(ii) A Reasonable Basis Proposal that is eighty-seven and one-half percent (87.5%) or more of the assessed value determined by the Assessor on the tentative assessment roll is implemented due to ARC's failure to

respond pursuant to Section 6-41.0(b)(iv) of this code; or

(iii) ARC makes a Reasonable Offer to Settle in response to a Reasonable Basis Proposal under paragraph (i) or this subdivision, and the Grievant accepts ARC's Reasonable Offer to settle; and

(iv) where, in addition to the circumstances under paragraphs (i), (ii) and (iii) of this subdivision, the Reasonable Basis Proposal was not accompanied by credible evidence supporting the amount of the proposal or other relevant financial information, then (except for where a factor under Section 6-41.0(a)(9) of this code is present), the County and the commercial property owner shall be bound by the assessed value either in the Reasonable Basis Proposal or in ARC's Reasonable Offer to Settle for the lesser period of (1) the final assessment roll for the tax year that is the subject of the grievance application, as well as for the next succeeding year assessment roll, or (2) for the balance of the County's assessment cycle or (3) until such time as the County performs a general reassessment of all properties within the County.

e) Upon the filing of a grievance with ARC and opting to file a Reasonable Basis Proposal, the Grievant shall be provided with, acknowledge receipt of, and agree to be bound by this section of law and the applicable ARC rules.

f) Where Grievant rejects ARC's Reasonable Offer to Settle, which rejection shall be in writing, filed not later than thirty days after the written issuance of the Reasonable Offer to Settle, ARC shall correct the tentative assessment to reflect the assessed value in the Reasonable Offer to Settle.

g) In the event that a Grievant fails to: (1) submit a Certified Appraisal; (2) make a Reasonable Basis Proposal; or (3) withdraw the pending Grievance, then the Grievance shall be dismissed with respect to any claim raised within said pending Grievance, with prejudice, and the Commission shall make a finding and shall promptly inform the Grievant of the basis for dismissal. Failure to comply with the foregoing shall preclude the Grievant from filing any Petition with the New York State Supreme Court for judicial review under Article VII of the Real Property Tax Law with respect to any claim raised within said pending Grievance, of the property's assessment for the lesser period

of (1) the final assessment roll for the tax year that is the subject of the grievance application, as well as for the next succeeding year assessment roll, or (2) for the balance of the County's assessment cycle or (3) until such time as the County performs a general reassessment of all properties within the County.

h) The Grievant may, within 35 days of the issuance of the determination, request in writing that ARC reopen the grievance on the basis that a Certified Appraisal or Reasonable Basis Proposal was submitted, or, alternatively, that the grievance was withdrawn.

i) In the event that the penalties set forth in subdivision (d)(iv) and (g) are determined by a Court of competent jurisdiction, to be illegal, ineffective or unenforceable precluding dismissal of the Grievance with prejudice, or in the event that the penalties set forth in such subdivisions are for any reason determined to be ineffective to preclude the Grievant from filing with the New York State Supreme Court a Petition, under the New York Real Property Tax Law, for judicial review challenging the assessment for the tax year corresponding to the year in the dismissed Grievance, then such Grievant shall be liable for the payment to the County of a civil penalty, recoverable in a civil action, in the sum of $4000 per grievance. This penalty provision shall only apply prospectively in the event that subdivision (g) is deemed illegal, ineffective or unenforceable and shall not be applied cumulatively, but rather alternatively to subdivision (g).
(Local Law added June 28, 2010 with compliance voluntary through 2010 but mandatory effective January 1, 2011).

§ 6-41.0[29] **Levy and Extension of Taxes; Class Four Real Property.**

Notwithstanding any provision of law to the contrary, in a special assessing unit which is not a city, all real property taxes on real property classified as class four under section eighteen hundred two of the real property tax law on the final assessment roll shall be levied and extended in the following manner:

a. Such taxes shall be levied and extended on each property's assessment on the final assessment roll except as provided in this section where a timely proceeding under title one of article seven of the real property tax law has been initiated the assessed value upon which taxes are levied and extended shall be the assessment claimed on the petition initiating such timely proceeding; provided however, that where such timely petition claims a reduction greater than ten percent of a property's assessment on the final

[29] There are two § 6-41.0.

assessment roll taxes shall be levied and extended on the tax roll equal to ninety percent of such property's assessment on the final assessment roll unless the assessor in his or her discretion based on reasonable evidence determines that it is in the best interest of the county to levy and extend taxes based on a claimed reduction greater than ten percent such that taxes shall be levied and extended based on such reduced assessment.

b. Each property where taxes are levied and extended based on the assessment contained in a petition pursuant to title one of article seven of the real property tax law as provided for in subdivision a of this section shall be responsible for paying a disputed assessment charge. The amount of such disputed assessment charge shall be determined notwithstanding any provision of law to the contrary by subtracting the assessment on the tax roll upon which taxes were levied and extended from the property's assessment on the final assessment roll with the difference then multiplied by the tax rates applied to the assessment on the tax roll upon which taxes were levied and extend. Such disputed assessment charge shall be calculated, collected and administered in the same manner as Nassau county real property taxes.

c. The disputed assessment charge shall appear as a separate item on the bill submitted to property owners by each receiver of taxes. The revenues from such charges shall be placed in a special revenue fund hereby established as the disputed assessment fund which shall be maintained and administered by the Nassau county treasurer. The monies in such fund shall be used solely for the purposes specified in this section.

d. Refunds of real property taxes on class four properties resulting from a settlement or final order from a count of competent jurisdiction on a petition pursuant to title one of article seven of the real property tax law or a determination or stipulation by the assessment review commission shall be paid from the disputed assessment fund.

e. Any monies paid into the disputed assessment fund with respect to a property remaining after proceedings under title one of article seven of the real property tax law have been settled or otherwise finally determined by a court of competent jurisdiction or the assessment review commission shall be distributed pro rata to the county and the applicable school district, town and special districts.

f. The levy and extension of taxes based on the petition initiating a timely proceeding as provided in subdivision a of this section shall not affect the application of any other provision of law except as expressly provided in this section.

(Added by L. 2014, Ch. 458 in effect November 21, 2014.)

g. This section shall apply only to real property taxes and other amounts levied on the 2016-2017 and 2017-2018 tax rolls, and the charge collected in connection with such tax rolls shall be accounted for separately from amounts collected on subsequent tax rolls.

(Added by L. 2018, Ch. 114 in effect July 10,2018.)

§ 6-42.2 Disputed assessment fund. Notwithstanding the provisions of section eighteen hundred three-b of the real property tax law or any other law to the contrary except as expressly provided herein:

a. The county of Nassau shall levy charges annually on class four rea property as defined in section eighteen hundred two of the real property tax law to fund the payment of refunds, cancellations and credits of property taxes and other levies on properties within such class in the ensuing fiscal year in the manner provided in this section.

b. Such charges shall be calculated, levied, collected and administered in the same manner as Nassau county real property taxes, except as otherwise provided in this section.

c. The amount of such levy shall be not more than ten percent of class four levies on the county tax roll for county, town, special district and school district property taxes and other levies.

d. Such levies shall appear as a separate item on the annual county tax bill submitted to property owners by each receiver of taxes. The amounts from such levies shall be placed in a separate fund hereby established as the disputed assessment fund which shall be maintaine **and administered by the** Nassau county treasurer; provided, however, that nothing herein shall prevent the county from paying into the disputed assessment fund monies from other funds or sources for the purposes specified in this section. The monies collected in such fund shall be used solely for the purposes specified in this section and shall not be deemed county revenues.

e. Refunds, cancellations and credits of real property taxes and other levies on class four real property resulting from a settlement or final **order from a** court of competent jurisdiction or a determination or stipulation by the assessment review commission shall be paid from the disputed assessment fund; provided, however, monies paid from such fund shall not be deemed county expenditures. Nothing herein shall prevent the county from funding the costs of any refunds, cancellations and credits of real property taxes and other levies from other funds or sources.

f. The provisions of this section shall not affect the application of title three of article five of the real property tax law or any other provision of law except as expressly provided in this section.

g. This section shall not apply to real property taxes and other amounts levied on the 2016-2017 and 2017-2018 tax rolls, and the charge collected in connection with such tax rolls shall be accounted for separately from amounts collected on subsequent tax rolls.

(Added by L. 2018, Ch. 114 in effect July 10,2018.)

CHAPTER VII
OFFICE OF PURCHASING

Section 7-1.0 Purchases involving less than one hundred dollars.
7-2.0 Filing of contracts of purchase.
7-3.0 Defaulters to the County.
7-4.0 Green Procurement
7-5.0 Boycott Divest Sanctions Activities Prohibited

§ 7-1.0 **Purchases involving not more than five hundred dollars.** Notwithstanding the provisions of section seven hundred two of the Charter, the Director of Purchasing or his designee may make purchases involving not more than five hundred dollars without competition.

(Added by L. 1939 Ch. 701 § 1; amended by L. 1954 Ch. 198; Local Law No. 1-1958 § 2; Local Law No. 19-1965 § 4, in effect January 1, 1966; Local Law No. 13-1991, in effect January 31, 1992; amended by Local Law No. 1-2000, in effect February 2, 2000.)

§ 7-2.0 **Filing of contracts of purchase.** Each contract of purchase of materials, supplies or equipment, or certified copy thereof, shall be filed with the Comptroller accompanied by certified abstract of all bids, and if awarded after publication of advertisements, affidavits of publication shall also be filed with the contract.

(Added by L. 1939 Ch. 701 § 1, in effect June 5, 1939; amended by Local Law No. 1-2000, in effect February 2, 2000.)

§7-3.0 **Defaulters to the County.** No bid for materials, supplies or equipment may be accepted from, or contract therefore awarded to any person who is in arrears to the County, upon debt or contract or who has defaulted as surety or otherwise upon contract or obligation to the County.

(Added by L. 1939 Ch. 701 § 1, in effect June 5, 1939; amended by Local Law No. 1-2000, in effect February 2, 2000.)

§ 7-4.0. **Green Procurement**

a. Definitions. As used in this local law:

"County" means the County of Nassau.

"Director" means the director of the Office of Purchasing.

"Environmentally preferable product" means a product that has a lesser impact on human health and the environment when compared with a competing product, in consideration of raw materials acquisition, production, manufacturing, packaging, distribution, reuse, operation, and/or disposal of the product.

"Food packaging" means all bags, sacks, wrapping, containers, bowls, plates, trays, cartons, cups, straws and lids which are not intended for reuse, on or in which any foods or beverages are placed or packaged.

"Green procurement" means the purchase of environmentally preferable products.

"Polystyrene foam" means and includes blown polystyrene and expanded and extruded forms (sometimes called Styrofoam, a Dow Chemical Co. trademarked form of polystyrene foam insulation), which are thermoplastic petrochemical materials utilizing a styrene monomer and processed by any number of techniques, including without limitation fusion of polymer spheres (expandable bead polystyrene), injection molding, foam molding and extrusion-blown molding (extruded foam polystyrene). Polystyrene foam is generally used to make cups, bowls, plates, trays, clamshell containers, meat trays, egg cartons, and ice chests.

"Polystyrene foam food packaging" means any food packaging which contains any polystyrene foam.

b. Green Procurement. The director shall implement green procurement as provided in this section to help executive agencies prevent waste and pollution by considering products that have a lesser or reduced effect on human health and the environment when compared with competing products or services that serve the same purpose.

c. Within one year of the effective date of this law and within each year thereafter, to the extent that there are available standard specifications for environmentally preferable products that have been established by a green purchase guide, as described in this subdivision, the Director shall select specifications, after considering the recommendations of the committee established by this subdivision, for the green procurement of three materials or products in each of the following categories:
    1. Paper Office Supplies
    2. Non-Paper Office Supplies
    3. Office Equipment
    4. Cleaning Supplies
    5. Food Service Products

6. Building Construction Products
7. Park and Recreational Products
8. Exterior Site Work and Landscaping Products
9. Vehicle and Vehicle Maintenance Products
10. Road and Transportation Products

A committee comprised of one representative of each of the following county offices and departments: Purchasing, Public Works, Health, Management and Budget, Environmental Coordination, as well as two members of environmental or conservation organizations, appointed by the County Executive, subject to confirmation by the Legislature, shall recommend to the Director the specifications for such materials or products. In recommending such specifications, such committee shall use the environmental standards established by a green purchase guide, including but not limited to the Environmental Protection Agency's Environmentally Preferable Purchasing Guide, the Environmental Protection Agency's Green Purchasing Guide, Green Seal Responsible Purchasing Network, Building Green, Incorporated's GreenSpec Directory, or the Environmental Choice EcoLogo Program.

d. The director shall use the specifications selected pursuant to subdivision c of this section when soliciting bids for any materials to which they apply, and shall require any bidder to offer for sale to the County only those items meeting such specifications; provided, however, that nothing contained herein shall be construed as requiring the acquisition of environmentally preferable products that do not perform adequately for their intended use, exclude adequate competition, or are not available at a reasonable price in a reasonable period of time.

e. Exceptions. Compliance with the provisions of this section shall not be required:

   1. where such compliance would result in a conflict with state or federal requirements; or

   2. in the case of a procurement relating to an emergency arising out of an accident or other unforeseen circumstances affecting public buildings, public property or the life, health, safety or property of the County of Nassau.

f. Polystyrene. No County funds shall be used to purchase any polystyrene foam food packaging unless there is no alternative food packaging that performs adequately for its intended use or that is available at a reasonable price in a reasonable period of time.

g. The director shall promulgate such rules as are necessary to effectuate the provisions of this section.

h. Reporting requirement. Within thirty days after each anniversary date of the effective date of this section, the director shall submit a report to the legislature including, but not limited to a list of environmentally preferable products for which procurement specifications have been selected pursuant to this section as well as information about green procurement by the County during the preceding year.
(Added by Local Law No. 3-2008, in effect April 14, 2008.)

§ 7-5.0 **Boycott Divest Sanctions Activities Prohibited.**

a. Definitions.

"BDS Activities" shall mean any action politically motivated and intended to penalize or otherwise limit commercial relations with Israeli owned or controlled businesses.

"Boycott" shall mean to engage in any activity or to actively promote or encourage others to withdraw from commercial relations with Israeli owned or controlled businesses as a punishment or protest.

"Business" shall mean any natural person, corporation, Limited Liability Company, unincorporated association or any other non-government entity.

b. Boycott Divestment Sanctions Activities and County Contracts

i. No Business having entered into a contract with Nassau County shall participate in any Boycott or BDS Activities as defined by this Local Law.
ii. Any Business participating or which, in the past, has participated in any Boycott or BDS Activities, as defined by this Local Law, shall disclose such Boycott or BDS Activities prior to entering into any contract with the County.
iii. Any Business that is a party to a contract with the County shall disclose its participation or past participation to the County in any Boycott or BDS Activities as defined by this Local Law.
iv. Any Business seeking to enter into a contract with Nassau County that participates in any Boycott or BDS Activities as defined by this Local Law shall be

deemed a nonresponsive bidder.

v. Any contract that Nassau County has entered into with any Business that is found to participate or to have participated in any Boycott or BDS Activities as defined by this Local Law shall be subject to rescission by Nassau County.

vi. Any Business that participates in any Boycott or BDS Activities that result in an increase in the costs of any Nassau County contract shall be liable for such costs, recoverable by Nassau County in a civil action.

vii. Any subcontractor that is excluded from participating in any County contract due to the Boycott or BDS Activities of a Business that has a contract with Nassau County shall be entitled to recover, in a civil action against such Business, the value of any costs, expenses or the monetary value of the lost opportunity due to the Boycott or BDS Activities of such Business.

viii. Upon notification from the County, no business that has entered into a contract with Nassau County shall sell or distribute at any County-owned or operated location any products that are procured from or provided by any individual, business, or entity that participates in Boycott or BDS Activity.

(Section added by Local No. 3-2016, in effect May 26, 2016. Amended by Local Law No. 16-2021, in effect October 13, 2021.)

Title [B] [30]

Identity Theft Resources

Section 1-100.0[31] Definitions

1-100.1 Creation of Online Identity Theft Resources

1-100.2 Information on Filing of a Police Report

1-100.3 Commissioner of Police Responsible for Implementation and Maintenance[32]

§1-100.0. **Definitions.** As used in this title, the following terms shall have the following meanings:

[30] Local Law did not specify a designation for the title. Added for convenience.

[31] Sections so numbered in the Local Law.

[32] No section 1-100.3 was included in the Local Law.

a. "Identity Theft" shall mean

1. the unauthorized use or attempted use of an existing account, such as a credit or debit card; or a checking, savings, telephone, online, or insurance account;
ii. the unauthorized use or attempted use of personal information to open a new account, such as a credit or debit card; or a telephone, checking, savings, loan, or mortgage account;
iii. the misuse of personal information such as an individual's social security number, birth certificate, or driver's license for a fraudulent purpose.

b. "Official Website of Nassau County" shall be as defined by §2211(a) of the County Government Law of Nassau County.

§1-100.1. **Creation of Online Identity Theft Resources**

The Official Website of Nassau County, at the direction of the Commissioner of Police, shall include links to webpages identified and acceptable to the Commissioner of Police containing information and resources regarding Identity Theft prepared and maintained by federal and state agencies including the Federal Trade Commission, Department of Justice, Federal Bureau of Investigation, United States Postal Inspection Service, Internal Revenue Service, New York State Attorney General's Office, and the credit reporting agencies Equifax, TransUnion and Experian.

§1-100.2. **Information on Filing of a Police Report**

The Official Website of Nassau County shall include information, acceptable to the Commissioner of Police, required to file an Identity Theft complaint with the Nassau County Police Department, and information as to where and how Identity Theft complaint may be filed under the rules and procedures of the Nassau County Police Department. Such information shall be updated from time to time at the direction of the Commissioner of Police.
(Title added by Local Law 4-2016, in effect June 22, 2016.)

CHAPTER VIII
DEPARTMENT OF POLICE

Title A. In General

Section

8-1.0 Definitions.
8-2.0 Commissioner of Police; qualifications.
8-2.1 School Crossing guards – police cadets.
8-3.0 Commissioner; powers and duties.
8-4.0 Police force.
8-5.0 Detective bureau.
8-6.0 Bureau of public safety.
8-6.1 Air bureau.
8-6.2 Emergency ambulance bureau.
8-7.0 Property clerk; stolen and unclaimed property.
8-8.0 Police surgeon.
8-9.0 Fingerprint expert.
8-10.0 Special patrolmen.
8-11.0 Qualifications of member of the police force.
8-12.0 Detail to duty.
8-13.0 Discipline and punishment
8-14.0 Resignation; unexplained absence.
8-15.0 Expenses of the police department; how raised.
8-16.0 Petty cash fund.
8-16.1 Special enforcement fund.
8-17.0 Liability of county for negligent operation of vehicles.
8-18.0 County police district.
8-19.0 Boundaries of the police district.
8-20.0 Precincts.
8-21.0 Powers of police force.
8-22.0 Duties of police department.
8-22.1 Repealed.
8-23.0 Departmental records and books.
8-24.0 Subpoena of witnesses; oaths; depositions.
8-25.0 Entry where felony is suspected.
8-26.0 Report upon arrest.
8-27.0 Verification of complaint.
8-28.0 Suppression of gaming and other disorderly houses.
8-29.0 Custody of persons committed.
8-30.0 Acquisition of city, village or Port Washington police district police property.
8-31.0 Assignment for duty in city or village.
8-32.0 Fees for the search and copy of accident reports and photographs.
8-33.0 Public Safety Fee

8-33.0 Health and Wellness Division[33]

Title B. Transmissions from Automatic Alarm System

Section
8-40.0 Legislative intent.
8-40.1 Definitions.
8-40.2 Automatic dialing devices.
8-40.3 Delay.
8-40.4 Timing devices.
8-40.5 Limitations of automatic dialing devices.
8-40.6 Permit required; application; fees; transferability; false statements.
8-40.7 Permit duration and renewal.
8-40.8 False alarm notifications.
8-40.9 Hearing upon permit denial or revocation.
8-40.10 Penalties and fines.

Title C. Solicitation by Law Enforcement – Affiliated Organizations

Section
8-50.0 Legislative intent.
8-50.1 Definitions.
8-50.2 Registration of law enforcement-affiliated organization.
8-50.3 Representation.
8-50.4 Prohibited acts.
8-50.5 Criminal and civil penalties.
8-50.6 Enforcement action of proceedings.
8-50.7 Scope of remedies.
8-50.8 Construction.

Title D. Screening and Fingerprinting of Bus Drivers and Aides

Section
8-60.0 Legislative intent.
8-60.1 Definitions.
8-60.2 Screening by motor carrier.
8-60.3 Consent.
8-60.4 Fingerprinting.
8-60.5 Disqualification from employment.
8-60.6 Separability.

Title E. Alteration or Removal of Marine Motor Marine Equipment or Boat

[33] There are two sections 8-33.0

Identification or Serial Numbers

Section 8-70.0 Legislative intent.
8-70.1 Definitions.
8-70.2 Prohibited activity.
8-70.3 Penalties.
8-70.4 Separability.

Title F. Screening and Fingerprinting of Auxiliary Police Applicants

Section 8-80.0 Legislative intent.
8-80.1 Screening by New York State Division of Criminal Justice Services.
8-80.2 Fingerprinting fees.
8-80.3 Separability.

Title G. Volunteer Program for Handicapped Parking Enforcement.

Section 8-90.0 Legislative intent.
8-90.1 Enforcement.
8-90.2 Volunteer program established.
8-90.3 Director of the Nassau County Office for the Physically Challenged.
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Title H.[34] Enhanced Emergency Telephone System Surcharge

Section 8-100.0 Definitions.
8-100.1 Surcharge authorization.
8-100.2 Collection of surcharge.
8-100.3 Liability for surcharge.
8-100.4 System revenues; adjustment of surcharge.
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Title H-2. Screening and Fingerprinting of Applicants to the Nassau County Society for the Prevention of Cruelty to Animals.

Section 8-100.0 Legislative intent.
8-100.1 Screening of Applicants.
8-100.2 Disqualification from Appointment.
8-100.3 Severability.

Title H-I. Wireless Communications Services Surcharges

[34] There are two Titles H

Section 8-105.0 Imposition of wireless communications surcharges.
8-105.1 Administration of surcharges.
8-105.2 Applicability of State law to surcharges imposed by this Title.
8-105.3 Appropriation of surcharges.

Title I.
Impoundment and Storage of Vessels

Section 8-110.0 Legislative intent.
8-110.1 Definitions.
8-110.2 Surcharge authorization.
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Title J.
Immobilization and Removal of Illegally Parked Vehicles and Vehicles of Scofflaw

Section 8-120.1 Definitions
8-120.2 Immobilization and removal of vehicles; general provisions
8-120.3 Immobilization; notice and penalties
8-120.4 Removal; notice; release of immobilized and removed vehicles
8-120.5 Procedures

Title K.
Dissemination of Information Concerning Residency Restrictions and the Monitoring of Sex Offenders

Section 8-130.1 Legislative Intent
8-130.2 Definitions
8-130.3 Mandatory dissemination of information
8-130.4 Promulgation of rules and procedures
8-130.5 Database of entities with vulnerable populations
8-130.6 Residency Restrictions
8-130.7-a Notification
8-130.7-b Hotel, Motel, and Shelter Notification.
8-130.8 Exemption.
8-130.9 Location Monitoring.
8-130.10 County Not Liable.
8-130.11 Penalties.
8-130.12 Separability.

Title L.
Natalie Ciappa's Law: Notification concerning heroin activity

Section 8-131.1 Notification to schools
8-131.2 Community-wide dissemination
8-131.3 County; school not liable

Title M
Hal Doliner Silver Alert

Section 8-132.1 Legislative Intent
8-132.2 Definitions
8-132.3 Procedures
8-132.4 Severability

Title N
Gun Offender Registration

Section 8-133.0 Definitions
8-133.1 Creation of a Gun Offender Registry
8-133.2 Duty to Register and Verify
8-133.3 Sharing of Registration Information
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8-133.5 Promulgation of Rules and Procedures
8-133.6 Fees
8-133.7 Penalties
8-133.8 Reverse Preemption

Title O.
Criminal Justice Report

Section 8-133.1 Legislative Intent
8-133.2 Criminal Justice Report

Title O.
Unlawful Disclosure of Intimate Images

Section 8-134.1 Definitions
8-134.2 Unlawful Disclosure of Intimate Images
8-134.3 Exemptions
8-134.4 Penalties
8-134.5 Private Civil Cause of Action

Title P.
Harassment of a Police Officer, Peace Officer or First Responder

Section	8-135.1	Harassment of a Police Officer, Peace Officer or First Responder
	8-135.2	Penalties

Title Q

Failure to Serve a First Responder

Section	8-136.1	Legislative Intent
	8-136.2	Failure to Serve a First Responder
	8-136.3	Violation and Penalty

Title A
In General

§ 8-1.0 **Definitions.** As used in this chapter:

1. The term "district" means the police district of the County of Nassau.

2. The term "police department" or "independent" means the Department of Police of the County of Nassau, and such term includes the term "police force".

3. The term "police force" or "force" includes all members of the police department excepting those members appointed to render clerical or stenographic, mechanical, chauffeur and laboring services exclusively. (Amended by Local Law No. 3-1945, in effect July 9, 1945.)

§ 8-2.0 **Commissioner of Police; qualifications.** The Commissioner of Police, at the time of his appointment, must be a citizen and a resident of the State of New York for at least one year.

§ 8-2.1 **School crossing guards - police cadets.**

a. The Commissioner may appoint school crossing guards and police cadets to serve for such period of time as he deems advisable. Such school crossing guards and police cadets shall be empowered to direct pedestrian and vehicular traffic at locations to which they may be assigned and shall perform such other related duties as may be prescribed by the Commissioner.

b. Nothing herein contained shall be construed to constitute such school crossing guards and police cadets as members of the police force or to entitle them to the privileges and benefits of the members of the police force nor shall they be deemed peace officers.

c. The Commissioner of Police shall have the authority to promulgate rules and regulations governing the conduct of school crossing guards and police cadets and he shall prescribe the insignia and uniform to be worn by such guards and cadets.

d. The salaries and other costs and expenses of the police department in connection with guarding school crossings shall be a charge upon the police districts.
(Added by Local Law No. 5-1954, in effect November 1, 1954; former § 8-2.0 renumbered § 8-2.1 and amended by Local Law No. 9-1965, in effect June 4, 1965.)

§ 8-3.0 **Commissioner; powers and duties.** Except as otherwise provided in this chapter, the Commissioner shall have the jurisdiction and control of the government, administration, disposition and discipline of the police department and he may promulgate and enforce rules and regulations for such purposes.
(Amended by Local Law No. 3-1945, in effect July 9, 1945.)

§ 8-4.0 **Police force.** There shall be a police force which shall render such police service as may be prescribed by this chapter. The police force shall consist of such numbers of captains, lieutenants, sergeants, and police officers as shall be determined by the County Legislature upon the recommendation of the County Executive and the Commissioner of Police.

The Commissioner may detail captains as follows: One to act as First Deputy Commissioner of Police and one Lieutenant, Captain, or Sergeant to act as Second Deputy Commissioner of Police; one as Chief of Operations; one as Chief of Support; one as Chief of Detectives; one as Chief of Patrol; and, within the number provided by ordinance of the County Legislature, such additional number to act as Assistant Chiefs, Deputy Chiefs, Inspectors and Deputy Inspectors as he deems necessary. Such detail shall not be deemed a promotion.

When the Commissioner shall be unable to act by reason of his absence or inability, the duties of his office shall devolve upon the first Deputy Commissioner of Police or as otherwise directed by order of the Commissioner.
(Amended by Local Law No. 1-1951; Local Law No. 2-1959; Local Law No. 7-1965; Local Law No. 4-1972; Local Law No. 12-1972, in effect September 25, 1972; Local Law No. 4-1976, in effect May 10, 1976; Local Law No. 3-1979, in effect April 30, 1979; amended by Local Law No. 14-2000, in effect May 23, 2000.)

§ 8-5.0 **Detective bureau.**

a. There shall be a bureau for detective purposes to be known as the detective bureau. The Commissioner may designate as many members *of* the police force as he may deem necessary to serve in such bureau and at any time may revoke the designation of such a member.

b. With the approval of the County Executive the Commissioner shall assign such members of the force to the office of the district attorney, the office of the fire marshal and any other officer or county department to perform such service as such officer or county department may require.
(Amended by Local Law No. 3-1945, in effect July 9, 1945.)

§ 8-6.0 **Bureau of public safety.**

a. There shall be a bureau of public safety.

b. It shall be the duty of such bureau, throughout the County to:

1. Enforce all laws relating to the manufacture, storage, sale, transportation or use of combustibles, chemicals, explosives, inflammables or other dangerous substances, articles, compounds or mixtures.

2. Perform such other duties as the Commissioner may prescribe.
(Former paragraph 2 repealed and part 3 renumbered 2 by Local Law No. 3-1945, in effect July 9, 1945.)

§ 8-6.1 **Air bureau.**

a. There shall be a bureau to be known as the air bureau. The Commissioner may detail as many members of the police force as he may deem necessary to serve in such bureau in the following positions: patrolman aircraft pilot, patrolman aircraft mechanic, sergeant aircraft pilot, sergeant aircraft mechanic, and lieutenant aircraft pilot. Such a detail shall not be deemed a promotion and the Commissioner at any time may revoke the detail of such a member.

b. It shall be the duty of such bureau to provide air patrol of the territory under the jurisdiction of the County and to perform such other duties as the Commissioner may prescribe.
(Added by Local Law No. 13-1973, in effect December 18, 1973.)

§ 8-6.2 **Emergency ambulance bureau.**

There shall be a bureau to be known as the Emergency Ambulance Bureau. The Emergency Ambulance Bureau shall be responsible for the coordination, command, control and oversight of the emergency medical

services operations, services and other support organizations to ensure the health, safety and welfare of the residents of the County.
(Added by Local Law No. 11-2018, in effect June 20, 2018.)

§ 8-7.0 **Property clerk; lost, stolen and unclaimed property**. There shall be a member of the police force to be known as the property clerk.

b. The property clerk shall take charge of all property:

   1. Alleged to have been stolen or embezzled and which shall be brought to the general headquarters;

   2. Taken from the person of a prisoner;

   3. Alleged or supposed to have been feloniously obtained or which has been lost or abandoned; and

      (a) Which shall come or be taken into the custody of any member of the police force or any criminal court in the County, or

      (b) Which shall be by such member or court, or by order of any court, given into his custody.

c. All such property or money shall be described and registered by such property clerk in a book kept for that purpose, which shall contain:

   1. The name of the owner or claimant if ascertained;

   2. The place where found;

   3. The name of the person from whom taken, with the general circumstances surrounding such taking;

   4. The date of receipt;

   5. The name of the member of the force recovering such property or money;

   6. A description thereof;

   7. The names of all claimants thereto; and

   8. Any final disposition thereof.

d. The Commissioner may require and take from the property clerk security

for the faithful performance of the duties imposed by this section.

e. All property or money:

1. Taken on suspicion of having been feloniously obtained, or of being the proceeds of a crime, and for which there is no other claimant than the person from whom such property was taken;

2. Which is lost and comes into the possession of any member of the police force;

3. Taken from pawnbrokers as the proceeds of crime; or

4. Taken by such member from persons supposed to be insane, intoxicated or otherwise incapable of taking care of themselves, shall be transmitted, as soon as practicable, to the property clerk to be registered and advertised in the official newspapers of the County for the benefit of all persons interested, and for the information of the public, as to the amount and disposition of the property so taken into custody by the police.

f. If any property or money placed in the custody of the property clerk shall be desired as evidence in any criminal court, such property shall be delivered to any member of the force who shall present an order to that effect from such court. Such property, however, shall not be retained by such court, but shall be returned to the property clerk on the final determination of the action in which such property was so used, on the payment of the necessary expenses incurred in its preservation.

g.

1. In this subdivision:

(a) "Property" means and includes personal property, money, negotiable instruments, securities or any interest in a thing of value, excepting real property.

(b) "Proceeds of a crime" means any property obtained through the commission of any offense and includes any appreciation in value of such property.

(c) "Substituted proceeds of a crime" means any property obtained by the sale or exchange of proceeds of a crime, and any gain realized by such sale or exchange.

(d) "Instrumentality of a crime" means any property, other than real property and any buildings, fixtures, appurtenances, and improvements thereon, whose use contributes directly and materially to the commission of any offense.

2. Except as provided in Article 13-A of the Civil Practice Law and Rules, proceeds of a crime, substituted proceeds of a crime or any instrumentality of a crime delivered to the property clerk shall be subject to forfeiture as prescribed in this section.

3. The County of Nassau may commence a civil action for forfeiture to the County of Nassau of the proceeds of a crime, substituted proceeds of a crime or instrumentality of a crime seized subsequent to an arrest for a misdemeanor crime or petty offense as such terms are defined in the penal law and the criminal procedure law, respectively, or upon a conviction for such misdemeanor crime or petty offense against any person having an interest in such property. Any person from whom property is seized incident to his or her arrest for a misdemeanor crime or petty offense will receive written notice at the time the property is seized and inventoried or as soon thereafter as practicable that the County of Nassau may commence an action for forfeiture of such property as the proceeds of a crime, substituted proceeds of a crime or instrumentality of a crime.
(Amended by Local Law No. 4-2003, in effect March 10, 2003.)

4. Except for a felony offense, as defined in section eleven hundred ninety-three of the Vehicle and Traffic Law, which may give rise to a forfeiture action pursuant to article thirteen-A of the Civil Practice Law and Rules, the County of Nassau may commence a civil action for forfeiture to such county of any vehicle as such term is defined in subdivision fourteen of section 10.00 of the Penal Law when such vehicle is operated by a person charged with a violation of section eleven hundred ninety-two of the Vehicle and Traffic Law and such person is convicted or pleads guilty to any subdivision of such section where it is proved by a preponderance of the evidence in a civil forfeiture proceeding that such person was driving in violation of such section. Subject to the provisions of subparagraph f of this paragraph, the interest of a lienholder in such property shall not be subject to forfeiture pursuant to this paragraph, provided, however, that this provision shall not be construed to entitle a lienholder to more than the outstanding balance of the lien. For purposes of this section, the term "lienholder" shall mean any person, corporation, partnership, firm, agency, association or other entity who at the time of an arrest pursuant to this section has a financial interest recorded as a lien with the Department of Motor Vehicles of New York State or

any other state, territory, district, province, nation or other jurisdiction, except that "lienholder" shall not mean an entity that leases vehicles pursuant to a written agreement subject to the New York state personal property law or the uniform commercial code. Nothing in this provision shall be construed to prevent a lienholder whose lien is not so recorded from intervening in any action or proceeding under this paragraph.

a. A person from whom a vehicle has been removed and impounded by the police pursuant to an arrest for a violation of any provision of section eleven hundred ninety-two of the Vehicle and Traffic Law shall receive notice at the time of arrest on such charge and by certified mail, return receipt requested, as soon thereafter as practical informing such person how and when the vehicle may be reclaimed and that the vehicle is subject to a civil forfeiture proceeding. In the event that the driver is not the registered owner of the vehicle, separate notice shall be provided to the registered owner of the vehicle. Notice shall also be provided to any lienholder. A vehicle removed and impounded pursuant to this section shall be subject to a reasonable fee upon release of the vehicle covering the cost of removal and storage.

b. In the event that the driver of the vehicle has a prior conviction, within the past ten years, for a violation of any provision of section eleven hundred ninety-two of the Vehicle and Traffic Law or an offense involving the use of alcohol or a controlled substance while operating a vehicle in another jurisdiction, the County may retain the vehicle and shall apply to the court, after having provided notice as required to the persons or entities set forth in subparagraph a of this paragraph, within fifteen days for a prompt hearing to request the court to take measures to protect the public safety and to protect the vehicle from destruction or sale during the pendency of the forfeiture proceeding. At such hearing the court shall determine the probable validity of the retention of the vehicle by the County, or other such appropriate measures, including but not limited to the installation at the expense of the owner of an interlock device to prevent the operation of the vehicle while the driver is under the influence of alcohol, the posting of a bond or an order restraining the sale or transfer of title of the vehicle. The hearing shall take into consideration, but not be limited to: (i) the existence of probable cause for the underlying arrest; (ii) the likelihood of success on the merits of the forfeiture action; and (iii) the driver's prior conviction, within the past ten years, for a violation of any provision of section eleven hundred ninety-two of the Vehicle and Traffic Law or for an offense

regarding the use of alcohol or a controlled substance while operating a vehicle in another jurisdiction.

c. The owner of a vehicle subject to forfeiture pursuant to this paragraph must notify the County of any intention to transfer ownership or possession of such vehicle, no later than fifteen days prior to such transfer. Notice provided pursuant to subparagraph a of this paragraph shall set forth the time and manner and procedures for such notification to the County. The provisions of this subparagraph shall remain in effect until the resolution of the forfeiture proceeding, provided, however, that the notice requirement herein shall expire one hundred twenty days after an arrest pursuant to this paragraph in the event the County has not commenced such a proceeding within such period.

   (i) Nothing in this subparagraph shall be construed to affect the ability of an entity that leases vehicles or a lienholder to exercise its lawful rights to obtain possession of a vehicle under a contract or applicable law.

   (ii) In the event of a transfer of title or possession pursuant to clause (i) of this subparagraph, the person or entity that affects such transfer shall provide notice to the County of its action as soon as practicable and in no event later than seventy-two hours subsequent to such action.

d. Upon receiving notification pursuant to subparagraph c of this paragraph, the County may apply for a court order to ensure that the vehicle remain available pending the outcome of the civil forfeiture proceeding pursuant to this paragraph. At such hearing the County may request appropriate measures including, but not limited to, an order of the court restraining the transfer of title or possession of such vehicle, retention by the County of the vehicle pending the outcome of the forfeiture proceeding, or a bond in the amount of fifteen hundred dollars plus the fair market value of the vehicle at the time of the arrest, as set forth in subparagraph e of this paragraph.

e. A person who transfers title or possession of a vehicle without providing notice to the County as required by subparagraph c of this paragraph shall be subject, upon a judgment that the vehicle shall be forfeited, to a penalty in the amount of fifteen hundred dollars in addition to the fair market value of the vehicle at the time of the arrest. Evidence of such fair market value may be established with reference to publications such as, but not limited

to, Kelley Blue Book or NADA guide.

f. It shall be an affirmative defense to an action brought pursuant to this paragraph that the owner of the vehicle other than the person arrested for violation of any provision of section eleven hundred ninety-two of the Vehicle and Traffic Law did not know, or had no reason to know, that there was a reasonable likelihood that the vehicle would be used in violation of any such provision.

g. Following a determination by the court pursuant to this paragraph that a vehicle shall be forfeited, an owner may petition the court for relief from such determination. Such petition shall contain an affirmation that the loss of the vehicle would cause a substantial and unwarranted hardship because the owner has no reasonable access to public transportation or to the use of another vehicle and lacks the financial resources to purchase another vehicle and that possession of a vehicle is a necessary incident to his or her employment, business, trade, occupation or profession; or to his or her travel to and from a class or course at an accredited school, college or university or at a state approved institution of vocational or technical training; or necessary travel to and from a necessary medical examination or necessary medical treatment for such owner or a member of his or her household. Upon demonstration of these factors satisfactory to the court, the court may grant relief from the forfeiture determination upon such terms and conditions as will provide maximum protection to the public safety.

h. Notice pursuant to this paragraph shall be to the address recorded with the Department of Motor Vehicles by certified mail, return receipt requested.
(Amended by Local Law No. 4-2003, in effect March 10, 2003; REPEALED and re-enacted by Local Law No. 5-2004, in effect March 16, 2004.)

5. A civil action seeking forfeiture brought pursuant to this section shall be commenced in the County of Nassau within one hundred twenty (120) days after the seizure of the property. Upon motion of the defendant, the County Attorney or District Attorney, said action shall be stayed during the pendency of the criminal action relating to the property.
(Amended by Local Law No. 4-2003, in effect March 10, 2003.)

6. Except for property that the Commissioner of Police determines would aid law enforcement within the County and property as defined in subdivision (i) any property forfeited pursuant to the procedures established by this subdivision shall be sold at public auction. The Commissioner shall publish a public notice announcing an auction of

the property on the website of the Nassau County Police Department at least ten (10) days prior to the final day that bids are to be accepted. Such notice shall identify the property to be sold, the place where the terms of the sale may be obtained, and the final date and time that auction bids may be received. In addition, if the property is offered for sale on an Internet auction site, the notice shall set forth the uniform resource locator (URL) for such site. The Commissioner may reject any bidder that is unable to or appears to be unable to comply with the terms of the sale. When no bid or acceptable bid is received via auction, property may be reoffered at private sale or otherwise disposed of in furtherance of the interests of the Department. The proceeds of such sale, and any other monies realized as a consequence of the forfeiture, shall be paid into the police headquarters fund of the County of Nassau to be used by Nassau County Police Department for narcotics enforcement purposes.
(Amended by Local Law No. 13-2009, in effect July 9, 2009)

7. If a person charged with a misdemeanor crime or petty offense is not convicted or does not plead guilty to any misdemeanor crime or petty offense, any property seized incident to that person's arrest will be returned to him or, in the event that another person has a superior right of possession in such property, to such other person, by the property clerk of the Nassau County Police Department.
(Amended by Local Law No. 5-1966 § 1, in effect September 27, 1966: new subdivision 9 added by Local Law No. 17-1990, in effect November 26, 1990, amended by Local Law No. 4-2003, in effect March 10, 2003; amended by Local Law 13-2009, signed by the County Executive on July 9, 2009.)

8. If any part or provision of this subdivision or the application thereof to any person or circumstance be adjudged invalid by a court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision of or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this subdivision, or the application thereof to other persons or circumstances.
(Added by Local Law No-4, 2003, in effect March 10, 2003)

h.

1. Except for property that the Commissioner of Police determines would aid law enforcement within the County and property as defined in subdivision (i) all lost or abandoned property which is in the possession of the property clerk and is unclaimed by its owner for a period of six months and not otherwise subject to the provisions of this section may be sold at public auction after the Commissioner

has published a public notice announcing an auction of the property on the website of the Nassau County Police Department at least ten (10) days prior to the final day that bids are to be accepted. Such notice shall identify the property to be sold, the place where the terms of the sale may be obtained, and the final date and time that auction bids may be received. In addition, if the property is offered for sale on an Internet auction site, the notice shall set forth the uniform resource locator (URL) for such site. The Commissioner may reject any bidder that is unable to or appears to be unable to comply with the terms of the sale. If no bid or acceptable bid is received via auction, property may be reoffered at private sale or otherwise disposed of in furtherance of the interests of the Department.

2. The proceeds of such sale and such monies shall hereafter be paid into the general fund of the County of Nassau to be used for drug rehabilitation, education or information purposes. Expenditures from the currently existing general welfare fund of the Nassau County Police Department, as established by order of the Commissioner of Police, shall be covered by itemized vouchers or claims in the name of the fund, verified by the oath of the Commissioner of Police and subject to audit by the County Comptroller. The existing resources of the fund may be expended pursuant to rules and regulations established by the Commissioner of Police.
(New subdivision h added by Local Law No. 17-1990, in effect November 26, 1990; paragraph 1 of subdivision h amended by Local Law No. 26-2009, signed by the County Executive on November 18, 2009.)

i. However, the Commissioner may direct and empower the property clerk to destroy such property where it consists of:

1. Burglar tools of any description.

2. Cartridges or explosives.

3. Gambling apparatus.

4. Instruments, articles or medicines for the purpose of procuring abortion or preventing conception, or soiled, bloody or unsanitary clothing.

5. Solids and liquids of unknown or uncertain compositions.

6. Opium, morphine, heroin, cocaine or any of its admixtures or derivatives.

7. Hypodermic syringes and needles.

8. Any poisonous, noxious, perishable or deleterious solids or liquids.

9. Any property which in the opinion of the Commissioner of Police, is of such slight value as to make the sale of same impracticable or which might result in injury to the health or safety of the public.
(Subd. h re-lettered as subd. i and subparagraphs 9 and 10 amended by Local Law No. 17-1990, in effect November 26, 1990.)

j. If any part or provision of this section or the application thereof to any person or circumstance be adjudged invalid by a court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this section, or the application thereof to other persons or circumstances.

§ 8-8.0 **Police surgeon.** There shall be a surgeon to the police force. Such surgeons shall be duly licensed to practice medicine in this state, and at the time of his appointment, shall have been engaged in the active practice of medicine for at least five years.
(Amended by Local Law No. 10-1990, in effect August 28, 1990.)

§ 8-9.0 **Fingerprint expert.** There shall be a fingerprint expert who shall be a member of the police force.

§ 8-10.0 **Special patrolmen.**

a. The Commissioner may appoint as many citizens as he deems advisable to serve as special patrolmen, without pay, on Election Day, on a day of public celebration, or in the case of riot, pestilence, invasion or other public calamity. Such appointment shall be made only for a specified time, and shall be revocable at all times by the Commissioner.

b. Such special patrolmen shall be vested with all the powers and privileges and shall perform all the duties of patrolmen in the regular police force. Each such special patrolman shall wear a badge, to be furnished by the Commissioner. In making such appointment, the Commissioner shall in no way interfere with the force or lawful command of the sheriff of the County.

§ 8-11.0 **Qualifications of members of the police force.**

a. No person shall be eligible for appointment to the police force who:

1. Has ever been convicted of a felony;

2. Is not a citizen of the United States;

3. Cannot understandably read and write the English language; or

4. Shall not have resided in the County for one year next preceding his appointment.
(Paragraph 4 of subdivision (a) amended by Local Law No. 5-1952, in effect November 3, 1952.)

b. Subdivision (a) shall not apply to the Commissioner.

§ 8-12.0 **Detail to duty.** The Commissioner may detail without regard to residence, members of the police force to such parts of the County, and to such criminal courts therein as he may deem advisable. He shall also detail to the civil courts held within the County on request of a judge or justice thereof, such number of members of the police force as may be necessary.

§ 8-13.0 **Discipline and punishment.**

a. The Commissioner shall have power to discipline a member of the force by:

1. Reprimand;

2. Fine;

3. Suspension, with or without pay;

4. Dismissal or removal from the force; or

5. Reducing him to any grade below that in which he was serving. If he be above the grade of patrolman, after which his compensation shall be the same as that allowed to remembers of the grade to which he is reduced.

b. Such members shall be disciplined for the following reasons only:

1. Conviction for any criminal offense;

2. Neglect of duty;

3. Violation of rules;

4. Neglect or disobedience of order.

5. Incapacity;

6. Absence without leave;

7. Conduct injurious to the public peace or welfare or immoral conduct;

9. Conduct unbecoming an officer; or

10. Any other breach of discipline.

The Commissioner may designate a captain to conduct hearings on charges against lieutenants, sergeants and patrolmen and to report his findings and recommendations to the Commissioner for action thereon. In case of disciplinary action by fine, not more than thirty days pay shall be forfeited and withheld for any offense.

c. The Commissioner shall remove or dismiss any member of the force only after:

   1. Written charges are proffered against and served upon such member; and

   2. Such member shall have had an opportunity to be publicly heard and examined before the Commissioner.

d. A petition to review a determination by the Commissioner to fine, suspend, dismiss or otherwise discipline a member of the police force shall not be granted after the expiration of thirty days from the service of a notice of such determination upon the member of the force so fined, suspended, dismissed or otherwise disciplined.
(Amended by L. 1948 Ch. 436, in effect March 23, 1948; subdivision 3 added by local law No. 6-2007, signed into law on May 11, 2007. A subd e repealed by Local Law 9-2012, in effect June 18, 2012.)

§ 8-14.0 **Resignation; unexplained absence.**

a. Any member of the force who shall withdraw or resign, without the permission of the Commissioner, shall forfeit such salary or pay which shall be due him. The Commissioner may deem an unexplained absence, without leave, on the part of any member of the force for five days or more, a resignation by such member and accept it as such.

b. Any member of the police force who shall accept any place of public trust or civil emolument, or shall be publicly nominated for an elective office, except fire district commissioner, and shall not within ten days thereafter

publicly decline such nomination, shall be deemed thereby to have vacated his office.
(Amended by Local Law No. 2-1988, in effect May 16, 1988.)

§ 8-15.0 **Expenses of the police department; how raised.**

a. The Board of Supervisors shall annually cause to be raised the amount of money required to pay the annual expenses of the police department by levying and collecting a uniform tax upon the real estate subject to taxation located within the police district.

b. Notwithstanding the provisions of subdivision a of this section, the Board of Supervisors shall annually cause to be raised by levying and collecting a tax upon the real estate subject to taxation located within the County, the amount of money required to pay the annual expenses of the maintenance, operation and personal services of the bureaus, divisions or offices which serve the County, including the following:

1. Communications bureau.
2. Detective bureau.
3. Information bureau.
4. Public safety bureau.
5. Administrative division.
6. Air division.
7. Identification division.
8. Marine division.
9. Radio division.
10. Transportation and maintenance division.
11. Office of Commissioner of Police.
12. Offices of chief and district inspectors.
13. Office of police surgeon.
14. Office of property clerk.
15. Technical research laboratory.
16. Highway patrol.
17. Emergency ambulance patrol.
18. Such other bureaus, divisions, squads or offices which serve the County.

Such expenses shall be a County charge.
(Amended by Local Law No. 2-1951, in effect December 24, 1951.)

§ 8-16.0 **Petty cash fund.** The Board of Supervisors may authorize the County Treasurer to furnish the Department of Police with a petty cash fund, in such amount as the Board of Supervisors may specify by resolution. Expenditures from this fund shall be covered by itemized vouchers or claims in

the name of the fund verified by the oath of the Commissioner of Police. Upon audit of such vouchers or claims and by means of a warrant drawn on the County Treasurer signed by the Comptroller, the treasurer shall reimburse such petty cash fund the amount so audited and allowed.

Such fund shall be used for:

1. Defraying the expenses of the department in meeting public emergencies, and

2. As approved by the Commissioner, advancing the expenses that might be incurred by members of the force in the course of their assigned duties, except that expenses authorized by section 77-b of the General Municipal Law shall also be approved by the County Executive.
   (Former § 8-16.0 repealed: new § 8-16.0 added by Local Law No. 1-1946; amended by Local Law No. 6-1954, Local Law No. 7- 1963, Local Law No. 13-1966; Local Law No. 3-1966 in effect September 23, 1966; subd. 2 of § 8-16.0 repealed; new subd. 2 of § 8-16.0 added by Local Law No. 8-1986, in effect June 16, 1986.)

§ 8-16.1 **Special enforcement fund.** The Board of Supervisors may authorize the County Treasurer to furnish the Department of Police with a special enforcement fund in such amount as the Board of Supervisors may specify by ordinance. The funds in such account shall be used solely for undercover investigations which require the presence of cash. No expenditures of any kind or nature shall be permitted from such fund. The special enforcement fund shall be administered directly by the Commissioner of Police or the Deputy Commissioners. The funds which may be provided pursuant to this section shall be deposited into a checking account to be established by the County Treasurer. Checks drawn upon said account shall be signed by any two of the following persons:

1. Commissioner of Police.

2. First Deputy Commissioner of Police.

3. Second Deputy Commissioner of Police.

4. Chief of Operations.
   (Added by Local Law No. 11-1984, in effect June 25, 1984; amended by Local Law No. 2-1992, in effect March 2, 1992.)

§ 8-17.0 **Liability of county for negligent operation of vehicles.**

a. The County shall be liable for the negligence of a member of the police department while operating a vehicle owned by the County upon the public streets or highways of the County in the discharge of a statutory

duty imposed upon the police department, providing such member at the time of the accident or injury was acting in the discharge of his duties and within the scope of his employment.

b. Any liability incurred by the County pursuant to this section shall be a charge against the County and moneys to discharge such liability shall be raised and collected in the following manner:

   1. By tax upon the real estate subject to taxation within the County and located within the police district, if the vehicle at the time of the accident or injury, was being operated for the benefit of the police district; or

   2. By tax upon the real estate subject to taxation within the County, if the vehicle, at the time of the accident or injury, was being operated for the benefit of the County.

c. For the purpose of this section, every such member shall be deemed an employee of the County, notwithstanding the vehicle was being operated in the discharge of a public duty for the benefit of all citizens of the community and the County derived no special benefit in its corporate capacity.

§ 8-18.0 **County police district.** The County police district now in existence is hereby continued. Such district shall consist of:

1. That part of the County outside of any city, village or the Port Washington police district.

2. Those villages which elected to become part of the County police district prior to the first day of January, nineteen hundred thirty-eight.

3. Those cities, villages or the Port Washington police district which, after the first day of January, nineteen hundred thirty-eight, elect to become part of the County police district subject to their right of withdrawal therefrom, as provided in section eight hundred three of the charter.

§ 8-19.0 **Boundaries of the police district.**

a. The Board of Supervisors, upon application of the Commissioner, and after a hearing as hereinafter provided, may alter the boundaries of the police district so as to exclude therefrom the portion of such district described in such application.

b. The Board of Supervisors shall give notice of the time, place and purpose

of such hearing by publication in the official newspapers of the County once a week for two successive weeks immediately preceding such hearing. The hearing shall be held at the time and place specified in such notice, and may, from time to time, be adjourned by the Board of Supervisors, and at such hearing all persons so desiring shall be heard.

c. If after such hearing the Board of Supervisors shall be satisfied and shall find and determine that it is for the best interests of the inhabitants of, and owners of property in, the police district, that the boundaries thereof be altered so as to exclude therefrom the portion thereof described in the application, the Board shall enter such determination and finding upon their minutes, and shall make an order so altering the boundaries of the police district.

d. Such order shall be filed with the clerk of the Board of Supervisors and recorded in the minute book of such board. Thereupon, the territory within the boundaries of such police district as so altered shall be the police district, to the same extent and effect as if the same had been so described when originally created and established. The amount of money necessary for the payment of any bonded indebtedness theretofore incurred in connection with such police district, and the interest thereon, as the same shall come due, shall be raised by levying and collecting taxes on the real property subject to taxation within such police district as so altered.

§ 8-20.0 **Precincts.** The Commissioner, with the approval of the Board of Supervisors, shall divide the district into as many precincts as he deems necessary. In the event that any village, City or the Port Washington police district contracts with the police department pursuant to section eight hundred four of the charter, the Commissioner, for the purpose of furnishing the police protection provided for in such contract, shall deem such village, city or the Port Washington police district a part of any precinct adjacent thereto.

§ 8-21.0 **Powers of police force.**

a. The members of the police force shall possess all the powers of constables, except in the service of civil process, in every part of the state.

b. Any warrant of search or arrest issued by any magistrate of this state may be executed in any part thereof by any member of such force. The provisions of the code of criminal procedure relating to the giving and taking of bail shall apply to any arrest so made by a member of such force.

§ 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.
(Subdivision a amended by Local Law No. 5-1964, in effect August 19, 1964.)

9. Provide proper police attendance at fires.
(Subdivisions 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.)

§ 8-22.1 **Police impound of vehicle.** Repealed.
(Added by Local Law No. 5-1983, in effect July 18, 1983; Repealed by Local Law No. 2-1985, in effect February 25, 1985.)

§ 8-23.0 **Departmental records and books.** The Commissioner shall cause to be kept a general complaint book, police blotters, a force record and such other records and books as he may, with the approval of the County Executive, prescribe. He shall determine by rules what matters shall be entered in each of such books or records, by whom such entries shall be made and where each of such books or records shall be kept.

Provision shall be made for recording any special services rendered by any member of the force which shall be deemed meritorious by the Commissioner.
(Amended by Local Law No. 3-1945, in effect July 9, 1945.)

§ 8-24.0 **Subpoena of witnesses; oaths; depositions.** The Commissioner shall have power to:

1. Issue subpoenas to compel the attendance of witnesses upon any proceeding authorized by the orders, rules and regulations of the department.

2. Administer an affirmation or oath to any person summoned and appearing in any matter or proceeding so authorized.

3. Take any deposition necessary to be made under such orders, rules and regulations, or for the purposes of this chapter.

4. Issue subpoenas duces tecum to compel the attendance of witnesses or persons and the production of a book or paper material to:

   (a) an investigation of proposed charges against a member of the police department, pursuant to an order made therefore, or
   (b) a trial on charges made against a member of the police department.
   (Added by L. 1948 Ch. 189, in effect March 10, 1948.)

§ 8-25.0 **Entry where felony is suspected.**

a. A member of the police force, having just cause to suspect that any felony has been, or is being, or is about to be committed within any building or on board of any ship, boat or vessel within the police district, may enter upon the same at all hours of the day and night to take all necessary measures for the effectual prevention or detecting of all felonies.

b. He shall have power, then and there, to:

   1. Take into custody all persons suspected of being concerned in such felonies, and

   2. Take charge of all property which he shall have just cause to suspect has been stolen.

§ 8-26.0 **Report upon arrest.**

a. Every member of the police force, upon making an arrest shall immediately report the same to the officer assigned to perform desk duty in the precinct in which such arrest was made or in the precinct where the crime occurred and the officer assigned to perform desk duty shall enter same in the arrest record.

(Amended by Local Law No. 3-1945: amended by Local Law No. 7-1966, in effect November 15, 1966.)

b. The commanding officer of the precinct, within twenty-four hours after such report, shall cause to be forwarded a written report of said arrest to the information bureau at police headquarters. The form of and information to be included in such report shall be prescribed by the Commissioner.
(Amended by Local Law No. 3-1945, in effect July 9, 1945.)

§ 8-27.0 **Verification of complaint.** Where a summons has been served by a member of the police force in lieu of arrest, in cases of violations of the vehicle and traffic law or such ordinances, rules or regulations enacted pursuant thereto relating to traffic, the captain or acting captain or any lieutenant, or acting lieutenant or sergeant or acting sergeant assigned to the precinct in which the service of the summons is reported, is hereby authorized to administer to such member all necessary oaths in connection with the execution of the complaint to be presented in court by such member in the prosecution of such offense.
(Amended by L. 1952 Ch. 275, in effect March 27, 1952.)

§ 8-28.0 **Suppression of gaming and other disorderly houses.**

a. The Commissioner may authorize any member of the police force to enter any house, room or premises within the police district if any member of the police force, or any two or more householders shall, report, in writing, over their signatures, to him, that there are good grounds (stating the same) for believing that such house, room or premises is kept or used:

1. As a gaming house, gaming room or gaming premises for therein playing for wagers of money at any game of chance;

2. For lewd or obscene purposes and amusement; or

3. For the disposal or sale of lottery tickets or lottery policies.

Upon so entering, such member may forthwith arrest all persons there found offending against law, but none others, and seize all implements of gaming, or lottery tickets or lottery policies.

b. Such member shall bring:

1. Any person so arrested before a magistrate; and

2. The articles so seized to the general headquarters.

It shall be the duty of the Commissioner to cause such arrested persons to be prosecuted, and such articles seized to be disposed of as provided in section 8-7.0 of the code.

§ 8-29.0 **Custody of persons committed.**

a. The police stations in the police district, the general headquarters of the Police Department, and such other places as the Board of Supervisors shall designate, shall be lawful places of detention for persons committed by any magistrate in the County for examination upon a criminal charge, or to await trial before a court of special sessions within the County.

b. The Commissioner shall be the custodian of all persons so committed. He shall have the same powers and duties in relation to persons committed to his custody as the sheriff of the County in like cases.

c. In all cases where magistrates shall commit persons to the care and custody of the Commissioner, which they are hereby authorized to do, such commitment shall be in the same form as is provided for commitments to the sheriff of the County by the code of criminal procedure, except that the words "Commissioner of Police" shall be substituted for the word "sheriff."

§ 8-30.0 **Acquisition of city, village or Port Washington police district police property.**

a. In the event that any city, village or the Port Washington police district elects to become a part of the County police district pursuant to section eight hundred three of the charter, the common council of such city or the Board of Trustees of such village of the police commissioners of the Port Washington police district, as the case may be, may convey to the County, and the Board of Supervisors may purchase on behalf of the County, any real or personal property owned and used by such city, village or the Port Washington police district in connection with its police force or Police Department, at such price and on such terms as may be agreed upon between the Board of Supervisors and the common council of such city, the Board of Trustees of such village or the police commissioners of the Port Washington police district.

b. However, the purchase price of real or personal property so purchased from the Port Washington police district, and any surplus funds for police purposes which the Commissioners of such district shall have on hand on the date when such district becomes a part of the County police district, shall be paid over to the County for the purpose of discharging

the obligations and liabilities incurred by such district prior to the date on which it becomes a part of the County police district. Any surplus thereafter remaining shall be applied towards reducing the amount to be annually raised for county police district purposes by taxation on real property subject to taxation within the area constituting the Port Washington police district.

c. The County shall assume and discharge all such obligations and liabilities of the Port Washington police district, in the event it elects to become a part of the County police district, However, after such district shall have elected to become a part of the County police district, it shall incur no obligations or liabilities under contracts which, by their terms, are not to be fully performed by the date upon which it becomes a part of the County police district.

§ 8-31.0 **Assignment for duty in city or village.** The Commissioner may designate and assign for duty within any city or village, which has not elected to become a part of the County police district, one or more members of the County police force, on the request of the mayor of such city or the trustees of such village. However, the salary of such member while so assigned shall be paid by such city or village.

§ 8-32.0 **Fees for the search and copy of accident reports and photographs.** A search fee to be set by ordinance per accident report shall be charged, with no additional fee for a photocopy. An additional fee to be set by ordinance shall be charged for a certified copy of any accident report. A fee to be set by ordinance per photograph or contact sheet shall be charged. The fees for investigative reports shall be the same as those for accident reports.
(Added by Local Law No. 27-2000, in effect July 31, 2000; amended by Local Law No. 9-2016, in effect January 2, 2017.)

§ 8-33.0 **Public Safety Fee.** There shall be a Public Safety Fee for the purpose of promoting and protecting the safety and well-being of the residents and visitors to the County, including but not limited to traffic safety, policing security and anti-terrorism activities and by deterring illegal and reckless driving. The fee shall be collected in like manner as administration fees collected by the Traffic and Parking Violations Agency, but shall not be collected from tickets issued for infractions of parking laws, ordinances, rules, and regulations. The amount of said fee shall be set by ordinance.
(Added by Local Law No. 9-2016, in effect January 2, 2017.)

§8-33.0. **Health and Wellness Division.**

a. There shall be within the Nassau County Police Department a Division of Health and Wellness. It shall be the duty of the Division to provide health and wellness training to the members of the Nassau County Police Department. The Health and Wellness Division shall:

1. Maintain a smartphone application and website for active and retired police officers to provide information on the signs of depression, signs of suicidal behavior, links to the American Foundation of the Prevention of Suicide and additional information as determined by the Commissioner of Police to assist retired and active police officers;

2. establish and determine funding for a formal peer support program for police officers;

3. provide in-service wellness training and resources for all Nassau County police officers for a minimum of one-hour per calendar year;

4. establish a mental health action plan, to be evaluated by the Nassau County Police Department annually, to examine the mental health policy, procedures, and resources of the Department and identify necessary updates;

5. establish guidelines to protect the privacy of police officers to the maximum extent allowable by law;

6. coordinate with the New York Police Department to maximize mental health services offered to Nassau County residents who are New York City Police Officers;

7. coordinate with the various police departments located within Nassau County to maximize the mental health services offered to the police officers of those departments;

8. perform such other duties as determined by the Commissioner.
(Added by Local Law No. 20-2019, in effect on October 21, 2019).

Title B
Transmissions from Automatic Alarm System

§ 8-40.0 **Legislative intent.** The Legislature finds it important to ensure that the alarms being called into the Police Department have valid permits. In addition, while the Legislature recognizes the importance of alarm systems, the

Legislature finds that there have been an excessive number of false alarms and the costs associated with false alarms should be borne by the people who have alarm systems. Therefore, the alarm permit fees will offset the administrative and operational expenses caused by the large number of responses by the Police Department. In addition, in order to reduce the number of false alarms the Legislature is hereby creating a graduated penalty schedule to be assessed against the permit holder whose alarm system is generating the false alarms, based on the number of false alarms generated to the Police Department by the permit holder's alarm system.

§ 8-40.1 **Definitions.** As used in this Title, the term:

1. "Alarm System" shall mean any transmission from or to a privately operated central station or any alarm device which automatically dials the emergency telephone number of the police and uses a pre-taped or pre-recorded message to alert police that an emergency exists or that the services of that department are needed. "Alarm System" shall also mean any alarm device, which automatically emits an audible, visual or other similar response upon the occurrence of any hazard or emergency, and is intended to alert persons outside the building to the existence of said hazard or emergency.

2. An "alarm system installer" is the person or entity that installs the alarm for compensation or pursuant to contract. If there is no such installer, "alarm system installer" shall mean the building owner or occupant who initiates the installation.

3. An "alarm system user" is the person or entity that contracts or pays for an alarm monitoring service.

4. "Police emergency number" shall mean any telephone number designated by the Commissioner of Police as a telephone number through which members of the public may report an emergency or request police assistance.

5. "False Alarm Notification" shall mean an alarm notification to the police department, when there is no evidence of a criminal offense or attempted criminal offense. Excluded in this definition are:
   (a) Alarms occurring during severe electrical storms, hurricanes, tornadoes, blizzards and acts of God; or
   (b) An intermittent disruption of the telephone circuits beyond the control of the privately operated central station and/or alarm user; or,
   (c) Electrical power disruption or failure.

6. "Panic Alarm System" shall mean any alarm system where a signal is

generated by manual activation of a device that will automatically send a signal, directly to the Police Department, that a life threatening or emergency situation exists. The alarm system must be approved by Commissioner[35] of Police or his designee.
(Added by Local Law No. 7-2015, in effect October 20, 2015).

7. "Critical Infrastructure" shall mean any school or religious institution, or any building or facility designated as "critical" by the Commissioner of Police or his designee.
(Added by Local Law No. 7-2015, in effect October 20, 2015).

§ 8-40.2 **Automatic dialing devices.**

1. No unauthorized person shall use, operate or install any device that, upon activation by automatic means, initiates the dialing, calling or other connection with Nassau County Police Department "911" emergency telephone number or any other Nassau County Police Department telephone number designate as a "police emergency number." Authorized automatic dialing devices shall transmit messages only to such numbers as shall be designated for that purpose by the Commissioner of Police

2. Notwithstanding any other law or regulation, a panic alarm system may be installed in any critical infrastructure upon the approval of the Commissioner of Police and payment of an administration fee. The fee shall be fixed by ordinance.

   (a) In addition to other powers granted to the Commissioner of Police, he is hereby authorized and empowered to make, adopt, and amend rules and regulations appropriate to the carrying out of this section and the purposes thereof.

   (b) Panic alarm systems shall not be subject to false alarm notifications.
   (Amended by Local Law No. 7-2015, in effect October 20, 2015).

§ 8-40.3 **Delay.** Upon the activation of a burglary (break-in) alarm, there shall be a mandatory delay of at least 15 seconds before the transmission of a signal to the Police Department to enable the user to abort the signal in the event that it was triggered inadvertently. This delay shall not be applicable to a robbery (holdup or medical emergency alarm. Any system installed on or after the effective date of this ordinance must comply with this section. Pre-existing installations must comply within six (6) months of the effective date of this ordinance.

§ 8-40.4 **Timing device.** The user of every alarm system, emitting an

[35] So in the Local Law.

audible, visual or other similar response shall, at the time such system is installed or within six (6) months of the effective date of this ordinance in the case of existing systems, install or cause to be installed an automatic timing device which shall deactivate such alarm within thirty (30) minutes or less.

§ 8-40.5 **Limitations of automatic dialing devices.** No person shall use, operate or install any device that will, upon activation, automatically dial, call or connect with the telephone number designated by the Commissioner of Police for the purpose of receiving such alarm messages, more than twice for any one incident. Any system installed on or after the effective date of this ordinance must comply with this section. Pre–existing installations must comply within six (6) months of the effective date of this ordinance.

§ 8-40.6 **Permit required; application; fee; transferability; false statements**

1. A person commits a violation if he or she operates or causes to be operated an alarm system that results in a call to the police department without a valid permit issued by the police department. A separate permit shall be required for each alarm system.

2. It shall be the responsibility of the alarm system installer at the time of installation or activation to submit an alarm permit application form along with the required fees to the Police Department on behalf of and at the expense of the user, unless the installer has confirmed that the user already holds a permit. It shall be the responsibility of the alarm company that monitors the alarm system to ensure, prior to commencing any such service contract that there is a current alarm permit. Notwithstanding the provisions of this subdivision, the alarm system user shall be deemed the permit applicant and permit holder for purposes of this title.

3. Upon receipt of a completed permit application form and a non-refundable permit fee of one hundred dollars ($100.00) for a residential premises or two hundred dollars ($200.00) for commercial premises for a new permit and one hundred dollars ($100.00) for residential premises or two hundred dollars ($200) for commercial premises for a permit renewal, the Police Department shall issue an alarm permit to an applicant unless the applicant has:
(Amended by Local Law No. 19-2010, in effect November 30, 2010; amended by Local Law No. 11-2012, in effect August 8, 2012)

   (a) Failed to pay any penalty assessed pursuant to subdivision two of section 8-40.10; or,

(b) Had an alarm permit for any site revoked and the cause of such revocation has not been corrected.

Upon request by the alarm installation and/or monitoring company the Nassau County Police Department shall provide them with the valid permit number.

4. Every permit for an alarm system shall include the following information:

   (a) The name, address and telephone numbers of the person who shall be the permit holder and be responsible for the proper maintenance and operation of the alarm system and payment of fees and assessments pursuant to this title;

   (b) The classification of the alarm site as either commercial or residential;

      1. In the case of commercial premises, the name, address and telephone number of an authorized representative and/or alternate who will be able to respond when called by the Police Department to deactivate the alarm system if necessary;

      2. In the case of residential premises, the name, address and telephone number of a person who is not a resident of the private residence in question and who will be able to deactivate the alarm;

   (c) For each alarm system located at the alarm site, the purpose of the alarm, to wit: burglary, robbery, personal hostage or panic;

   (d) Street address and nearest cross street of the building which houses the alarm system;

   (e) Any other information, which the Police Department deems necessary for enforcement of this title.

5. Any false statements made by applicant in conjunction with the obtaining of an alarm permit shall be sufficient cause for refusal to issue a permit.

6. An alarm permit holder shall advise the Police Department of any changes in the information contained on the permit application.

7. An alarm permit may not be transferred to another person without the filing of a new permit application.

8. An alarm permit holder shall advise the alarm company that monitors

the permit holder's alarm system of the Nassau County Police Department permit number upon receiving the permit number from the Police Department.

9. A privately operated central station advising the Police Department of an alarm notification shall contact the Police Department through a telephone number designated by the Commissioner or Police and shall provide a valid Nassau County Police Department permit number.
(Subd.3 amended by Local Law No. 22- 2007, in effect January 1, 2008.)

§ 8-40.7 **Permit duration and renewal.** A permit shall expire two (2) years from the date of issuance and shall be renewed for additional two (2) year periods by the submission of updated permit applications and permit renewal fees as required by Subdivision 3 of Section 8-40.6. It shall be the responsibility of the permit holder to submit a renewal application prior to the permit expiration date. Failure to timely renew will classify the permit holder's alarm system as non-permitted and shall subject the permit holder to the penalties provided in this title.
(Amended by Local Law No. 19-2010, in effect November 30, 2010)

§ 8-40.8 **False alarm notifications**

1. The holder of an alarm permit or the person in control of an alarm system shall be subject to warnings, penalties, and suspension or revocation of an alarm permit contingent upon the number of false alarm notifications transmitted from an alarm system within any one calendar year in accordance with the following graduated penalty schedule for each occurrence. More than one false alarm notification in any one day shall be counted as one (1) occurrence.

Category 1 Residential / Permit holder

1. Warning
2. Warning
3. $100
4. $150
5. $200
6. $250
7. $300
8. $350
9. $450
10. $500

Category 2 Residential / non-permit holder

1. $150

2. $150
3. $250
4. $250
5. $300
6. $350
7. $400
8. $500

Category 3 Commercial / permit holder

1. Warning
2. Warning
3. $150
4. $200
5. $250
6. $500
7. $500
8. $500
9. $500
10. $500

Category 4 Commercial / non-permit holder

1. $200
2. $250
3. $300
4. $300
5. $500
6. $550
7. $600
8. $650
9. $750

(Amended by Local Law No. 19-2010, in effect November 30, 2010; amended by Local Law No. 11-2012, in effect August 8, 2012)

2. Any person who operates a newly installed alarm system shall not be subject to false alarm notifications during the ninety (90) days immediately following the completion of the installation to a maximum of three (3) false alarm notifications provided that an alarm permit has been issued by the Police Department.

3. Alarm activations occurring as the result of any of the reasons set forth in subdivision 5 (a), (b), or (c) of Section 8-40.1 of this title shall not be counted for the purposes of subdivision one of this section.

4. All residential alarm notifications must include an attempted telephone notification with two calls back to the residence or secondary number by

the privately operated central station before the Police Department is notified.

5. The Police Department may revoke an alarm permit if it determines that:

   (a) There is a false statement made in the application for a permit; or

   (b) The permit holder has violated any provision of this title; or

   (c) The permit holder has failed to make timely payment of any penalty fee pursuant to Subdivision two of Section 8-40.10; or

   (d) A permit paid by an applicant by check is dishonored; or

   (e) The permit holder has failed to pay the Police Department the penalty as set forth in subdivision one of Section 8-40.8 within ten (10) business days of the Police Department's mailing of the notice of fine; or

   (f) There are ten or more false alarm activations in a year and satisfactory documentation of repair of the alarm system has not been submitted.

6. A person whose alarm permit has been revoked may be issued a new permit if the person:

   (a) Submits an updated permit application and pays a permit fee of one hundred dollars ($100.00) for residential premises or one hundred fifty dollars ($150.00) for non-residential premises; and
   (Amended by Local Law No. 19-2010, in effect November 30, 2010)

   (b) Pays or otherwise disposes of, all penalties issued to the person pursuant to this Title; and

   (c) Submits proof that the alarm system has been inspected and properly maintained.
   (Subd. 6 amended by Local Law No. 22- 2007, in effect January 1, 2008.)

§ 8-40.9 **Hearing upon permit denial or revocation**. A person whose alarm permit application has been denied in accordance with this title or a person whose alarm permit has been revoked in accordance with the provisions of Section 8-40.8 may request a hearing before a member of the Police Department designated by the Commissioner of Police for such purpose. A request for such hearing shall be made by a person whose alarm permit application has been denied or whose alarm permit has been revoked no more

than ten (10) days after receiving notice of such denial or revocation. At the hearing, the person shall be heard in his or her defense in person or by counsel and may offer evidence on his or her behalf. The person conducting the hearing shall make a written report of his findings and a recommendation to the Commissioner of Police for decision. The Commissioner of Police shall review such findings and the recommendations and, after due deliberation, shall issue a final order accepting, modifying or rejecting such recommendation. For the purpose of this Title, the Commissioner of Police or his designee may administer oaths, take testimony, subpoena witnesses and compel the production of books, papers, records and documents deemed pertinent to the hearing.

§ 8-40.10 **Penalties and fines.**

1. A person who violates Section 8-40.2, 8-40.3, 8-40.4 or 8-40.5, or subdivision two of section 8-40.6 shall be subject to imprisonment for not more than fifteen (15) days or a fine not to exceed five hundred dollars ($500.00), or both. Notwithstanding the provisions of subdivision 1 of Section 8-40.8, any person who willfully or intentionally activates an alarm to summon the Police Department for the purpose of testing or verifying Police Department response shall be guilty of a violation, and upon conviction, shall be subject to imprisonment for not more than ten (10) days or a fine not to exceed one hundred dollars ($100.00), or both, for each violation.

2. Any person operating an alarm system without a permit and who does not apply for an alarm permit within thirty (30) days after a false alarm notification or who is operating an alarm with a revoked permit shall be subject to a penalty fee in the amount of one hundred($100.00) dollars for each alarm notification, without benefit of the notifications provided for in subdivision 1 of Section 8-40.8. Any penalty assessed pursuant to this subdivision shall be payable to the police department.
(Added by Local Law No. 22-2000, in effect December 23, 2000; amended by Local Law No. 20-2002, signed into law on November 15, 2002; further amended by Local Law No. 10-2007, signed by the County Executive on May 24, 2007 in effect August 22, 2007; amended by Local Law No. 19-2010, in effect November 30, 2010).

Title C
Solicitation by Law Enforcement-Affiliated Organizations

§ 8-50.0 **Legislative Intent.** The Board of Supervisors hereby finds that there have occurred in the past certain solicitations of businesses and members of the public by solicitors on behalf of police-related organizations, and that such solicitations have been made by organizations in no way affiliated with the County of Nassau and have on occasion been made with "high pressure tactics." The Board of Supervisors hereby further finds that

such solicitations tend to undermine public confidence in the law enforcement agencies of the County through the misrepresentation of such solicitations by businesses and members of the public. This Board does therefore determine the people of the County of Nassau have a right to be protected from the coercion inherent in certain police-affiliated solicitations, and enacts this legislation in furtherance thereof.

§ 8-50.1 **Definitions.** As used in this section:

(a) "Law enforcement-affiliated organization." Any organization, association, or conference of present or former policemen, sheriffs, deputy sheriffs, detectives, investigators, constables or similar law enforcement officers or peace officers or police officers as defined in subdivisions thirty-three and thirty-four of section 1.20 of the Criminal Procedure Law, or any auxiliary or affiliate of such an organization, association, or conference composed of one or more such organizations.

(b) "Professional fund raiser." Any person who for compensation or other consideration plans, conducts, manages, or carries on any drive or campaign in the County for the purpose of soliciting funds or contributions for or on behalf of any law enforcement-affiliated organization, or who engages in the business of, or holds himself out to persons in the County as independently engaged in the business of soliciting contributions for such purposes.

(c) "Professional solicitor." Any person who is employed or retained for compensation by a professional fundraiser to solicit funds or contributions on behalf of any law enforcement-affiliated organization from persons in the County.

§ 8-50.2 **Registration of Law Enforcement-Affiliated Organization.** No law enforcement affiliated organization shall solicit funds or contributions from the public, or have funds or contributions solicited on its behalf, unless it has filed a registration statement with the Commissioner of Police of the Nassau County Police Department, or his designee, in accordance with the provisions of this section. Each registration statement shall be refiled and updated every twelve (12) months so long as the law enforcement-affiliated organization is engaged in solicitation activities in the County. Such statements shall contain the following information:

(a) The name of the organization and the purpose for which it was organized;

(b) The principal address of the organization;

(c) A statement indicating whether the organization intends to use professional fundraisers to solicit funds or contributions from the public;

(d) The general purpose or purposes for which the contributions solicited shall be used;

(e) The names and business addresses of the person or persons in direct charge of conducting the solicitation;

(f) The names and business addresses of all professional fund raisers who will be connected with the solicitation;

(g) A statement to the effect that the fact of registration will not be used or represented in any way as an endorsement by the County or by any Police Department of the solicitation conducted thereunder; and

(h) Documents verifying the information provided under provisions (a) through (g) above, including all contracts and subsequent amendments thereto between a law enforcement-affiliated organization and any professional fund raiser with whom it does business.

§ 8-50.3 **Representation.**

(a) During the course of each and every solicitation for funds or contributions on behalf of a law enforcement-affiliated organization such solicitor shall make the following representations:

(1) The name and address of the organization represented.

(2) A description of the programs in which the organization is actually engaged and for which the funds or contributions will be used.

(b) For those person(s) who agree to contribute who have been solicited by phone or by a door-to-door effort, an acknowledgement letter shall be mailed or delivered to the person(s) indicating the requirements of section A above. If a fund drive is undertaken through the mail the second requirement shall not be necessary.

§ 8-50.4 **Prohibited acts.** It shall be unlawful to solicit funds of contributions on behalf of a law enforcement-affiliated organization:

(a) By using a name, symbol or statement so closely related to that used by another law enforcement-affiliated organization or governmental agency that the use thereof would tend to confuse or mislead the public, including the use of statement or materials that would indicate that such

funds or contributions were being raised for the Nassau County Police Department or the Patrolmen's Benevolent Association of the County of Nassau, unless such agency or association shall have given its written permission for the raising of such funds for it, and the use of its name in connection with the solicitation of funds.

(b) By means of a false pretense, representation or promise which includes representing:

(1) That the professional fund raisers or solicitors are police officers or employees of any law enforcement agency.

(2) That funds collected will be used to aid widows and children of police officers slain in the line of duty or that the funds collected will be used for any other charitable program unless the organization is actually engaged in such a program, in which case the percentages of funds solicited that are allocated to such programs shall be disclosed.

(3) That contributors will receive special benefits from police officers.

(4) That contributions are tax-exempt as a charitable contribution or as a business expense unless they so qualify under the applicable provisions of the internal revenue code.

(5) By any manner, means, practice or device that misleads the person solicited as to the use of the funds or the nature of the organization.

§ 8-50.5 **Criminal and civil penalties.**

(a) Any solicitor who violates any of the provisions of this title shall be guilty of a misdemeanor punishable by a fine of not less than one thousand dollars or more than ten thousand dollars or up to one year's imprisonment, or both. Each such violation shall be a separate and distinct offense.

(b) Such person shall also be subject to a civil penalty of not less than one thousand dollars nor more than ten thousand dollars for each violation. Each such violation shall be a separate and distinct offense.

§ 8-50.6 **Enforcement actions or proceedings.** The civil penalties prescribed by this title shall be recovered by an action or proceeding in any court of competent jurisdiction. All such actions or proceedings shall be brought in the name of the County by the County Attorney. In addition, the County Attorney may institute any other action or proceeding in any court of competent jurisdiction that may be appropriate or necessary for the

enforcement of the provisions of this title, including actions to secure permanent injunctions enjoining any acts or practices which constitute a violation of any provision of this title, mandating compliance with the provisions of this title or for such other relief as may be appropriate, in any such action or proceeding, the County may apply to any court of competent jurisdiction, or to a judge or justice thereof, for a temporary restraining order or preliminary injunction enjoining and restraining all persons from violating any provision of this title, mandating compliance with the provisions of this title, or for such other relief as may be appropriate, until the hearing and determination of such action or proceeding and the entry of final judgment or order therein. The court, or judge or justice thereof, to whom such application is made, is hereby authorized forthwith to make any or all of the orders above specified, as may be required in such application, with or without notice, and to make such other or further orders or directions as may be necessary to render the same effectual. No undertaking shall be required as a condition to the granting or issuing of such order, or by reason thereof.

§ 8-50.7 **Scope of remedies.** Any professional fund raiser in violation of any provision of this local law, in addition to other penalties, can be denied the right to solicit funds as set forth in this local law for a period not to exceed one (1) year. The remedies and penalties provided for herein shall be in addition to any other remedies and penalties provided under any other provisions of law.

§ 8-50.8 **Construction.** The provisions of this title shall not be construed to apply to any law enforcement-affiliated organizations when solicitation of contributions is confined to their membership. In addition, the provisions of this title shall not be construed to apply to any person or law enforcement-affiliated organization which solicits contributions for the relief of any individual, specified by name at the time of solicitation, if all of the contributions collected, without any deductions whatsoever, are turned over to the named beneficiary.
(Added by Local Law No. 7-1984, in effect May 30, 1984; Re-numbered by Local Law No. 12-1984, in effect June 25, 1984.)

Title D
Screening and Fingerprinting of Bus Drivers and Aides

§ 8-60.0 **Legislative Intent.** It is the intent of the County of Nassau, as an exercise of its police power, to promote the general health, safety and welfare of the residents and inhabitants of the County by enacting this title, since it is the finding of the Board of Supervisors that the fingerprinting and screening of school bus drivers, aides and driver assistants/matrons will aid in the protection of the children and the residents of Nassau County by monitoring bus drivers', aides' and driver assistants'/matrons' traffic and criminal records.
(Title D added by Local Law No. 4-1985, in effect June 17, 1985; amended by Local Law No. 6-1995, in effect September 1, 1995.)

§ 8-60.1 **Definitions.** As used in this section:

(A) A "bus" shall mean every motor vehicle owned, leased, rented or otherwise controlled by a motor carrier to transport a person(s) to a place of vocational, academic or religious instruction, including, but not limited to schools and camps, and which is (a) a school bus, camp bus, or any bus which is used to transport persons within Nassau County or (b) has a seating capacity of not less than twelve passengers in addition to the driver and aide and which is used for the transportation of persons or (c) has a seating capacity of at least eight but not more than eleven passengers in addition to the driver and aide and which is designed and used for the transportation of persons; provided, however, that bus shall not mean an authorized emergency vehicle operated in the course of an emergency or a motor vehicle used in vanpooling operations.

(B) "Driver" or "bus driver" shall mean every person who drives a bus for hire or profit or who operates a bus owned, leased or rented by his/her employer in the course of his/her duties other than those persons who are employed in the maintenance, repair or garaging of such buses and in the course of their duties must incidentally drive a bus.

(C) "Motor carrier" shall mean any person, corporation, municipality or entity, public or private, who employs one or more bus drivers and aides and who operates a bus wholly within or partly within Nassau County, in connection with the business of transporting persons in the operation or administration of any business, school, camp or public agency, except such out of state public or governmental operators who may be exempted from the provisions of this article by the Commissioner of Police through regulation promulgated by the Commissioner of Police.

(D) "Aide" or "bus aide" shall mean any individual employed by a motor carrier for the purpose of assisting a person(s) on a bus.

(E) "Person" shall mean:

(1) Any individual 21 years of age or younger.

(2) "Handicapped person": any person who has a physical or mental impairment which substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such impairment.

(F) "Driver Assistant/Matron" shall mean a person at least eighteen (18) years of age and employed by a transporter to ride on a school bus for

the purpose of maintaining order and rendering assistance to the students including supervision of all students on the bus, assisting the students on and off the bus, assisting with car seats and seat belts for the students and completion of reports pertaining to the behavior of the children on the bus.
(Added by Local Law No. 6-1995, in effect September 1, 1995.)

(G) "School bus" specifically shall mean every motor vehicle owned, leased, rented or otherwise controlled by a transporter, public or governmental agency or private school and operated for the transportation of pupils, teachers or other persons acting in a supervisory capacity to or from school or school activities or privately owned and operated for compensation for the transportation of pupils, teachers and other persons acting in a supervisory capacity to or from school or school activities.
(Added by Local Law No. 6-1995, in effect September 1, 1995.)

§ 8-60.2 **Screening by the motor carrier.**

(A) Each person, corporation, or other entity who employs bus drivers, aides and/or driver assistants/matrons or any agency who provides bus drivers, aides and/or driver assistants/matrons shall be responsible for the screening of all current and prospective bus drivers, aides and/or driver assistants/matrons whom they employ.

(B) Screening shall include but not be limited to: (1) verification of credentials and references; (2) fingerprinting; (3) review of criminal convictions and pending criminal actions; (4) for prospective bus drivers, aides and/or driver assistants/matrons inquiry with the applicant's three (3) most recent employers; (5) for all bus drivers, a current and valid class 2 operators license.

(C) Any motor carrier who transports persons in Nassau County including but not limited to the Nassau County Pre-School Handicapped Children's Program must screen all bus drivers, aides and driver assistants/matrons pursuant to this title.

(D) All applications for the position of driver assistant/matron and all persons currently employed as driver assistants/matrons shall have their criminal histories checked through the New York State Division of Criminal Justice Services.

(E) Fingerprint cards for all present and prospective driver assistants/matrons shall be prepared by each motor carrier and forwarded to the New York State Division of Criminal Justice Services for

identification processing, together with any applicable processing fee to be paid by the motor carrier. The criminal history records processed by the New York State Division of Criminal Justice Services concerning present and prospective driver assistants/matrons shall be submitted to the Nassau County Police designated manager or supervisor of any county operated transportation program for review and consideration.

(F) Any motor carrier who fails to comply with the provision of section 8-60.2 (A), (B), or (C) shall be subject to a penalty of one thousand ($1,000.00) dollars. For every day a non-screened driver operates a bus, or a non-screened aide or driver assistant/matron is on a bus a fine of one thousand ($1,000.00) dollars per day will be imposed on the motor carrier.
(Subd. (C), (D) and (E) added by Local Law No. 6-1995, in effect September 1, 1995; Subd. (F) amended and former subd. (D) became subd. (F) by Local Law No. 6-1995, in effect September 1, 1995.)

§ 8-60.3 **Consent.** As a condition of either continued employment or employment, the motor carrier shall obtain the written consent from all current and prospective bus drivers, aides and driver assistants/matrons for the bus driver's, aide's and driver assistant's/matron's fingerprinting and criminal record review. Denial of such consent shall be grounds for dismissal or refusal to hire by motor carrier.
(Amended by Local Law No. 6-1995, in effect September 1, 1995.)

§ 8-60.4 **Fingerprinting.**

(A) All bus drivers, aides and driver assistants/matrons or prospective bus drivers, aides and driver assistants/matrons who are employed to transport persons in Nassau County shall be fingerprinted by the Nassau County Police Department. A fee will be paid by the applicant to the Police Commissioner which shall be set by ordinance.
(Amended by Local Law No. 9-2016, in effect January 2, 2017.)

(B) The Nassau County Police Department shall issue proof of identification to any person fingerprinted in accordance with Section 8-60.4 (A). Said identification shall contain a criminal record review of any person so fingerprinted. Said proof of identification must be in the driver's, aide's and/or driver assistant's/matron's possession at all times while either operating or on a bus in Nassau County.

(C) A motor carrier shall not permit a person who has not been screened and fingerprinted to operate a bus or to be an aide or a driver assistant/matron on a bus. Said motor carrier shall keep records of the screening and fingerprinting of all drivers, aides and driver assistants/matrons in their employ. Said records shall be open to

governmental agencies in Nassau County, including but not limited to the County Attorney, Nassau County Police Department, Consumer Affairs and the Department of Mental Health, Mental Retardation and Developmental Disabilities.

(D) Any motor carrier who fails to comply with the provision of Section 8-60.4 (A), (B) or (C) shall be subject to a penalty of one thousand dollars ($1.000.00). For every additional day a non-fingerprinted bus driver operates a bus, or a non-screened aide or driver assistant/matron is on a bus a fine of one thousand dollars ($1,000.00) per day will be imposed on the motor carrier.
(Amended by Local Law No. 6-1995, in effect September 1, 1995.)

§ 8-60.5 **Disqualification from employment.** Any applicant for the position of driver assistant/matron or any person currently employed as a driver assistant/matron who has been convicted of any of the crimes set forth herein shall be disqualified from consideration for employment or shall be terminated from employment as follows:

(A) Permanent disqualification or termination if a person has been convicted or forfeited bond or collateral, which forfeiture order has not been vacated or the subject of an order of remission upon a violation of §§ 100.13, 105.15, 105.17, 115.08, 125.10, 125.12, 125.15, 125.25, 125.27, 130.30, 130.35, 130.40, 130.45, 130.50, 130.60, 130.65, 135.20, 135.25, 150.20, 160.15, 220.18, 220.21, 220.39, 220.41, 220.43, 260.00, 263.05, 263.10, 263.15 or 265.04 of the Penal Law or an attempt to commit any of the aforesaid offenses under §10.00 of the Penal Law, or any similar offense committed under a former section of the Penal Law which would constitute a violation of the aforesaid sections of the Penal Law, or any offense committed outside of this state which would constitute a violation of the aforesaid sections of the Penal Law.

(B) Such disqualification or termination with regard to convictions upon a violation of §§ 125.12, 125.20, 125.25, 125.27, 130.25, 130.30, 130.35, 130.45, 130.50, 130.60, 130.65, 130.70, 135.25 or 150.20 of the Penal Law or an attempt to commit any of these offenses under § 10.00 of the Penal Law, or any similar offenses committed under a former section of the Penal Law which would constitute violations of the aforesaid sections of the Penal Law, shall be waived, provided that five (5) years have expired since the applicant was incarcerated pursuant to a sentence of imprisonment imposed on conviction of an offense that requires disqualification or termination under this subsection and that the applicant or employee has been granted a certificate or relief from disabilities as provided for in §701 of the Correction Law. Such

certificates shall only be issued by the court having jurisdiction over such conviction. Such certificate shall specifically indicate that the authority granting such certificate has considered the bearing, if any, of the criminal offense or offenses for which the person was convicted, will have on the applicant's prospective employment or employee's current employment as a driver assistant/matron, prior to granting such a certificate.

(C) For a period of five (5) years from the date of last conviction specified herein, if that person has been convicted of or forfeited bond or collateral which forfeiture order has not been vacated or the subject of an order of remission upon a violation of §§100.10, 105.13, 115.05, 120.03, 120.04, 120.05, 120.10, 120.25, 125.13, 125.40, 125.45, 130.20, 130.25, 130.55, 135.10, 135.55, 140.17, 140.25, 140.30, 145.12, 150.10, 150.15, 160.05, 160.10, 220.05, 220.06, 220.09, 220.16, 220.31, 220.34, 220.60, 221.30, 221.50, 221.55, 230.00, 230.05, 230.06, 230.20, 230.25, 230.30, 230.32, 235.05, 235.06, 235.07, 235.21, 240.06, 245.00, 260.10, 260.20(2), 260.25, 265.02, 265.03, 265.08, 265.09, 265.10, 265.12 and 265.35 of the Penal Law or an attempt to commit any of the aforesaid offenses under §100.00 of the Penal Law, or any similar offenses committed under a former section of the Penal Law which would constitute violations of the aforesaid sections of the Penal Law, or any offenses committed outside this State which would constitute violations of the aforesaid sections of the Penal Law. However, such disqualification or termination shall be waived, provided that the applicant or employee has been granted a certificate of relief from disabilities as provided for in § 701 of the Correction Law. Such certificate shall specifically indicate that the authority granting such certificate has considered the bearing, if any, of the criminal offense or offenses for which the person was convicted, will have on the applicant's prospective employment or employees current employment as a driver assistant/matron, prior to granting such a certificate.
(Added by Local Law No. 6-1995, in effect September 1, 1995.)

§ 8-60.6 **Separability.** If any section or subdivision of this Local Law is held to be wholly or partially invalid by a final decree of a court of competent jurisdiction to the extent that is not invalid, this Local Law shall be valid and no other section or subsection shall be deemed invalid.
(Renumbered § 8-60.6 by Local Law No. 6-1995, in effect September 1, 1995.)

Title E
Alteration or Removal of Marine Motor, Marine Equipment or Boat Identification or Serial Numbers

§ 8-70.0 Legislative Intent.
§ 8-70.1 Definitions.
§ 8-70.2 Prohibited Activity.
§ 8-70.3 Penalties.
§ 8-70.4 Separability.

§ 8-70.0 **Legislative Intent.** It is the intent of the County of Nassau, as an exercise of its police power to enact this local law to thwart the increase in the number of thefts of boats, marine motors and marine equipment which is occurring in Nassau County. It is the further finding of the Board of Supervisors that the prohibition against the alteration or removal of serial numbers or identification numbers or symbols from marine motors, marine equipment or boat hulls will aid in the apprehension and prosecution of criminals by prohibiting concealment activities which enhance the marketability of such items.

§ 8-70.1 **Definitions.** As used in this section.

(A) "Marine equipment" shall mean equipment, including but not limited to navigational equipment, used to operate a boat and purchased with a serial or identification number supplied by the manufacturer.

(B) "Marine motor" shall mean the source of power, other than wind propelled sailor human propelled oar or paddle, which mechanically propels a boat.

(C) "Boat hull" shall mean any boat regardless of its propulsion.

(D) "Person" shall mean any individual, corporation, unincorporated association, partnership, joint venture or joint stock association.

§ 8-70.2 **Prohibited Activity.** No person shall:

(A) Willfully remove, deface, cover, alter or destroy the manufacturer's serial numbers or identification numbers or symbols on any marine equipment, marine motor or boat hull; or

(B) Knowingly buy, sell, receive, dispose of, conceal or knowingly have in his possession any marine equipment, marine motor or boat hull from which the manufacturer's serial number or identification numbers or symbols have been removed, defaced, covered, altered or destroyed for the purpose of concealing or misrepresenting the identity of the marine equipment, marine motor or boat hull.

§ 8-70.3 **Penalties.** Any person who violates a provision of this title shall be

guilty of a class A misdemeanor.

§ 8-70.4 **Separability.** If any section or subdivision of this Local Law is held to be wholly or partially invalid by a final decree of a court of competent jurisdiction to the extent that it is not invalid, this Local Law shall be valid and no other section or subsection shall be deemed invalid.
(Title E added by Local Law No. 7-1985, in effect September 18, 1985.)

Title F
Screening and Fingerprinting of Auxiliary Police Applicants

§ 8-80.0 Legislative Intent.
§ 8-80.1 Screening by New York State Division of Criminal Justice Services.
§ 8-80.2 Fingerprinting Fees.
§ 8-80.3 Separability.

§ 8-80.0 **Legislative Intent.** The Nassau County Police Department appoints all auxiliary police officers in Nassau County. Before appointment, a background investigation of each applicant must be completed, including a criminal history check. The Nassau County Police Department can no longer submit fingerprint cards of auxiliary police applicants directly to the Federal Bureau of Investigation for criminal history verification. Such fingerprint cards must now be processed through the New York State Division of Criminal Justice Services. The New York State Division of Criminal Justice Services will perform state criminal history record checks on auxiliary police applicants through fingerprint analysis only after the County of Nassau provides such authority by Local Law. It is the finding of the Board of Supervisors that the screening and fingerprinting of police auxiliary applicants will aid in the approval process for auxiliary police officers.

§ 8-80.1 **Screening by New York State Division of Criminal Justice Services.**

(A) Prospective auxiliary police officers will be fingerprinted.

(B) Fingerprint cards will be submitted to the New York State Division of Criminal Justice Services with the appropriate processing fee for the purpose of conducting criminal history record checks in connection with the appointment or hiring of auxiliary police officers.

§ 8-80.2 **Fingerprinting fee.**

(A) Since auxiliary police officers are volunteers and not compensated for the services they provide, the processing fee charged by the New York State Division of Criminal Justice Services shall be paid by the Nassau County Police Department.

(B) The processing fee set forth in subdivision (A) of this section shall be authorized and amended from time to time as necessary by an ordinance established by the Board of Supervisors.

§ 8-80.3 **Separability.** If any section or subdivision of this title is held to be wholly or partially invalid by a final decree or a court of competent jurisdiction to the extent that it is not invalid, this title shall be valid and no other section or subsection shall be deemed invalid.
(Title F added by Local Law No. 3-1990, in effect February 26, 1990.)

Title G
Volunteer Program for Handicapped Parking Enforcement

§ 8-90.0 Legislative Intent.
§ 8-90.1 Enforcement.
§ 8-90.2 Volunteer Program Established.
§ 8-90.3 Director of the Nassau County Office for the Physically Challenged.
§ 8-90.4 Separability.

§ 8-90.0 **Legislative Intent.** It is the intent of the County of Nassau, as an exercise of its police powers, to increase its efforts regarding enforcement of existing handicapped parking regulations on a county-wide basis. The purpose of this legislation is to create a program of volunteer assistance, to work in conjunction with the various Nassau County law enforcement agencies for increased enforcement of county and state handicapped parking legislation.

§ 8-90.1 **Enforcement.** This title shall be enforced by those public officials charged with the duty of enforcing the New York Vehicle and Traffic Law.

§ 8-90.2 **Volunteer Program Established.**

(A) The Director of the Nassau County Office for the Physically Challenged is hereby authorized, empowered and directed to establish a program to utilize volunteers to survey parking lots with cameras for the purpose of photographing vehicles parked in violation of the provisions of this title and/or sections 1203 and 1203-c of the New York Vehicle and Traffic Law together with the license plate, the handicapped parking sign and the blue stripping designating said parking space as a reserved

handicapped parking space.

(B) This program shall include, but not be limited to, the issuance of identification cards to such volunteers with names and pictures affixed thereto to be used in the event that police officers need more identification from the volunteer, schedules to allow for the placement of people in various areas of the County on different days on a rotating basis so as not to leave any areas unpatrolled or duplicated, and a system of reminder letters to people who are cited for handicapped parking violations.

(C) Volunteers shall be required to wear large badges identifying the persons as part of the volunteer program with an identification number corresponding to a list of volunteers kept in the County Office for the Physically Challenged.

(D) Cameras shall be provided to volunteers by the County together with the funding for the development of film.

(E) The program shall include a procedure by which the Police Department may be requested and empowered to prepare the necessary deposition for signature by the volunteer who actually witnessed the information, administer the necessary oath for verification, prepare the necessary information for presentation to the appropriate court, and to forward all pertinent documents to said court, together with a requirement that the Police Department arrange to send, via certified mail, return receipt requested, an appearance ticket advising the registered owner of the motor vehicle when and where to appear in court, and what charge has been lodged against him.

§ 8-90.3 **Director of the Nassau County Office for the Physically Challenged.** The Director of the Nassau County Office for the Physically Challenged is hereby authorized and empowered to:

(A) Promulgate and issue such rules and regulations as he shall deem necessary and sufficient to implement the provisions of this Title:

(B) Develop the program in conjunction with the Nassau County Police Department, District Attorney's Office, the District Court Clerk's office and the New York State Department of Motor Vehicles.

§ 8-90.4 **Separability.** If any section of this title or the application thereof to any person or circumstances shall be adjudged invalid by a court of competent jurisdiction, such order or judgment shall be confined to its operation to the controversy in which it was rendered, and shall not affect or invalidate the

remainder of any other provision or any section or the application of any part thereof to any other person or circumstances, and to this end, the provisions of each section of this title shall be deemed to be separable.
(Title G added by Local Law No. 8-1990, in effect July 30, 1990.)

Title G-1
Fines for illegal parking in spaces Parking for the Handicapped in Public Areas

§ 8-95.0 Legislative Intent.
§ 8-95.1 Penalties for Offenses.

§ 8-95.0 **Legislative Intent**. The Legislature finds that due to the high incidence of illegal parking in spaces designated as only for the handicapped, it is necessary to impose a larger maximum fine than is provided for in the Vehicle and Traffic Law in order to deter such illegal parking and encourage voluntary compliance with handicapped parking rules in Nassau County.

§ 8-95.1 **Penalties for offenses.** Any person who, in violation of section twelve hundred three-c of the Vehicle and Traffic Law, parks in an access aisle or who parks in spaces clearly marked for use by the handicapped without a special vehicle identification parking permit, a special municipal parking permit or whose motor vehicle is not registered in accordance with section four hundred four-a of the New York Vehicle and Traffic Law and being used for the transportation of a handicapped person, or with such permit or registration and such person is not the one to whom the permit or registration was issued or is not transporting the person issued the permit or registration, shall be subject to a fine of not less than two hundred twenty-five dollars nor more than three hundred dollars for the first offense, not less than three hundred fifty dollars nor more than four hundred fifty dollars for the second offense, and not less than four hundred fifty dollars nor more than six hundred dollars for the third offense and each offense thereafter. Where the third offense or any offense thereafter involves the illegal or unauthorized use of a handicapped parking permit by the offender, such handicapped parking permit shall be subject to revocation.
(Title G-1 added by Local Law No. 12-2002, in effect October 3, 2002; amended by Local Law No. 4-2004, in effect March 1, 2004.)

Title H[36]
Enhanced Emergency Telephone System Surcharge

§8-100.0 Definitions

[36] There are two Titles H.

§8-100.1 Surcharge Authorization.
§8-100.2 Collection of Surcharges.
§8-100.3 System Revenues; Adjustment of Surcharges.
§8-100.4 Severability.

§ 8-100.0 **Definitions**. When used in this title, the following words and phrases shall have the following meanings:

(A) "E911 system" means an enhanced emergency telephone service which automatically connects a person dialing the digits 9-1-1 to an established public service answering point and which shall include, but not be limited to, selective routing, automatic number identification and automatic location identification.

(B) "911 service area" means the area within the geographic boundaries of Nassau County.

(C) “Service supplier” means a telephone corporation which provides local exchange access service within a 911-service area.

(D) “System cost” means the costs associated with obtaining and maintaining the telecommunication equipment and the telephone services costs necessary to establish and provide an E911 system.

§ 8-100.1 **Surcharge Authorization**

(A) The service supplier is hereby authorized, empowered and directed, in accordance with Article 6 of the County Law, to impose a thirty-five cent surcharge per access line per month on each telephone subscriber in Nassau County to pay for the costs associated with implementing, installing and maintaining the E911 system. On the effective date of this title, the service provider shall begin to add such surcharge to the billings of its customers.

(B) Any such surcharge shall have uniform application and shall be imposed throughout the entire county to the greatest extent possible in conformity with the availability of such E911 system within the County.

(C) No such surcharge shall be imposed upon more than seventy-five (75) exchange access lines per customer per location.

(D) Lifeline customers and Nassau County shall be exempt from any surcharge imposed under this title.

§ 8-100.2 **Collection of Surcharge.**

(A) The appropriate service supplier or suppliers serving a 911 service area shall act as collection agent for Nassau County and shall remit the funds collected as the surcharge to the Nassau County Comptroller monthly, no later than thirty (30) days after the last business day of each month.

(B) The service supplier shall be entitled to retain as an administrative fee an amount equal to two percent (2%) of its collections of the surcharge.

(C) The surcharge required to be collected by the service supplier shall be added to and stated separately in its billings to customers.

(D) The service supplier shall annually provide to the Nassau County Comptroller an accounting of the surcharge amounts billed and collected.

§ 8-100.3 **Liability for Surcharge.**

(A) Each service supplier customer who is subject to the provisions of this chapter shall be liable to the County of Nassau for the surcharge until it has been paid to the County of Nassau, except that payment to a service supplier is sufficient to relieve the customer from further liability for such surcharge.

(B) The service supplier shall have no obligation to take any legal action to enforce the collection of any surcharge. Whenever the service supplier remits the funds collected as the surcharge to the County of Nassau, it shall also provide the County of Nassau with the name and address of any customer refusing or failing to pay the surcharge imposed by this title and shall state the amount of such surcharge remaining unpaid.

§ 8-100.4 **System revenues; adjustment of surcharge**. All surcharge moneys remitted to the County of Nassau by a service supplier and all other moneys dedicated to the payment of system costs from whichever source derived or received by the County of Nassau shall be expended only upon appropriation of the County Legislature and only for payment of system costs as permitted by this title. The County of Nassau shall separately account for and keep adequate books and records of the amount and source of all such revenues and of the amount and object or purpose of all expenditures thereof. If at the end of any fiscal year the total amount of all such revenues exceeds the amount necessary and expended for payment of system costs in such fiscal-year, such unencumbered cash surplus shall be carried over for the payment of system costs in the following fiscal year. If at the end of any fiscal year such unencumbered cash surplus exceeds an amount equal to five percent (5%) of that necessary for the payment of system costs in such fiscal

year, the County Legislature shall amend this title to reduce the surcharge for the following fiscal year to a level which more adequately reflects the system costs requirements of its E911 system. The County Legislature may also amend this title to re-establish or increase such surcharge if the revenues generated by such surcharge and by any other source are not adequate to pay for system costs.

§ 8-100.5 **Severability**. If any section of this title or the application thereof to any person or circumstances shall be adjudged invalid by a court of competent jurisdiction. Such order or judgment shall be confined to its operation to the controversy in which it was rendered, and shall not affect or invalidate the remainder. Any other provision or any section or the application of any part thereof to any other person or circumstances, and to this end, the provisions of each section of this title shall be deemed to be severable.
(Added by Local Law 3-2000, in effect February 16, 2000.)

Title H-2-
Screening and Fingerprinting of Applicants to the Nassau County Society for the Prevention of Cruelty to Animals

§8-100.0 Legislative Intent.
§8-100.1 Screening of Applicants.
§8-100.2 Disqualification from Appointment.
§8-100.3 Severability.

§ 8-100.0 **Legislative Intent**. Certain appointments to the Nassau County Society for the Prevention of Cruelty to Animals (NCSPCA) are peace officers, pursuant to New York State Criminal Procedure Law, section 2.10(7), with powers enumerated in New York State Criminal Procedure Law, section 2.20, and comply with the training requirement of section 2.30 of the New York State Criminal Procedure Law. At this time there is no means for the NCSPCA to thoroughly investigate and process those applicants who would be appointed in the capacity of peace officers. The NCSPCA and Nassau County Police Department will perform criminal history record checks on NCSPCA applicants only after Nassau County confers such authority by Local Law. The Nassau County Legislature finds that the screening, fingerprinting, and criminal records check of NCSPCA applicants who would be appointed in the capacity of peace officers, is warranted.

§ 8-100.1 **Screening of Applicants**

A. NCSPCA is hereby authorized to obtain fingerprints of applicants who would be appointed in the capacity of peace officers.

B. NCSPCA is hereby authorized to submit fingerprints to the New York State Division of Criminal Justice Services (NYS DJCS) with the appropriate processing fee, which is to be paid by the NCSPCA, for the purpose of conducting criminal history record checks in connection with the appointment of NCSPCA peace officer personnel.

C. The Nassau County Police Department is hereby authorized to obtain fingerprints of applicants for appointment in the NCSPCA who would be appointed in the capacity of peace officers.

D. The Nassau County Police Department is hereby authorized to and shall conduct fingerprint criminal history record checks, with the appropriate processing fee, which is to be paid by the NCSPCA, in connection with the appointment of NCSPCA peace officer personnel.

§ 8-100.2 **Disqualification from Appointment.**

Any felony, and/or misdemeanor conviction will disqualify an applicant from appointment as a peace officer with the NCSPCA if the disability has not been removed, as provided in the Correction Law.

§ 8-100.3 **Severability**

If any section or subdivision of this title is held to be wholly or partially invalid by a final decree or a court of competent jurisdiction, the remainder of this title shall be valid, and no other section or subsection shall be deemed invalid.

(Title H added by Local Law No. 4-2002 in effect May 6, 2002, amended by Local Law No. 16-2002 in effect October 9, 2002[37]; amended by Local Law No. 7-2017, in effect August 9, 2017.)

Title H-1.

Wireless Communications Service Surcharges

§8-105.0	Imposition of wireless communications surcharges.
§8-105.1	Administration of surcharges.
§8-105.2	Applicability of State law to surcharges imposed by this Title.
§8-105.3	Appropriation of surcharges.

[37] Although not so described, Local Law No. 16-2002 was evidently intended to amend Title H.

§ 8-105.0. **Imposition of wireless communication surcharges**. (a) Pursuant to the authority of Tax Law § 186-g, there are hereby imposed and there shall be paid surcharges within the territorial limits of the County on: (i) wireless communications service provided to a wireless communications customer with a place of primary use within the County, at the rate of thirty cents per month on each wireless communications device in service during any part of the month; and (ii) the retail sale of prepaid wireless communications service sold within the County, at the rate of thirty cents per retail sale, whether or not any tangible personal property is sold therewith.

(b) Wireless communications service suppliers shall begin to add such surcharge to the billings of its customers and prepaid wireless communications sellers shall begin to collect such surcharge from its customers commencing December 1, 2017.

(c) Each wireless communications service supplier and prepaid wireless communications seller is entitled to retain, as an administrative fee, an amount equal to three percent or its collections of the surcharges imposed by this Title, provided that the supplier or seller files any required return and remits the surcharges due to the New York State Commissioner of Taxation and Finance on or before the due date for that return and that payment.

§ 8-105.1. **Administration of surcharges.** The surcharges imposed by this Title shall be administered and collected by the New York State Commissioner of Taxation and Finance as provided in paragraph (8) of Tax Law § 186-g, and in a like manner as the taxes imposed by Articles Twenty-eight and Twenty-nine of the Tax law.

§ 8-105.2.**Applicability of State law to surcharges imposed by this Title.** All the provisions of Tax Law § 186-g shall apply to the surcharges imposed by this Title with the same force and effect as if those provisions had been set forth in full in this Title, except to the extent that any of those provisions is either inconsistent with or not relevant to the surcharges imposed by this Title.

§ 8-105.3. **Appropriation of surcharges.** Net collections received by the County from the surcharges imposed by this Title shall be expended only upon authorization of the County Legislature and only for payment of system costs, eligible wireless 911 service costs, or other costs associated with the administration, design, installation, construction, operation, or maintenance of public safety communications networks or a system to provide enhanced wireless 911 service serving the County, as provided in paragraph (9) of Tax

Law § 186-g, including, but not limited to, hardware, software, consultants, financing and other acquisition costs. The County shall separately account for and keep adequate books and records of the amount and object or purpose of all expenditures of all such monies. If, at the end of any fiscal year, the total amount of all such monies exceeds the amount necessary for payment of the above mentioned costs in such fiscal year, such excess shall be reserved and carried over for the payment of those costs in the following fiscal year.
(Added by Local Law No. 19-2002, in effect November 15, 2002; amended by Local Law No. 7-2017, in effect December 1, 2017.)

Title I

Impoundment and Storage of Vessels

§8-110.0 Authority and Facilities.
§8-110.1 Custody.
§8-110.2 Procedure for Redemption; Charges.
§8-110.3 Severability.

§8-110.0 **Authority and Facilities.** Whenever any vessel or crew racing shell as defined in the New York State Navigation Law is impounded, stored or safeguarded for lawful cause, or is taken into custody by a law enforcement official, having probable cause to believe that it is or has been used in the commission of a crime, or for evidentiary purpose said vessel or crew racing shell may be removed and conveyed by or under the direction of a member of the Nassau County Police Department by means of towing or otherwise to an appropriate facility as the Commissioner of Police may direct and there stored; and such removal, conveyance and storage shall be at the risk of the owner of the vessel or crew racing shell.

§ 8-110.1 **Custody.** For the purpose of custody, any vessel or crew racing shell impounded, stored or safeguarded pursuant to this section shall be deemed to be in the custody of the Commissioner of Police.

§ 8-110.2 **Procedure for Redemption; Charges.**

(a) Before any owner or any other person entitled to possession of a vessel or crew racing shell impounded, stored or safeguarded pursuant to this title shall be permitted to repossess thereto, he or she shall comply with the procedure set forth by the Commissioner of Police and to the satisfaction of a member of the Nassau County Police Department, procedure shall include, but not be limited to, the presentation by the person making redemption of an original certificate of registration for the vessel, if registered, issued by an appropriate licensing authority; acceptable personal identification of the person making redemption; other bonafide

proof of ownership in the case of a vessel or crew racing shell not required to be registered pursuant to the New York State Vehicle and Traffic Law; and such presentation as stated shall be prima facie evidence of the right of the person to possession of the vessel or crew racing shell.

(b) In addition to the procedure stated in paragraph (a), an owner or other person entitled to possession of a vessel or crew racing shell impounded, stored or safeguarded pursuant to this title shall pay to the Nassau County Treasurer a fee which shall be set by ordinance for administrative costs, as well a fee for towing and storage charges in accordance with a schedule which shall be set by ordinance. A designee of the Nassau County Treasurer shall be authorized to collect any and all monies for such charges as may be imposed.
(Amended by Local Law No. 9-2016, in effect January 2, 2017.)

(c) No person may remove a vessel or crew racing shell from the custody of the Commissioner of Police and the Nassau County Police Department without also first posting required bail for the commission of any offense causing the towing and storage, of the vessel or crew racing shell. Bona fide proof of posted bail for said offense or offenses shall be presented to the member of the Nassau County Police Department who may authorize redemption of the vessel or crew racing shell.

(d) For the purpose of computing the charges imposed by paragraph (b), the 24 hour period shall commence at 12:01 A.M.

(e) Any charges imposed by authority of this title shall constitute a lien upon the vessel or crew racing shell.

(f) The County of Nassau may enter into a contractual or other administrative agreement with the owner of an appropriate storage facility for the purpose of providing for additional storage of vessels or crew racing shells. Such owner shall agree to accept the terms and conditions, and the schedule of fees for itemized services as set forth in the agreement.

(g) The Nassau County Treasurer may designate the owner of the property upon which the vessel or crew racing shell is stored, if other than a police facility, to collect the administrative fee pursuant to this section at such time as he or she may direct.

The Nassau County Treasurer is hereby authorized to and shall pay such owner up to ten percent (10%) of any administrative fees collected by such owner.

§ 8-110.3 **Severability.** If any clause, sentence, paragraph, subdivision, section or part of this title or its application to any person or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order of judgment shall not affect, impair or invalidate the remainder thereof, but shall be confirmed in its operation to the clause, sentence, paragraph, subdivision, section or part of this title or its application to the person or circumstance directly involved in the controversy in which such judgment or order shall be rendered.
(Added by Local Law No. 2-2000, in effect February 2, 2000.)

Title J.
Immobilization and Removal of Illegally Parked Vehicles and Vehicles of Scofflaw

Section	8-120.1	Definitions
	8-120.2	Immobilization and removal of vehicles; general provisions
	8-120.3	Immobilization; notice and penalties
	8-120.4	Removal; notice; release of immobilized and removed vehicles
	8-120.5	Procedures

§ 8-120.1 **Definitions.**

"Illegally parked vehicle" shall mean any motor vehicle parked or left standing upon any county-owned property, public street or highway of the County of Nassau in violation of an ordinance or regulation issued by an agency authorized to promulgate parking ordinances and regulations.

"Immobilize" or "immobilization" shall mean the act of placing on a parked motor vehicle a mechanical device known as a boot, designed to be attached to the wheel or tire or other part of such vehicle so as to prohibit its usual manner of movement.

"Delinquent" shall mean a parking ticket, warrant or summons that has not been answered by the required appearance date, or for which adjudged fines and applicable surcharges have not been paid.

"Police Department" shall mean the Police Department of the County of Nassau and its members, agents, and officers employed by such department.

"Remove" or "removal" shall mean the act of towing a parked motor vehicle,

which shall be placed and stored in a location designated by the Police Department and shall be held until it is released or disposed of pursuant to applicable law.

"Vehicle(s) of a Scofflaw" or "Vehicles of Scofflaws" shall for purposes of this title mean (i) a vehicle or vehicles, as more particularly defined in clause i. of subparagraph a. of subdivision 5-a of section 401 of the vehicle and traffic law, against which two (2)) or more tickets, warrants, summonses or fines for parking violations or two (2)) or more notices of liability issued pursuant to any law authorizing photo or digital enforcement of the vehicle and traffic law or any local law, or any combination thereof, which are returnable to the Nassau County Traffic Violation Agency, have been issued and are delinquent or any other vehicles owned by a person, corporation or other concern who also owns a vehicle subject to immobilization or removal by virtue of subdivision (f)(i) of this section.
(Amended by Local Law No. 20-2010, in effect November 3, 2010; amended by Local Law No. 6-2014, in effect June 19, 2014.)

§ 8-120.2 **Immobilization and removal of vehicles; general provisions.**

(a) In addition to any other authority, the Police Department, subject to the procedures in this title, is hereby authorized to cause the immobilization and removal of i) illegally parked vehicles; and ii) vehicles of scofflaws.
(Amended by Local Law No. 6-2014, in effect June 19, 2014,)

(b) A vehicle subject to the provisions of subsection (a) of this section may be immobilized or removed, or both, by the Police Department or the Police Department's contractor at any place and at any time the Police Department may lawfully enforce traffic and parking laws or regulations.
(Amended by Local Law No. 6-2014, in effect June 19, 2014,)

(c) The immobilization or removal of a vehicle under this title shall be at the expense and risk of the owner of such vehicle, who shall pay to the Police Department the cost incurred for any such immobilization or removal prior to the release of the vehicle in accordance with section 8-120.4 of this title.

(d) The immobilization or removal of a vehicle under this title shall not prevent a determination pursuant to other law that such vehicle was abandoned, provided that no application to release the vehicle has been made or that no administrative or judicial proceeding to determine the status of the vehicle is pending.

(e) The Police Department may provide for the removal, immobilization and/or storage and notifications to be sent in connection therewith, by contracting with one or more private entity.

(Amended by Local Law No. 6-2014, in effect June 19, 2014)

(f) All sums due for delinquent parking tickets and all fees for immobilization or removal shall be a lien on any vehicle so immobilized or removed. On or after the fifteenth business day following the immobilization or removal of a vehicle pursuant to this title, such vehicle shall be subject to levy upon execution of a judgment. Nothing in this title shall impair any other authority of the Sheriff or Sheriff's deputy to levy, upon execution of a judgment, against any seized vehicle.

(g) Nothing in this title shall impair the rights or remedies under other law of any owner or operator of any vehicle immobilized or removed.

(h) Nothing in this title shall impair any other power or duty of the Police Department heretofore or in the future established by law.

§ 8-120.3 **Immobilization; notice and penalties.**

(a) When an immobilization device is used, the Police Department shall cause to be attached to the immobilized vehicle a notice containing the following information, in such form as directed by the Commissioner of the Police Department:

(i) The location and identifying characteristics of the vehicle;

(ii) The dates and time of placement of the devices and the signature of the installer of the device;

(iii) Notice that further parking penalties will be waived while the vehicle is immobilized;

(iv) Notice that any person tampering with the device or vehicle will be subject to criminal prosecution as provided in paragraph (b) of this section, as well as civil liability for any loss to the County of Nassau due to damage to or theft of the device;

(v) The steps that the owner must take to obtain release of the vehicle; and

(vi) Such other information, statements, notices and warnings as the Police Department may from time to time determine.

(b) Any person who tampers with, defaces, removes or destroys an immobilization device or moves by any means a vehicle immobilized as herein provided will be subject to prosecution to the full extent of the

law.

§ 8-120.4 **Removal; notice; release of immobilized and removed vehicles.**

(a) Notice. Within two business days following the removal of a vehicle under this title, the Police Department shall send notification to the registered owner of such vehicle, by first-class mail to the address indicated on the vehicle's registration, of:

(i) the place to which such vehicle has been removed;

(ii) the reason for the removal;

(iii) the owner's ability to obtain the release of such vehicle upon payment of the outstanding fines to the Nassau County Traffic and Parking Violations Agency and the immobilization or removal fees to the Police Department; and

(iv) the owner's option to post a bond, as provided by paragraph (ii) of subdivision (b) of this section, equal to the outstanding fines and immobilization or removal fees, for the release of the vehicle.

(b)

(i) Prior to the release of a vehicle that has been immobilized or removed pursuant to this title, the owner, or a person authorized by the owner to obtain the release of such vehicle, shall furnish satisfactory evidence of his or her identity and ownership or authorization from the owner to obtain the release of such motor vehicle, and shall make payment to the Police Department for charges incurred in the immobilization or removal of such vehicle, and in the case of a vehicle, to the Nassau County Traffic and Parking Violations Agency of all fines for delinquent parking tickets, warrants or summonses issued against such vehicle. Upon the presentation of such evidence of identity and ownership or authorization, and payment, the Police Department shall forthwith release the vehicle and provide a receipt to the owner or person authorized by the owner to obtain the release of such vehicle.
(Amended by Local Law No. 6-2014, in effect June 19, 2014,)

(ii) Any scofflaw vehicle immobilized or removed pursuant to this title may be released upon the posting of a cash or money order bond with the Nassau County Traffic and Parking Violations Agency in the amount of the fines for delinquent parking tickets, warrants or

summonses issued against such vehicle plus any charges incurred in the immobilization or removal of such vehicle. Upon an acquittal or dismissal of any underlying parking violation or violations by the Nassau County Traffic and Parking Violations Agency, the Nassau County Traffic and Parking Violations Agency shall refund that portion of the bond corresponding to the amount of the penalty for such underlying parking violation or violations. In addition, the full amount of the bond shall be refunded if the Police Department determines that immobilization or removal should not have occurred pursuant to the provisions of this title. No bond will be refunded after one year after posting unless the time is extended by Nassau County Traffic and Parking Violations Agency for administrative purposes or, in the discretion of such Agency, upon a request by the person posting the bond.

§ 8-120.5 **Procedures.**

(a) The Police Department, with the cooperation of the Nassau County Traffic and Parking Violations Agency, shall develop procedures necessary to effectuate the purposes and provisions of this title, including but not limited to specifications for the manner and content of notice to the public concerning the operation of this title; the content of notice to the registered owner of a vehicle immobilized or removed under this title; the place of storage of such vehicles; the time and place such vehicles may be released; and the fees for immobilization or removal of a vehicle that shall compensate the Police Department and/or a contractor that performed such functions on the Police Department's behalf for such immobilization or removal, as well as the administrative costs of the vehicle of scofflaw removal program.
(Subd (a) amended by Local Law No. 20-2012, in effect November 3, 2010; amended by Local Law No. 6-2014, in effect June 19, 2014)

(b) The Nassau County Traffic and Parking Violations Agency shall develop procedures necessary to effectuate the expeditious adjudication of traffic tickets, warrants and summonses for those persons who contest the validity of such traffic tickets, warrants and summonses issued against a vehicle immobilized or removed pursuant to this title.

§ 8-120.6 **Separability.** If any part of or provisions of this local law or the application thereof to any person or circumstance be adjudged invalid by a court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision of or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this local law, or the application thereof to other persons or circumstances.
(Title added by Local Law No. 25-2002, in effect January 1, 2003)

Title K.
Dissemination of Information Concerning Residency Restrictions and the Monitoring of Sex Offenders[38]

Section	8-130.1	Legislative Intent
	8-130.2	Definitions.
	8-130.3	Mandatory dissemination of information.
	8-130.4	Promulgation of rules and procedures.
	8-130.5	Database of entities with vulnerable populations.
	8-130.6	Residency restrictions.
	8-130.7-a	Notification.
	8-130.7-b	Hotel, Motel and Shelter Notification.
	8-130.7-c	Nursing Home Screening Requirements and Notification
	8-130.8	Exemption.
	8-130.9	Location Monitoring.
	8-130.10	County Not Liable.
	8-130.11	Penalties.

§ 8-130.1 **Legislative intent**. This legislature finds that sex offenders are prone to recidivism. The community has an interest in protecting vulnerable populations from sex offenders who may relapse into criminal behavior. This public interest can best be served by disseminating information about such offenders to groups or entities that are made up of children, seniors, women or others who are vulnerable to victimization by sex offenders. The New York State Sex Offender Registration Act ("SORA") provides for the registration of convicted sex offenders and the release of certain information about them by local law enforcement agencies. While this law is an invaluable tool for informing the public about the presence of certain convicted sex offenders in their communities, this legislature finds that it can be made more effective by requiring the county's law enforcement agencies to notify entities with vulnerable populations about such offenders residing in their vicinity. This local law is therefore necessary to ensure the widest possible dissemination of information about level 2 and level 3 sex offenders consistent with SORA.

The legislature further finds that sex offenders present a particular danger when they live in close proximity to schools and parks - areas where children learn, play, and congregate. The county's compelling governmental interest in ensuring that children do not become victims of sex crimes is best served by limiting the occasions for contact between children, especially those that were previously victimized, and registered sex offenders and the residency

[38] Residency restrictions voided by NY Court of Appeals in *People v. Diack,* 24 N.Y.3d 674 (2015).

restriction contained in this law is therefore necessary to protect a vulnerable population from sex offenders.
This legislature further finds and determines that in order to protect the residents of Nassau County, particularly children, sex offenders who pose a high risk of repeating an offense should be electronically monitored.

This legislature further finds that residents of nursing homes are particularly vulnerable to exploitation by sex offenders due to their advanced age and/or medical condition. Although nursing homes generally require criminal background checks for their employees, some employees and volunteers are not subject to such screening. Furthermore, this Legislature also finds that nursing home operators are not required to screen their residents/patients or, if they have knowledge that a registered sex offender is residing in their facility, they are not required to notify other residents of this fact.

§ 8-130.2 **Definitions.** When used in this title:

"Commissioner" shall mean the commissioner of the Nassau County Police Department.

"County" shall mean the county of Nassau.

"Domicile" shall mean a person's true, fixed, permanent home or fixed place of habitation.

"Employee" shall mean any employee, volunteer or intern who is not required, pursuant to any other law or regulation, to undergo a criminal background check prior to beginning his or her employment or service in a nursing home that contracts with the County or receives direct or indirect financial support from the County.

"Entity with a vulnerable population" shall mean any community group, organization, association, or other organized collection of people whose members are potential targets of a sex offender.

"Homeless" shall mean an (1) an individual who lacks a fixed, regular, and adequate nighttime residence; or (2) an individual who has a primary nighttime residence that is (a) supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill); (b) an institution that provides a temporary residence for individuals intended to be institutionalized; or (c) a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

"Level 1 offender" shall mean a sex offender who received a level one designation pursuant to Article 6-C of the New York State Correction Law because the risk of repeat offense was determined to be low.

"Level 2 offender" shall mean a sex offender who received a level two designation pursuant to Article 6-C of the New York State Correction Law because the risk of repeat offense was determined to be moderate.

"Level 3 offender" shall mean a sex offender who received a level three designation pursuant to Article 6-C of the New York State Correction Law because the risk of repeat offense was determined to be high.

"Operator" shall mean any person, corporation or other entity which owns or operates a nursing home that contracts with the County or receives direct or indirect financial support from the County.

"Nursing Home" shall mean a facility providing therein nursing care or health related services to sick, invalid, infirm, disabled or convalescent persons in addition to lodging and board that contracts with the County or receives direct or indirect financial support from the County.

"Park" shall mean any park, preserve, playground, athletic field, golf course, swimming pool, or beach operated by the county, or by the state of New York or any town, village or city within the county.

"Probation Department" shall mean the Nassau County Department of Probation.

"Registered sex offender" shall mean a person who has been classified as a Level 1, Level 2 or Level 3 sex offender and who is required to register with the New York state division of criminal justice services, or other agency having jurisdiction, pursuant to the provisions of article 6-C of the New York State Correction Law, whether or not the sex offender has actually registered in compliance with the law or order of a court of competent jurisdiction.

"Residence" shall mean the place where a person sleeps, which may include more than one location, and may be mobile or transitory.

"Resident" shall mean any resident or patient of a nursing home that contracts with the County or receives direct or indirect financial support from the County.

"School" shall mean a public, private or parochial elementary or secondary school, including a middle school, junior high school, high school or Board of Cooperative Educational Services (BOCES) school but not including a college, a university, a privately owned trade/vocational school or a home school.

"SORA" shall mean the New York State Sex Offender Registration Act.

§ 8-130.3 **Mandatory dissemination of information**

(a) Level 2 Offenders. Upon receiving notification as a law enforcement agency having jurisdiction, as defined in subdivision 4 of section 168-a of the correction law of New York, pursuant to subparagraph (b) of subdivision 6 of section 168-l of such law, the Commissioner shall immediately disseminate relevant information including a photograph and description of the offender, such offender's name, approximate address based on zip code, background information including the offender's crime of conviction, modus of operation, type of victim targeted, the name and address of any institution of higher education at which the sex offender is enrolled, attends, is employed or resides and the description of special conditions imposed on the offender to those entities which in his determination have vulnerable populations related to the nature of the offense committed by such sex offender.

(b) Level 3 Offenders. Upon receiving notification as a law enforcement agency having jurisdiction, as defined in subdivision 4 of section 168-a of the correction law of New York, pursuant to subparagraph (c) of subdivision 6 of section 168-l of such law, the Commissioner shall immediately disseminate relevant information including a photograph and description of the offender, such offender's name, exact address, address of the offender's place of employment, background information including the offender's crime of conviction, modus of operation, type of victim targeted, the name and address of any institution of higher education at which the sex offender is enrolled, attends, is employed or resides and the description of special conditions imposed on the offender to those entities which in his determination have vulnerable populations related to the nature of the offense committed by such sex offender.

§ 8-130.4 **Promulgation of rules and procedures**. The Commissioner shall promulgate rules and procedures mandating the widest possible dissemination of information regarding Level 2 and Level 3 Offenders to entities with vulnerable populations as required by § 8-130.3 of this title. Such rules may provide for such dissemination to entities by means of electronic mail or such other methods of notification as may be deemed effective by the Commissioner, including but not limited to facsimile transmission, regular mail, and door-to-door notification by members of the Nassau County Police.

§ 8-130.5 **Database of entities with vulnerable population**

a) The Commissioner shall establish and maintain a database categorizing the County's vulnerable populations in relation to the nature of

the offenses for which a sex offender must register under section 168 et seq. of the correction law, as well as the local entities in the County having or providing services to such categories of vulnerable populations, which may include, but shall not be limited to, public and private schools, child day care centers, senior care centers, senior community centers, camps, organizations which serve primarily children, women or vulnerable adults, and community groups located in an area where a sex offender resides, expects to reside or is regularly found. In addition, upon written request of an entity in the form and manner established by the Commissioner, there shall be included in such database any entity which upon a review by the Commissioner, in his or her sole discretion, is determined to be an entity with a vulnerable population.

b) All contracts with the County providing for child care services in a family day care home or group family day care home, as such terms are defined in section three hundred ninety of the New York State Social Services Law and section one thousand seven of the County Government Law shall be subject to the condition that said providers register with the Commissioner in accordance with § 8-130.5 (a) of this Title. This requirement to register with the Commissioner for sex offender notifications shall be incorporated in contracts for family day care or group family day care services entered into with the County, and any violation thereof shall be a material breach of the contract sufficient to cause termination.

§ 8-130.6 **Residency restrictions and conditions.**[39]

(a) It shall be unlawful for any registered sex offender to establish a residence or domicile where the property line of such residence or domicile lies within:

1) one thousand feet of the property line of a school; or

2) five hundred feet of the property line of a park ; or

3) knowingly establishes a residence or domicile where the property line of such residence or domicile lies within two thousand feet of the property line of the residence or the workplace of such sex offender's victim(s), unless otherwise ordered by a court having jurisdiction over said offender.

(b) A registered Level 2 or Level 3 offender shall provide oral notification that he or she is a registered sex offender to the proprietor of any hotel, motel, or shelter within the County at the time said offender initially establishes a residence or domicile at said hotel, motel, or shelter.
(Added by Local Law No. 4-2005, amended by Local Law No. 4-2006; amended by Local Law No. 12-2008, and Local Law No. 25-2009, in effect February 23, 2010.)

[39] Residency restrictions voided by NY Court of Appeals in *People v. Diack,* 24 N.Y.3d 674 (2015).

§ 8-130.7-a **Notification**

(a) Each registered sex offender residing within the County shall be notified in writing by the Commissioner of the prohibitions applicable to such offender under this title.

(b) Any registered sex offender who has established a residence or domicile prohibited by this title shall relocate such residence or domicile within sixty days following receipt of written notice pursuant to subdivision a of this section. Failure to timely re-locate such residence or domicile to one that is permitted under this title or to notify the proprietor of any hotel, motel, or shelter shall constitute a violation of section 8-130.6.

§ 8-130.7-b **Hotel, Motel, and Shelter Notification.**
Any Level 2 or Level 3 offender whose residence or domicile is a hotel, motel, or shelter contracting with the County to house persons, such hotel, motel, or shelter shall be required to conspicuously post in a prominent and visible area behind the registration desk of a hotel or motel and the entrance way of a shelter a sign, in at least thirty-six point print, informing potential customers or clients that there is one or more registered sex offenders staying on the premises. If a customer is making a reservation via the internet or by telephone at such a hotel or motel, it shall be the duty of the hotel or motel to inform the customer at such time that there is one or more registered sex offenders staying on the premises.

§8-130.7-c **Nursing Home Screening Requirements and Notification.**
(a) Screening Requirements

1) All operators shall make an inquiry to the New York State Sex Offender Registry to determine whether any current employee appears in said registry within sixty (60) days of the effective date of this law.

2) All operators shall, prior to hiring any new employee, make an inquiry to the New York State Sex Offender Registry to determine whether the prospective employee appears in said registry.

3) All operators shall make an inquiry to the New York State Sex Offender Registry to determine whether any current resident appears in said registry within sixty (60) days of the effective date of this law.

4) All nursing homes shall, prior to admitting a new resident, make an inquiry to the New York State Sex Offender Registry to determine whether the prospective resident appears in said registry.

(b) Notification
If an operator determines that a resident of the nursing home is registered with the New York State Sex Offender Registry, the operator shall advise its employees, residents and residents' next of kin, of the resident's sex offender status. The operator shall also direct staff and residents to the State and Megan's Law Sex Offender Registries to obtain further information.

§ 8-130.8 **Exemption.** The residency restriction of section 8-130.6 shall not apply to registered sex offenders who have established residences or domiciles prior to the effective date of this local law.

§ 8-130.9 **Location Monitoring.**

(a) When a sex offender is being monitored by the Probation Department and has been designated as a Level 3 offender or when a sex offender is being monitored and has been designated as either a Level 1, 2 or 3 offender and is homeless the Probation Department shall petition the court having jurisdiction over said offender to modify and enhance the conditions of probation to include that the Level 3 offender or homeless registered sex offender be monitored by the Probation Department, with an active electronic monitoring device for a period of time as determined by said court, except where:

1) upon a showing of good cause to the Director of Probation, such Director deems such a petition to the court to be unnecessary;

2) the Level 3 offender or homeless registered sex offender has been previously ordered to be monitored and is currently being monitored by such a device; or

3) the Level 3 offender or homeless registered sex offender is committed to the custody of the State of New York.

(b) When a sex offender is being monitored by the Probation Department and has been designated as a Level 1 offender or Level 2 offender, the Probation Department shall, at its discretion petition the court having jurisdiction over said offender to modify and enhance the conditions of probation to include that the Level 1 offender or Level 2 offender be monitored by the Probation Department with an active electronic monitoring device for a period of time as determined by said court.

(c) For purposes of this section, "active electronic monitoring device" means a mechanism utilized by the Probation Department in conjunction with a system that actively monitors and identifies a person's location and that timely reports or records the person's presence near or within a crime scene or prohibited area or the person's departure from a specified geographic location.

(d) The Probation Department shall establish a system for the purpose of monitoring probationers required to wear the electronic monitoring device and shall promulgate regulations regarding the imposition and collection of fees for said electronic monitoring device consistent with Title 20 of the Miscellaneous Laws of Nassau County.

The electronic monitoring device fee shall be set by the Probation Department and shall be paid for by the probationer unless there is a further determination by the Probation Department that the probationer is financially incapable of paying the fee.

§ 8-130.10 **County not liable.** Nothing in this title shall be deemed to impose any civil or criminal liability upon or to give rise to a cause of action against any official, employee or agency of the county for failing to act in accordance with this title.

§ 8-130.11 **Penalties**
(a) Any intentional violation of section 8-130.6 after notification pursuant to section 8-130.7-a shall be a class A Misdemeanor punishable by a fine not exceeding one thousand dollars; or imprisonment for a term not exceeding one year; or both such fine and imprisonment.
(b) Any violation of section 8-130.7-b or section 8-130-c shall be punishable by a fine not exceeding one thousand dollars. Each day or part of day in which a violation continues shall constitute a separate violation.
(c) Any registered sex offender monitored pursuant to section 8-130.9 of this title who intentionally removes, tampers with, defaces, alters, damages, or destroys an active electronic monitoring device is guilty of a class A Misdemeanor punishable by a fine not exceeding one thousand dollars; or imprisonment for a term not exceeding one year; or both such fine and imprisonment; and shall be responsible for restitution of the electronic monitoring device.
(Sections 8-130.1 through 8 -130.5 added by Local Law 4-2005; former section 8-130.6, as added by local law 4-2005, was repealed by local law 4-2006; Sections 8-130.1 and 8-130.2 amended by Local Law 4-2006; sections 8-130.6 through 8 -130.10 added by Local Law 4-2006, passed on April 3, 2006 and signed by County Executive on April 10th, 2006, with effective date of sixty days after it shall have become a law; sections 8-130.2 and 8-130.6 amended by Local Law 12-2008, signed into law on November 20, 2008; former section 8-130.2 and 8-130.9 repealed and new §§ 8-130.2, 8-130.9 and 8-130.11 added by Local Law 25-2009; sections 8-130.1, 8-130.5, 8-130.6, and 8-130.7 amended by Local Law 25-2009, signed by the County Executive on October 19, 2009, 8-130.7c added by local law 4-2010 passed by the County Legislature on December 21, 2009 signed into law by the County Executive on January 21, 2010.)

Title L.
Natalie Ciappa's Law: Notification concerning heroin activity

Section
- 8-131.1 Notification to schools
- 8-131.2 Community-wide dissemination
- 8-131.3 County; school not liable

§8-131.1 **Notification to schools**. The Commissioner of the Nassau County Police Department or his or her designee shall inform each district school board and each school district superintendent and each principal of a private school:

a. whenever there has been an arrest for the possession or sale of heroin within the school district served by such board, superintendent or principal; or

b. whenever a student who resides within the school district served by such board, superintendent or principal has been arrested for possession or

sale of heroin anywhere in the County; provided, however, that nothing contained herein shall require the Commissioner to divulge information which would be prohibited by article three of the New York State Family Court Act or article seven hundred twenty of the New York State Criminal Procedure Law or interfere with an ongoing criminal investigation and prosecution.

§8-131.2 **Community-wide dissemination**. The Commissioner of the Nassau County Police Department shall work with the Nassau County Department of Information Technology to establish and implement a Nassau Drug Mapping Index ("NDMI") website which shall:
a. map arrests for possession and sale of heroin within Nassau County; and
b. post the following information for each arrest for public review: the nature (e.g., possession, sale) and class (e.g., misdemeanor, felony) of the arrest, age of the alleged offender and the date, time, and location of the arrest. Such "NDMI" website shall be developed and implemented within ninety days from the effective date of this title and shall thereafter be updated on a monthly basis; provided, however, that nothing contained herein shall require the Commissioner to divulge information which would be prohibited by article three of the New York State Family Court Act or article seven hundred twenty of the New York State Criminal Procedure Law or interfere with an ongoing criminal investigation and prosecution.

§8-131.3 **County; School not liable**. Nothing in this title shall be deemed to impose any civil or criminal liability upon or to give rise to a cause of action against any official, employee or agency of Nassau County for failing to disseminate information as provided in this title. Nothing in this title shall be deemed to give rise to a cause of action against any official, employee or agency of any public school district, or private school who receives information pursuant to this title.
(Title L added by Local Law No. 14-2008, signed by the County Executive on December 22, 2008.)

Title M.
Hal Doliner Silver Alert

Section	8-132.1	Legislative Intent
	8-132.2	Definitions
	8-132.3	Procedures
	8-132.4	Severability

§ 8-132.0 **Short Title**. This law shall be known as the "Hal Doliner Silver Alert."

§ 8-132.1 **Legislative intent**. This Legislature finds senior citizens and other individuals afflicted with Alzheimer's disease, dementia and other cognitive disorders are at an increased risk of wandering away from their loved ones and/or caretakers.

The Legislature further finds that seniors and other individuals suffering from these disorders are at an increased risk of harm or abuse when they wander from their caretakers' supervision, with this risk increasing exponentially the longer they remain missing. Hal Doliner a long time resident of Port Washington died in an automobile accident on March 22, 2008, as a consequence of Alzheimer's disease and in April of 2009, Vincent Frodella, an 80 year old resident of Carle Place, who suffered from Alzheimer's disease, wandered from his home and was struck and killed on the Meadowbrook Parkway. According to records kept at the Nassau County Department of Senior Citizens Affairs there are approximately 25,347 senior citizens in Nassau County that are afflicted with Alzheimer's disease, dementia and other cognitive disorders.

Therefore, the primary purpose of this law is to establish a Silver Alert System, similar in nature to the Amber Alert System that will provide a rapid dissemination of information regarding missing senior citizens and other individuals suffering from Alzheimer's disease, dementia and other cognitive disorders to the public in an effort to expedite the search and safe recovery of these individuals.

§ 8-132.2 **Definitions**. As used in this title:

"Police Department" shall mean the Nassau County Police Department and its members, agents and officers employed by such department.

"Sliver Alert System" shall mean a system that will provide the rapid dissemination of information regarding missing senior citizens and other individuals suffering from Alzheimer's disease, dementia and other cognitive disorders.

§ 8-132.3 **Procedures.**

(a) The Police Department shall establish a Silver Alert System, develop guidelines and set up procedures for issuing a Silver Alert and maintain a database of media, organizations and other outlets to be contacted when a senior citizen or other individual suffering from Alzheimer's disease, dementia or other cognitive disorders is reported missing.

(b) The Police Department will work jointly with the various cities, towns, villages and other police departments within Nassau County to rapidly disseminate information regarding missing senior citizens and other individuals suffering from Alzheimer's disease, dementia or other cognitive disorders.

(c) The Police Department will issue a Silver Alert, unless it is deemed inappropriate due to the particular circumstances,

each time a senior citizen or other individual suffering from Alzheimer's disease, dementia or other cognitive disorders is reported missing to the Police Department.

(d) The Silver Alert distributed to the public shall contain the following information:

i. The missing individual's name;
ii. The missing individual's age;
iii. A physical description of the missing individual, including, if known, a description of the clothing the individual was last seen wearing;
iv. The last location where the missing individual was seen; and
v. The description of any motor vehicle the missing individual may be driving and the direction in which it was last seen traveling.

§ 8-132.4. **Severability**. If any clause, sentence, paragraph, subdivision, section or part of this local 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, effect 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.
(Added by Local Law No. 16-2009, in effect December 8, 2009.)

Title N
Gun Offender Registration

Section	8-133.0	Definitions
	8-133.1	Creation of a Gun Offender Registry
	8-133.2	Duty to register and to verify
	8-133.3	Duration of registration and verification
	8-133.4	Sharing of registration information
	8-133.5	Cooperation
	8-133.6	Promulgation of rules and procedures
	8-133.7	Fees
	8-133.8	Penalties
	8-133.9	Reverse Preemption

§ 8-133.0 **Definitions.** As used in this title, the following terms shall have the meanings indicated:

a. "Career education" shall have the meaning given in subdivision 24 of section 2 of the Education Law.

b. "Commissioner" means the Commissioner of the Nassau County Police Department.

c. "Department" means the Nassau County Police Department.

d. “Gun offender" means any person who is convicted, after the effective date of this title, of a gun offense as defined in this title. Convictions that result from or are connected with the same act, or result from offenses committed at the same time, shall be counted for the purpose of this title as one conviction. The entry of a plea of guilty, including a plea of guilty where the gun offender does not accept responsibility, or a verdict of guilty shall constitute a conviction for purposes of this title. Any conviction reversed or otherwise set aside pursuant to law, any adjudication of juvenile delinquency or any matter adjourned in contemplation of dismissal pursuant to Criminal Procedure Law Article 170 is not a conviction for purposes of this title. The term “gun offender" shall not include any person who has been pardoned for all gun offenses by the Governor.

e. “Gun offense" means a conviction for any crime or any attempted crime pursuant to Penal Law sections 265.01 (4), (6), (7) or (8) (Criminal possession of a weapon in the fourth degree); 265.01-a (Criminal possession of a weapon on school grounds); 265.02 (Criminal possession of a weapon in the third degree); 265.03 (Criminal possession of a weapon in the second degree); 265.04 (Criminal possession of a weapon in the first degree); 265.08 (Criminal use of a firearm in the second degree); 265.09 (Criminal use of a firearm in the first degree); 265.10(3) or (6) Manufacture, transport, disposition and defacement of weapons and dangerous instruments and appliances); 265.11 (Criminal sale of a firearm in the third degree); 265.12 (Criminal sale of a firearm in the second degree); 265.13 (Criminal sale of a firearm in the first degree); 265.14 (Criminal sale of a firearm with the aid of a minor) or 265.16 (Criminal sale of a firearm to a minor).

f. "Higher education" shall have the meaning given in subdivision 8 of section 2 of the Education Law.

g. "Local correctional facility" shall have the meaning given in paragraph (a) of subdivision 16 of section 2 of the Correction Law.

h. "Secondary education" shall have the meaning given in subdivision 7 of section 2 of the Education Law.

i. "State correctional facility" means a correctional facility as defined in paragraph (a) of subdivision 4 of section 2 of the Correction Law.

§ 8-133.1 **Creation of a Gun Offender Registry**.[40]

A registry is hereby created which shall contain the names, residence and identifying information of individuals who live in Nassau County and who are convicted of a gun offense as defined by this title.

[40] This section was added by Local Law No. 16 of 2014. A second section 8-133.1 is in Title O (“Criminal Justice Report”), which was added by Local Law No. 2-2020.

§ 8-133.2 **Duty to register and to verify**.[41]

a. A gun offender shall register with the Department (1) at the time sentence is imposed, or (2) if sentence was imposed prior to the individual becoming a resident of Nassau County, when that individual becomes a resident of Nassau County, and as set forth in subdivision (d) below, on a form prescribed by the Department.

b. Registration as required by this title shall consist of a statement in writing signed by the gun offender giving such information as may be required under subdivision (c) of this section.

c. A gun offender shall, to the extent required by the Department, provide the following information to the Department:

1. The gun offender's name, all aliases used, date of birth, sex, race, height, weight, eye color, number of any driver's license or non-driver photo ID card, home address and/or expected place of residence.

2. A set of fingerprints and a photograph, updated during the period of registration as described in subdivision (d) of this section.

3. A description of the offense for which the gun offender was convicted, the date of conviction and the sentence imposed.

4. The name and address of any institution of career education, higher education or secondary education at which the gun offender is or expects to be enrolled or attending, and whether such offender resides in or will reside in a facility owned or operated by such institution.

5. The gun offender's place of employment or expected place of employment, including name and phone number of supervisor and mailing address of said employer.

6. Any other information deemed pertinent by the Department.

d. First personal appearance. A gun offender who is required to register shall personally appear to the Department or office designated by the Commissioner within forty-eight hours (48) of:

1. release, in the event the gun offender receives a sentence of imprisonment; or

2. the time sentence is imposed, if such sentence does not include imprisonment, for the purpose of personally providing and verifying such information as may be required under subdivision (c) of this section with the Department. The Department shall at such time photograph the gun offender. The Commissioner may require the gun offender to provide documentation the Commissioner deems necessary for verifying such information.

e. For a gun offender who resides in Nassau County and is subject to registration requirements of this title, the following shall apply:

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[41] This section was added by Local Law No. 16 of 2014. A second section 8-133.2 is in Title O ("Criminal Justice Report"), which was added by Local Law No. 2-2020.

1. Except as specified in paragraph 2 of this subdivision, within twenty (20) days of each six (6) month anniversary of the gun offender's initial registration date, the gun offender shall personally appear at such office as the Commissioner may direct for the purpose of verifying such information as may be required under subdivision (c) of this section with the department. The Department may at such time photograph the gun offender. The Commissioner may require the gun offender to provide documentation the Commissioner deems necessary to verify such information.

2. If a gun offender who is required to register under this title is confined to any federal, state or local correctional facility, hospital or institution throughout the twenty (20) day period described in paragraph 1 of this subdivision, such gun offender shall personally report to the department as required by paragraph(1) within forty-eight (48) hours of release. The Department may at such time photograph the gun offender and require the gun offender to provide such documentation as the Commissioner deems necessary to verify the information provided

f. The Department is authorized to maintain in the registry database information other than that specified in subdivision (c) of this section.

g. Any gun offender required to register according to this title shall personally appear at the Department or at the office designated by the Commissioner to update his or her residency information, provide documentation as required by the Commissioner to verify any change in residence and to provide other verification information as required by this title when the following applies:

1. within ten (10) calendar days after establishing a residence in Nassau County; or

2. within ten (10) calendar days after changing residences within Nassau County; or

3. within (10) days prior to moving from a residence in Nassau County and establishing a residence outside of Nassau County.

§ 8-133.3 **Continuing registration and verification**. A gun offender shall register and verify for a period of four (4) years from the date of conviction of a gun offense, if the conviction does not include imprisonment, or for a period of four (4) years from the date of release from imprisonment after conviction of a gun offense, in the event the gun offender receives a sentence of imprisonment. After the conclusion of four (4) years, a gun offender need not register or verify, provided the gun offender has not been convicted of a new gun offense.

§ 8-133.4 **Sharing of registration information.**

a. The Department is authorized to make the registry available to any state, regional or federal government-operated registry of gun offenders for the

purpose of sharing information. The Department may accept files from any state, regional or national registry of gun offenders.

b. The Department is authorized to make the registry information available within a reasonable amount of time to any institution of career education, higher education, secondary or primary education upon the request of said institution.

c. The Department shall not place the registry on any internet page or allow public access to the registry through the internet.

§ 8-133.5 **Cooperation.** The Department is authorized to cooperate with state and county departments and agencies and the judiciary to facilitate implementation of this title. Assistance and cooperation in the implementation of this title shall be provided by other county departments and agencies upon request by the Commissioner.

§ 8-133.6 **Promulgation of rules and procedures.** The Commissioner may make and promulgate such rules and procedures and establish such forms as are necessary to carry out the provisions of this title.

§ 8-133.7 **Fees**. Each person required to register with the Gun Offenders Registry shall pay a fee of fifty dollars ($50.00) at the time of the initial registration and on each six month anniversary of the initial registration. These funds will be used to pay the administrative costs of maintaining the registry required by this title.

§ 8-133.8 **Penalties.** Any violation by a gun offender of this title or of the rules and regulations established pursuant to this title, including any failure to register or to verify pursuant in the manner and within the time periods provided for in this title, shall be a misdemeanor punishable by a fine of not more than one thousand dollars ($1,000) or imprisonment of not more than one (1) year or both such fine and imprisonment. Failure to receive any form shall not excuse any violation of this title.

§ 8-133.9 **Reverse Preemption**. This title shall be null and void and deemed repealed and removed from this Administrative Code on the day that any state or federal legislation goes into effect, incorporating either the same or substantially similar provisions as are contained in this title. The County Executive shall determine whether or not identical or substantially similar state or federal legislation has been enacted for the purposes of triggering the provisions of this section and shall advise this Legislature thirty (30) days prior to the triggering of the provisions of this section.
(Added by Local Law No. 16-2014, in effect November 7, 2014)

Title O.[42]

CRIMINAL JUSTICE REPORT

8-133.1. Legislative Intent.[43]

This Legislature finds and determines that recent changes to the New York State Criminal Procedure Law enacted in the 2020 New York State Budget and taking effect January I, 2020 have eliminated the imposition of bail for criminal defendants accused of misdemeanors and certain felonies. This Legislature further finds and determines that as a result of these changes, previously incarcerated criminal defendants that are accused of crimes that are no longer eligible for the imposition of bail have been released.

This Legislature further finds and determines that individuals arrested for crimes including Manslaughter in the Second Degree, Stalking, Assault as a Hate Crime, Grand Larceny, Robbery, Burglary, Sale of a Controlled Substance, Sale of a Controlled Substance near a School, Menacing, Criminally Negligent Homicide, Welfare Fraud, Bribery, Perjury, Bail Jumping, Making a Terroristic Threat, Money Laundering in Support of Terrorism in the Third and Fourth degree, Promoting an Obscene Sexual Performance by a Child, Possessing an Obscene Sexual Performance by a Child, Failure to Register as a Sex Offender, Patronizing a Person for Prostitution in a School Zone, Aggravated Assault Upon a Person Less than Eleven Years Old, Reckless Assault of a Child by a Daycare Provider, Criminal Sale of a Controlled Substance to a Child, Abandonment of a Child, and Criminal Possession of a Weapon on School Grounds will be immediately released from custody because such crimes are no longer eligible for the imposition of bail.

This Legislature further finds and determines that the changes to the Criminal Procedure Law were made without sufficient public discourse, debate and analysis, and since these changes have become effective there have been numerous examples throughout the state where accused criminals have been released back into the community, only to reoffend and placing the public safety in jeopardy.

It is the purpose of this law to gather statistical information as to the effects of the changes to the New York State Criminal Procedure Law in Nassau County.

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[42] This Title O was added by Local Law No. 2-2020. Another Title O ("Unlawful Disclosure of Intimate Images") was added by Local Law No. 1-2019.

[43] This section 8-133.1 was added by Local Law No. 2-2020. Another section 8-133.1 is in Title N ("Gun Registry") and was added by Local Law No. 16-2014.

It is also the purpose of this law to require the regular reporting to the Legislature and County Executive by the Department of Police of information and data with respect to arrests in Nassau County, bail assessed or whether such defendant was released on his or her own recognizance, any warrants issued for the failure to attend a court proceeding for any defendant that has been released without the imposition of bail, and additional crimes allegedly committed by those that have been released without the imposition of bail relating to a previous arrest.

§ 8-133.2. Criminal Justice Report[44]

It shall be the duty of the Nassau County Police Department to present to the Legislature and County Executive a quarterly report containing the following statistical information relating to misdemeanor and felony charges (hereinafter referred to as "crimes") made against individuals (hereinafter referred to as "defendants") in Nassau County for which bail has not been imposed:

a. The total number of defendants released without bail in Nassau County, the charges against said defendants and a brief narrative description of the crimes allegedly committed;

b. For defendants who have been released without bail, the total number of bench warrants issued for failure to attend a criminal action or proceeding, including the charges against said defendants and a brief narrative description of the crimes allegedly committed;

c. The number of crimes charged against defendants while such defendants have been released without bail on a previous criminal charge or charges, including the charges against said defendants and a brief narrative description of the crimes allegedly committed while released without bail.

The Nassau County Police Department shall request from all appropriate local, state and federal agencies any information required to complete the reporting requirements pursuant to this Title. Further, the information required to be provided pursuant to this section shall not include the names or other personally identifiable information of any defendant, witness, or victim of any crime occurring in Nassau County.

Such reports shall be due on the following dates:

a. For the quarter ending on March 31st, such report shall be due on or before May 1st;

[44] This section 8-133.2 was added by Local Law No. 2-2020. Another section 8-133.2 is in Title N ("Gun Registry") and was added by Local Law No. 16-2014.

b. For the quarter ending on June 30th, such report shall be due on or before August 1st;

c. For the quarter ending on September 30th, such report shall be due on or before November 1st;

d. For the quarter ending on December 31st, such report shall be due on or before February 1st of the following calendar year.
(Added by Local Law No. 2-2020, in effect March 6, 2020).

TITLE O[45]

UNLAWFUL DISCLOSURE OF INTIMATE IMAGES

Section 8-134.1 Definitions
8-134.2 Unlawful Disclosure of Intimate mages.
8-134.3 Exemptions
8-134.4 Penalties
8-134.5 Private Civil Cause of Action

§ 8-134.1. **Definitions.**

Whenever used in this Title, the following words shall have the meanings given to them by this section:

A. "Consent" means permission that is knowingly, intelligently and voluntarily given for the particular disclosure at issue.

B. "Covered recipient" means an individual who gains possession of, or access to, an intimate image from a depicted individual, including through the creation of the intimate image.

C. "Depicted individual" means an individual depicted in an intimate image.

D. "Disclose" means to disseminate as that term is defined in New York Penal Law § 250.40(5) or publish as that term is defined in New York Penal Law § 250.40(6).

E. "Intimate image" means a photograph, film, videotape, recording or any other reproduction of a still or moving image, depicting an individual whose intimate parts are exposed in whole or in part or who appears to be engaged

[45] This Title O was added by Local Law No. 1-2019. A different Title O ("Criminal Justice Report") was added by Local Law No. 2-2020.

in, appears about to be engaged in, or appears to have just been engaged in, a sexual act where the depicted individual did not intend such image be disclosed at the time the covered recipient gained possession of or access to the intimate image. An intimate image does not include any image taken in a public place, as defined in New York Penal Law § 240.00, except if, at the time the image was photographed, filmed, videotaped, recorded or reproduced, an individual in the depicted individual's position would reasonably have believed that no one other than the covered recipient could view the applicable intimate parts or sexual act while such parts were exposed or such act was occurring.

F. "Intimate parts" means the exposed genitals, pubic area, buttocks, or anus of a person, or nipple or areola of a female person who is 11 years of age or older.

G. "Sexual acts" means sexual intercourse, oral sexual conduct, or anal sexual conduct as those terms are defined in New York Penal Law § 130.00(1) and § 130.00(2); masturbation; mutual masturbation; the insertion of a body part or foreign object into the vulva, penis, or anus or any other touching of the sexual or other intimate parts of a person for the purpose of gratifying sexual desire; or the transmission or appearance of semen upon any part of the depicted individual's body.

§ 8-134.2. **Unlawful Disclosure of Intimate Images.**

A. No covered recipient shall, with intent to cause material harm to the physical, mental, emotional or financial welfare of a depicted individual, disclose or threaten to disclose an intimate image of such depicted individual, where:

1. The intimate image was created by or provided to the covered recipient under circumstances in which the depicted individual has a reasonable expectation of privacy;
2. The depicted individual is or would be identifiable either from the intimate image or from the circumstances under which such image is disclosed or threatened to be disclosed; and
3. The disclosure or threatened disclosure is without the consent of the depicted individual and did or would occur under circumstances in which a reasonable person would have known that the depicted individual did not consent to disclosure.

§ 8-134.3. **Exemptions.**

The prohibitions established in this law shall not apply if:

A. The disclosure or threat of disclosure is made in the course of reporting unlawful activity, in the course of a legal proceeding or by law enforcement personnel in conducting their authorized duties.
B. The disclosure is made by a provider of an interactive computer service, as defined in 47 U.S.C. § 230(f)(2), with regard to content provided by another information content provider, as defined in 47 U.S.C. § 230(f)(3).
C. The disclosure or threat of disclosure is made in relation to a matter of legitimate public concern or is otherwise protected by the First Amendment of the United States Constitution.

§ 8-134.4. **Penalties**

Violation of this law shall constitute an unclassified misdemeanor, punishable by up to one year's imprisonment and/or a fine of up to $1,000.00.

§ 8-134.5. **Private Civil Cause of Action.**

A. Any individual who suffers harm from a violation of this law shall have a civil cause of action in any court of competent jurisdiction against the individual who engaged in prohibited conduct. Plaintiffs in such an action may seek to hold the defendant liable for any or all of the following:

1. Compensatory and punitive damages;
2. Injunctive and declaratory relief;
3. Attorneys' fees and costs; and
4. Such other relief as a court may deem appropriate.

B. The private cause of action established under this section shall not require that a criminal charge be brought, or a criminal conviction be obtained as a condition precedent to the plaintiff commencing a civil action or obtaining a civil judgment.

(Added by Local Law No. 1-2019, in effect March 7, 2019)

TITLE P

HARASSMENT OF A POLICE OFFICER, PEACE OFFICER OR FIRST RESPONDER

§8-135.1. **Harassment of a Police Officer, Peace Officer or First Responder**.

A person is guilty of harassing a police officer, peace officer or first responder when she or he intentionally throws or sprays water or any other substance on or at such police officer, peace officer, or first responder when such officer or first responder is in the course of performing his or her official duties and the person committing such acts knows or reasonably should know that such victim is a police officer, peace officer or first responder.

§8-135.2. **Penalties**.

Violation of this law shall constitute an unclassified misdemeanor, punishable by up to one year's imprisonment and/or a fine of up to $5,000.00.

(Added by Local Law No. 23-2019, in effect on October 21, 2019).

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 to 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).

(This title added by Local Law No. 15 of 2021, in effect on August 9, 2021)

Title R

FIRST RESPONDER ZONE OF PROTECTION ACT

Section	8-137.1	Legislative Intent
Section	8-137.2	Definitions
Section	8-137.3	Approaching a First Responder Engaged in the Lawful Performance of Their Duties After a Warning

§8-137.1 Legislative Intent. This Legislature finds that first responders are often called to work in high stress, crowded and potentially dangerous situations. This Legislature further finds that any attempt to interfere with, harass, or threaten first responders that are engaged in a lawful performance of their duties endangers public safety and potentially hinders timely and effective emergency response, putting the lives of first responders and those they are attempting to aid at substantial risk of injury or death. This Legislature further finds that allowing first responders that are engaged in the lawful performance of their duties to establish a fifteen (15) foot zone whereby non first responder personnel are prohibited from entering will enhance public safety and will protect first responders from threats and physical interference during inherently dangerous or high-stress situations. This Legislature further finds that establishing a fifteen-foot zone of protection balances both the rights of bystanders to view the work of first responders while ensuring that bystanders do not intentionally or unintentionally endanger or interfere with first responders that are performing their lawful duties.

§ 8-137.2 Definitions. As used in this title:

(a) “First Responder” shall mean a Police Officer as defined by Criminal Procedure Law §1.20(34), a certified first responder, emergency medical technician, or advanced emergency medical technician as defined by §3001 of the Public Health Law, supervising fire inspectors, fire inspectors, the fire marshal and assistant fire marshals, firefighters, and probation officers.

§ 8-137.3. Approaching a First Responder Engaged in the Lawful Performance of Their Legal Duties After a Warning.

(a) A First Responder may issue a warning to keep a distance of 15 feet to a person who approaches such First Responder who reasonably believes that such person presents a threat to the safety of the First Responder, bystanders, or others or otherwise may interfere with or obstruct the First Responder's lawful performance of his or her duties.

(b) It shall be unlawful for a person, after receiving a warning not to approach, pursuant to subsection (a) above, from a person he or she knows or reasonably should know is a First Responder who is actively engaged in the lawful performance of an arrest, emergency response, rescue, investigation, interrogation, traffic stop, while securing property, establishing a safe perimeter, or maintaining public order, to knowingly and willfully violate such warning and approach or remain within 15 feet of the First Responder.

(c) Nothing in this section shall prevent the right of the public to photograph or video a First Responder who is engaged in the performance of the acts set forth in paragraph (b).

(d) Any person that violates any provision of this law shall be guilty of a misdemeanor punishable by a fine of not more than one thousand ($1,000) dollars or imprisonment of not more than one (1) year, or both.

(This title added by Local Law No. 2 of 2025, in effect on May 21, 2025)

CHAPTER IX
DEPARTMENT OF HEALTH

Title A. (Repealed)

Title B. Nursing Homes

Section 9-15.0 Homes for the care of the sick or infirm for compensation.
9-16.0 License required.
9-17.0 Inspection.
9-18.0 Suspension: revocation.
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Section 9-20.0 County Health Ordinance.

Title D. (Repealed)

Title E. (Repealed)

Title E. Sale of Drug Paraphernalia

Section 9-22.0 Declaration of Policy.
9-22.1 Definitions.
9-22.2 Sale of Drug Paraphernalia: Penalties.
9-22.4 Separability.
9-22.3 Effective Date.

Title F: Charitable Medical Care

Section 9-23.0 Legislative Intent.
9-23.1 Definitions.
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Title G. Tanning Facilities

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9-24.1 Legislative Intent

9-24.2 Definitions
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9-24.5 Operating Regulations
9-24.6 Protective Eyewear
9-24.7 Posted Warning and Disclosure Required
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Title H. Tobacco sales to individuals under the age of nineteen
(Title in effect through August 2, 2018)

Section
9-25.1 Legislative Intent
9-25.2 Definitions
9-25.3 Sale of tobacco products, herbal cigarettes, rolling papers or pipes to individuals under the age of nineteen prohibited
9-25.4 New York State Retail Dealer Certificate of Registration and Tobacco Vendor Education Certification of Tobacco Retailer Dealers
9-25.5 Certification requirements; recertification
9-25.6 Penalties
9-25.7 Rules and Procedure

Title H. Tobacco sales to individuals under the age of nineteen[46]
(*In effect beginning August 3, 2018).*

Section
9-25.1 Legislative Intent
9-25.2 Definitions
9-25.3 Prohibitions
9-25.4 Posting of Signs
9-25.5 Enforcement
9-25.6 Violations and Penalties
9-25.7 New York State Retailer Dealer Certificate of Registration and Tobacco Vendor Education Certification of Tobacco Retail Dealers
9-25.8 Certification requirements; recertification
9-25.9 Penalties
9-25.10 Rules and Procedures

[46] Local Law 8-2018 raised age to twenty-one.

Title I. (Repealed)

Title A. (Repealed)

Title B.
Nursing Homes

§ 9-15.0 **Homes for the Care of the Sick or Infirm for Compensation.** The County Department of Health shall have the power to license and regulate the establishment, maintenance and operation of homes for the care of the sick or infirm for compensation.
(Added by L. 1941 Ch. 530 § 1, in effect September 1, 1941.)

§ 9-16.0 **License Required.** It shall be unlawful for any person to establish, maintain or operate a home in the County for the care of the sick or infirm for compensation where three or more inmates thereof are or may be accommodated without a license thereof. The Department of Health, in its discretion, shall license such homes as shall have complied with the rules and regulations which the Department of Health shall have established thereof. Each applicant for such a license shall file with the Department of Health a written application on a form to be provided by the Department of Health. The fee for such license shall be fixed by the Department of Health and all such licenses shall expire on the thirty-first day of December next succeeding the date of issuance thereof.
(Added by L. 1941 Ch. 530. § 1; amended by Local Law No. 2, 1953, in effect July 13, 1953.)

§ 9-17.0 **Inspection.** Such homes shall at all times be open to visitation and inspection by the Department of Health and its employees.
(Added by L. 1941 Ch. 530 § 1, in effect September 1, 1941.)

§ 9-18.0 **Suspension; Revocation.** The Department of Health shall have power to suspend or revoke at any time any license granted under section 9-16.0 upon cause shown thereof, which suspension or revocation shall be subject to review by a proceeding under article seventy-eight of the civil practice act.
(Added by L. 1941 Ch. 530 § 1, in effect September 1, 1941.)

§ 9-19.0 **Violations; penalty.** Any person who shall violate any of the provisions of this title upon conviction thereof, shall be punished by a fine not exceeding five hundred dollars or by imprisonment for not more than six months or both such fine and imprisonment.
(Added by L. 1941 Ch 530 § 1, in effect September 1, 1941.)

Title C
In General

§ 9-20.0 **County Health Ordinance.**

a. The County Board of Health may formulate, promulgate, adopt and publish, rules, regulations, orders and directions for the security of life and health in the County health district which shall not be inconsistent with the state sanitary code. Such rules, regulations, orders and directions shall be known as county health ordinances. Any violation of or noncompliance with any provision of such a county health ordinance or of any rule, regulation, order or special direction duly made thereunder shall constitute a violation punishable by a fine of not more than two hundred fifty dollars or by imprisonment for not more than fifteen days or by both such fine and imprisonment.
(Subd. a amended by Local Law No. 8-1975, [known as Local Low No. 5-1975 for purposes of filing with the Secretary of State], in effect October 6, 1975.)

b. Such rules, regulations, orders and directions may include provisions regulating the disposal of sewage and other putrescible organic wastes into the tidal water areas of the County outshore to a distance of five hundred feet from the low water line.
(Amended by L. 1945 Ch. 347 § 1, in effect March 28, 1945.)

Title D
Air Pollution Control (Repealed)

Title E
Nassau County Drug Abuse and Addiction Commission

§ 9-22.0 **Declaration of Policy.**
(Repealed by L. 1972 Ch. 782, in effect August 1, 1972.)

§ 9-22.1 **Commission established.**
(Repealed by L. 1972 Ch. 782, in effect August 1, 1972.)

§ 9-22.2 **Functions and Duties.**
(Repealed by L. 1972 Ch. 782, in effect August 1, 1972.)

§ 9-22.3 **Rule, and Regulations.**
(Repealed by L. 1972 Ch. 782, in effect August 1, 1972.)

Title E
Sale of Drug Paraphernalia

Section 9-22.0 Declaration of Policy.
9-22.1 Definitions.
9-22.2 Sale of Drug Paraphernalia: Penalties.
9-22.4 Separability.
9-22.3 Effective Date.

§ 9-22.0 **Declaration of Policy.** It is hereby declared and found that the sale of items used to aid the storage, use, concealment and testing of the strength or purity of illegal drugs is a widespread and growing practice which is contrary to the public interest. Therefore, public safety, health, welfare and morals are best served by discontinuing the sale of such items.

§ 9-22.1 **Definitions.** When used in this title, the following terms shall mean or include:

1. "Controlled substance." Any substance described in subdivision five and six of section 220.00 of the Penal Law.

2. "Sell." To sell, exchange, give or dispose of to another, or to offer or agree to do the same.

3. "Person." Any individual, partnership, firm, association, trust, company or corporation.

4. "Cocaine spoon." Any spoon with a bowl so small that the primary use for which it is reasonably adapted or designed is to hold or administer cocaine, and which is so small as to be unsuited for the typical, lawful uses of a spoon.

5. "Marijuana or hashish pipe." Any pipe having a bowl which is so small that the primary use of which such pipe is reasonably adapted or designed is the smoking of marijuana or hashish.

6. "Drug paraphernalia." Any equipment, products and materials of any kind which are used, intended for use, or designed for use, in violation of the laws of the State of New York in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, conveying, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance. It includes, but is not limited to:

(a) Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;

(b) Kits used, intended for use, or designed for use in manufacturing, compounding converting, producing, processing or preparing controlled substances;

(c) Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance;

(d) Testing equipment used, intended for use, or designed for use in identifying or in analyzing the strength, effectiveness or purity, of controlled substances;

(e) Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances;

(f) Diluents and adulterants, such as genuine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use, or designed for use in cutting controlled substances;

(g) Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, controlled substances;

(h) Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding controlled substances;

(i) Capsules, balloons, envelopes and other containers used, intended for use or designed for use in packaging small quantities of controlled substances;

(j) Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances;

(k) Hypodermic syringes, needles and other objects used, intended for use or designed for use in parenterally injecting controlled substances into the body;

(l) Objects used, intended for use, or designed for use in ingesting, or

otherwise introducing controlled substances into the human body, such as:

(i) Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured bowls;

(ii) Water pipes;

(iii) Carburetion tubes and devices;

(iv) Smoking and carburetion masks;

(v) Roach clips: meaning objects used to hold burning material such as marijuana cigarettes, that has become too small or too short to be held in the hand;

(vi) Cocaine spoons and cocaine vials;

(vii) Chamber pipes;

(viii) Carburetor pipes;

(ix) Electric pipes;

(x) Air-driven pipes;

(xi) Chillums;

(xii) Bongs;

(xiii) Ice pipes or chillers;

(xiv) Marijuana or hashish pipes.

§ 9-22.2 **Sale of Drug Paraphernalia; Penalties.** A person is guilty of violating this title when he knowingly and unlawfully sells or displays for the purposes of sale any drug paraphernalia. A violation of any provision of this title is a class A misdemeanor.

§ 9-22.3 **Separability.** If any clause, sentence, paragraph, section or part of this title shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§ 9-22.4 **Effective date.** This act shall take effect on the sixtieth day after it shall have become law.
(Title E added by Local Law No. 4-1981, in effect December 19, 1981.)

TITLE F.
CHARITABLE MEDICAL CARE

Section	9-23.0	Legislative Intent.
	9-23.1	Definitions.
	9-23.2	Reporting to the Department of Health.
	9-23.3	Notification
	9-23.4	Authority to Adopt Rules and Regulation.
	9-23.5	Hospital Noncompliance.
	9-23.6	Severability
	9-23.7	Annual Report

§ 9-23.0 **Legislative intent.** Nassau County Legislature recognizes the importance of providing charity medical care to indigent persons who would otherwise be left untreated. The Legislature further finds that it is the responsibility of all hospitals within the County to provide proper medical treatment to indigent persons. Many of these hospitals are not for profit and have the obligation to provide charity care in exchange for favorable tax treatment by the government.

The Legislature finds, therefore, that it is essential for the Nassau County Department of Health to evaluate, on an ongoing basis, the need for charity care in the County and the level of care that is being provided to indigent persons by hospitals within Nassau County. In order for the County to be able to evaluate this care, the County needs information from hospitals with regard to their policies on the availability, access, procedures and criteria for providing charity care. The County further needs information concerning the amount of charity care provided to indigent persons by each hospital in order to better fashion an appropriate response to unmet needs for charity care, including the recommendation of budgetary, regulatory or other action at the local, state and federal levels.

To maximize the access to charity care within the community and to enhance the health of the public by informing individuals of the availability of charity care, it shall be the policy of the County of Nassau that each hospital provide notice to every patient of its charity care policy. Such notice shall include visually prominent multilingual postings explaining the hospital's policy on charity care. It shall also be the policy of the County of Nassau to

encourage hospitals, when practicable, to notify patients verbally at the time of admission about the availability of charity care and the process for applying or qualifying for such care.

§ 9-23.1 **Definitions.** For the purpose of this section the following terms shall have the following meanings:

(a) "Application for charity care" or "request for charity care" means a written or verbal statement by a patient to a hospital officer, such as a financial officer or personal account representative, that he or she is an indigent person as defined in this section.

(b) "Bad debt" means the unpaid accounts of any person who has received medical care or is financially responsible for the cost of care provided to another, where such person has the ability to pay but is unwilling to pay.

(c) "Charity care" means medical services provided by hospitals to indigent persons, to the extent that such persons are unable to pay for all or part of their care.

(d) "Cost" means the actual amount of money a hospital spends to provide each service, but not the full list price charged by the hospital for that service.

(e) "Department" means the Nassau County Department of Health.

(f) "Commissioner" means the Nassau County Health Commissioner or a designee.

(g) "Hospital" means every entity in Nassau County licensed as a general acute care hospital, as defined by section 2801 of the New York Public Health Law.

(h) "Indigent person" means a person who is low income and uninsured or who has been determined, after a needs assessment by the health care provider, to be unable to pay for all or part of his or her hospital care.

(i) "Patient" means a patient or a guardian, spouse, relative or other representative of a patient who can act for the patient with respect to information about accessing charity care.

(j) "Policies" means the hospital's criteria and procedures for the provision of charity care, including, but not limited to, the criteria for eligibility for charity care, procedures for patient and community notification of charity care availability, the application or eligibility process, the appeal

process from denials of requests for charity care, and the hospital's internal accounting procedures for charity care.

(k) "Ratio of cost-to-charge." The term cost-to-charge shall mean the relationship between the hospital's cost of providing services and the charge assessed by the hospital for the service.

§ 9-23.2 **Reporting to the department of health.** Hospitals shall submit, once a year, on or before a date set by the Commissioner, a report containing the following information:

(a).A description of the charity care policy of the hospital. Such description shall set forth, but shall not be limited to, a description of:

(1) the criteria used by the hospital to determine eligibility for charity care, including income levels , resources and all other factors taken into consideration in determining such eligibility, such as the size of family of the applicant or the existence of prior medical debt;

(2) the hospital's procedures for notifying patients about the availability of charity care, in addition to the notice required by section 9-23.3 of this title, including

(i) whether patients are notified about the availability of charity care prior to billing for services;

(ii) whether bills include information about the availability of charity care; and

(iii)whether collection agencies employed by the hospital are instructed to notify patients about the availability of charity care and the procedure for requesting it.

(3) the process by which eligibility for charity care is determined, including

(i) whether a formal application process exists, the times prior to, during and subsequent to the delivery of services at which patients may request consideration for charity care; and

(ii) the process by which a patient may appeal a denial of a request for charity care, including but not limited to the period of time during which an appeal must be filed and the time in which the hospital must determine the appeal and notify the applicant; and

(4) the collection process, including

(i) whether the hospital or its collection agency will permit installment payments and the hospital's policy for determining the amount of the installment; and

(ii) any actions taken with respect to patients for whom charity care is or has been provided pursuant to paragraph (ii) of subdivision (c) of this section, including but not limited to notification to credit companies, banks or employers.

(iii) under what circumstances the hospital or its collection agency will commence actions to garnish wages or seize patient assets.

(5) such other information as the Commissioner may determine will assist in the understanding of the administration of the hospital's policies with respect to the provision of charity care.

(b) The dollar amount of charity care provided during the prior year as specified by the department, after adjustment by the cost-to-charge ratio. Each hospital shall file a calculation of its ratio of costs-to-charges with its report. Figures representing bad debt shall not be included in the amount reported. The dollar amount of charity care reported shall specify separately (i) the dollar amount that has been provided on the basis of applications or requests from patients as set forth in paragraph (i) of subdivision (c) of this section; and (ii) the dollar amount that has been provided for episodes of patient care as set forth in paragraph (ii) of subdivision (c) of this section on the basis of recommendations from the hospital or a collection agency that the person is without assets to pay for such care.

(c).

(i) The total number of patient applications or requests, patient and third party requests for charity care;

(ii) The total number of episodes of patient care recommended for charity care after an assessment by the hospital or a collection agency for the hospital that the person is without assets to pay for such care. For the purposes of this provision, an "episode of patient care" shall mean a billable unit of services.

(iii) the total number of hospital acceptances and denials of applications for charity care received and decided during the prior year and the reasons for denials, including but not limited to the number of applicants found not to meet the hospital's criteria for charity care

and the number of applicants determined to be eligible for public assistance;

(iv) the zip code of each charity care patient's residence and the zip code of each person denied charity care;

(v) the number of individuals seeking, applying, or otherwise eligible for charity care who were referred to other medical facilities along with the identification of the facility to which the individuals were referred.

(vi) the number of persons provided charity care prior to the transmittal of accounts to collection agencies separate from the hospital;

(vii) The number of persons provided charity care prior to collection efforts and subsequent to such efforts.

(d). The total number of applicants who received hospital services within the prior year reported to the department as being charity care, the total number of episodes of patient care as defined in paragraph (ii) of subdivision (c) of this section and whether those services were for emergency, inpatient or outpatient medical care, or for ancillary services.

(e). The total dollar amount expended by the hospital for uncompensated care, including both charity care and bad debt.

(f). The average length of inpatient treatment for charity care patients

(g). The number of persons assisted by the hospital to apply for coverage under Medicaid or other insurance.

(h). Such other information as the department shall require.

§ 9-23.3 **Notification.**

(a) During the admission process or at registration, or whenever thereafter practicable and appropriate, including on a bill for services, hospitals shall provide patients with verbal notification about the hospital's policies, describing the availability of charity care, a description of the services that are covered by the charity care policy, a description of services, in any, that will not be covered, and any process necessary to request charity care. The hospital shall, on a timely basis, inform a patient who requests charity care whether or not such care will be provided, and, if such care is denied, of the procedure for appealing the denial.

(b) Hospitals shall post multilingual notices as to any policies on charity care in several prominent locations within the hospital, including but not limited to the emergency department, billing office, waiting rooms for purposes of admissions, outpatient area, and inpatient area. Such notices shall be published in at least the following languages English and Spanish: and shall be of size and placement that will enable them to be clearly visible to the public from the location where they are posted.

§ 9-23.4 **Authority to adopt rules and regulations.** The Commissioner may issue, amend and implement rules, regulations, standards, or conditions to implement the provisions of this title.

§ 9-23.5 **Hospital noncompliance.** The Department of Health shall maintain a telephone line to receive complaints by patients in connection with alleged violations of the provisions of this title. Such complaints shall be forwarded to the New York State Department of Health. No county agency shall enter into an agreement with a hospital that has failed to comply with the provisions of this title. The department shall cause to be posted on the County website a list of hospitals that have failed to comply with this title; once in compliance any such hospital shall be removed from the website.

§ 9-23.6 **Severability; consistency with federal and state law.** If any part or provision of this law, or the application thereof to any person or circumstances, is held invalid, the remainder of the law, including the application of such part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this law are severable. Nothing in this section shall be interpreted or applied so as to create any power, duty or obligation in conflict with any federal or state law.

§ 9-23.7 **Annual report.** The Nassau County Department of Health shall, no later than June 30 of each year, make an annual report to the County Executive on the information obtained from the hospitals for use including, but not limited to, future planning on the department's provision of health care to the community. A copy of such report shall be filed with the Clerk of the Legislature. Each hospital shall be provided a draft copy of the annual report. Hospitals will be allowed to provide an explanation as to the data presented in the draft annual report, which may be incorporated within the final annual report presented to the public.

(Title F added by Local Law No. 1-2003, in effect January 23, 2003, amended by Local Law 7-2005.)

TITLE G
TANNING FACILITIES

Section 9-24.0 Short Title.
9-24.1 Legislative Intent
9-24.2 Definitions
9-24.4 Applicability
9-24.5 Operating Regulations
9-24.6 Protective Eyewear
9-24.7 Posted Warning and Disclosure Required
9-24.8 Parental Consent Required
9-24.9 Records Required
9-24.10 Penalties
9-24.11 Rules

§ 9-24.0 **Short Title**. This law shall be known as the "Colette Coyne skin cancer prevention act."

§ 9-24.1 **Legislative intent.** This Legislature finds that many physicians and scientists now warn that the risks associated with sun-tanning are greater when tanning with artificial ultraviolet light. These risks include, but are not limited to, sunburn, premature aging, skin cancer, retinal damage, formation of cataracts, suppression of the immune system, and damage to the vascular system. Certain medications, cosmetics, and foods are "photosensitizing," which means that in some people they react unfavorably with ultraviolet light to produce skin rashes or burns. Sunlamps and other artificial sources of ultraviolet light are known to intensify these effects. The Legislature finds, therefore, that a local law is necessary in order to protect and promote the public health, safety and welfare of those persons who use tanning facilities in Nassau County.

§ 9-24.2 **Definitions.** As used in this title, the following terms shall have the following meanings:

"Operator" shall mean a person designated by the tanning facility owner or tanning equipment lessee to operate, or to assist and instruct the customer in the operation and use of, the tanning facility or tanning equipment.

"Customer" shall mean any individual who enters a tanning facility for the purpose of using an ultraviolet radiation device.

"Tanning facility" shall mean any location, place, area, structure, or business which provides persons access to any tanning equipment, including, but not limited to, tanning salons, health clubs, apartments, or condominiums regardless of whether a fee is charged for access to the tanning equipment.

"Tanning equipment" shall mean any device that emits electromagnetic radiation with wavelengths in the air between two hundred to four hundred nanometers used for tanning of the skin, including, but not limited to, a sunlamp, tanning booth, or tanning bed.

“Commissioner” shall mean the Commissioner of the Nassau County Department of Health.

“Person” shall mean an individual, corporation, partnership, joint venture, or any business entity.

§ 9-24.4[47] **Applicability.** This title shall apply to any tanning facility in Nassau County; provided, however, that it shall not apply to any physician duly licensed to practice medicine who uses, in the practice of medicine, medical diagnostic and therapeutic equipment that emits ultraviolet radiation or any person who owns tanning equipment exclusively for personal, noncommercial use.

§ 9-24.5 **Operating regulations.**

1. A tanning facility shall have an operator present during operating hours who is sufficiently knowledgeable in the correct operation of the tanning equipment used at the facility so that he or she is able to inform and assist each customer in the proper use of such tanning equipment.

2. The tanning facility operator shall:

(a) instruct each customer on:

(1) the proper position to maintain relative to the tanning equipment;

(2) the position of the safety railing, where applicable;

(3) the manual switching device to terminate radiation; and

(4) the maximum time of exposure permitted by the tanning facility;

(b) monitor the use of the facility to ensure that the interior temperature does not exceed one hundred degrees Fahrenheit;

(c) comply with sanitizing procedures specified by the manufacturer of the tanning equipment between users; and

[47] There is no §9-24.3

(d) Show each customer how to use suitable physical aids, such as handrails and markings on the floor, to maintain proper exposure distance as recommended by the manufacturer of the tanning equipment.

§ 9-24.6 **Protective Eyewear**.

1. A tanning facility shall provide to each customer, at no extra charge, protective eyewear for use with the tanning equipment which meet the requirements of Code of Federal Regulations, Title 21, Part 1040.20 (c)(4).

2. A tanning facility shall not permit any customer to use such facility's tanning equipment without wearing the protective eyewear required by this section.

§ 9-24.7 **Posted warning and disclosure require**d.

1. A tanning facility shall post a warning sign at the front or main entrance to such facility and within three feet of each tanning station within such facility. Such sign shall be clearly visible and legible so that it can be easily viewed by customers, having dimensions not less than seventeen inches by twenty-two inches, and shall read as follows:

Danger – Indoor tanning can be hazardous to your health and may cause skin cancer and long term eye damage as well as other eye and skin damage. Indoor tanning has no known health benefits. Exposure to either UVA or UVB rays can cause damage to the skin and eyes. You must wear protective eyewear. Medications or cosmetics may increase your sensitivity to the ultraviolet radiation. Consult a physician before using sunlamp or tanning equipment if you are using medications or have a history of skin problems or believe yourself to be especially sensitive to sunlight.

2. A tanning facility shall provide to each customer, upon his or her first visit to such facility, the following written warning, which shall be signed, witnessed and dated prior to the use of any tanning equipment at such facility and thereafter kept on file by such facility:

Danger - ultraviolet radiation warning

-Follow instructions.

-Avoid overexposure. As with natural sunlight, overexposure can cause eye and skin injury and allergic reactions. Repeated exposure may cause premature aging of the skin and skin cancer.
-Wear protective eyewear. Failure to use protective eyewear may result in severe burns or long-term injury to the eyes.
-Medications or cosmetics may increase your sensitivity to the ultraviolet radiation. Consult a physician before using sunlamp or tanning equipment if you are using medications or have a history of skin problems or believe yourself to be especially sensitive to sunlight.

I have read the above warning and understand what it means before undertaking any tanning equipment exposure. I have not attended another tanning facility within the preceding 30 days.

.....
Signature of facility operator
.....
Signature of consumer
.....
Print name of consumer
.....
Date

or

The consumer is illiterate and/or legally blind and I have read the warning statement aloud and in full to the consumer in the presence of the below signed witness.

.....
Signature of facility operator
.....
witness
.....
date

§ 9-24.8 **Parental Consent Required.**

1. No tanning facility shall permit a person under the age of eighteen to use such facility without first obtaining the signed written consent of his or her parent or legal guardian. Such consent shall consist of the parent or legal guardian signing and dating the warning statement required under § 9-24.7 of this title.

2. No tanning facility shall permit a person under the age of sixteen to use such facility unless such person is accompanied by a parent or legal guardian.

§ 9-24.9 **Records required.** A tanning facility shall maintain an record of the use of such facility by each customer which shall include the dates and durations of each customer's tanning exposures as well as his or her total number of tanning exposures at such facility, or any branch location thereof, for a period of three years after exposure.

§ 9-24.10 **Penalties.** Any tanning facility found to be in violation of any provision of this title shall be subject to a civil penalty of up to five hundred dollars ($500) for the first violation, not less than seven hundred fifty dollars ($750) and not more than one thousand dollars ($1000) for the second violation, and not less than one thousand dollars ($1000) and not more than one thousand five hundred dollars ($1500) for the third violation and each violation thereafter, which may be recovered following notice and an opportunity to be heard in a proceeding before the Commissioner of Health.

§ 9-24.11 **Rules**. The Commissioner shall promulgate such rules as are necessary to effectuate the provisions of this title.
(Added by Local Law No. 3-2005 in effect May 19, 2005)

Title H
Tobacco sales to individuals under the age of nineteen
(*In effect through August 9, 2018).*

Section 9-25.1 Legislative Intent
9-25.2 Definitions
9-25.3 Sale of tobacco products, herbal cigarettes, rolling papers or pipes to individuals under the age of nineteen prohibited
9-25.4 New York State Retail Dealer Certificate of Registration and Tobacco Vendor Education Certification of Tobacco Retailer Dealers
9-25.5 Certification requirements; recertification
9-25.6 Penalties
9-25.7 Rules and Procedure

§ 9-25.1[48] **Legislative intent**. This legislature finds that individuals are less likely to become addicted to cigarettes if they have not begun smoking before the age of nineteen. It is the intent of this title to make tobacco

[48] In effect through August 9, 2018.

products inaccessible to Nassau county's high school-aged students in order to reduce the chances that they will become addicted to cigarettes at any age.

§ 9-25.2[49] **Definitions.** As used in this title:

1. "Person" shall mean a person, firm, company, corporation, partnership, sole proprietor, limited partnership or association.

2. "Tobacco products" shall mean one or more cigarettes or cigars, bidis, chewing tobacco, powdered tobacco, nicotine water or any other tobacco products.

3. "Herbal cigarette" shall mean any product made primarily of an herb or combination of herbs, and intended to be smoked in any of the methods that tobacco is smoked, including but not limited to, as a cigarette, cigar or pipe filler.

4. "Tobacco Retail Dealer" shall mean any person who owns or operates a business in the county of Nassau at which tobacco products are sold or offered for sale to the public.

5. "Tobacco Vendor Education Certificate" shall mean a certificate issued by the Nassau county department of health.

6. "Commissioner" means the commissioner of the department of health.

7. "Department" means the Nassau county of department of health.

§ 9-25.3[50] **Sale of tobacco products, herbal cigarettes, rolling papers or pipes to individuals under the age of nineteen prohibited**

1. No tobacco retail dealer shall sell tobacco products, herbal cigarettes, rolling papers or pipes to any individual under nineteen years of age except all persons serving in the active United States armed forces.

2. Every tobacco retail dealer shall post in a conspicuous place a sign upon which there shall be imprinted the following statement, "SALE OF CIGARETTES, CIGARS, CHEWING TOBACCO, POWDERED TOBACCO, OR OTHER TOBACCO PRODUCTS, HERBAL CIGARETTES, ROLLING PAPERS OR PIPES, TO PERSONS UNDER NINETEEN YEARS OF AGE IS PROHIBITED BY NASSAU COUNTY LAW." Such sign, which shall be provided by the department, shall be printed on a white card in red letters at least one-half inch in height.

[49] In effect through August 9, 2018.
[50] In effect through August 9, 2018.

3. The sale of tobacco products or herbal cigarettes by a tobacco retail dealer, other than by a vending machine, shall be made only to an individual who demonstrates, through a driver's license or other photographic identification card issued by a government entity or educational institution indicating that such individual is at least nineteen years of age. Such identification need not be required of any individual who reasonably appears to be at least twenty-five years of age; provided, however, that such appearance shall not constitute a defense in any proceeding alleging the sale of a tobacco product or herbal cigarettes to an individual under nineteen years of age.

§ 9-25.4[51] **New York State Retail Dealer Certificate of Registration and Tobacco Vendor Education Certification of Tobacco Retailer Dealers**

1. No tobacco retail dealer shall sell or offer for sale tobacco products within Nassau county without first complying with section four hundred eighty-a of the New York state tax law and having obtained a valid New York State Retail Dealer Certificate of Registration for tobacco products and a valid Tobacco Vendor Education Certificate issued by the commissioner in accordance with section 9-25.5 of this title.

2. Every retail tobacco dealer shall conspicuously post within his or her place of business a New York State Retail Dealer Certificate of Registration for tobacco products and the Tobacco Vendor Educational Certificate issued to such dealer.

3. A copy of such certificates shall be filed with the commissioner as proof of compliance with section four hundred eighty-a of the New York state tax law and this title.

§ 9-25.5[52] **Certification requirements; recertification**

1. Every tobacco retail dealer shall attend and satisfactorily complete a tobacco sales training program given and administered pursuant to section thirteen hundred ninety nine-ee of the New York state public health law.

2. Upon presentation by a tobacco retail dealer to the commissioner of proof of attendance and satisfactory completion of such training program , the commissioner shall issue to such retail dealer a Tobacco Vendor Education Certificate.

[51] In effect through August 9, 2018.
[52] In effect through August 9, 2018.

3. A tobacco retail dealer shall obtain re-certification during each third year thereafter, within thirty days after the anniversary of the previous certification, for as long as such dealer remains in business.

§ 9-25.6[53] **Penalties**

1. Any tobacco retail dealer who sells tobacco products in violation of any provision of this title shall for the first and second offense be subject to a civil penalty of up to one thousand dollars and for the third offense within a period of thirty six (36) months, be subject to a civil penalty of up to one thousand dollars and suspension of his or her Tobacco Vendor Education Certificate for six months, which fine and certificate may be imposed and suspended, respectively, following notice and an opportunity to be heard in a proceeding before the commissioner; provided, however, that such penalties shall not be imposed in any case where a tobacco retail dealer shall have been found to have sold tobacco products in violation of Article thirteen-F of the New York state public health law, known as the Adolescent Tobacco Use Prevention Act (ATUPA)

2. The commissioner may, at his or her own discretion, deny, refuse to renew or revoke a Tobacco Vendor Education Certificate if the applicant for state registration or any person listed on the application was listed on a previous application where the registration was revoked for violations of ATUPA, or for violations of this Article.

§9.25.7[54] **Rules and procedures.** The commissioner shall promulgate such rules and procedures as are necessary to effectuate the provisions of this title.

(Added by Local Law No. 5-2006, signed on April 26, 2006, in effect August 24, 2007, except that sections 9-25.4 and 9-25.5 in effect on January 1, 2007.)

Title H

Tobacco sales to individuals under the age of nineteen[55]

(*In effect beginning August 10, 2018).*

Section
- 9-25.1 Legislative Intent
- 9-25.2 Definitions
- 9-25.3 Prohibitions
- 9-25.4 Posting of Signs
- 9-25.5 Enforcement
- 9-25.6 Violations and Penalties

[53] In effect through August 9, 2018.
[54] In effect through August 9, 2018.
[55] Local Law 8-2018 raised age to twenty-one.

9-25.7 New York State Retailer Dealer Certificate of Registration and Tobacco Vendor Education Certification of Tobacco Retail Dealers
9-25.8 Certification requirements; recertification
9-25.9 Penalties
9-25.10 Rules and Procedures

§ 9-25.1.[56] **Legislative Intent**. This Legislature hereby finds that tobacco use is the leading cause of preventable death and disease in New York State. Adolescents and young adults are uniquely vulnerable to the effects of nicotine, and a young age of initiation is strongly associated with greater nicotine dependence and greater intensity and persistence of smoking into adulthood. Underage users rely primarily on social sources, such a friends and family, to acquire tobacco, and most of these sources are likely to be between eighteen and twenty-one years old. Accordingly, raising the minimum legal age to twenty-one will mean that those who can legally obtain tobacco are less likely to be in the same social networks as high school students. Additionally, the use of electronic cigarettes, or "e-cigarettes" has become widespread amongst young people, and not only do these devices contain chemicals that can cause respiratory and heart distress, but their prevalence has normalized tobacco use. Accordingly, the purpose of this legislation is to expand its scope to include electronic aerosol delivery systems products, smoking paraphernalia, shisha, and all other products prohibited from being sold to minors by New York State Public Health Law Article 13-F ("age restricted products"), and increasing the age limitation from under age nineteen to under age twenty-one.

§ 9-25.2.[57] **Definitions.** As used in this title:

A. "Accessory": any product that is intended or reasonably expected to be used with or for the human consumption of a tobacco product; does not contain tobacco and is not made or derived from tobacco; and meets either of the following: (1) is not intended or reasonably expected to affect or alter the performance, composition, constituents, or characteristics of a tobacco product; or (2) is intended or reasonably expected to affect or maintain the performance, composition, constituents, or characteristics of a tobacco product, but solely controls moisture and/or temperature of a stored tobacco product; or solely provides an external heat source to initiate but not maintain combustion of a tobacco product. Accessory includes, but is not limited to, carrying cases, lanyards, and holsters.

B. "Age-restricted products":

[56] In effect beginning August 10, 2018.
[57] In effect beginning August 10, 2018.

i. Tobacco products, shisha, herbal cigarettes, electronic aerosol delivery systems, and smoking paraphernalia; and
ii. All other products prohibited from being sold to minors by New York State Public Health Law Article 13-F, as the same may be amended from time to time.

C. “Bidis”: A product containing tobacco that is wrapped in temburni leaf (diospyros melanoxylon or tendra leaf (diospyros exculpra), or any other product offered to consumers as “beedies” or “bidis.”

D. "Component or Part": Any software or assembly of materials intended or reasonably expected (1) to alter or affect the tobacco product's performance, composition, constituents, or characteristics; or (2) to be used with or for the human consumption of a tobacco product. Component or part excludes anything that is an accessory of a tobacco product and includes, but is not limited to e-liquids, cartridges, certain batteries, heating coils, programmable software and flavorings for Electronic Aerosol Delivery Systems.

E. "Electronic aerosol delivery system": An electronic device that, when activated, products (sic) an aerosol that may be inhaled, whether or not such aerosol contains nicotine. Electronic aerosol delivery system includes any component or part but not accessory, and any liquid or other substance to be aerosolized, whether or not separately sold. Electronic aerosol delivery system does not include drugs, devices, or combination products authorized for sale by the state or U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug and Cosmetic Act.

F. "Enforcement officer": Any police officer, public safety officer, inspector, county health inspector or other employee of the County of Nassau authorized to enforce this Title.

G. “Gutka”: a product containing lime paste, spices, areca and tobacco.

H. “Herbal Cigarette”: any product made primarily of an herb or combination of herbs, and intended to be smoked in any of the methods that tobacco is smoked, including but not limited to, as a cigarette, cigar or pipe filler.

I. “Nicotine Water”: Water that is laced with nicotine.

J. "Shisha": Any product made primarily of tobacco or other leaf or herbs, or any combination thereof, smoked or intended to be smoked in a hookah or water pipe.

K. "Smoking Paraphernalia": Any pipe, water pipe, hookah, rolling papers, vaporizer or any other device, equipment or apparatus designed for the inhalation of tobacco

L. "Tobacco Product": Any product made or derived from tobacco or which contains nicotine marketed or sold for human consumption, whether consumption occurs through inhalation or oral or dermal adsorption, including cigarettes, cigars, chewing tobacco, powdered tobacco, bidis, gutka, other tobacco products, or nicotine water. Tobacco product does not include drugs, devices, or combination products authorized for sale by the state or U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug and Cosmetic Act.

M. "Tobacco retail dealer": Any person who owns or operates a business in the County of Nassau at which tobacco products are sold or offered for sale to the public.

N. "Tobacco Vendor Education Certificate": A certificate issued by the Nassau County Department of Health.

O. "Commissioner": The Commissioner of the Nassau County Department of Health.

P. "Department": The Nassau County Department of Health.

§ 9-25.3.[58] **Prohibitions.**

A. No person shall sell or permit the sale of age-restricted products to any person under the age of twenty-one.

B. The identification requirements contained in New York State Public Health Law Article 13-F Section 1399-cc(3), as the same may be amended from time to time, are hereby incorporated into this chapter by reference, except that the age to be proven by such identification shall be twenty-one.

C. Age-restricted products may not be sold in vending machines located in the County.

D. No person operating or employed in a place of business wherein age-restricted products are sold or offered for sale shall sell, permit to be sold, offer for sale or display for sale any age-restricted product in any manner, unless such age-restricted product is stored for sale (a) behind a counter in

[58] In effect beginning August 10, 2018.

an area accessible only to the personnel of such business, or (b) in a locked container; provided, however, such restriction shall not apply to tobacco businesses as defined in subdivision eight of § 1399-aa of New York State Public Health Law Article 13-F, as the same maybe amended from item to time, and to places to which admission is restricted to persons twenty-one years of age or older.

E. No business establishment in Nassau County shall sell at retail any electronic aerosol delivery system or component or part if any part of the building in which the business is situated shall be located less than 1,000 linear feet from any property improved with a school for children who are less.than 21 years of age, or from any public park or playground. All business establishments which are currently offering at retail any electronic aerosol delivery system or component or part thereof and are located within 1,000 linear feet of a school, park or playground shall fully cease and desist from doing so upon a date not later than October 1, 2021, or else theyshall be committing a prohibited act in violation of this section.
(Subdivision E added by Local Law No. 6-2021, signed by the County Executive on April 30, 2021).

§ 9-25.4.[59] **Posting of Signs.**

A. No person shall sell or permit the sale of an age-restricted product in the County unless a notice is posted in a conspicuous place at the location where the age-restricted product is sold.

B. The sign shall provide notice, which shall state: "SALE OF CIGARETTES, CIGARS, CHEWING TOBACCO, POWDERED TOABCCO, SHISHA, BIDIS, GUTKA OR OTHER TOBACCO PRODUCTS, HERBAL CIGARETETS, LIQUID NICOTINE, ELECTORNIC CIGARETTES, ROLLING PAPERS, OR SMOKING PARAPHERNALIA, TO PERSONS UNDER TWENTY-ONE YEARS OF AGE, IS PROHIBITED BY LOCAL LAW."

C. Such sign shall be printed on a white card in red letters at least one-half inch in height. Signs shall be protected from tampering, damage, removal or concealment.

§ 9-25.5.[60] **Enforcement.**

A. The Commissioner and the Commissioner of the Department of Consumer Affairs are charged with ensuring compliance with this

[59] In effect beginning August 10, 2018.
[60] In effect beginning August 10, 2018.

section. This section shall not apply to violation of sections 9-25.7 and 9-25.8 of this Title.

B. Enforcement officers shall be authorized to serve official notices of violation of this Title.

C. Enforcement Officers from the Department of Health and the Department of Consumer Affairs shall be authorized to serve official notices of violation of this Title.

§ 9-25.6.[61] **Violations and Penalties**

Violations of any provision of this Title, exclusive of sections 9-25.7 and 9-25.8 of this Title, shall be punishable by a civil penalty of a minimum of five hundred dollars ($500), but not to exceed one thousand dollars for a first violation, and a minimum of one thousand dollars ($1,000), but not to exceed two thousand dollars ($2,000) for each subsequent violation.

(Amended by Local Law No. 4-2019, in effect on April 30, 2019).

§ 9-25.7.[62] **New York State Retailer Dealer Certificate of Registration and Tobacco Vendor Education Certification of Tobacco Retail Dealers**

A. No tobacco retail dealer shall sell or offer for sale tobacco products within Nassau County without first complying with section four hundred eighty-a of the New York State Tax Law and having obtained a valid New York State Retail Dealer Certificate of Registration for tobacco products and a valid Tobacco Vendor Education Certificate issued by the Commissioner in accordance with section 9-25.8_of this Title.

B. Every retailer tobacco dealer shall conspicuously post within his or her place of business a New York State Retailer Dealer Certificate of Registration for tobacco products and the Tobacco Vendor Education Certificate issued to such dealer.

C. A copy of such certificates shall be filed with the Commissioner as proof of compliance with section four hundred eighty-a of the New York State Tax Law and this Title.

[61] In effect beginning August 10, 2018.
[62] In effect beginning August 10, 2018.

§9-25.8[63] **Certification requirements; recertification**

A. Every tobacco retail dealer shall attend and satisfactorily complete a tobacco sales training program given and administered pursuant to section thirteen hundred ninety nine-ee of the New York State Public Health Law.

B. Upon presentation by a tobacco retail dealer to the commissioner of proof of attendance and satisfactory completion of such training program, the commissioner shall issue to such retail dealer a Tobacco Vendor Education Certificate.

C. A tobacco retail dealer shall obtain re-certification during each third year thereafter, within thirty days after the anniversary of the previous certification, for as long as such dealer remains in business.

§ 9-25.9[64] **Penalties**

A. Any tobacco retail dealer who sells tobacco products in violation of sections 9-25.7 and 9-25.8 of this Title shall for the first and second offense be subject to a civil penalty of up to one thousand dollars and for the third offense within a period of thirty six (36) months, be subject to a civil penalty of up to one thousand dollars and suspension of his or her Tobacco Vendor Education Certificate for six months, which fine and certificate may be imposed and suspended, respectively, following notice and an opportunity to be heard in a proceeding before the Commissioner; provided, however, that such penalties shall not be imposed in any case where a tobacco retail dealer shall have been found to have sold tobacco products in violation of Article thirteen-F of the New York state public health law, known as the Adolescent Tobacco Use Prevention Act (ATUPA)

B. The Commissioner may, at his or her own discretion, deny, refuse to renew or revoke a Tobacco Vendor Education Certificate if the applicant for state registration or any person listed on the application was listed on a previous application where the registration was revoked for violations of ATUPA, or for violations of this Title.

§9-25.10[65] **Rules and procedures.** The Commissioner shall promulgate such rules and procedures as are necessary to effectuate the provisions of this Title.

(Title added by Local Law No. 5-2006, signed on April 26, 2006, in full effect August 24, 2007.

[63] In effect beginning August 10, 2018.
[64] In effect beginning August 10, 2018.
[65] In effect beginning August 10, 2018.

Full title amended by Local Law No. 8-2018, in effect August 3, 2018.)

Title H-1
Limitation on Sale of Flavored E-Cigarettes and Liquid Nicotine

§ 9-25.11 **Legislative Intent**. This Legislature finds that although steps have been taken to educate the public, especially young people, regarding the dangers of smoking and nicotine addiction, e-cigarette and liquid nicotine usage has increased. The increase in e-cigarettes and liquid nicotine use among youth has a correlation to the variety of flavors. In addition, flavored liquid nicotine has also been marketed to adults as a viable smoking cessation alternative. However, studies have revealed that the large number of available flavors disproportionately attracts youth to the e-cigarette market. The flavors are also sold in pods that are promoted in the vape industry as longer lasting, higher quality, and offering stronger nicotine levels than a vape pen. The Centers for Disease Control and Prevention ("CDC") has determined that there are ingredients in e-cigarette aerosols that may also be harmful to the lungs in the long-term and flavorings may be unsafe to inhale because lungs cannot process certain substances, regardless of the age of the flavored e-cigarette and liquid nicotine user. For instance, the CDC has warned e-cigarette users that the aerosol that is inhaled from the device can contain flavoring agents such as diacetyl, a chemical that has a buttery or butterscotch flavor, that has been linked to a serious lung disease.

The May 2019 issue of Pediatrics, the official journal of the American Academy of Pediatrics, published a study conducted by the Department of Pediatrics, Renaissance School of Medicine at Stony Brook University of tobacco, e-cigarette, and marijuana use by adolescents between the ages of twelve and twenty-one. The study reveals very disconcerting data: out of the five hundred and seventeen participants, thirteen-point nine percent reported use of tobacco but almost three times as many youths, thirty-six percent, reported that they have tried e-cigarettes. In the study, researchers also analyzed two hundred and sixty-five urine samples to measure the levels of cotinine, a substance associated with e-cigarette use. Cotinine is a toxic alkaloid that metabolizes in the body from nicotine exposure. Data indicates that significantly higher cotinine levels were present in the samples taken from e-cigarette users, and unfortunately, users in the study with the highest cotinine levels either believed or did not know their e-cigarette contained nicotine. Almost eighty percent of daily e-cigarette users in the study were more likely to use the pod systems that have higher nicotine content resulting in higher levels of cotinine in their samples than nonpod users. Thus, an increase in e-cigarette use, especially the use of devices that have the highest concentration of nicotine, drastically increases the likelihood of adolescent nicotine addiction and dependence.

To protect the health, safety, and welfare of the public, especially young people, within Nassau County, it is necessary to restrict the sale of flavored e-cigarettes and liquid nicotine.

§9-25.12 **Definitions.**

A. "Accessory" shall have the meaning set forth in section 9-25.2 (A) of Title H of this chapter.

B. "Component or Part" shall have the meaning set forth in section 9-25.2(D) of Title Hof this chapter.

C. "Commissioner" shall mean the Commissioner of the Nassau County Department of Health.

D. "E-cigarette" shall mean any electronic device composed of a mouthpiece, heating element, battery and electronic circuits that provides a vapor of liquid nicotine and/or other substances mixed with propylene glycol to the user as he or she simulates smoking. This term shall include such devices whether they are manufactured as e-cigarettes, e-cigars, e-pipes, or under any other product name. The term "E-cigarette" shall also include an "Electronic aerosol delivery system" as defined in section 9-25.2 (E) of Title Hof this chapter.

E. "Enforcement officer" shall have the meaning set forth in section 9-25.2 (F) of Title Hof this chapter and shall include any other employee the Nassau.

County Department of Consumer Affairs authorized to enforce this Title

F. "Tobacco Product" shall have the meaning set forth in section 9-25.2 (L) of Title Hof this chapter.

§9-25.13 **Sale Restrictions**.

E-cigarette and liquid nicotine products may only be offered for sale within the County of Nassau if they are flavorless or tobacco, mint, or menthol flavored.

§9-25.14 **Enforcement**

A. Notwithstanding any other provision of this Title, the Nassau County Department of Health and the Nassau County Department of Consumer Affairs shall have concurrent authority to enforce this Title.

B. Enforcement officers shall be authorized to serve official notices of violation of this Title.

§9-25.15 **Violations and Penalties**

Violations of any provision of this Title shall be punishable by a civil penalty of a minimum of five hundred dollars ($500.00), but not to exceed one

thousand dollars ($1,000) for a first violation, and a minimum of one thousand dollars ($1,000), but not to exceed two thousand dollars ($2,000) for each subsequent violations.

§ 9-25.16 **Rules and Procedures.**

The Commissioner, in consultation with the Commissioner of Consumer Affairs, shall promulgate such rules and procedures as are necessary to effectuate the provisions of this Title.

§ 9-25.17 **Reverse Preemption.**

This Title shall be null and void and deemed repealed and removed from this Administrative Code on the day that any state of Federal legislation goes into effect, incorporating either the same or substantially similar provisions as are contained in this Title. The County Executive shall determine whether or not identical or substantially similar state or federal legislation has been enacted for the purposes of triggering the provisions of this section and shall advise this Legislature thirty (30) days prior to the triggering of the provisions of this section.
(Title H-1 added by Local Law No. 29-2019, in effect on January 1, 2020)

Title I

Ground Water and Public Water Supply Facts Report

Section 9-26.0. **Short Title.**

This law shall be known as the "Ground Water and Public Water Supply Facts Report Law."

Section 9-26.1. **Legislative Intent.**

The Nassau County Legislature finds that over the past twenty years, significant changes have occurred in the quality and quantity of the County's ground water resources and that such changes have had an impact on the drinking water of Nassau County. The Legislature further finds that it is essential that the County and its elected officials, as well as the water supply community and members of the public, be fully aware of the changing conditions of the drinking water supply. As ground water quality declines and drinking water is further impacted, the potential for significant increases in water prices is very likely. This problem is accentuated as New York State sets maximum contaminant levels (MCLs) for emerging chemicals that are presently unregulated, but which may be strongly regulated in the future.

The Legislature finds, therefore, that information that documents and reports on the changing conditions and quality of both ground water and the public water supply is essential for the proper administration of County and

municipal government and for a well-informed public. This is an on-going need that is presently not being met. Significantly, public water suppliers in Nassau County are required to collect extensive data at the wellheads of the water supply wells and report to the Nassau County Department of Health on a wide range of conditions and actions taken in order to comply with drinking water standards. The Legislature further finds that such information was routinely collected and published annually by the Nassau County Department of Health from approximately 1986 to 1999. In light of the current need of public officials and the general public to be more informed about ground water and drinking water conditions, it is necessary and proper to again collect, organize and publish an annual report similar to the Ground Water and Public Water Supply Facts for Nassau County of years past. The Legislature recognizes that the regulatory environment covering the public water supply community will become more complicated as new drinking water regulations are adopted. With approximately 50 public water supply systems serving the residents of Nassau County, it is important that the County remain up to date on the evolving compliance strategies developed by affected water supply systems. Therefore, it is the intent of the Legislature to reestablish the creation and dissemination of the annual report, Ground Water and Public Water Supply Facts for Nassau County.

The Legislature further concludes that the reestablishment of the Ground Water and Public Water Supply Facts annual report will provide an important compliment to the current Nassau County Ground Water Quality program to be conducted by the United States Geological Survey ("USGS"). The USGS program is a monitoring initiative involving the sampling of water from observational or monitoring wells placed at multiple depths at various sites throughout Nassau County, with a particular focus on contaminants of emerging concern. The purpose of the USGS program is to gain an understanding of the level of contaminants that have entered the aquifer system, and which may eventually reach the wellheads of water suppliers. In contrast, the data collected in the Ground Water and Public Water Supply Facts report is primarily derived from compliance testing of water supply wells, typically situated deeper in the aquifer system. Such compliance testing is conducted by public water suppliers in order to assess the condition of water being drawn from the aquifer and entering the public water supply. The resulting data, which is forwarded to the Nassau County Department of Health, will help detect the impact of conditions identified in the USGS monitoring program on the drinking water supply. Taken together, the two initiatives will constitute an important advance in our knowledge of the condition of the water supply and provide vital data to assist in protecting the health of the environment and of the public.

Finally, this Legislature is mindful of the fact that potable water is essential to sustain human life and society and that the public's right to know the condition of this vital resource is beyond dispute. The publication of the

Ground Water and Public Water Supply Facts Report will permit the public to exercise this right by providing an easily accessible compilation of data on the status of the public water supply. It is the judgment of the Legislature that as the central repository of water quality data, the Nassau County Department of Health is the most appropriate body to compile such report.

Section 9-26.2. **Definitions.**

As used in this title:

A. "Ground Water Contamination Plume" shall mean an area of degraded ground water in an aquifer resulting from migration of a contaminant from a contamination source.

B. "Department" shall mean the Nassau County Department of Health.

C. "MCL" shall mean Maximum Contaminant Level.

D. "Maximum Contaminant Level" shall mean the maximum permissible level of a contaminant in water, which is delivered to any user of a public water system by the United States Environmental Protection Agency pursuant to the federal Safe Drinking Water Act, 42 USC § 300f et seq. or by the New York State Department of Health pursuant to Title 10, Part 5, Subpart 5-1 of the New York Codes, Rules and Regulations or other applicable law.

E. "RCRA" shall mean the federal Resource Conservation and Recovery Act, 42 U.S.C. ch. 82 § 6901 et seq.

F. "RCRA site" shall mean a property currently being regulated through the RCRA program which regulates the generation, transport and disposal of hazardous materials and hazardous wastes.

G. "Report" shall mean the report referred to in Section 9-26.3 of this title.

H. "Voluntary remediation sites" shall mean contaminated properties regulated by a program established for environmental cleanup and safe brownfield development by the New York State Department of Environmental Conservation and the New York State Department of Health.

Section 9-26.3. **Annual Report on Ground Water and Public Water Supply Facts for Nassau County.**

A. The Department shall annually prepare and release a report presenting a compilation of current Nassau County ground water and public water supply information for each reporting year. The report shall be entitled "Ground Water and Public Water Supply Facts for Nassau County". The report shall be issued no later than July 31 of each year. Such report shall be based on data collected during the preceding calendar year and the title of the report shall so indicate.

B. The information in the report should follow the table of contents format of earlier versions. At a minimum, the data contained in the reports shall include, but not be limited to, the following:

1. A summary of findings;
2. Details concerning the state of the Nassau County ground water system including recent findings from such studies as the Long Island Sustainability Study and the Long Island Nitrogen Action Plan or other similar studies;
3. Details concerning the public water supply systems including all types of water treatment technologies currently employed, water pumpage data, compliance with any pumpage limitations, and water infrastructure details, including but not limited to such items as the number of water tanks, miles of water mains, and similar components of water infrastructure;
4. Details concerning water quality monitoring of public water supply wells and MCL requirements including contaminants tested for and detected, MCL compliance, and treatment facilities monitoring;
5. Details of raw water quality and recent trends of note for major pollutants detected in the raw ground water;
6. Details of programs and activities that may increase recharge of the aquifer;
7. Details on the ground water quality in water supply wells, including, but not limited to, abandoned wells and restricted wells, and the impact of major, known ground water contamination plumes placing water supply wells at risk;
8. Details regarding the control of pollution sources, including sites within state or federal superfund programs, RCRA sites, petroleum spills, and Brownfields and any other voluntary remediation sites; and
9. Additional information that from time to time may be pertinent to the informational intent of this program or provides a description of trends or changes over time.

C. In the first report issued under this new program, the Department shall determine those topics for which it would be valuable to summarize changes in trends or changes over time since the last report in 1999.

D. The report shall be delivered to the County Executive and the Presiding Officer and Minority Leader and shall be posted on the Department's website**.**

(Title I added by Local Law No. 28-2019, in effect, December 18, 2019).

Title I
Nassau County Calorie Labeling Law (Repealed)
(Repealed by Local Law No. 7-2010 in effect May 4, 2010.)

CHAPTER IX-A

(Repealed by L. 1947 Ch. 204 § 1, in effect July 1, 1947 and inserted by § 2 into Chapter XII with a new Title F.)

CHAPTER X
DEPARTMENT OF PUBLIC WELFARE

CHAPTER XI
COUNTY ATTORNEY

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Title A
In General

§ 11-1.0 **Bond of County Attorney.** The County Attorney shall give a bond in such sum as shall be fixed by the Board of Supervisors, conditioned for the faithful performance of his duties and the accounting and turning over of all moneys of the County that may come into his hands by virtue of his office.

§ 11-2.0 **Deputies to act for County Attorney.** The deputies appointed by the County Attorney shall act generally for and in the place of the County Attorney in reference to the particular branch of work assigned to them.

§ 11-3.0 **Powers and duties.**

a. The County Attorney or special counsel for the County shall not have the power to institute any action or proceeding on behalf of the County, or any of its officers, except by direction of the Board of Supervisors or the County Executive or an officer, board, commission or body having power or authority under statute to direct the starting of any such action or proceeding.
(Amended by Local Law No. 4-1945, in effect July 9, 1945.)

b. He shall not be empowered to compromise, settle or adjust any rights, claims, demands or causes of action in favor of or against the County unless authorized by the Board of Supervisors acting by resolution, or by the Board, body, commission or officer empowered by statute to direct or consent to such compromise, settlement or adjustment. However, this prohibition shall not operate to limit or abridge the discretion of the County Attorney in regard to the proper conduct of the trial of any proceeding or action at law, or to deprive such County Attorney of the powers or privileges ordinarily exercised in the course of litigation by attorneys at law when acting for private clients. He shall not permit, offer or confess judgment against the County, or accept any offer of judgment in favor of the County, unless previously duly authorized so to do by resolution of the Board of Supervisors. In connection with the

compromise or settlement of a proceeding in condemnation or eminent domain in which the County is the condemnor, the County Attorney shall seek prior approval from the Legislature for the amount of compensation to be paid by the County to the affected property owner and shall not be authorized to agree to the payment of any such compensation in the absence of such Legislative approval.
(Last sentence of subdivision b added by Local Law No. 5-2020, effective May 20, 2020).

§ 11-4.0 **Actions and proceedings.** All process and papers for the commencement of actions and legal proceedings against the County of Nassau or any agency, commission, department or bureau thereof, shall be served in accordance with the New York Civil Practice Laws and Rules, and all actions or proceedings, wherein the County of Nassau or any agency, commission, department or bureau thereof is a party shall be brought and maintained in the County of Nassau.
(Amended by L. 1941 Ch. 187 § 1, in effect March 17, 1947; amended by Local Law No. 8-1991, in effect August 13, 1991; amended by Local Law No. 1-2014, in effect January 30, 2014.)

§ 11-4.1 **Presentation of certain claims.** Any claim against the County damage, injury or death, or for invasion of personal or property rights, of every name and nature, and whether casual or continuing trespass or nuisance and any other claim for damages arising at law or in equity, alleged to have been caused or sustained in whole or in part by or because of any misfeasance, omission of duty, negligence or wrongful act on the part of the county, its officers, agents, servants or employees, must be presented in within ninety days after such damages or injury to person or property were sustained. Such claim must be presented to the person designated by law as one to whom a summons in an action in the New York State Supreme Court issued against the County may be delivered. Each claim for damages shall be verified by the claimant in the form as required for the verification of a pleading in an action and must state (1) the name and post-office address of each claimant, and of his or her attorney, if any; (2) the nature of the claim; (3) the time when, the place where and the manner in which the claim arose; and (4) the items of damage or injuries claimed to have been sustained so far as then practicable but shall not state the amount of damages to which the claimant deems himself or herself entitled, provided, however, that the County may at any time request a supplemental claim setting forth the total damages to which the claimant deems himself or herself entitled. A supplemental claim shall be provided by the claimant within fifteen days of the request. No action may be maintained against the County [or the appointee] for damages sustained as aforesaid unless (a) notice has been presented as aforesaid; and (b) it shall appear by and as an allegation in the complaint or moving papers that at least thirty days have elapsed since the service of such notice and that adjustment or payment thereof has been neglected or refused; and (c) the action is commenced within one year and ninety days the happening of the event upon

which the claim is based; except that wrongful death actions shall be commenced within two years after the happening of the death The place of trial of all actions brought against the County shall be in the County of Nassau. This section shall not apply to claims for damages or compensation for property taken for highway purposes.
(Added by L. 1942 Ch. 598 in effect September 1, 1942; amended by Local Law No. 27-2009, in effect December 10, 2009. Section 2 of such Law provided: "Nothing herein shall be construed as limiting the requirement of a notice of claim for claims arising under section 50-h of the General Municipal Law or for any other claims that have heretofore been included in section 11-4.1 of the Nassau County Administrative Code.)[66]

§ 11-4.2 **Examination on claims.**

a. It shall be the duty of the County Attorney to cause all tort claims to be thoroughly investigated. He shall have power to issue subpoenas to compel the attendance of the claimant or any other person or persons to appear, be sworn and testify before him or any deputy County Attorney relative to the claim, and when so sworn, to answer as to any facts relative to the justness of such claim. The result of such examination shall be reported to the Board of Supervisors.

b. Such subpoenas may be served at any place within the State of New York in the same manner in which subpoenas issued out of the supreme court are served. Any person who shall neglect or refuse to attend or testify in obedience to any such subpoena or to be sworn or affirmed or to answer any proper or material question may be arrested by virtue of an order of attachment, which may be issued by a county judge or a justice of the supreme court upon his own knowledge of such neglect or refusal or upon written proof of the service of such subpoena, and of such neglect or refusal, and in the absence of a satisfactory excuse thereof may be punished by such county judge or justice of the supreme court in the same manner and to the same extent as a witness neglecting or refusing to attend in obedience to a subpoena issued and served out of the County court or the supreme court. Willful false swearing before the County Attorney or any deputy County Attorney shall be perjury and punishable as such.
(Added by L. 1939 Ch. 701 § 4 in effect June 5, 1939.)

§ 11-4.3 **County Attorney relieved from payment of fees to county and town officers.**

a. It shall be unlawful for any salaried officer of the County or of the towns within the County or of the supreme court held in and for Nassau County or of the surrogate's court of Nassau County or of the County

[66] A former section having the same number was added by L. 1939 Ch. 101 and repealed by L. 1940 Ch. 457.

court of Nassau County or of the district court of Nassau County, or for any public officer who is required by law to deposit fees collected in his office in the County treasury, to receive from the County Attorney, any fee for levy, service or return of executions or other mandate or order, or for entering, filing, docketing, registering, recording of issuing any paper, record, mandate, precept or document required by law to be filed in or issued out of his office.
(Subd. a. amended by L. 1940 Ch. 223 § 1, in effect March 21, 1940.)

b. Every such officer, must upon application thereof, furnish to the County Attorney, a certified or photostatic copy, extract or transcript of any paper, record, mandate, precept or document on file in his office, or of the return upon an execution, mandate or order, without receiving thereof the fee prescribed by law.

c. The County Attorney is not required to pay a trial fee or jury fee or a fee for placing a cause upon the calendar in the supreme court held in and for the County of Nassau, or in the County court of Nassau County or in the district court of Nassau County, to the County Clerk of Nassau County or to any court clerk.
(Section added by L. 1939 Ch. 701 § 4, in effect June 5, 1939.)

§ 11-5.0 **Annual supplement to charter and code.** The County Attorney shall prepare annually a supplement to the charter and administrative code which shall indicate all additions to, repeals and amendments of any section of the charter or of the administrative code.

§ 11-5.1 **Petty cash fund.** The Board of Supervisors may authorize the County Treasurer to furnish the County Attorney with a sum not to exceed five hundred dollars for a petty cash fund. Expenditures from this fund shall be covered by itemized vouchers or claims in the name of the fund, verified by the oath of the County Attorney. Upon audit of such vouchers or claims, and by means of a warrant drawn on the County Treasurer, signed by the Comptroller, the treasurer shall reimburse to such petty cash fund the amount so audited and allowed.
(Added by L. 1940 Ch. 645 § 1, in effect April 19, 1940.)

Title B
Property of the County

Article 1 ACQUISITION AND DISPOSAL OF REAL PROPERTY

§ 11-6.0 **Definitions.** As used in this title, unless otherwise expressly

stated or unless the context or subject matter otherwise requires:

1. The term "acquisition" or "proceeding" means a proceeding to acquire title to real property by condemnation pursuant to the provisions of this title.

2. The term "county" means the County of Nassau.

3. The term "board" or "Board of Supervisors" means the Board of Supervisors of the County of Nassau.

4. The term "County Attorney" means the County Attorney of the County of Nassau.

5. The term "County Treasurer" means the treasurer of the County of Nassau.

6. The term "County Clerk" means the County Clerk of the County of Nassau.

7. The term "the court" means the County court of the County of Nassau if the acquisition is pending in the County court or a special term of the supreme court held in and for the County if the acquisition is pending in the supreme court.

8. The term "commissioners" means the Commissioners of estimate appointed by the supreme or county court, as the case may be, to ascertain and determine the compensation which ought justly to be paid to the owners of real property being acquired in an acquisition.

9. The term "owner" means a person having an estate, interest or easement in the real property being acquired or a lien, charge or encumbrance thereon.

10. The term "real property" includes all lands and improvements including works and facilities, lands under water, the water of any lake, pond or stream, any easements and hereditaments, corporeal or incorporeal, and every estate, interest, and right, legal or equitable, in lands or water, and right, interest, privilege, easement and franchise relating to the same, including terms for years and liens by way of judgment, mortgage or otherwise.

11. The term "works or facilities" means works or facilities as defined in sections twelve hundred eight, twelve hundred sixteen or twelve hundred seventeen of the charter or in section 2-2.0 of the code.

(Amended by L. 1948 Ch. 498 § 1, in effect April 4, 1946.)

12. The term "slope and fill easement" means an easement on, over and under the land within the easement area for the purpose of grading or filling such land within the easement area to support, or prevent obstruction of a highway or bridge or park or drains or sewers or other public improvement abutting such easement. The owner of land subject to a slope and fill easement as herein defined shall have the right to use such servient land for any purpose otherwise lawful, provided only that such use does not endanger or interfere with the highway, bridge, park, drain, sewer or public improvement abutting such land.
(Amended by L. 1948 Ch. 178: L. 1954 Ch. 134, in effect March 15, 1954.)

13. The term "working easement" means a temporary easement for use in connection with the construction of buildings, highways, parks, drains or works or facilities during the period of construction only.

14. The term "park" includes all state or county parks, parkways, branches, open spaces and boulevards: also approaches and entrances thereto, docks and piers and bridges in, leading to or connecting such park or parks or parts thereof, and such other rights and appurtenances as are incident thereto.

15. The term "highway" includes a state highway, county road and public place.

16. The term "days" means calendar days exclusive of Sundays and full legal holidays.

17. The term "works or facilities fund" means the fund for the acquisition, construction and maintenance of works or facilities; from this fund shall be paid the damages, costs, charges and expenses incurred by reason of the acquiring of such works or facilities.

18. The term "land acquisition fund" means the fund for acquiring by the County real property other than works or facilities; from this fund shall be paid the damages, costs, charges and expenses incurred by reason of the acquiring of such real property.

19. The term "an assessable improvement" means an acquisition which the Board of Supervisors has determined shall be paid for in whole or in part by assessments upon the real property deemed by such board to be benefited by such acquisition.

20. The term "application to condemn" means:

(a) An application to the supreme court to have the compensation which should justly be made to the respective owners of the real property being acquired, ascertained and determined by such court without a jury and, in the case of an assessable improvement, to have the cost and expense of the acquisition or such portion thereof as the Board of Supervisors shall direct, assessed by the court upon such real property as the Board may deem to be benefited thereby; or

(b) An application to the supreme court or county court, as the case may be, for the appointment of one or more sets of three commissioners of estimate to ascertain such compensation and, in the case of an assessable improvement, of one or more commissioners of assessment to assess such cost and expense upon the real property so deemed benefited by the acquisition.
(Subd. 13 added and former 13 to 19 renumbered by L. 1952 Ch. 198, in effect March 25, 1952.)

§ 11-7.0 **Authority to acquire real property.**

a. Whenever required for any public or county use or purpose, the County may acquire title in fee to real property or any interest therein either within or without the County boundaries, except that assessable improvements may be instituted only within the County. Such title or interest may be acquired by purchase, condemnation or otherwise.

b. Such acquisition, except as otherwise expressly provided herein, shall be in accordance with the provisions of this title. Compensation shall be made to the owners of the real property acquired, and, in a proper case, the cost of such acquisition, or a portion thereof may be assessed upon the real property benefited thereby. However, the cost of the acquisition by the County of works or facilities shall be defrayed as provided in section twelve hundred eleven of the charter.

c. The term "public or county use or purpose" without limiting or restricting in any way the powers of the County under this section, shall include the acquisition of lands for:

1. The purpose of obtaining pits, beds, quarries or other places for gravel, stone or other material when required for the construction, improvement, or maintenance of county roads.

2. Spoil banks for such pits, beds, quarries or other places.

3. Rights of way to such spoil banks or to such beds, pits, quarries or other places where such gravel, stone or other material may be located.

§ 11-8.0 **Authority to dispose of real property.** Notwithstanding the provisions of section two hundred fifteen of the County law, the County may sell, convey, exchange, grant, lease, release or otherwise dispose of any of its real property, apply such real property to a county use other than that for which it was acquired, or lease such property for a period not to exceed ninety-nine years at public or private sale, and grant rights or interests in, over, under and across any real property in which the County has any right, title or interest, for such consideration and upon such terms and conditions as the County Legislature may deem proper and with respect to the sale of surplus real property such terms and conditions may include purchase money mortgages, installment contract sales and any other means of selling and financing. Notwithstanding anything else to the contrary, no county property shall be sold, conveyed, exchanged, granted, released or otherwise disposed until the Nassau County Planning Commission has issued its recommendation in accordance with the following procedures:

a. Any proposal, including but not limited to a request for proposals, bid, lease, contract, or offer pursuant to which the County may sell, convey, exchange, grant, lease, release or otherwise dispose any of its real property shall be given to the Nassau County Planning Commission for its recommendation prior to being advertised or otherwise circulated. The Nassau County Planning Commission shall forward forthwith to the Nassau County Open Space and Parks Advisory Committee ("OSPAC") any proposal referred to it pursuant to this section.

b. Within thirty days from the date of receipt of such proposal, the Nassau County Planning Commission shall hold a public hearing to receive public comment regarding the disposition of said property upon such notice as required by the Public Officers Law of New York State and as follows:

    1. written notice by first class mail to the surrounding owners of property within a 150-foot radius of the subject real property;

    2. written notice by first class mail to the Chief Executive of any municipality in which the subject real property is located; and

    3. written notice to the Clerk of the Nassau County Legislature and the Nassau County Legislator in whose district the subject real property is located.

Subsequent to the public hearing referred to in this subdivision, OSPAC shall report within thirty (30) days to the Nassau County Planning Commission any recommendations it may have with respect to such proposal.

c. The Nassau County Planning Commission shall issue its written recommendations regarding the disposition of such property to the County Executive and the County Legislature within forty-five days of the conclusion of such public hearing. Such written recommendations shall include, but not be limited to a statement addressing the issue of whether an acquisition by an adjacent owner would result in a single lot that could be subdivided as of right or by variance request, and whether any covenants and restrictions were imposed as a condition of approval by the Planning Commission.

d. In making its recommendation, the Nassau County Planning Commission shall use the criteria identified in the Nassau County Planning Commission's Master Plan as developed pursuant to section sixteen hundred and four-a of the Charter and the criteria governing review by OSPAC set forth in Title 47 of the Miscellaneous Laws of Nassau County.
(Subds. b and c amended by Local Law No. 15-2007, in effect December 1, 2007; amended by Local Law No. 7-2003, in effect May 28, 2003; amended by Local Law No. 14-2001, in effect October 1, 2001; amended by Local Law No. 12-1967, in effect October 13, 1967; amended by L. 1976 Ch. 421, in effect June 21, 1976). [67][68]

§ 11-9.0 **Acquisition of lands for parkway purposes and dedication of the same within the County.**

a. Any municipal corporation within the County may acquire by purchase, gift, devise or condemnation, real property necessary, for or incidental to, the construction of a state park, parkway or boulevard or incidental to the separation of grades at the intersection of a state parkway or boulevard and a state, county, town, city or village road, highway or street within the County.

b. Any such municipal corporation may donate or dedicate such real property to the state or may release to the state for such purposes, existing rights of way or easements not needed for the requirements of the municipal corporation. Such municipal corporation may purchase options to carry out the purposes of this section in aid of the state parks and parkway system.

c. For the purposes set forth in subdivision a of this section the County may also donate or dedicate, to the state, real property which it has acquired for such purposes or it may release to the state existing rights of way or easements which are not required for county purposes.

[67] Subd. (a) – (d) are listed as 11-8.0(a), 11-8.0(b), 11-8.0(c), 11-8.0(d) in the original.
[68] Amendment required by Local Finance Law § 10.00, 11.00, 21.00, 23.00, 28.00 and 30.00.

d. The County, any town therein, any city therein, or any village therein, either alone or together with any other municipal corporation or municipal corporations may contribute toward the cost of acquisition of a state park wholly or partly within their boundaries or adjacent or near to them on the basis of probable benefit to such county or municipal corporations. In the event that a state park is acquired by agreement involving contributions by several municipal corporations, the purchase price shall be met in accordance with the terms of the agreement.
(Amended by L. 1943 Ch. 110 § 109, as last amended by L. 1945 Ch. 338, in effect September 2, 1945.)

e. If the County acquires real property for any of the purposes set forth in subdivision a of this section, such moneys may be raised by taxation or by the issuance of obligations pursuant to the local finance law. If a town acquires such real property, the money necessary therefore shall constitute a town charge and be raised by taxation or by the issuance of obligations pursuant to the Local Finance Law. If a city acquires such real property, the money therefore may be raised by taxation or by the issuance of obligations pursuant to the Local Finance Law. If a village acquires such real property, the money therefore may be raised by taxation or by the issuance of obligations pursuant to the Local Finance Law.
(Amended by L. 1943 Ch. 710 § 110, as last amended by L. 1945 Ch. 338, in effect September 2, 1945.)[69]

§ 11-10.0 **Adoption of real property acquisition procedure by municipal corporations and districts.**

a. Notwithstanding any other general, special or local law any municipal corporation or district within the County may, so far as practicable, adapt for its use the procedure for the acquisition of real property for public use provided for in this title, whenever it shall be empowered or required by law to acquire real property for such use.

b. Notwithstanding any other general, special or local law, any municipal corporation or district vested with the power of acquiring excess lands, may, so far as practicable, adopt for its use the procedure for the acquisition of excess lands provided for in article three of this title.

§ 11-10.5 **Lease of real property for county purposes.** Notwithstanding the provisions of subdivision 3 of section two hundred fifteen of the County Law and subject to the approval of the Legislature, the County is hereby

[69] Amendment required by Local Finance Law § 10.00, 11.00, 21.00, 23.00, 28.00 and 30.00.)

authorized and empowered to enter into a written agreement for the lease, rental or occupancy of real property for a term that may exceed five years.
(Added by Local Law No. 2-2004, in effect March 1, 2004, and expired May 1, 2004; added again by Local Law No. 9-2007, signed by the County Executive on May 24, 2007 and expired September 1, 2007; added again by Local Law No. 1-2008, signed by the County Executive on Feb. 13, 2008 with an expiration date of June 1, 2008; added again by Local Law No. 17-2009, signed by the County Executive on August 10, 2009, with an expiration date of October 15, 2009; added again by Local Law No. 28-2009, signed by the County Executive on December 10, 2009 with an expiration date of April, 15, 2010, added again by Local Law No. 5-2016, signed by the County Executive on July 14, 2016, with an expiration date of December 31, 2016; , added again by Local Law No. 10-2020, approved on September 23, 2020, with an expiration date of December 31, 2020.)

Article 2
Real Property Acquisition Procedure

§ 11-11.0 **Special provisions governing acquisitions without the County.**

a. Whenever real property shall be acquired in an acquisition without the boundaries of the County, references in this title to:

   1. "The County Clerk" except as referred to in subdivision b of section 11-36.0 of the code, shall refer to the clerk of the County in which such real property is situated.

   2. "The court" shall refer to the court, as otherwise defined in this title, in and for the County in which such real property is situated.

   3. "The official newspapers" shall refer to the official newspapers published in the County in which such real property is situated.

b. An assessment for benefit shall not be levied upon any real property lying outside the County of Nassau.

c. All other provisions of this title, so far as practicable, shall be deemed to apply to any acquisition without the boundaries of the County.

§ 11-12.0 **Conveyance or cession of real property to county.**

a. An owner of real property which the County is authorized to acquire by an acquisition may convey or cede the same to the County on such terms and conditions, including exemptions from assessments, as the Board may prescribe, provided such real property be free from encumbrances inconsistent with the title to be acquired by the County.

b. When a conveyance of such real property shall be accepted, the County

shall become vested with the title to the real property so conveyed to the same extent and effect as if it had been acquired in an acquisition.

c. In any acquisition the County Attorney may make settlements of compensation to be paid an owner or owners on such terms and conditions, including exemption from assessments, as shall be authorized by the Board of Supervisors.

§ 11-13.0 **Purchase of real property to be acquired in an acquisition.**

a. The Board of Supervisors may agree with the owner thereof as to the purchase price of any real property, or any part thereof, authorized to be acquired in any acquisition, and may purchase the same for and on behalf of the County.

b. The Board may authorize the County Attorney to acquire options for the purchase by the County of such real property. Each such option must be approved by the County Executive.

c. When a conveyance of such real property shall have been made to the County, the County shall become vested with title to such real property so conveyed to the same extent and effect as if it had been acquired in an acquisition.

§ 11-13.1 **Relocation allowance in acquisitions.**

a. Subject to the approval of the Board of Supervisors, the County Attorney shall fix and promulgate and, from time to time, amend a schedule of payments to be made without Interest to occupants of real property acquired as an allowance against the reasonable and necessary expenses of relocating from said property, and rules and regulations under which said relocation allowance shall be paid.

b. The relocation allowance to be paid to residential occupants shall not exceed one thousand one hundred dollars and the relocation allowance to be paid to business or commercial occupants or non-profit organizational occupants shall not exceed fifteen thousand dollars.
(Amended by Local Law No. 5-1991, in effect June 17, 1991.)

c. Upon application to the County Attorney by the applicable occupant, the relocation allowance herein provided may be paid in whole or in part at any time after vesting of title and before final award by the County Treasurer upon certification by the County Attorney as to the entitlement and amount and in accordance with such additional procedures as the County Comptroller may prescribe.
(Added by Local Law No. 2-1963, in effect March 9, 1963.)

§ 11-13.2 **Interest on settlements in acquisitions; tender.** In any settlement in a condemnation proceeding the County Attorney shall include, in addition to all other items of damages to the owner, interest on any settlement made. Such interest shall be at the maximum rate authorized by section 3 of the General Municipal Law computed from the date of vesting of title to the date of execution of the agreement by the County Executive. In the event an offer of settlement is made in writing by the County Attorney which is not accepted within twenty days, the County Attorney shall tender seventy five percent of such offer to the claimant with interest from the date of vesting. In the event such tender is not accepted within ten days, interest on the amount of such tender shall cease. No interest shall be paid on the amount of such tender on any subsequent award or settlement.
(Added by Local Law No. 4-1967, in effect April 22, 1967.)

§ 11-13.3 **[Settlements; tax apportionments.][70]** In any settlement in a condemnation proceeding the County Attorney shall include, in addition to all other items of damages to the owner, the pro rata portion of all real property taxes paid by the owner for school, county, town and village taxes, excluding all other taxes, on the condemned parcel of real property from the date of vesting of title or surrender of possession, whichever occurs later.
(Added by Local Law No. 5-1967, in effect April 28, 1967.)

§ 11-14.0 **Agreements for compensation to be awarded for the removal of structures from premises being acquired.**

a. The Board of Supervisors, prior to the purchase of the premises being acquired upon which buildings or parts of buildings or other structures are erected, or prior to the signing of the final decree of the court or final report of commissioners, as the case may be, may agree with the owner or owners thereof, in case title thereto has not vested in the County:

    1. As to the cost and compensation to be allowed and paid to them to remove such buildings or parts of buildings or other structures, and

    2. That such sum or sums shall be the compensation to be awarded or allowed for the damage done such buildings or parts of buildings or other structures by virtue of the acquisition.

Such buildings or parts of buildings or other structures shall not, in any case, be relocated or reerected within the lines of any proposed public improvement.

b. Such agreement may also be made as a condition of the sale by the

[70] Not in local law. Title supplied to facilitate use.

County, at private sale, of its interest in such buildings or parts of buildings or other structures, after vesting of title thereto, to the owner or owners of the award or awards therefor or other persons having an interest therein. The Board of Supervisors shall prescribe such conditions in the terms of sale, which, if broken, shall entitle the County to a resale of such property and which shall revest title thereto in the County.

c. The court or the Commissioners of estimate, as the case may be, shall accept such agreed amounts of compensation for the removal of buildings or parts of buildings or other structures as the amounts to be awarded as such compensation and include the same in the tentative and final decrees or reports, as the case may be.

§ 11-15.0. **Assessable improvements.**

a. An assessable improvement may be authorized by the Board of Supervisors when land is to be acquired for:

   1. Highways, including drains, slope and fill easements and the necessary incidents and appurtenances to such highways.

   2. Parks, including playgrounds and beaches.

   3. Parking fields.

b. The power to levy assessments shall not be construed to limit or in any way to restrict the power of the County to levy ad valorem taxes, in a proper case, pursuant to the provisions of section twelve hundred eleven of the charter.

§ 11-16.0 **Determination of manner of acquisition and of portion of cost to be borne by property benefited.**

a. The Board shall determine whether the compensation to be made to the owners of the real property to be acquired shall be ascertained by the supreme court, without a jury, or by three commissioners of estimate, to be appointed either by the supreme court or by the County court as the Board shall determine.

b. The Board may also determine and direct in accordance with rules adopted by it, that the whole or a specified portion of the cost of the acquisition shall be borne by the real property benefited thereby.

c. The Board may authorize two or more highways or portions thereof, to be

included in one acquisition.

d. The Board shall specify the duration of any easement being acquired.

§ 11-17.0 **Determination of the portion of the cost and expense of acquisition to be borne by the County and by the real property benefited.**

a. Whenever real property is being acquired for the purposes set forth in section 11-15.0 of the code, the Board of Supervisors may determine that all or a portion of the cost of such acquisition shall be borne by the real property benefited thereby, and it may also determine that all or a corresponding portion of the expense of the acquisition shall be borne by the real property deemed by such board to be so benefited.

b. The Board may also determine in any such acquisition that all or a portion of the expense of the office of the County Attorney incurred by reason of the provisions of this title and the expense incurred by the Department of Public Works in the preparation of any rule, damage and benefit and tax maps required by such provisions, shall be borne by the real property deemed by such board to be benefited thereby.

c. The determination of such board as to placing all or a portion of the cost and expense upon the real property deemed benefited by such improvement may, after it shall have been made and announced, be reopened and reconsidered and a change of such determination or decision made as to the portion of the cost and expense of the acquisition to be borne and paid by the real property benefited, at any time before the entry of the final decree of the court as to the assessments, or before the final confirmation of the report of the Commissioner of Assessment appointed in the acquisition, as the case may be. Such portion may be reduced but not increased. In such event, such board shall cause to be published, once each week for two consecutive weeks in the official newspapers of the County, a notice that it proposes to reopen and reconsider such determination or decision and that at a time and place specified in the notice, which time shall be not less than ten days after the first publication of such notice, the Board will hold a hearing in respect to a reopening and reconsideration of its former determination or decision, at which time it will afford a reasonable opportunity to all interested persons to be heard.

§ 11-18.0 **Sum to be equally and proportionately assessed.** The portion of the cost of the acquisition and of the expenses thereof, which the Board of Supervisors shall have directed to be borne by the real property benefited, shall be assessed by the court or by the Commissioner of Assessment, as the case may be, equally and proportionately, so far as the same may be practicable,

upon the real property which such board shall deem benefited by such acquisition. Such assessment shall be a lien and charge on the real property specified in the final decree of the court or in the report of the Commissioner of Assessment, as the case may be, from the date of the entry of such decree or of the order confirming such report and shall be collected by the County Treasurer in the manner provided by law for the collection of delinquent taxes. Nothing herein contained shall affect any agreement between landlord and tenant or other contracting parties respecting the payment of such assessment.

§ 11-19.0 **Reapportionment of the cost and expense of acquisition to be borne by the County and by the real property benefited.**

a. Notwithstanding the provisions of section 11-17.0 of the code, the Board of Supervisors, by the concurrence of two-thirds of the voting strength of such board, within five years after the date of the final confirmation of assessments for an assessable improvement, may authorize a reapportionment of the cost, or of the cost and expense of such improvement, as fixed and determined in the resolution or ordinance authorizing the institution of the acquisition therefore. Such reapportionment may reduce, but shall not increase the portion of such cost, or of such cost and expense, to be borne by the real property assessed for benefit in such improvement. All such assessments shall be proportionately reduced to conform to such reapportionment.

b. The Board shall give notice, in the manner provided in subdivision c of section 11-170 of the code, whenever it proposes to consider the advisability of such reapportionment.

c. All persons who are entitled to a refund from the County by reason of such reapportionment shall make demand therefore, in writing, upon the County Treasurer within one year from the date of the resolution or ordinance authorizing the reapportionment. Failure to make such timely demand shall constitute a waiver of such refund.

d. No interest shall be paid on any refund due as a result of a reapportionment provided for by this section.

§ 11-20.0 **Adoption of area of assessment.**

a. Whenever the Board of Supervisors shall have determined that the cost and expense of the acquisition or of a portion thereof, shall be borne by the real property benefited thereby, it shall, when directing the institution of the acquisition, or at any time before the entry of the final decree, if the acquisition be before the supreme court without a jury, or before the date of the entry of the order confirming their report, if the

acquisition be before commissioners of estimate, fix and determine upon an area or areas of assessment for benefit. The Board may review and alter such area of assessment at any time before the entry of the final decree of the court as to assessments or the entry of the order of the court confirming the report of the Commissioner of Assessment, as the case may be.

b. The Board may also divide the area or areas of assessment or partial or separate areas of assessment determined upon by it into zones or sub-areas of benefit and may direct what proportion in percentage of the cost and expense of the acquisition shall be made a charge upon and shall be distributed by the court, or by the Commissioner of Assessment, as the case may be, over and upon such zones or sub-areas of benefit in proportion to the benefit received.

c. When the Board proposes to fix an area of assessment or zone or sub-areas of benefit, it shall give notice in the manner provided in subdivision c of section 11-17.0 of the code, of the proposed area of assessment for each assessable improvement, and of the proposed zones or sub-areas of benefit contained within the entire area of assessment and of the proposed proportion in percentage of the cost and expense of the acquisition, which it may direct to be distributed within such zones or sub-areas, and of the time and place of a hearing thereon. Such notice may set forth and describe the proposed area of assessment and the zones and sub-areas thereof and the respective percentages of the cost and expense to be borne by such zones and sub-areas by a general description of the boundaries or by a diagram which shall show the same with reference to the acquisition. In accordance with such notice a hearing shall be held at which the Board shall hear all interested persons. A hearing shall be had and similar notice shall be given in the event of a proposed revision or alteration of the area or sub-area of assessment theretofore fixed by such board, or of the partial or separate areas or zones or sub-areas theretofore fixed by it, or of the percentages which it may have directed to be distributed, levied and raised upon such areas.

d. The Board shall establish uniform rules for the determination of areas and zones or sub areas of benefit and of the proportion of the cost of an acquisition to be distributed therein.

§ 11-21.0 **Acquisition of real property in villages and cities; appropriation of moneys therefor.**

a. The term "municipality" as used in this section means a city or village within the County and the term "governing board" includes the common

council and mayor of a city, and the Board of Trustees of a village.

b. If any real property being acquired in an assessable improvement lies within a municipality, the cost of the acquisition of such real property shall be estimated by the Commissioner of Public Works, who shall include in his estimate the cost of such real property and the expense necessarily incident to the acquisition thereof.

c.

1. The governing board of such municipality may, by contract with the County, provide, that the cost and expense of such acquisition, or any part thereof, shall be paid in whole or in part by such municipality, or may provide that a sum of money specified in such contract shall be paid by the municipality on account of such cost and expense, and in either event shall appropriate the money necessary for such purpose.

2. If such contract and appropriation be made by a city, the moneys therefor may be raised by taxation or by the issuance of obligations pursuant to the local finance law.

3. If such contract and appropriation be made by a village, the moneys therefor maybe raised by taxation or by the issuance of obligations pursuant to the local finance law.

4. The purposes for which such contract and appropriations may be made and such moneys raised, as provided in this subdivision, are hereby declared to be city and village purposes, as the case may be. (Subd. c amended by L. 1943 Ch. 710 § 111 as last amended by L. 1945 Ch. 338, in effect September 2, 1945.) [71]

d. After the contract has been entered into between the municipality and the County, the Board of Supervisors may determine to proceed with the proposed acquisition in such municipality. In such event, the County shall provide for the payment of the cost and expense thereof, other than that appropriated by such municipality, in accordance with the provisions of this title and of such contract.

e. Thereafter, the County Treasurer shall prepare and deliver to the treasurer or similar officer of such municipality, from time to time, as the moneys appropriated by such municipality may be required, his certificate stating the amounts required and the date or dates when payment thereof is to be made, and the treasurer or similar officer shall, out of money so appropriated, pay over to the County Treasurer the sums of money set forth in such certificate on the dates therein specified.

[71] Amendment required by Local Finance Law § 10.00, 11.00, 21.00, 23.00, 28.00 and 30.00.

The County Treasurer shall deposit such moneys to the credit of the land acquisition fund and shall disburse the same in accordance with the provisions of this title for the purposes named in the resolution of the governing board by which such moneys were appropriated. The County Treasurer shall, within sixty days after the entry of the final decree of the court, or the entry of the order confirming the report of the Commissioners of estimate, as the case may be, or within thirty days after the demand in writing by the governing board, render to such board an itemized account of the disposition of such moneys received by him.

f. Nothing in this section contained shall be deemed to alter or impair the right of the County to acquire real property in a municipality in accordance with the other provisions of this article.

§ 11-22.0 **Acquisition map; preparation and filing of.**

a. Before an acquisition is commenced the Board of Supervisors shall cause to be prepared a map of the real property affected thereby, distinctly indicating thereon the several parcels to be acquired. In all cases the parcels and lots shall be designated on the map by the same description as shall be used to designate such real property on the County tax map and land value map if available. The map shall indicate the names of the last known owners of such parcels, as recorded in the block indices of the County Clerk; and the dimensions and bounds of each such parcel. The map shall also indicate all the real property which adjoins the parcel being acquired and is in the same ownership. A certified copy of the ordinance or resolution authorizing the preparation of the map shall be filed forthwith in the office of the County Clerk.

b. Such map shall be filed in the office of the Department of Public Works. Thereupon, the Board of Supervisors shall cause to be published three times in the official newspapers of the County a notice of the filing of such map, and that at a time and place specified in the notice, which time shall be not less than twenty days from the day of the first publication of such notices the Board will hold a hearing in respect to such map, at which time it will afford a reasonable opportunity to all interested persons to make objections thereto or suggest changes therein. The clerk of the Board of Supervisors shall transmit such notice by ordinary mail to the owner as shown on such map at least ten days prior to said hearing. The failure of such owner to receive notice as required by the section shall not invalidate the proceeding or impair any title acquired pursuant to this article.
(Subds. a and b amended by Local Law No. 10, 1967, in effect June 19, 1967.)

c. After such hearing, the Board of Supervisors may modify such map and,

by ordinance or resolution, shall adopt the same with modification or without change. A certified copy of such ordinance or resolution and a copy of such map as adopted shall be filed forthwith in the office of the County Clerk.

d. The Board of Supervisors, its agents, engineers, surveyors, appraisers and such other persons as may be necessary to enable it to perform its duties under this title, are hereby authorized to enter upon any real property for the purpose of making surveys, appraisals, examinations or investigations and of preparing maps, and for such other purposes as may be necessary in the performance of its duties under this itle.

§ 11-23.0 **Additional requirements for petition and map.**
(Repealed by L. 1948 Ch. 184, in effect March 10, 1948.)

§ 11-24.0 **Supervisors, court or commissioners to be furnished maps, surveys, diagrams or plans.**

a. The Commissioner of Public Works of the County shall furnish to the Board of Supervisors, to the court or to the Commissioners of Estimate and the Commissioners of Assessment, as the case may be, such maps, surveys, diagrams or plans as shall be required by this title.

b. The court or commissioners may require such Commissioner of Public Works to furnish such surveys and maps and other information as will aid and assist the court or commissioners in the trial or determination of the acquisition.

§ 11-25.0 **County Attorney to provide clerks and offices; expenses.** The County Attorney shall furnish the court or the Commissioners of Estimate and the Commissioner of Assessment, as the case may be, such necessary clerks and other employees as may be required, and shall provide such suitable offices for the Commissioners, clerks and other employees as may be required to enable the court or commissioners, as the case may be, to fully and satisfactorily discharge the duties imposed by law. All necessary expenses and disbursements which the County, the Commissioner of Public Works of the County and the County Attorney, on behalf of the County, shall incur under the provisions of this title including expenses of title examination, shall be paid by the County Treasurer out of the land acquisition fund or the works or facilities fund as the case may be, and if provided by the Board of Supervisors, the salaries of the employees of the Department of Public Works of the County engaged in the preparation of maps, surveys and diagrams pursuant to section 11-24.0 of the code shall also be paid out of such fund. Such sums, paid or payable out of the appropriate fund, shall be included in, and taxed by, the court, upon due proof of services rendered and disbursements charged, as part of the necessary costs and expenses of the acquisition. An amount estimated

to be sufficient to cover the legally taxable costs, charges, expenses and disbursements of such Department of Public Works or of the County Attorney or of the County, which are necessary to be incurred in an acquisition, between the date to which the final bill of costs shall be made up and the date of the entry of the final decree of the court or of the order confirming the report of the Commissioners, as the case may be, shall be taxed by the court.

§ 11-26.0 **Expenses to be certified to County Attorney; inclusion in assessments.** The Commissioner of Public Works of the County shall certify to the County Attorney the expense incurred in making such maps, surveys, diagrams or plans and furnishing such information, including all expenses incurred in the examination of titles necessary to the preparation of such maps, surveys and diagrams. The expense of making computations of interest on awards, computations of assessments and other work in connection with the preparation of tentative and final decrees and reports shall be certified by the County Attorney. The whole of the expenses of the County, the County Attorney and such Commissioner of Public Works incurred by reason of the acquisition, or such part of such expenses as the Board of Supervisors shall determine, shall be included in the assessment for benefit after the same shall have been taxed by the court.

§ 11-27.0 **Notice of application to condemn where acquisition is before supreme court without a jury.** Whenever the Board of Supervisors shall have determined that the compensation to be made to the owners of the real property being acquired shall be ascertained by the supreme court without a jury, the County Attorney shall institute an acquisition, and shall give notice by advertisement published once in each week for two consecutive weeks in the official newspapers of the County, and by causing copies of such notice in the form of handbills to be posted for the same period in three conspicuous places upon or near such real property, and mail said notice by ordinary mail to the address of the last known owner of record, that he intends to make application to condemn to the supreme court at a time and place specified in such notice. Such notice shall indicate the real property to be taken by reference to the maps on file in the office of the County Clerk. In the case of an assessable improvement, such notice shall also refer to the area of assessment as fixed by the Board. Such area of assessment may be described in such notice by means of a map or diagram instead of by metes and bounds.
(Amended by Local Law No. 3-1963, in effect March 9, 1963.)

§ 11-28.0 **Presentation of petition.** The County Attorney shall present to the court a petition, signed and verified by him, setting forth:

1. The action had by the Board with reference to the acquisition.

2. The real property being acquired by a general description by metes and

bounds and by reference to a map, which shall be attached to the petition, and to the map on file in the office of the County Clerk.

3. The duration of any easement being acquired in the improvement.

4. A prayer that the compensation to be made to the respective owners of the real property being acquired be ascertained and determined by the court without a jury, and in a proper case that the cost of such acquisition, or such portion thereof as the Board shall direct, be assessed by the court upon such real property as may have been deemed by such board to be benefited thereby, in accordance with the area of assessment as fixed by such board.
(Amended by L. 1948 Ch. 184, in effect March 10, 1948.)

§ 11-29.0 **Order granting application to condemn.** At the time and place mentioned in such notice, unless the court shall adjourn the application to a subsequent day, and in that event at the time and place to which the same may be adjourned, upon due proof to its satisfaction of the publication and posting of the notice referred to in section 11-27.0 of the code, and upon the filing of such petition, the court shall enter an order granting the application. Such order shall be filed in the office of the County Clerk.

§ 11-30.0 **Acquisition before supreme court without a jury; claims by property owners; notice; filing.** Thereupon, the County Attorney shall cause to be published in the official newspapers of the County, once a week for two consecutive weeks, a notice containing a general description of the real property being acquired and a statement that the order granting the application to condemn has been filed and requiring that all owners of such property, on or before a date therein specified, shall individually file with the County Clerk a written claim or demand, duly verified in the manner required by law for the verification of pleadings in an action, setting forth the real property owned by such claimant, by reference to the map in the proceeding on file in the office of the County Clerk, and his post office address, together with an inventory or itemized statement of the fixtures, if any, for which compensation is claimed. In case such claim or demand for compensation in respect to any fixtures is made by a lessee or tenant of the real property being acquired, a copy of the verified claim or demand of such lessee or tenant, together with such inventory or itemized statement, shall be served upon the owner of such real property or upon his attorney. The claimant, or his attorney on or before the date specified in the published notice shall serve on the County Attorney a copy of such verified claim or demand.

§ 11-31.0 **Acquisition before supreme court without a jury; proof of ownership.** The proof of title to the real property being acquired, in all cases where the same is undisputed together with proof of liens or encumbrances

thereon, shall be submitted by the claimant to the County Attorney, or to such assistant as he shall designate. The County Attorney shall serve upon all parties or their attorneys, who have served upon him a copy of their verified claims, a notice of the time and place at which he will receive such proofs. If the title of the claimant be disputed, the court shall determine the ownership of such real property upon the proofs submitted to the court during the trial. In addition, the court shall have power to determine all questions of title incident to the acquisition.

§ 11-32.0 **Examination before trial of party or witness.** An acquisition shall be deemed a special proceeding, in which testimony may be taken by deposition pursuant to the provisions of article twenty-nine of the Civil Practice Act and the Rules of Civil Practice and subject to the provisions of this section. The pendency of such an acquisition shall constitute special circumstances which render it proper that the deposition of any person not an owner be taken, pursuant to section two hundred eighty-eight of the Civil Practice Act. Such deposition may be taken upon any question or issue in the acquisition and for the purpose of obtaining testimony as to any sale or lease as described in subdivision a of section 11-35.0 of the code at the instance of the County or of any owner or at the direction of the court at any time after the expiration of the date fixed for filing claims. Any owner desiring to obtain testimony by deposition shall give at least five days' notice or, if service is made through the post office, at least eight days' notice to the County Attorney and to all other owners or their attorneys who have duly filed their verifies claims. If the County Attorney shall desire to obtain testimony by deposition he shall give at least five days' notice to all owners or their attorneys who have duly filed and served on him copies of their verified claims. For the purpose of any such examination before trial brought on by an owner and noticed for and held at the office of the County Attorney or at such other place as the County Attorney shall designate, the County Attorney shall at the expense of the County provide proper stenographic service and shall furnish to the owner bringing on such examination a copy of the typewritten transcript of such examination, duly certified by the officer before whom the same was taken. In all other cases, the party bringing on such examination shall at his own cost and expense provide proper stenographic service and shall furnish to the County Attorney two copies of the typewritten transcript of such examination duly certified by the officer before whom it was taken. The deposition of a witness need not be subscribed by him, if such subscription shall be waived by the parties appearing upon his examination. The County Attorney, at the office address subscribed by him upon the papers in the acquisition, shall, from and after the date of his receipt thereof, keep on file, available for inspection by all parties to the acquisition and by any owner of property within the area of assessment, if any, a certified copy of each such deposition in the acquisition.

§ 11-33.0 **Note of Issue.**

a. After all parties who have filed verified claims, as provided in section 11-30.0 of the code, have proved their title or have failed to do so after being notified by the County Attorney of the time and place when and where such proof of title would be received by him, the County Attorney shall serve upon all parties or their attorneys who have appeared in the acquisition a note of issue thereof, and shall file such note of issue with the clerk of the court.

b. The note of issue shall be served at least ten days before, and shall be filed at least eight days before, the date designated for trial in such note of issue. It shall briefly state the title of the acquisition, the date and place of the entry of the order granting the application to condemn, the names and addresses of the parties who have filed claims, the names and addresses of their respective attorneys, and a brief statement as to the extent of the real property to be acquired.

c. The clerk of the court must thereupon enter the acquisition upon the proper calendar according to the date of the entry of the order granting the application to condemn. When a note of issue has been served and filed the acquisition must remain on the calendar until finally disposed of.

d. All acquisitions shall have preference over all other civil actions and proceedings except those actions specified in section one hundred thirty-nine of the Civil Practice Act.

§ 11-34.0 **View by court.** It shall be the duty of the justice trying any such acquisition, to view the real property being thereby acquired, and if he shall deem a view of the real property in the area of assessment necessary or useful he shall also make such view. Where title to the real property being acquired shall have been vested in the County, and buildings or improvements situated thereon shall have been removed or destroyed by the County, or pursuant to its authority, prior to the trial of the acquisition, and whereby the justice trying the acquisition is deprived of a view of the buildings or improvements so removed or destroyed, the fact that the justice has not had a view thereof shall not preclude the court from receiving at such trial testimony and evidence as to the damages sustained by the claimant by reason of the taking thereof, when offered on behalf of either the claimant or the County.

§ 11-35.0 **Trial of acquisition: evidence.**

a. Upon the trial, evidence of the price and other terms upon any sale, or of the rent reserved and other terms upon any lease, relating to any of the real property taken or to be taken or to any other property in the vicinity

thereof, shall be relevant, material and competent, upon the issue of value or damage and shall be admissible on direct examination, if the court shall find the following:

1. That such sale or lease was made within a reasonable time of the vesting of title in the County;

2. That it was freely made in good faith in the ordinary course of business; and

3. In case such sale or lease relates to other than property taken, that it relates to property which is similar to the property taken or to be taken.

No such evidence, however, shall be admissible as to any sale or lease, which shall not have been the subject of an examination before trial, either at the instance of the County or of an owner, unless at least twenty days before the trial the attorney for the party proposing to offer such evidence shall have served a written notice in respect to such sale or lease, which notice shall specify the names and addresses of the parties to the sale or lease, the date of making the same, the location of the premises, the office, liber and page of the record of the same, if recorded, and the purchase price or rent reserved and other material terms, or unless such sale or lease shall have occurred within twenty days before the trial. Such notice by the County Attorney shall be served upon all owners or their attorneys who have appeared in the acquisition, or, if served on behalf of the owner, shall be served upon the County Attorney and upon all other owners or their attorneys who have appeared in the acquisition. The testimony of a witness as to his opinion or estimate of value or damage shall be incompetent, if it shall appear that such opinion or estimate is based upon a sale or lease of any of the property taken or to be taken or of any of the property in the vicinity thereof, which shall not have been the subject of an examination before trial, unless it shall have been specified in a notice served as aforesaid or shall have occurred within twenty days before the trial.

b. Upon the trial, no map or plan of proposed streets, drains or sewers for the subdivision and improvement of any property, nor any drawing or other specification of excavation or filling or piling or of any proposed structure above or underground deemed necessary or proper to provide a foundation for a suitable or adequate improvement, or of any other structure or improvement not existing on the property on the date that title thereto may vest in the County, nor any oral or written estimate of the cost or expense of constructing the streets, drains or sewers in conformity with such map or plan, nor any oral or written estimate of the cost of making such excavation or filling or piling or of constructing any

such other proposed structure or improvement in conformity with such drawing or other specification thereof, nor any evidence of value or damage based upon any of the foregoing, shall be received in evidence, unless the party offering the same in evidence shall have served upon the adverse party, at least thirty days prior to the trial, a notice of intention to offer such evidence on the trial and of the particulars thereof, including a true copy of the map or plan or drawing and other specifications and the estimate of cost or expense to be so offered in evidence. However, when offered, such evidence shall be subject to objection upon any legal ground.

c. Upon the trial, no evidence shall be admitted as against an owner of real property being acquired, of an offer made by or on behalf of such owner, for:

    1. The sale of his property, or any part thereof, to the County.

    2. The sale or assignment of any right or title to the award or awards, or any part thereof, to be made for such property, or any part thereof.

    3. The settlement of the compensation to be paid such owner by the County for such property, or any part thereof.

d. Upon such trial, no evidence shall be admitted, as against the County, of any offer made to such owner, by or on its behalf, for:

    1. The purchase of such property, or any part thereof, by the County.

    2. The purchase of any right or title to the award or awards, or any part thereof, to be made for such property, or any part thereof.

    3. The settlement of the compensation to be paid such owner by the County for such property, or any part thereof.

§ 11-36.0 **Tentative awards and assessments.**

a. The court, after hearing such testimony and considering such proofs as may be offered, shall ascertain and estimate the compensation which should justly be made by the County to the respective owners of the real property being acquired and, in addition thereto, in the case of an assessable improvement proceeding, shall make a just and equitable estimate of the assessment of the value of the benefit and advantage of such improvement to the respective owners of the real property within the area of assessment. The court shall instruct the County Attorney to prepare separate tabular abstracts of the estimate of damage and, in a

proper case, of the estimate of assessments for benefit.

b. The County Board of Assessors shall furnish to the County Attorney duplicate sets of the tax map of the County, relating to the real property being acquired or assessed in the acquisition if available, for filing and for convenience of reference in the tabular abstract of estimated assessments. The County Clerk shall furnish to the County Attorney block and lot maps relating to such real property and shall furnish information necessary to keep the maps furnished as accurate as practicable.

§ 11-37.0 **Tentative decree; contents; where filed.**

a. The tabular abstract of the estimated damage, and, in addition thereto, in the case of an assessable improvement, the tabular abstract of the estimated assessments for benefit, respectively, shall set forth separately the amount of loss and damage, and, where necessary, in addition thereto, the amount of benefit and advantage to each and every parcel of real property affected by the proceeding, the names of the respective owners of each and every parcel of real property affected thereby, so far as the same shall be ascertained, and a sufficient designation or description of the respective lots or parcels of real property acquired and assessed by reference to the numbers of the respective parcels indicated upon the surveys, diagrams, maps or plans which shall be used by the court, or copies thereof, which, together with all of the affidavits and proofs upon which such estimates are based, shall accompany or be attached to such abstracts. The assessment against each parcel owned by the County shall be separately stated therein.

b. In the case of an assessable improvement, the court shall assess all real property within the area of the assessment adopted by the Board. In proportion to the amount of the benefit received. No parcel of real property shall be assessed more than one-half its full value. Such full value of each parcel assessed shall be set forth in the abstract.

c. Such tabular abstracts shall be signed by the justice trying the proceeding and filed with the County Clerk. When so filed such abstract or abstracts shall constitute the tentative decree of the court as to awards for damages and as to assessments for benefit, if any.

§ 11-38.0 **Notice of filing tentative decree; objections thereto.**

a. Upon the filing of the tentative decree, the County Attorney shall give notice by advertisement in the official newspapers of the County, once a week for two consecutive weeks, that such tentative decree has been

filed, that the County and all other parties interested in the acquisition, or in any of the real property affected thereby, having any objection thereto must file such objections, in writing, with the County Clerk within twenty days after the first publication of such notice, and that the County Attorney on a date specified in such notice, will apply to the justice who made the tentative decree to fix a time when he will hear the parties so objecting. Such notice shall also provide that the objections be duly verified in the manner required by law for the verification of pleadings in actions and setting forth the real property owned by the objector and his post office address. The objector shall within the same time serve on the County Attorney a copy of the objections filed by him. Upon such application the justice shall fix the time when he will hear the parties. Similar notice shall be given of the filing of any new, supplemental or amended tentative decree and for the filing of objections thereto. All notices required by this section shall also be given to the attorneys of record in the acquisition.

b. At the time fixed, the justice shall hear the person or persons who have objected to the tentative decree, or to the new, supplemental or amended tentative decree, and who may then and there appear, and shall have power to adjourn from time to time until all parties who have filed objections and who desire to be heard shall have been fully heard.

c. After the filing of the tentative decree or of any new or supplemental or amended tentative decree, no award for damages shall be diminished nor any assessment for benefit increased without notice to the owner of the real property affected or his attorney appearing in the acquisition and an opportunity given for a hearing in regard thereto before signing the final decree.

d. Notwithstanding any other provision of this section to the contrary, in the event that any individual parcel or parcels in a proceeding on the trial calendar of the supreme court is settled by the claimant or his attorney and the County Attorney, either at or prior to trial, and a stipulation of settlement is entered on the record of the court, the provisions of this section shall be waived providing no other parties are adversely affected and a final decree prepared pursuant to section 11-40.0 of the code shall be filed in the office of the County Clerk.
(Subd. d added by Local Law No. 1-1974, in effect 45 days after its adoption on December 11, 1974.)

§ 11-39.0 **Correction of errors; change of ownership.** If there be any errors in the tentative decree or in the maps, diagrams, surveys, or plans attached thereto, or if there occur between the date of the tentative decree and the time of the signing by the court of the final decree any changes in ownership resulting in changes in the size or area, by subdivision or otherwise,

of any of the parcels of real property to be acquired or to be assessed, the court may alter and correct the respective maps, diagrams, surveys or plans to show changes and may make an apportionment of any proposed assessment rendered necessary by any subdivision or other change in the size or area of any parcel assessed, between the date of the tentative decree and the time of the signing by the court of the final decree as to assessments so as to show such changes in such final decree.

§ 11-40.0 **Final decree.**

a. After considering the objections, if any, and making any corrections or alterations in the tentative decree as to awards for damages or assessments for benefit, which the court deems just and proper, the justice trying the acquisition shall instruct the County Attorney as to the preparation of the final decree. Such final decree shall consist of:

    1. The tentative decree altered and corrected in accordance with the instruction of the justice, and the final awards as determined by the court set opposite the respective damage parcel numbers in a column headed "final awards" in the tabular abstract of awards for damage and, in a proper case, the final assessments as determined by the court set opposite the respective benefit parcel numbers in a column headed "final assessments" in the tabular abstract of assessments for benefit.

    2. The award for and the assessment against each parcel owned by the County, separately stated and the total amount of all such assessments upon real property, stated in a gross sum.

    3. A statement of the facts conferring upon the court jurisdiction of the acquisition and a statement that the amounts set opposite the respective damage parcel numbers in the column headed "final award" in the tabular abstract of awards for damage constitute and are the just compensation which the respective owners are entitled to receive from the County and that the amounts set opposite the respective benefit parcel numbers in the column headed "final assessments" in the tabular abstract of assessments for benefit constitute the sums of money to be paid to the County for the benefit and advantage derived, by reason of the improvement, by the respective owners of each parcel so assessed.

    4. A statement of such other matters as the court shall require to be set forth.

    5. The maps, diagrams, surveys and plans referred to in section 11-37.0

of the code, duly corrected, and attached to the final decree, if the court so direct.

b. The final decree shall set forth also:

1. The several parcels taken or assessed by reference to the numbers of such parcels on the respective maps, diagrams or surveys, and it shall not be necessary to describe any parcel either acquired or assessed by a description by metes and bounds.

2. The names of the respective owners of the several parcels acquired and assessed for benefit so far as the same shall have been ascertained; but in all cases where the owners are unknown or not fully known to the court, it shall be sufficient to set forth and state in general terms the respective sums to be allowed and paid to or by the owner of the respective parcels for the loss and damage or for the benefit and advantage, as the case may be, without specifying their names or their estates or Interests therein, and in such cases the owners may be specified as unknown.

c. The final decree, together with all of the affidavits and proofs upon which the same is based, shall be filed in the office of the County Clerk.

d. A final decree unless set aside or reversed on appeal shall be final and conclusive as well upon the County as upon the owner of the real property mentioned therein and also upon all other persons whomsoever.

§ 11-41.0 **Notice of application to condemn where acquisition is before commissioners.**

a. In an acquisition in which the Board shall have determined that the compensation to be made to the owners of the real property to be acquired shall be ascertained by three commissioners of estimate to be appointed by the supreme court, or by the County court, as the case may be, the County Attorney shall institute the acquisition and shall give notice by advertisement published once in each week for two consecutive weeks in the official newspapers of the County, and by causing such notice in the form of handbills to be posted for the same period in three conspicuous places upon or near such real property, and mail said notice by ordinary mail to the address of the last known owner of record, that he intends to make application to the supreme court, or to the County court, as the case may be, at a time and place specified in such notice for the appointment of one or more sets of commissioners of estimate and, in the case of an assessable improvement, of one or more commissioners of assessment, as the case may be.

b. Such notice shall indicate the real property to be taken by reference to the maps on file in the office of the County Clerk, and shall refer to the area of assessment as fixed by the Board. The area of assessment may be described in such notice by means of a map or diagram instead of by metes and bounds.
(Amended by Local Law No. 4, 1963, in effect March 9, 1963.)

§ 11-42.0 **Appointment**, removal, organization and compensation of commissioners of estimate and of assessment.

a. The County Attorney shall present to the court a petition, signed and verified by him or by a deputy County Attorney, setting forth:

1. The action had by the Board with reference to the acquisition.

2. The real property to be acquired by a general description by metes and bounds and by reference to the map on file in the office of the County Clerk.

3. The duration of any easement being acquired in the acquisition.

4. A prayer that the court appoint one or more sets of three commissioners of estimate to ascertain and determine the compensation to be made to the respective owners of the real property to be acquired, and, in the case of an assessable improvement, one or more commissioners of assessment to assess the cost of the improvement or such portion thereof as the Board shall direct, upon such real property as may have been determined by such board to be benefited thereby, in accordance with the area of assessment as fixed by such board.
(Amended by L. 1948 Ch. 184, in effect March 10, 1948.)

b.

1. At the time and place mentioned in such notice, unless the court shall adjourn the application to a subsequent date, and in that event at the time and place to which the same, maybe adjourned, upon due proof to its satisfaction of the publication and posting of the required notice, and upon the filing of such petition, the court shall enter an order appointing one or more sets of three disinterested and competent resident freeholders of the County as commissioners of estimate to ascertain and appraise the compensation to be made to the owners and all persons interested in the real property sought to be taken as set forth in the petition, and in a proper case, appointing one of each such set of commissioners as Commissioner of Assessment, for the

performance of the duties prescribed in this title. The court shall assign to each such set of commissioners so much of the acquisition, in terms of damage parcels, and, in the case of an assessable improvement, in terms of areas of assessment determined by the Board of Supervisors to be benefited by the acquisition of such parcels, as shall seem proper to such court.

2. Such order shall also fix the time and place for the first meeting of the Commissioners and the time for filing of claims by owners in the manner set forth in section 11-43.0 of the code.

c. In case of the death, resignation, refusal, neglect or inability to serve, or removal of any commissioner or commissioners of estimate, the County Attorney, upon due notice to any person or persons who may have appeared in the acquisition, may apply to the court for the appointment of one or more commissioners to fill the vacancy or vacancies so occasioned.

d. The court shall have power to appoint other commissioners in place of any who shall have died, or shall refuse or neglect to serve, or be incapable of serving, or shall be removed. Such court, at any time, may remove any of such commissioners, who in its judgment, shall be Incapable of serving, or who, for any reason in its judgment, shall be an unfit person to serve as such commissioner. The cause of such removal shall be specified in the order making the same.

e. The Commissioners shall take and subscribe the oath of office required by article thirteen of the constitution and shall file the same in the office of the County Clerk.

f. After the filing of their oaths, the Commissioners shall proceed to meet and organize on the date specified in the order of the court appointing them. They shall elect one of their members as chairman. The County Attorney shall thereupon furnish the Commissioners with a clerk who shall be the clerk of the Commissioners.

g. Prior to the filling by the court of a vacancy among the Commissioners of estimate appointed pursuant to this section or in the absence of one of the Commissioners, it shall be lawful for any two of such commissioners so appointed and qualified and who shall have taken and filed their oath of office, to execute and perform the duties imposed upon them by this title. The acts, decisions and proceedings of two of such commissioners of estimate shall be as binding, valid and effectual as if all of such commissioners had concurred and adjoined therein.

h. Each commissioner appointed by the court shall be entitled to compensation at not exceeding twenty-five dollars each day necessarily employed as such and to his necessary expenses. The amount of compensation to which such commissioner shall be entitled shall be determined by the court, upon the verified accounts of such commissioners, stating in detail the number of days necessarily employed in the discharge of their duties, with the dates thereof and the nature of the services rendered. Such compensation and expenses shall be a county charge and shall be taxed in the manner provided in section 11-54.0 of the code.

§ 11-43.0 **Acquisition before commissioners; claims by property owners; notice; filing.** Upon the entry of the order appointing commissioners of estimate and in a proper case of the appointment of a Commissioner of Assessment, the County Attorney shall cause to be published in the official newspapers of the County, once a week for two consecutive weeks, a notice containing a general description of the real property being acquired and a statement that the order granting the application to condemn has been filed and requiring that all owners of such real property on or before a date thereon specified, shall individually file with the County Clerk a written claim or demand, duly verified in the manner required by law for the verification of pleadings in an action, setting forth the real property owned by such claimant, by reference to the map in the acquisition on file in the office of the County Clerk, and his post office address, together with an inventory or Itemized statement of the fixtures, if any, for which compensation is claimed. In case such claim or demand for compensation in respect of any fixtures is made by a lessee or tenant of the real property being acquired, a copy of the verified claim or demand of such lessee or tenant, together with such inventory or itemized statement, shall be served upon the owner of such real property or upon his attorney. The claimant, or his attorney on or before the date specified in the published notice shall serve on the County Attorney a copy of such verified claim or demand.

§ 11-44.0 **Acquisition before commissioners; proof of ownership.** The proof of title to the real property being acquired, in all cases where the same is undisputed, together with proof of liens or encumbrances thereon, shall be submitted by the claimant to the County Attorney or to such assistant as he shall designate. The County Attorney shall serve upon all parties or their attorneys, who have served upon him a copy of their verified claims, a notice of the time and place at which he will receive such proofs. Such proofs of title shall be submitted to the Commissioners and made part of the record. If the titles of any claimants to parcels being acquired be disputed, the Commissioners shall not have power to determine such titles, but the sums awarded as damages for the taking of such parcels shall be made payable to "unknown owners" in the report of such commissioners.

§ 11-45.0 **View by commissioners.** The Commissioners of estimate shall view the real property being acquired, and the Commissioner of Assessment, if he shall deem a view of the real property in the area of assessment necessary or useful, shall view such real property. Where title to the real property being acquired shall have been vested in the County, and buildings or improvements situated thereon shall have been removed or destroyed by the County or pursuant to its authority prior to the hearing in the acquisition, and whereby the Commissioners of estimate are deprived of a view of the buildings or improvements so removed or destroyed, the fact that such commissioners have not had a view thereof shall not preclude them from receiving testimony and evidence, as to the damage sustained by reason of the taking thereof, when offered on behalf of either the claimant or the County.

§ 11-46.0 **Hearing before commissioners; notice.** The Commissioners of estimate shall fix a day when they will meet, at a place furnished by the County Attorney, for the purpose of hearing the parties claiming an interest in the damages to be awarded by reason of the acquisition. The Commissioners shall notify the County Attorney of such day at least three weeks prior thereto. The County Attorney shall thereupon publish a notice in the official newspapers once each week for two weeks successively next preceding the day of meeting, stating in such notice the time and place when the Commissioners will meet for the purposes aforesaid. Such notice shall also state the fact that a map or maps of the acquisition have been filed in the office of the County Clerk. At the time and place of such meeting and at any adjournment thereof such commissioners shall hear proofs and allegations of all interested parties. The Commissioner or a majority of them, may adjourn the proceedings from time to time, issue subpoenas and administer oaths, and shall keep minutes of their proceedings and reduce to writing all oral evidence given before them.

§ 11-47.0 **Payment of expenses on opening of default.** The Commissioners of estimate or a majority of them, as a condition for the opening of a default, may require the party applying therefore to pay the fees of the Commissioners and the clerical expenses of the commission, for the additional meeting or meetings of the commission made necessary by the default of such parties.

§ 11-48.0 **Estimates of commissioners of estimate and of Commissioner of Assessment.** The Commissioners of estimate, or a majority of them, after hearing the testimony and considering such proofs as may be offered and after having given all parties an opportunity to offer, consider and present objections to the same, as the case may be, shall, without unnecessary delay, ascertain and estimate the compensation which ought justly to be made to the respective owners of the real property within the area of assessment and shall make a tentative report thereon.

§ 11-49.0 **Tentative reports; contents; filing.**

a. The tentative reports shall be in the form of separate tabular abstracts of the estimate of damage and of the assessments for benefit. Such abstracts shall set forth the amount of loss and damage and of benefit and advantage to each and every parcel of real property affected by the acquisition, and the names of the respective owners of such parcels of real property so far as the same may be ascertained. If the Commissioners are unable to ascertain such names, or if the titles to any of such parcels are disputed, such commissioners shall, in place of such names, insert the words "unknown owners." Such abstracts shall also contain a sufficient designation or description of such lots or parcels by reference to the numbers thereof indicated upon the maps, diagrams, surveys or plans which shall be attached to such abstracts. The Commissioner of Assessment, if any, in his tabular abstract of assessments shall assess any and all real property within the area of assessment fixed and prescribed by the Board, in proportion to the amount of benefit received. However, no parcel of real property shall be assessed more than one-half of the full value thereof, as valued by the Commissioner of Assessment. Such full value of each parcel assessed shall be set forth in such abstract.

b. Such report, together with the minutes of the proceedings of the Commissioners, and of the affidavits and proofs used by them in making their abstracts, shall be filed in the office of the County Clerk.

§ 11-50.0 **Notice of filing tentative report; objections thereto.**

a. Upon the filing of the tentative report, the County Attorney shall give notice by advertisement in the official newspapers of the County, once a week on two consecutive weeks, that such report has been filed, and that the County and all other persons interested in the acquisition, or in any of the real property affected thereby, having any objection thereto, must file such objections, in writing, with the Commissioners, within twenty days after the first publication of such notice, and stating also that such commissioners will hear parties so objecting at a place and time after the expiration of such twenty days to be specified in such notice. Such notice shall also provide that the objections shall be duly verified in the manner required by law for the verification of pleadings In actions setting forth the real property owned by the objector and his post office address. Similar notice shall be given of any new, supplemental or amended report, and for the filing of objections thereto. All notices required by this section shall be given to the attorneys of record in the acquisition.

b. At the time and place named in such notice, the Commissioners shall hear the person or persons who have objected to such report, or to the new, supplemental or amended report, and who may then appear, and shall have power to adjourn from time to time until all parties who have filed objections and desire to be heard shall have been fully heard.

c. After the filing of the tentative report, or of any new, supplemental or amended report, no award for damages shall be diminished nor any assessment for benefit increased, unless the person or persons affected by such diminution or increase, as the case may be, or their attorneys, shall have had notice thereof and opportunity of being heard by the Commissioners before their report shall be presented to the court for confirmation.

§ 11-51.0 **Correction of errors; change, of ownership.** If there be any errors in the tentative report of the Commissioners, or in the maps, diagrams, surveys or plans attached thereto, or should there occur between the date of the filing of such tabular abstracts and the time of the preparation or signing of the final report as to damages and as to assessments for benefit, any changes in ownership resulting in changes in the size or area by subdivisions or otherwise in any of the parcels of real property being acquired, or being assessed, the Commissioners of estimate or the Commissioner of Assessment, as the case may be, may alter and correct the respective maps, diagrams, surveys or plans and the Commissioner of Assessment may make an apportionment of any proposed assessment rendered necessary by any subdivision or other change in the size or area, of any parcel assessed, between the date of the filing of the tabular abstracts and time of the signing by the Commissioners of their final report.

§ 11-52.0 **Final report of commissioners.** After considering the objections, if any, which have been filed, and making any corrections or alterations in their report or in the maps, diagrams, surveys or plans attached thereto, which the Commissioners of estimate, or a majority of them, or which the Commissioner of Assessment shall find are just and proper, such commissioners shall sign such reports and file the same with the County Clerk within thirty days of the date of the advertised hearing as provided in section 11-50.0 of the code unless such time be extended by the court appointing the Commissioners. Such final report as to benefit shall separately state the assessment against each parcel owned by the County, and shall state the total amount of all assessments against real property in a gross sum. Upon filing the final reports, the Commissioners shall notify the County Attorney that such report or reports have been signed and filed.

§ 11-53.0 **Proceeding after signing final report.**

a. The County Attorney shall immediately after the receipt of notice from the Commissioners of the signing of their final report or reports give notice in writing to all persons, or their attorneys, who had filed objections to such report or reports or who had appeared in the acquisition that, at a time and place specified in such notice, he will apply to the court for an order to confirm or set aside such report or reports.

b. It shall be the duty of the justice or judge hearing such motion, nor to taking any action with respect thereto, to view the real property being acquired, and if he shall deem a view of the real property in the area of assessment necessary or useful, he shall also make such view. Where title to the real property being acquired shall gave been vested in the County, and buildings or improvements situated thereon shall have been removed or destroyed by the County or pursuant to its authority, prior to such motion, and whereby such justice or judge is deprived of a view of the buildings or improvements so removed or destroyed, such fact shall not preclude the court from action upon such motion.

c. Upon such motion, the court may confirm the report, or may set it aside for irregularity or other error of law in the proceedings before the Commissioners, or upon the ground that the award is excessive or insufficient or that the assessment for benefit, if any, was not properly made.

d. If the report is set aside, the court may direct a rehearing before the same commissioners, or may appoint new commissioners for that purpose, and the proceedings upon such rehearing shall be conducted in the manner prescribed for the original hearing, and the same proceedings shall be had for the confirmation of the second report as are herein prescribed for the confirmation of the first report.

e. The final report, together with all of the affidavits and proofs upon which it is based, and the order of the court confirming it, shall be filed in the office of the County Clerk. The final report, unless the order confirming it is set aside or reversed on appeal, shall be final and conclusive as well upon the County as upon the owners of the real property mentioned therein and also upon all other persons whomsoever.

§ 11-54.0 **Costs, charge, and expenses; taxation thereof.**

a. The fees of commissioners, and the other costs, charges or expenses shall not be charged or paid or allowed for any services performed under this title unless the same shall be taxed by the court after notice given as herein provided.

b. A bill of costs, charges and expenses shall be filed in the office of the County Clerk by the County Attorney at least ten days before the same shall be presented for taxation. All such costs, fees and expenses or disbursements which by law are required to be taxed, shall be stated in detail in the bill of costs, charges and expenses and shall be accompanied by such proof of the reasonableness thereof and of the necessity therefore, as is required by law and the practice of the court upon taxation of costs and disbursements in other special proceedings or actions in such court. There shall be annexed a statement of the amounts, if any, previously taxed, to whom such amounts are payable and the date of such taxation.

c. The County Attorney shall publish a notice of the time and place of taxing such costs, charges and expenses, by advertisement, once in each week for two weeks in the official newspapers of the County. Thereupon, such costs, charges and expenses shall be taxed by a justice of the Supreme Court, or by the County judge, as the case may be, or by a referee under special order of such justice or judge, and before the final decree or final decrees of the court or the report or reports of the

   Commissioners as the case may be, shall be prepared. Upon such taxation due proof of the nature and extent of the services rendered and the disbursements charged shall be furnished and no unnecessary costs, charges or expenses shall be allowed.

d. The County Attorney shall present to the justice, judge or referee upon such taxation, his certificate in writing which shall state that the items of costs, charges and expenses have been audited and examined by him and shall set forth the result of such audit and examination. The certificate of the County Attorney shall be presumptive evidence of the correctness, reasonableness and necessity of such costs, charges and expenses.

e. Property owners appearing in acquisitions instituted pursuant to this title shall not be entitled to recover counsel fees, costs, disbursements or allowances, except as provided in section 11-74.0 of the code.

f. On the taxation of the final bill of costs, there may be a relaxation of any bill previously taxed in the same acquisition, if sufficient reason therefore be made to appear.

§ 11-55.0 **Separate and partial tentative and final decrees and reports.**

a. The Supreme Court without a jury or the Commissioners of estimate and

the Commissioner of Assessment, as the case may be, upon the authorization of the Board of Supervisors, may make a separate and partial tentative decree or report, as the case may be, and a separate and partial final decree or report, as the case may be, embracing the entire real property being acquired, or successive sections or parcels thereof.

b. Whenever a separate and partial tentative and final decree or decrees or report or reports, as the case may be, shall have been authorized, the County Attorney shall file in the office of the County Clerk a surveyor map showing the part of the real property being acquired as to which a separate and partial tentative and final decree or report, as the case may be, has been authorized, subdivided into parcels corresponding with separate ownerships thereof, so far as ascertained, and the County Attorney and the court or commissioners, as the case may be, shall proceed with the ascertainment and determination of the damages with relation to the real property shown on such partial damage map in the same manner as provided for the ascertainment and determination of damages with relation to the entire real property embraced in an acquisition.

c. In case a separate and partial final decree or decrees, or report or reports, as the case may be, as to damage, and no such final decree or report as to benefit shall have been made or filed in the acquisition and the justice who made and filed the separate and partial final decree or decrees as to damage shall have died or retired from the bench, or become incapacitated for any reason, or if the Commissioner of Assessment shall have died, or shall refuse or neglect to serve, or be incapable of serving, or shall be removed prior to the making and filing of his separate and partial final report as to benefit, the County Attorney and the court or the Commissioners of estimate and the Commissioner of Assessment appointed in place and stead of the one disqualified, as the case may be, shall proceed with the ascertainment and determination of damage and benefit with relation to the remaining real property damaged and the real property benefited in the same manner as provided for the ascertainment and determination of damage and benefit with relation to the entire real property being acquired and shall make a separate and partial tentative and final decree or report, as the case may be, as to damage and benefit with respect to all the real property being acquired or benefited, which shall not have been included in prior separate and partial final decrees or reports, as to damage. All provisions of this title relating to tentative and final decrees shall apply to the separate and partial final decrees as to damage and benefit so made.

d. Where, for any reason, all the real property being acquired in any acquisition shall have been Included in a separate and partial final

decree or decrees of the court, as to damage, and no final decree as to benefit shall have been made or filed, the clerk of the court, upon the application of the County Attorney shall place the acquisition on the special term calendar of the court as a preferred cause. When reached on the calendar, the acquisition shall be assigned to a justice who shall consider the assessments for benefit and give directions to the County Attorney as to the preparation of a tabular abstract of estimated assessments for benefit in pursuance of the authorization of the Board of Supervisors. When the tabular abstract shall have been prepared in accordance with such directions, such justice shall sign the same and cause it to be filed in the office of the County Clerk. When so filed such abstract shall constitute the tentative decree as to benefit, and the same proceedings shall be had with relation thereto as are provided by this title with relation to tentative decrees as to damage and benefit embracing the entire property affected by an acquisition. When such proceedings shall have been duly had with relation to such tentative decree as to benefit only, a final decree as to benefit only shall be made and filed, which shall have the force and effect provided by this title with relation to a final decree as to both damage and benefit embracing the entire real property affected by the acquisition.

e. Where, for any reason, all the real property being acquired in any acquisition shall have been included in a separate and partial report or reports of the Commissioners of estimate, as to damage, and no final report as to benefit shall have been made or filed, the court, in a proper case, shall appoint a Commissioner of Assessment who shall consider the assessments for benefit and prepare a tabular abstract of estimated assessments for benefit and the same proceedings shall be had with relation thereto as are provided by this title with relation to tentative reports as to damage and benefit embracing the entire property affected by an acquisition. When such proceedings shall have been duly had with relation to such tentative report as to benefit only, a final report as to benefit only shall be made and filed, which shall have the force and effect provided by this title with relation to a final report as to both damage and benefit embracing the entire real property affected by the acquisition.

§ 11-56.0 **County Treasurer to publish notice of decree or confirmation of report.** Immediately after the filing of the final decree of the court as to assessments for benefit or the entry of the order confirming the report of the Commissioner of Assessment, as the case may be, for any acquisition provided for in this title, the County Attorney shall transmit to the County Treasurer a duplicate copy of the final decree of the court or a duplicate copy of the report of the Commissioner of Assessment, together with a certified copy of the order of confirmation, as the case may be, relating thereto. Notwithstanding any

other provision of law requiring any other or different notice of assessments and interest thereon, the County Treasurer shall publish notice by advertisement once in each week for two consecutive weeks, in the official newspapers of the County, that the final decree of the court as to assessments for benefit has been filed or that the report of the Commissioner of Assessment has been confirmed, as the case may be, specifying the title of the acquisition, the date of the filing of the final decree of the court as to assessments for benefit or the date of the entry of the order confirming the report of the Commissioner of Assessment, as the case may be, and also the date of entry in the "record of assessments confirmed" kept in his office, notifying all persons, owners of the real property affected by any such assessment, that unless the amount assessed for benefit on any parcel of real property shall be paid within sixty days after the date of such entry of any such assessments, interest shall thereafter be collected thereon as provided in section 11-68.0 of the code. A copy of such notice with a bill shall be mailed by the County Treasurer to each owner of real property affected whose address is known to such County Treasurer.

§ 11-57.0 **Appeal to the appellate division.**

a. The County or any party or person affected by the acquisition and aggrieved by the final decree of the court therein as to awards or as to assessments, or either of them, or by the order of the court entered on the motion to confirm the report of the Commissioners of estimate or of the Commissioner of Assessment, or either of them, may appeal to the appellate division of the supreme court of the judicial department in which such acquisition was had. Such appeal must be taken within thirty days after notice of the filing of such final decree. Except as herein otherwise provided, such appeal shall be taken and heard in the manner provided by the civil practice act and the rules and practice of the court in relation to appeals from orders in special proceedings. The appeal shall be heard and determined by the appellate division upon the merits both as to matters of law and fact. The determination of the appellate division shall be in the form of an order.

b. The appeal shall be heard upon the evidence taken by the court or such part or portion thereof as the justice who made the decree may certify, or upon the evidence taken before the Commissioners or such part or portion thereof as the justice or judge who made the order confirming the report of the Commissioners may certify, or the parties to such appeal may agree upon as sufficient to present the merits of the questions in respect to which such appeal shall be taken.

c. The taking of an appeal by any person or persons shall not operate to stay the proceedings under this title, except as to the particular parcel of

real property with which the appeal is concerned. The final decree of the court or the order of the court confirming the report or reports, as the case may be, shall be deemed to be final and conclusive upon all parties and persons affected thereby, who have not appealed. An appeal taken but not prosecuted within six months after the filing of the notice of appeal, unless the time within which to prosecute the same shall have been extended by an order of the appellate court, shall be deemed to have been abandoned and no agreement between the parties extending the time within which such appeal may be prosecuted shall vary the provisions hereof.

d. When a final decree of the court or a report or reports of commissioners shall be reversed on appeal, the court or the Commissioner of Assessment, as the case may be, shall have power to make such additional assessments for benefit as may be necessary.

§ 11-58.0 **Appeal to court of appeals.**

a. An appeal to the court of appeals may be taken by the County or any person or party affected by the acquisition and aggrieved by the order of the appellate division. Such appeal shall be taken and heard in the manner provided by the civil practice act and the rules and practice of the court of appeals in relation to appeals from orders in special proceedings.

b. An appeal taken but not prosecuted within six months after the filing of the notice of appeal, unless the time within which to prosecute the same shall have been extended by an order of the court of appeals, shall be deemed abandoned, and no agreement between the parties to the appeal extending the time to prosecute the same shall vary the provisions hereof.

c. The court of appeals may affirm or reverse the order appealed from, and may make such order or direction as shall be appropriate to the case.

d. If the final decree or decrees of the court, or the final report or reports of the Commissioners, shall be reversed by the court of appeals, the court or the Commissioner of Assessment, as the case may be, shall have power to make such additional assessments for benefit as may be necessary.

§ 11-59.0 **Land acquisition fund.** There shall be a land acquisition fund set up by and under the jurisdiction of the County Treasurer, into which shall be paid:

1. The proceeds of all sales of real property of the County, except works or facilities or such real property as may be acquired in the course of enforcing the collection of taxes.

2. All collections of assessments, levied in assessable improvements, and the interest collected thereon.

3. The proceeds of the sale of county obligations authorized to be issued to replenish such fund.

4. Such sums of money, raised by taxation, as shall be directed by the Board of Supervisors.

5. All awards of damages to the County in any acquisition or other condemnation proceedings involving real property of the County, other than works or facilities.

6. Such other amount as may be directed by law.

§ 11-60.0 **Land acquisition bonds and temporary notes.**
(Repealed by L. 1943 Ch. 712, as last amended by L. 1945 Ch. 339, in effect September 2, 1945.)

§ 11-61.0 **Works or facilities fund.**

a. There shall be a works or facilities fund, set up by and under the jurisdiction of the County Treasurer, into which shall be paid, to the credit of the separate accounts to be set up by the County Treasurer for each acquisition of works or facilities:

    1. Such sums raised by taxation, pursuant to section twelve hundred eleven of the charter, as shall be directed by the Board of Supervisors, for each such acquisition.

    2. The proceeds of the sale of bonds, notes or other certificates of indebtedness, issued for each such acquisition.
    (Subd. 2 of paragraph a, amended by L. 1943 Ch. 710 § 112, as last amended by L. 1945 Ch. 338, in effect September 2, 1945.)[72]

b. There shall also be paid into the fund:

    1. The proceeds of all sales of works or facilities of the County.

[72] Amendment required by the repeal of borrowing provisions of §211 of the Charter by section 103 and 104 of Part Two of Local Finance Law

2. All awards of damages to the County in any acquisition or other condemnation proceeding, involving works or facilities of the County.

3. Such other amounts as may be directed by law.

§11-62.0 **Advance payments by County.**

a. Whenever title to the real property being acquired by the County shall have become vested, the Board of Supervisors may authorize the County Treasurer to pay to the person entitled to an award for such real property a sum to be determined by the Board of Supervisors in advance of the final determination of damages. The sum authorized to be paid under this section as an advance payment shall be one and one-half times the assessed value of the property so taken in such acquisition, but in no event exceeding sixty per centum of the County Attorney in such acquisition, which amount shall be certified to the County Treasurer by the County Attorney. Before any such advance payment shall be made, the County Treasurer shall procure the certificate of the County Attorney showing that the person to whom payment is to be made is the person legally entitled to receive the same. If the Board of Supervisors shall authorize an advance payment under this section interest on the sum authorized to be paid shall cease to run on and after a date five days after such person shall have been notified by mail or otherwise that the treasurer is ready to pay the same.

b. In case the person entitled to an award at the date of the vesting of title to the real property in the County shall have transferred or assigned his claim, such transfer or assignment made by him, or by his successor in interest or legal representative, shall not become binding upon the County unless the instrument or instruments evidencing such transfer or assignment shall have been executed and filed in the office of the County Treasurer as provided in section 11-66.0 of the code, prior to any such advance payment.

c. Whenever real property acquired by the County is less than an entire plot, the Board of Assessors, at the request of the Board of Supervisors or of the County Attorney shall immediately apportion the assessed valuation of such real property.
(Subd. a amended and Subd. c added by Local Law No. 10, 1964, in effect December 10, 1964.)

d. In case an advance payment shall have been authorized and the person entitled thereto shall have been notified by mail or otherwise that the County Treasurer is ready to make such advance payment, interest on the amount so authorized to be paid in advance from a date five days after notification by such treasurer that he is ready to make such

advance payment to the time the person entitled thereto shall accept such advance payment, shall be deducted by such treasurer on paying the awards therefore from such award.

§ 11-63.0 **Payment of damage, cost, charges and expenses.**

a. All damages awarded by the court, with interest thereon from the date of vesting title, shall be paid by the County to the respective owners mentioned or referred to in such final decree, or in the report of the Commissioners of estimate, as the case may be, and all costs, charges and expenses which may be taxed shall be paid by the County to the persons and parties in whose favor such costs, charges or expenses shall be taxed. Damages awarded as compensation shall be payable immediately upon the entry of the final decree of the court, or upon the entry of the order confirming the report of the Commissioners of estimate, as the case may be.

b. Interest shall cease to run:

    1. On the sums awarded as damages to known owners ten days after they shall have been notified by the County Attorney that the County Treasurer will pay the amount of the award at his office.

    2. On the sums awarded as damages to known owners, in those cases where the County Attorney has not so notified such owners, six months after the date of the filing of the final decree or after the date of the entry of the order confirming the report of the Commissioners of estimate, as the case may be, unless within that time demand therefore, in writing, be served upon the County Treasurer.

    3. On the sums awarded as damages to unknown owners or persons under legal disability from the date of the order directing the same to be retained by the County Treasurer or to be paid into court as provided by section 11-64.0 of the code.

    4. On the sum or sums awarded as damages to an owner who shall have filed notice of appeal from the final decree of the court or from the order confirming the report of the Commissioner of estimate, as the case may be, ten days after notification by the County Attorney that the treasurer will pay the amount of such award at his office. The acceptance by such owner of such award shall not prejudice an appeal to have a greater sum awarded as damages.

c. Such damages, posts, charges and expenses shall, except in an

acquisition for works or facilities, be paid from the land acquisition fund. In the case of an acquisition for works or facilities such damages, costs, charges and expenses shall be paid from the particular account, in the works or facilities fund, for the acquisition of such works or facilities.

d. The owners to whom an award shall be made in such acquisitions, and the person in whose favor costs and expenses may be taxed, shall not have an action at law against the County for such awards, costs or expenses, but the court in which such acquisitions shall have been had, upon the application of any such owner or person, in case of the failure of the County Treasurer to pay the same, within thirty days after demand therefore, shall by order require and direct such treasurer to pay such awards, costs and expenses from the appropriate fund, and enforce such order in the same manner as other orders of such court are enforced. (Subd. e, Repealed by L. 1943 Ch. 712, as last amended by L. 1945 Ch. 339, in effect September 2, 1945.)

e. However, when real property without the boundaries of the County shall have been acquired in the acquisition, such owner or person, in case of the failure of the County Treasurer to pay such sums within thirty days after demand therefore, may sue for and recover the same, with such lawful interest and the costs of suit. In any proper form of action against the County in any court having cognizance thereof, and in which it shall be sufficient to declare generally for so much money due the plaintiff or plaintiffs therein by virtue of the provisions of this title for real property taken for the County purpose or purposes acquired. The final decree of the court or the report of the Commissioners and order confirming such report, and the order or orders taxing such costs, charges and expenses, shall be conclusive evidence in such suit or action, and shall entitle plaintiff or plaintiffs to judgment therein.

§ 11-64.0 **Moneys of persons under disability, how disposed of; moneys paid to persons not entitled thereto.**

a. When an owner, in whose favor an award shall have been made pursuant to acquisitions under this title, is under legal disability or unknown, or absent from the County, or when the name of the owner shall not be set forth or mentioned in the final decree or in the report of the Commissioners of estimate, as the case may be, or when the owner, although named in such decree or report, cannot upon diligent inquiry be found, or where there are adverse or conflicting claims to the money awarded as compensation, the court in which the acquisition is pending, upon the application of the County, or of any persons entitled thereto, or claiming to be interested in the real property for which such awards have been made, or any part thereof, shall direct either that the same be retained by the County Treasurer, or be paid into the court, until the title

thereto, or the respective estates and interests of all parties therein shall be determined by the court. Upon such application, the court shall take the proof and testimony of the claimant or person interested in the real property for which such award has been made, or refer the matter to a referee for such purpose.

b. Payment of an award to a person named in the final decree of the court or the report of the Commissioners, which has been confirmed by the court, as the case may be, as the owner thereof, if not under legal disability shall, in the absence of notice in writing to the County Treasurer of adverse claims thereto, protect the County.

c. Where an award shall be paid to a person not entitled thereto, the person to whom it ought to have been paid may sue the one to whom the award shall have been paid. The person entitled to the award shall recover the award with lawful interest and costs of suit as so much money had and received.

§ 11-65.0 **Purchase of awards by the County.** In any acquisition, in which title to the real property being acquired therein shall have become vested in the County prior to the entry of the final decree of the court, or of the order confirming the report of the Commissioners, as the case may be, the Board of Supervisors shall have power and is hereby authorized to purchase or to approve the purchase on behalf of the County from the individuals or corporations who were the owners of such real property at the date of vesting of title thereto, or their successors in interest, or legal representatives, their right and title to the award or awards, or any part thereof, to be made in such proceeding and to take an assignment thereof to the County. If such owner or owners or their successors in interest or legal representatives shall have transferred or assigned such claim, such transfer or assignment made by such owner or owners, or by their successors in interest or legal representatives shall not become binding upon the County unless the instrument or instruments evidencing such transfer or assignment shall have been executed and filed in the office of the County Treasurer as provided in section 11-66.0 of the code, prior to the completion of such purchase by the County.

§ 11-66.0 **Instruments assigning or pledging awards; notices of lien or claim; filing of.**

a. In case of the pledge, sale, transfer or assignment of an award by the person entitled to receive the same by virtue of the final decree of the court, or the report of the Commissioners, as the case may be, or by other order of the court, the instrument evidencing such pledge, sale, transfer or assignment acknowledged or proved for the recording of transfer of real property, shall be filed in the office of the County

Treasurer, who shall indorse on such instrument its number and the hour, day, month and year of its receipt. If an assignment of an award be contained in an instrument recorded in an office in which instruments affecting real property are by law required to be recorded, a certified copy thereof may be filed in the office of the County Treasurer in place of the original. Such instruments or assignments shall be subject to all the provisions of this article.

b. An index shall be kept in alphabetical order under the name of the pledgor or assignor and also the pledgee or assignee, stating the title of the acquisition, the time of the filing of the instrument, the file number thereof, and the portion of the award assigned thereby. A memorandum of the file number of the instrument shall be made by the County Treasurer on the duplicate decree of the court or the duplicate report of the Commissioners, as the case may be, opposite the place where the amount of the award so assigned is set forth.

c. Every such instrument not so filed shall be void as against any subsequent pledgee or assignee of the same award or of any portion thereof, who obtained the same in good faith and for a valuable consideration from the same pledgor or assignor, his heirs, administrators or assigns, and the assignment of which is first duty filed in the office of the County Treasurer. Payment to the assignee or pledgee shown to be entitled to the award by such record in the office of the County Treasurer shall protect the County from liability to any other person or persons.

d. Verified notices of attorneys' liens and any other verified notices of liens or claims against any person to whom an award or sum of money shall be payable as the result of an acquisition shall be filed in the office of the County Treasurer. Such notices shall be filed in the same manner as pledges, sales, transfers, and assignments of awards. Failure to file such liens shall protect the County in its payment of the award to which the lien was attached.

§ 11-67.0 **Assessments: set-off, lien.**

a. If an owner to whom an award shall have been made in the final decree of the court as to awards or in the confirmed report of the Commissioners of estimate, as the case may be, also owns real property against which an assessment in the final decree of the court as to assessments for benefit or in the report of the Commissioner of Assessment, as the case may be, shall have been entered for collection in the same acquisition, he may, at any time prior to receiving payment of the award, apply to the County Treasurer to have the award set off

against the assessment, and thereupon such set-off shall be made as of the date of entry of the assessment for collection. If the award exceeds the assessment, the County shall be liable for interest only on the amount of such excess, if the assessment exceeds the award, the owner assessed shall be liable for interest on the amount of such excess as if no set-off had been made.

b. If it shall appear by the final decree of the court as to awards or by the report of the Commissioners of estimate, as the case may be, or otherwise, that a person entitled to an award also owns property against which an assessment in the same acquisition shall have been entered for collection, the County may, without the assent of the person entitled to the award, set off the assessment against the award. Such set-off shall be made by the County in the same manner and have the same effect as if made on the application of the person entitled to the award.

c. A lien for the amount of any assessment in a proceeding shall attach to any award made in such acquisition provided that such award be made either:

    1. To any person who was the owner of any real property at the time of the commencement of such proceeding, on which real property or any part thereof, an assessment has been levied in the proceeding; or

    2. To anyone who claims by or through such person.

§ 11-68.0 **Interest to be charged on assessments if not paid within sixty days.** If any such assessment shall remain unpaid for the period of sixty days after the date of entry thereof in the "record of assessments confirmed," the County Treasurer shall charge, collect and receive interest thereon at the rate of seven per centum per annum to be calculated to the date of payment from the date when such assessment became a lien as provided by section 11-18.0 of the code.

§ 11-69.0 **Payment of assessments in installments.**

a. Upon the application in writing of the owner of a parcel of real property affected by an unpaid assessment for benefit confirmed after the first day of January, nineteen hundred thirty-two, the amount of which exceeds three per centum of the valuation of such parcel, exclusive of improvements thereon, made in the annual assessment for the purpose of taxation in the calendar year next preceding such confirmation, the County Treasurer shall divide the assessment upon such parcel into ten parts as nearly equal as may be. One part thereof in any event shall be due and payable, and in each case as many more of such parts shall be

due and payable as years may have elapsed since the entry of such original assessment for collection. Such parts thereof with interest at the rate of seven per centum per annum on the amount of the assessment unpaid, shall be paid within ten days after such division as, a condition of the extension of time of payment of the remainder as provided in this section.

b. Upon payment of such parts and interest the balance of such assessments shall cease to be a lien upon such real property except as hereinafter provided, and the remaining parts shall be paid in annual installments as herein provided. After the time therein specified for the annual installment and interest to become due, the amount of the lien thereof shall bear interest at the rate of seven per centum per annum. The installments not due, with interest at the rate of five per centum per annum to the date of payment, may be paid at any time.

c. In the event of the acquisition of any property upon which there are installments not due, such installments shall become due as of the date of the entry of the final decree of the court as to the assessment for benefit, or of the entry of the order confirming the report of the Commissioners in such acquisitions, as the case may be, and shall be set off against any award that may be made for the property acquired.

d. When an award for damage shall accrue to the same person who is, or who was at the time the assessment was confirmed, liable for the assessment for benefit on the abutting property in the same proceeding, only the portion of the assessment in excess of such award may be considered in levying installments under the provisions of this title.

e. Except as provided in this section, no such annual installments shall be a lien or deemed to be an encumbrance upon the title to the real property assessed until it becomes due as herein provided.

f. Upon requisition of the County Treasurer for the assessed valuation of the real property affected by any assessment, the Board of Assessors of the County shall forthwith certify the same to the County Treasurer.

§ 11-70.0 **Payments on account of assessments.** The County Treasurer shall accept and credit as payments on account of assessments now or hereafter levied against any parcel or plot of real property in an acquisition, such sums of money not less than fifty dollars or multiples thereof in amount as may be tendered for payment on account of any such assessments.

§ 11-71.0 **Vesting of title in county.**

a. Should the Board of Supervisors at any time deem it for the public interest that the County shall become vested with the title or interest being acquired in fee or otherwise of, to or in all or any, of those parcels of real property, including slope and fill easements, indicated on the map or maps filed pursuant to the provisions of this title and described in the petition, such Board of Supervisors may direct by ordinance or resolution, to become effective upon one week's notice published in the official newspapers of the County, that upon the date of the entry of the order granting the application to condemn, if the application be before the supreme court without a jury, or, upon the date of the filing of the oaths of the Commissioners of estimate, as the case may be, or upon a specified date after either, but not later than the date of filing the final decree of the court, or the entry of the order confirming the report of the Commissioners, as the case may be, the title or interest being acquired shall be vested in the County. A certified copy of such ordinance or resolution and the affidavit of publication shall be filed forthwith in the office of the County Clerk. Such title or interest shall vest in the County for the time and purposes determined by the Board and authorized by this Title.

b. In all cases, the title or the interest sought to be acquired shall vest in the County upon the filing of the final decree of the court or upon the entry of the order confirming the report of the Commissioners of estimate, as the case may be.

c. The reversal on appeal of the final decree of the court or of the order of confirmation, as the case may be, shall not divest the County of title to the real property affected by the appeal.

d. The County, upon becoming vested with the title or interest being acquired, may immediately or at any time or times thereafter take possession of the same or of any part or parts thereof without any further action or proceeding at law.
(Former subdivision b repealed and former subdivisions c, d, and e relettered b, c, and d by L. 1942 Ch. 586 sections 1 and 2, in effect April 30, 1942.)

§ 11-72.0 **Effect of vesting on contracts of landlord and tenant or other contracting parties.**

a. Where the whole of any lot or parcel of real property under lease or other contract shall be taken by virtue of this title, all the covenants, contracts and engagements between landlord and tenant or any other contracting parties, respecting the same, or any part thereof, upon the vesting of the title in the County, shall cease and determine and be absolutely discharged.

b. Where part only of a lot or parcel of real property, so under lease or other contract, shall be so taken, all contracts and engagements respecting the same, upon such vesting of title shall cease, determine and be absolutely discharged as to the part thereof so taken, but shall remain valid and obligatory as to the residue thereof.

§ 11-73.0 **Amendments of defects.** The court at any time may amend any defect or informality in any notice, petition, pleading, order, report, or decree in a proceeding authorized by this title, or cause real property affected by such defect, informality or lack of jurisdiction to be excluded therefrom, or other real property affected by such defect, informality or lack of jurisdiction to be included therein by amendment, upon ten days' notice, published and posted as provided by this title for the institution of an acquisition and may direct such further notices to be given to any party in interest as it shall deem proper.

§ 11-74.0 **Discontinuance of acquisition by Board of Supervisors.**

a. The Board of Supervisors may discontinue any acquisition commenced for the purposes provided for in this title as to the whole or a part of the real property to be acquired in such proceeding, at any time before title to such real property to be thereby acquired shall have vested in the County, and may cause new proceedings to be instituted for the condemnation of such real property. The ordinance or resolution of the Board declaring any such proceeding discontinued shall affect the discontinuance of such proceeding or such part thereof as may be discontinued thereby.

b. In the event of such discontinuance, the reasonable actual case disbursements, necessarily incurred and made in good faith by any party interested, shall be paid by the County after the same shall have been taxed by the justice or judge of the court in which the proceeding is pending, or by a referee under his special order, provided the application to have such disbursements taxed shall be made and presented to such court within one year after the adoption of the ordinance or resolution of the Board discontinuing the proceeding in whole or in part. The County Attorney shall be given ten days' notice of the application for such taxation. The amounts taxed as disbursements shall be due and payable thirty days after written demand for payment thereof shall have been filed with the County Treasurer.

§ 11-75.0 **Grants to owners abutting certain tope protection easements**. The Board of Supervisors may agree with owners respecting the extent and use of casements for slope protection and may grant to owners of land abutting upon lands acquired by the Board for the purposes set forth in and pursuant to the authority conferred by section 11-9.0 of the code, rights-of-way over and

access to lands so acquired upon such terms and for such considerations, as to the Board may seem reasonable and proper.

§ 11-76.0 **Pending proceedings.** If, at the time this code takes effect, a proceeding instituted by the County for the acquisition of real property shall be pending, and the final decree of the court or the order confirming the report of the Commissioners, has not been filed therein, then such proceeding shall thereafter be conducted to completion in the manner provided by this article.

b. The provisions in this article relating to the showing and setting forth in petitions or upon maps of assessed valuations of real property to be acquired shall apply only to acquisitions authorized by the Board of Supervisors after the first day of July, nineteen hundred forty.

Article 3
Excess Lands Acquisition Procedure

§ 11-77.0 **Definitions.** As used in this article, unless otherwise expressly stated, or unless the context or subject matter otherwise requires:

1. The term "project" means the laying out, widening, extending or relocating of a park or highway.

2. The term "excess lands" or "additional lands" or "additional real property" means the real property in addition to the real property needed or required for a project.

3. The term "block" means such extent of a proposed or existing highway affected by a project, as lies between the points at which such highway intersects legally existing highways.

§ 11-78.0 **Construction.** The provisions of this article shall be construed as supplementing and extending the effect of the provisions of article two of this title so as to provide for the acquisition of title to additional lands in connection with a project. Nothing in this article contained shall be construed as limiting the effect of the provisions of article two of this title in their application to the acquisition of title to real property required for a project when acquired in an acquisition in which additional lands shall or shall not be acquired nor to the levying of assessments for benefit in such acquisitions, except as the provisions of article two of this title are in this article expressly so limited in their application.

§ 11-79.0 **Power to condemn excess lands.** The County, in acquiring real property for any project, may acquire more real property than is needed for the

actual construction of such project. The Board of Supervisors may authorize the County to acquire additional real property in connection with any project, and direct (that the same be acquired with the real property to be acquired for such project. Such additional real property, however, shall be not more than sufficient to form suitable building sites abutting on the project. The title which the County shall acquire to additional real property shall in every case be a fee simple absolute. Additional real property shall be acquired by the County in connection with a highway project only when the title acquired for such project shall be in fee. When the Board of Supervisors shall have authorized the acquisition of title to additional real property in connection with a project, title to such additional real property shall be acquired by the County in the manner and according to the procedure, except in such respects as in this article set forth, provided for the acquisition of title to the real property required for the project and in the same acquisition in which title to the real property required for the project shall be acquired.

§ 11-80.0 **Amendment of acquisition to include or exclude excess lands.** After the institution of an acquisition for a project, the Board of Supervisors may amend such acquisition by authorizing the acquisition of lands additional to those required for the project, provided that title shall not have vested in the County to any parcel of real property being acquired for the project, between legally existing highways, embracing the additional lands sought to be acquired. The Board may also amend any acquisition so as to exclude any or all additional lands being acquired therein, provided title to such additional lands shall not have vested in the County. Thereafter such acquisition shall be conducted in the same manner as if the additional lands included or excluded by the amendment had been included or had not been included in the acquisition at the time of the institution thereof.

§ 11-81.0 **Acquisition maps to be prepared.** When the Board of Supervisors shall authorize the acquisition of additional real property in connection with any project, it shall cause to be prepared and it shall adopt a map showing the real property to be acquired for the project and such additional real property in connection with the real property to be acquired for the project, in the same manner as an acquisition map is caused to be prepared and adopted in an acquisition in which no additional lands are being acquired.

§ 11-82.0 **Petition and notice.** When the Board of Supervisors shall have authorized the acquisition of additional real property in connection with any project, such additional real property shall be separately described in the notice of application to condemn and in the petition presented on any such application, and shall be separately shown on the map attached to the petition and on the acquisition map in the proceeding. Such notice and petition shall state what part of the real property to be condemned is required for the project,

and what part thereof is to be acquired as additional real property. The acquisition of such additional real property, when authorized by such board, shall be deemed to be for a public purpose.

§ 11-83.0 **Vesting of title; seizing; possession.**

a. In an acquisition in which additional real property shall be acquired, the Board of Supervisors may direct that on the date of the entry of the order granting the application to condemn by the supreme court without a jury, or appointing commissioners of estimate, as the case may be, or on a date thereafter, but not later than the date of filing the final decree of the supreme court or of the entry of the order confirming the report of the Commissioners of estimate, as the case may be, specified in the ordinance or resolution of the Board, the title to the whole but not less than the whole of such additional real property to be acquired in the proceeding shall vest in the County. Such ordinance or resolution shall also direct the vesting in such county, simultaneously, of the title to all of the real property being acquired in the acquisition. In a proceeding involving the acquisition of title to additional real property required for a highway, however, the Board shall not be required to vest, at one time, the title to all the additional real property to be acquired, provided that:

    1. In vesting title to parts of such additional real property every such part shall be of at least a block length along the project, and that no fractional portion of a block shall be contained in any such part.

    2. Such board shall also direct that all the real property required for the highway in such block or blocks shall vest in the County simultaneously.

b. Upon the date of entry of the order granting the application to condemn or appointing commissioners of estimate, as the case may be, or upon such date thereafter, as may be specified by such board, but not later than the date of filing the final decree of the supreme court or of the entry of the order confirming the report of the Commissioners of estimate, as the case may be, the County shall be and become seized in fee simple absolute of such additional real property. In all other cases, except as herein otherwise provided, title in fee simple absolute to such additional real property as may be acquired in any such proceeding shall vest in the County upon the filing of the final decree of the court or the order confirming the report of the Commissioners of estimate, as the case may be, as to such additional real property. The reversal on appeal of such final decree or order, or of any part thereof, shall not operate to divest the County of title to any of the real property so acquired. In an acquisition in which excess lands shall be acquired, the Board shall not

have power to direct the vesting of title in the County to the real property required for the project without also directing the vesting of title in the County, simultaneously, to the excess lands being acquired in such proceeding in connection with the project except that the Board may direct, in the manner provided in subdivision a of this section, shall vest in the County in any block of such highway abutting which no excess lands are taken.

c. In any proceeding in which excess lands shall be acquired, when title to any part less than the whole of the real property required for the highway in anyone block thereof shall vest in the County, upon and by virtue of the entry of the final decree of the court as to awards or of the order confirming the report of the Commissioners of estimate, as the case may be, title to the remainder of the real property required for the highway in the same block and title to the additional lands to be acquired in the proceeding abutting on such highway in the same block, shall vest in the County simultaneously. The reversal on appeal of such final decree or such order of the court, or of any part thereof, shall not operate to divest the County of title to any of the real property so acquired for the highway in the same block or to the additional lands abutting thereon.

d. Upon the vesting of title, as in this section provided, to any such additional lands and to lands required for the project, the County, or any person adding under its authority, may immediately, or at any time thereafter, take possession of the additional lands so vested and of the real property required for the project so vested, or any part or parts thereof, without any suit or proceeding at law for that purpose.

§ 11-84.0 **Ascertainment of damages where part of parcel is taken for a project and remainder as excess lands.**

a. Where part of a parcel of real property shall be acquired for a project, and the remainder or a portion of the remainder of such parcel in the same ownership shall be acquired in the same proceeding as excess lands, the portion of the damages due to the acquisition of the real property required for the project shall be determined and stated separately from the entire damage due to each such owner. In determining the damages due to the acquisition of so much of such parcel as may be required for the project, the same rule shall be applied as would govern the determination of damages for the taking of the real property required for such project in case no excess lands were acquired. Where part of a parcel of real property shall be acquired for the project, and the remainder or a portion of the remainder thereof in the same ownership shall be acquired in the same proceeding as excess lands, the damages due to the acquisition of title to the real property required for

the project shall, in every case, equal the amount which would be awarded to such owner in case only that part of his real property, which shall be required for the project were acquired.

b. Nothing in this section contained shall be construed to authorize the award to an owner, part of whose real property is taken for the project, and the remainder or a portion of the remainder of whose property is taken as additional lands, of any greater amount of compensation than such owner would be entitled to by reason of the taking of his real property for the project and as additional lands, considered together as one parcel.

§ 11-85.0 **Sale and lease of acquired excess lands.** After title in the real property required for the project, and to the additional lands, shall have vested in the County, the additional lands may be either held and used by the County or sold or leased. The Board of Supervisors may provide that such additional lands shall be sold or leased subject to such restrictions, covenants or conditions as to location of buildings with reference to the real property acquired for the project, or the height of buildings or structures, or the character of construction and architecture thereof, or such other covenants, conditions or restrictions, as it may deem proper. Such additional lands shall be sold or leased subject to such restrictions, covenants, or conditions, if any, as the Board of Supervisors may have prescribed, which shall be set forth in the instrument of conveyance or lease.

CHAPTER XI-A
UNLAWFUL USE OF COUNTY PROPERTY

Section 11-A-1.0 Legislative Intent.
11-A-2.0 Definitions.
11-A-3.0 Penalties.
11-A-4.0 Enforcement.
11-A-5.0 Interpretation.
11-A-6.0 Exemptions.
11-A-7.0 Separability.

§ 11-A-1.0 **Legislative intent.** The Nassau County Legislature hereby finds and determines that the dumping of automobiles, junk, fill, clippings, wood, branches, trash and other materials and items has occurred and is occurring at various properties, owned, maintained, leased or managed by Nassau County throughout the various areas of Nassau County. In addition, the Legislature further finds that Nassau County beaches may be polluted by the unauthorized and improper dumping of medical and infectious waste. As a result of this situation Nassau County parks, beaches and other properties owned, maintained, leased or managed by Nassau County are becoming unsightly, unsanitary, potentially hazardous and environmentally endangered areas. Substantial penalties for dumping of refuse, rubbish, litter and/or medical and/or infectious waste on property which is owned, maintained, leased or managed by Nassau County are required to maintain the quality of the environment and condition of such property and in order to deter those who violate the law.

§ 11-A-2.0 **Definitions.** Unless otherwise expressly stated in this chapter, the following terms shall have the following meanings:

a. "County property" shall mean any land which is owned, maintained, leased or managed by Nassau County for any purpose whatsoever, including but not limited to parks, preserves, beaches, streams, lakes, ponds and drains thereon, including all property at Mitchel Field and Nassau Community College.

b. "Person" shall mean any individual, company, partnership, corporation, limited partnership, joint venture or other legal entity.

c. "Refuse" or “litter” shall mean all putrescible and nonputrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, paper, commercial handbills, commercial placards, posters, wrappings, cans, yard clippings, leaves, wood, glass, and solid market and industrial wastes.

d. “Waste” shall mean any liquid or solids suspended or floating within any liquid or any organic or inorganic chemicals whether solid, liquid or gaseous other than water which is potable and qualifies for drinking by humans.

e. “Medical waste” shall mean:

(1) Cultures and stocks, cultures and stocks of infectious agents and associated biological, including: cultures from medical and pathological laboratories; cultures and stocks of infectious agents from research and industrial laboratories; wastes from the production of biological: discarded live and attenuated vaccines and culture dishes and devices used to transfer, inoculate, and mix cultures.

(2) Pathological Wastes, human pathological wastes, including tissues, organs, and body parts and body fluids that are removed during surgery or autopsy, or other medical procedures, and specimens of body fluids and their containers.

(3) Human and Blood Products, (a) liquid waste human blood; (b) products of blood; (c) items saturated and/or dripping with human blood; or (d) items that were saturated and/or dripping with human blood that are now caked and dried human blood; including serum, plasma, and other blood components, and their containers, which were used or intended for use in either patient care, testing and laboratory analysis or the development of pharmaceuticals. Intravenous bags are also included in this category.

f. "Infectious waste" shall mean and include the following:

(1) Surgical waste, which consists of materials discarded from surgical procedures involving the treatment of a patient on isolation, other than patients on reverse or protective isolation;

(2) Obstetrical waste, which consists of materials discarded from obstetrical procedures involving the treatment of a patient on isolation, other than patients on reverse or protective isolation;

(3) Pathological waste, which consists of discarded human tissues and anatomical parts which are discarded from surgery, obstetrical procedures, autopsy and laboratory procedures;

(4) Biological waste, which consists of discarded excretions, exudates, secretions, suctionings, and disposable medical supplies which have come in contact with these substances that cannot be discarded directly into a sewer and that emanate from the treatment of a

patient on isolation, other than patients on reverse or protective isolation;

(5) Discarded materials soiled with blood emanating from the treatment of a patient on isolation, other than patients on reverse or protective isolation;

(6) All waste being discarded from renal dialysis, including tubing and needles;

(7) Discarded serums and vaccines that have not been autoclaved or returned to the manufacturer or point of origin;

(8) Discarded laboratory waste which has come in contact with pathogenic organisms and which has not been rendered non-infectious by autoclaving or other sterilization techniques;

(9) Animal carcasses exposed to pathogens in research, their bedding and other waste from such animals that is discarded; and

(10) Other articles, that are being discarded that are potentially infectious and that might cause punctures or cuts, including hypodermic needles. Intravenous needles and intravenous tubing with needles attached, that have not been autoclaved or subjected to a similar decontamination technique and crushed or otherwise rendered incapable of causing punctures or cuts.

§ 11-A-3.0 **Violations.**

a. It shall be a violation for any person to leave, dispose of or otherwise fail to place in authorized receptacles any litter or waste with a gross weight of less than ten pounds upon or within any county property, or to induce another person to take such action. Where public receptacles are not provided, all litter shall be carried away from county property by the person responsible for its presence and lawfully disposed of elsewhere.

It shall be presumed that if any article of litter bears a person's name and address, that such person disposed of such litter or induced another person to do so in violation of this law; provided, however, that such presumption shall be rebutted by suitable evidence.

b. It shall be a violation of this chapter punishable by civil fine or as a misdemeanor to dump, leave or dispose of medical or infectious waste upon or within any county property, or to induce another person to dump, leave or dispose of such waste.

c. It shall be a violation of this chapter punishable by civil fine or as a misdemeanor for any person to dump or in any other manner place or deposit refuse or waste with a gross weight of ten or more pounds upon or within any county property, or to induce another person to dump or deposit such refuse or waste, except where a specific permit and/or authorization has been issued by the department or office having jurisdiction thereof.

d. It shall be a violation of this chapter punishable by civil fine or as a misdemeanor for any person to willfully discharge any waste or other material into, within or upon any county property that is a drain, sewage receptacle, storm water conduit, storm water basin or other part of a drainage or sewage system, or to induce another person to willfully discharge such waste or other material into such a system, without prior permission or authorization by the department or office having jurisdiction thereof except as otherwise provided by law.

§ 11-A-4.0 **Penalties.** A violation of subdivision a of section 11-A-3.0 of this title shall be punishable by a fine of not less than two hundred fifty dollars nor more than one thousand dollars. A second violation of subdivision a occurring within five years of the date of a first violation shall be punishable by a fine of not less than five hundred dollars nor more than two thousand dollars. A third and any subsequent violation of subdivision a occurring within such five -year period shall be punishable by a fine of not less than one thousand dollars nor more than five thousand dollars. Each day during or on which a violation occurs or continues shall constitute a separate violation subject to penalty under this subdivision.

b. A violation of subdivision b of § 11-A-3.0 shall be punishable by a fine of not less than one thousand dollars nor more than five thousand dollars or imprisonment of up to fifteen days, or both. Any subsequent violation of subdivision b occurring within five years of the date of first violation shall be punishable by a fine of not less than two thousand dollars nor more than seventy-five hundred dollars or imprisonment of up to fifteen days, or both**.**

c. A violation of subdivision c of § 11-A-3.0 shall be punishable by a fine of not less than one thousand dollars nor more than ten thousand dollars or imprisonment of up to fifteen days, or both. Any subsequent violation of subdivision c occurring within five years of the date of first violation shall be punishable by a fine of not less than two thousand dollars nor more than fifteen thousand dollars or imprisonment of up to fifteen days, or both**.**

d. A violation of subdivision d of § 11-A-3.0 shall be punishable by a fine of

not less than one thousand dollars nor more than ten thousand dollars or imprisonment of up to fifteen days, or both. Any subsequent violation of subdivision d occurring within five years of the date of first violation shall be punishable by a fine of not less than two thousand dollars nor more than fifteen thousand dollars or imprisonment of up to fifteen days, or both**.**

e. In addition to any other penalty provided herein, the County Attorney is hereby authorized to institute a civil action in a court of competent jurisdiction against any person determined to be in violation of § 11-A-3.0, for the recovery of the costs and damages associated with remedying such violations, for the collection of civil penalties, and/or for injunctive relief to restrain or prevent any violation of this title. Nothing in this title shall be construed to prevent the county from pursuing any other remedies available at law.

§ 11-A-5.0 **Enforcement.**

The provisions of this chapter may be enforced by the Nassau Community College Security Force and all county personnel authorized to issue appearance tickets and such provisions shall not be construed to affect or limit the powers of arrest or issuance of an appearance ticket by a police officer or peace officer under the Criminal Procedure Law.

§ 11-A-6.0 **Interpretation.** The provisions of this chapter shall be liberally construed to assure the protection of the citizens of Nassau County.

§ 11-A-7.0 **Exemptions.** The provisions of this chapter shall not be applicable to property owned by or under the jurisdiction of other municipal authorities, the State of New York and any agency thereof, or the government of the United States of America.

§ 11-A-8.0 **Separability.** Any invalidity, unconstitutionality or any other legal infirmity with reference to a single section or subdivision hereof shall affect only that section or subdivision and shall not affect the other provisions of this chapter which shall continue in full force and effect.
(Chapter added by Local Law No.6-1987 in effect November 30, 1987; amended by Local Law No. 4-1989, in effect June 19, 1989; amended by Local Law No. 43-2000, in effect January 1, 2001; amended by Local Law No. 11, 2006, in effect Oct. 17, 2006.)

Title B
[Encroachment on County Real Property][73]

Section 11-A-9.0 Legislative Intent.
11-A-10.0 Definitions.

[73] Title B name not in original legislation. Title name added to facilitate use.

11-A-11.0 Violations.
11-A-12.0 Penalties.
11-A-13.0 Enforcement.
11-A-14.0 Interpretation
11-A-15.0 Exemptions.
11-A-16.0 Separability.

§ 11-A-9.0 **Legislative intent.** The Nassau County Legislature hereby finds and determines that the encroachment upon and unlawful use of Nassau County parks and other public land has occurred and is occurring at various properties, owned, maintained, leased or managed by Nassau County. In addition, the Legislature finds that such encroachment and unlawful use interferes with the right of citizens to enjoy parkland and interferes with the county's ability to manage its property. The Legislature finds, further, that penalties and enforcement under existing provisions have proven inadequate to prevent such enforcement and that enhanced penalties and enforcement capabilities are required to maintain the quality of the environment and condition of such property and to deter those who violate the law.

§ 11-A-10.0 **Definitions.** Unless otherwise expressly stated in this chapter, the following terms shall have the following meanings:

a. "County property" shall mean any land which is owned, maintained, leased or managed by Nassau County for any purpose whatsoever, including but not limited to parks, preserves, beaches and drains thereon, including all property at Mitchel Field and Nassau Community College.

b. "Person" shall mean any individual, company, partnership, corporation, limited partnership, joint venture or other legal entity.

§ 11-A-11.0 **Violations.** No person shall occupy or encumber any county property, erect any structure thereon, erect any barrier, wall or fencing of any kind, change the character of the land, dig, plant, remove or alter any soil, vegetation or county property, or in any way create an obstruction to public use of the land, without first obtaining the permission of the county. No person shall divert a significant amount of water or drain a swimming pool onto county property. Nothing in this title shall be deemed to prevent any county resident from using any county park for ordinary recreational purposes. A violation of this section shall issue only after notice of noncompliance has been properly served and an opportunity, to cure not to exceed thirty days, has been provided.

§ 11-A-12.0 **Penalties.**

a. A violation of § 11-A-11.0 of this title shall be punishable by a fine of not less than one thousand dollars nor more than five thousand dollars. A violation that has not been cured within one month following notification of violation shall be subject to additional penalties of one thousand dollars per month for each month such violation continues. In the alternative, the fines specified above can be collected in a civil action brought by the County Attorney.

b. Any subsequent violation of § 11-A-11.0 occurring within five years of the date of commission of the first violation and concerning the same person shall be punishable by a fine of not less than two thousand dollars nor more than five thousand dollars. A violation that has not been cured within one month following notification of violation shall be subject to additional penalties of two thousand dollars per month for each month such violation continues. In the alternative, the fines specified above can be collected in a civil action brought by the County Attorney.

c. In addition to any other penalty provided herein, the County Attorney is hereby authorized to institute a civil action in a court of competent jurisdiction against any person determined to be in violation of this title, for the recovery of the costs and damages associated with remedying such violations, for the collection of civil penalties as specified herein, and/or for injunctive relief to restrain or prevent any violation of this title. Nothing in this title shall be construed to prevent the County from pursuing any other remedies available at law.

§ 11-A-13.0 **Enforcement.**

a. The provisions of this chapter may be enforced by the Nassau Community College Security Force and all county personnel authorized to issue appearance tickets and such provisions shall not be construed to affect or limit the powers of arrest or issuance of an appearance ticket by a police officer or peace officer under the Criminal Procedure Law.

b. Payment of a fine or penalty imposed pursuant to this title shall not be construed to permit the continued occupation of county property.

§ 11-A-14.0 **Interpretation.** The provisions of this chapter shall be liberally construed to assure the protection of the citizens of Nassau County.

§ 11-A-15.0 **Exemptions.** The provisions of this chapter shall not be applicable to encroachments on property owned by other municipal authorities, the State of New York and any agency thereof, or the government of the United States of America.

§ 11-A-16.0 **Separability.** Any invalidity, unconstitutionality or any other legal infirmity with reference to a single section or subdivision hereof shall affect only that section or subdivision and shall not affect the other provisions of this chapter which shall continue in full force and effect.
(Title B added by Local Law No. 11, 2006, in effect Oct. 17, 2006.)

CHAPTER XII
DEPARTMENT OF PUBLIC WORKS

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Title A
In General

§ 12-1.0 **Delegation of powers and duties.** The Commissioner of Public Works may delegate to one or more of the assistants or employees in his office specific powers and duties of the Commissioner of Public Works including those which he has as county engineer or as a county superintendent of highways and may revoke such delegations. Such delegations and revocations shall be in writing and shall set forth the specific power or powers, duty or duties so delegated or revoked. Such written delegations or revocations shall be filed with the County Clerk and if the power or powers, duty or duties so delegated or revoked are of those which the Commissioner of Public Works has as county engineer or as a county superintendent of highways a duplicate of such written delegation or revocation shall be filed with the state superintendent of public works. The acts performed by such assistants or employees pursuant to such delegations shall have the same effect in law as if performed by the Commissioner of Public Works.
(New section added by L. 1946 Ch. 291 § 2, in effect March 30, 1946; former § 12-1.0 repealed by L. 1939 Ch. 866 § 2, in effect June 14, 1939.)

§ 12-1.1 **Transportation Impact Fee**. There shall be a fee to offset the cumulative impact of subdivisions and other land development upon the County's transportation system. The fee shall be based upon the number of vehicles generated in the highest two way peak hour as determined utilizing the

ITE Trip General Manual or any other industry approved and accepted source. This fee shall be imposed in relation to departmental reviews and approval pursuant to General Municipal Law § 239-f and other similar laws. The fee shall be set by ordinance. The Commissioner may waive the fee, or any part thereof, should other necessary improvements, as determined by the Commissioner, be provided.
(Added by Local Law No. 9-2016, in effect January 2, 2017.)

§12-1.2 **Approval of Applications pursuant to §239-F of the New York State General Municipal Law**.

(a) Within ten working days of receipt of an application requiring County site plan review pursuant to §239-f of the New York State General Municipal Law, the Commissioner of the Department of Public Works ("Commissioner") may consult with the Nassau County Planning Commission and shall report to the city, village, or town, as applicable, his or her approval, disapproval, or approval subject to stated conditions, in accordance with §239-f(2)(b)(ii). If the Commissioner fails to make a report within ten working days of such receipt, the application shall be deemed approved by the County upon receipt of a self-certification by a Qualified Design Professional, as defined herein, that the proposed project plans meet and comply with all applicable laws, codes, rules and regulations. The applicant may submit such self-certification along with the application. If the Commissioner, within ten working days of receipt, reports his or her approval subject to stated conditions, approval shall be deemed granted by the County upon receipt of a self-certification by a Qualified Design Professional, as defined herein, that the stated conditions have been met and that the proposed project plans meet and comply with all applicable laws, codes, rules and regulations. If the Commissioner, within ten working days of receipt, reports his or her disapproval, the Commissioner shall state in his report all reasons for disapproval. Approval shall thereafter be deemed granted by the County upon receipt of a revised application along with a self-certification by a Qualified Design Professional, as defined herein, that all stated reasons for disapproval have been addressed and that the proposed project plans meet and comply with all applicable laws, codes, rules and regulations.

(b) Definitions.

i. “Self-certification” or “Self-certified” means the submission to the Commissioner, by a Qualified Design Professional as defined herein, of proposed project plans with a stamped Professional Certification Statement, as defined herein.

ii. “Professional Certification Statement” means a stamped signature block from a Qualified Design Professional that attests that (a) the plans do not contain any false

information; and (b) the Qualified Design Professional has met all of the requirements of this Local Law; and (c) the plans are in compliance with all applicable provisions of law, codes, rules and regulations.

iii. "Qualified Design Professional" is defined as a professional engineer or architect with a current New York State license as a professional engineer or architect and has been in continuous possession of such license for at least ten (10) years.

(c) Self-certification Program.

A program is hereby established through which Qualified Design Professionals, as defined herein, may:

i. Take responsibility for the compliance of certain construction projects pursuant to General Municipal Law §239-f, and

ii. "Self-certify" that the application and all accompanying documents comply with all applicable laws, codes, rules and regulations and that all Requirements of the Program, as set forth herein, have been met.

(d) Requirements of the Program.

i. For each proposed project plan that he or she submits for self-certification, the Qualified Design Professional must furnish to the Commissioner a certificate of professional liability insurance with per claim and aggregate limits acceptable to the County that names the County as insured for the proposed project plan for a period beginning from the date of self-certification to a date not less than five years from the date of issuance of a certificate of occupancy, and a Professional Certification Statement as defined herein.

ii. For each project, the qualified design professional of record must submit to the department an "Owner Certification Statement" and an "Owner Hold Harmless Letter," both of which must be signed and dated by the property owner. The property owner shall record the hold harmless letter with the County Clerk.

iii. The "Owner Certification Statement" certifies that the property owner:

a. Authorized the work identified in the application and accompanying plans.

b. Has taken and will continue to take all measures necessary to correct any false statements made in the application.

c. Understands that the project is being approved subject to audit or field inspection by the County, and

d. If necessary, will bring the plans and all construction completed into conformity with the requirements of all applicable laws, codes, rules and regulations.

iv. In the "Owner Hold Harmless Letter," the property owner shall agree to:

a. protect, defend, indemnify and hold harmless Nassau County against claims related to aspects of the project that were certified by the Qualified Design Professional, and

b. remove or modify, at the owner's own expense, any component of construction found not to conform to all applicable laws, codes, rules or regulations, or to any other matter certified under the self-certification program.

(e) As required by General Municipal Law 239-f(1), the Commissioner in cooperation with the Nassau County Planning Commission shall promulgate rules and regulations governing County approval of applications relating to elements contained in the County official map. Any approval of such application shall be subject to all the provisions of law pertaining to the municipality affected. The Commissioner shall have thirty (30) days after the effective date of this law to promulgate rules and regulations governing the self-certification process.

(This section added by Local Law No. 5-2021, signed by the County Executive on April 20, 2021; amended by Local Law No. 4-2023, effective May 22, 2023).

Title B
Roads and Parkways

§ 12-2.0 **Definitions.** The term "county road" as used in this title means a road laid out, designated, constructed, reconstructed or maintained as a county road pursuant to chapter five hundred sixty-four of the laws of nineteen hundred ten, as amended, or pursuant to this title.
(Amended by L. 1939 Ch. 866 § 3, in effect June 14, 1939.)

§ 12-3.0 **County road system of working highways.**

a. The Board of Supervisors may adopt a county road system.

b. The Board of Supervisors, by resolution, may layout, construct, reconstruct and maintain or cause to be designated as county roads such portions of the public highways in the County as they shall deem advisable, excepting such portions thereof constituting a state highway as defined in section three of the highway law. The Board shall file in the office of the County Clerk a description of each new highway laid out or designated as a county road together with a map of such roads. The roads so designated shall, as far as practicable, be leading market roads in the County.
(Subd. b. amended by L 1939 Ch. 866 § 4, in effect June 14, 1939.)

§ 12-4.0 **Construction, maintenance and regulation of county roads.**

a. The County shall have the sole jurisdiction over county roads laid out or designated as such pursuant to this title. The expenses of constructing, maintaining and improving such county roads shall be a county charge. All such county roads and all county roads constructed pursuant to article six of the highway law are exempt from the jurisdiction of the highway officers of the several towns, villages and cities in which such roads are located except as provided in subdivision c of this section.

b. The jurisdiction of the County over all county roads including those constructed under article six of the, highway law shall include but shall not be limited to:

   1. The location of curb lines and curbs and the regulation of cuts in curbs for any purpose.

   2. The opening of any part thereof between property lines for any subsurface construction or repair.

   3. The location or erection or removal between property lines of any steps, posts, standards, railings, area openings or structures of any kind, except traffic and directional signs and lighting standards, provided no such construction for such purposes shall be permitted within an incorporated village or a city without the consent of such village or city.

   4. The erection of poles or towers and wires or cables for the transmission of electric current or energy along, under or across such roads, provided, no such construction for such purposes shall be

permitted within an incorporated village or a city without the consent of such village or city.

5. The placing of signs or banners on or across such roads between the curb lines thereof, provided no such sign or banner shall be permitted within an incorporated village or a city without the consent of such village or city.

6. Outside of cities and villages of the first and second class, the cutting and removal of grass and weeds between property lines.

The Board of Supervisors shall provide by ordinance for the regulation of the matters contained in this subdivision.

c. The board of trustees of villages and the city councils of cities through which county roads as defined in this title or constructed under article six at the highway law pass shall have sole jurisdiction:

1. Over the sidewalk area, which for such purpose is defined as the area on each side of the road from the property line to the curb line or if there is a curb to the far side of the curb, except as provided in subdivision b of this section.

2. To construct, repair and maintain or compel the construction, repair and maintenance by abutting property owners of sidewalks and curbs on such county roads in accordance with the provisions of the village law or the laws affecting such cities.

3. Police such roads.

4. Adopt traffic ordinances regulating the traffic thereon provided, however, that the County by ordinance may impose regulations as to parking on such county roads and as to the placing of stop signs on such county roads or on village roads or city streets at their intersection with such county roads, more restrictive than those imposed by such village or city.

5. Exercise such other police powers in reference thereto as are now exercised by such village board or city council over any village or city street, not otherwise provided for in this section.

d. The clerk of the Board of Supervisors shall submit an annual statement to the superintendent of public works showing the amounts the County has allotted for the construction, improvement and maintenance of county roads and the locations which require permanent repairs.

e. No civil action shall be maintained against the County for damages or injuries to person or property sustained by reason of any sidewalk, street, highway, parking field, stairway, walkway, ramp, driveway, bridge, culvert, curb or gutter being defective, out of repair, unsafe, dangerous, or obstructed or in consequence of the existence of snow or ice thereon, regardless of whether such facility be one as defined by this title or one constructed pursuant to the provisions of article six of the highway law or one constructed by the State and maintained by the County, unless such sidewalk, street, highway, parking field, stairway, walkway, ramp, driveway, bridge, culvert, curb or gutter was constructed by the County or by the State or under a permit issued by the County or by the State, and unless written notice of such defective, unsafe, dangerous or obstructed condition of such sidewalk, street, highway, parking field, stairway, walkway, ramp, driveway, bridge, culvert, curb or gutter or the existence of snow or ice thereon was a failure or neglect within a reasonable time after the giving of such notice to repair or remove the defect, danger or obstruction complained of or to cause such snow or ice to be removed or to make the place otherwise reasonably safe. Such written notice shall specify the particular place and nature of such defective, unsafe, dangerous or obstructed condition or the particular location of such snow or ice. Notice required to be given as herein provided shall be made in writing by certified or registered mail directed to the Office of the County Attorney, One West Street, Mineola, New York, 11501.

(Subds. a, b and c revised and subd. e amended by L. 1946 Ch. 992, in effect April 24, 1946: Subd. e amended by Local Law No. 10-1983, in effect December 5, 1983 and Local Law No. 19-1984, in effect September 24, 1984.)

§ 12-4.1 **Sidewalks and curbs on state highways and county roads outside of incorporated villages and cities.** Owners or occupants of land adjoining state highways and county roads referred to in this title or county roads constructed pursuant to article six of the highway law, and outside of incorporated villages or cities, may construct, relay or repair sidewalks or curbs at their own expense upon obtaining a permit therefore from the Department of Public Works. All construction of and grading done in connection with sidewalks or curbs laid or repaired by the owners of adjoining land shall be in accordance with the specifications of and under the direction of the Department of Public Works. If a sidewalk or curb is not constructed, relaid or repaired by the owners or occupants of adjoining lands, the Board of Supervisors may direct that such sidewalk or curb be constructed, relaid or repaired by the owner or owners, occupant or occupants of the adjoining lands and that the Commissioner of Public Works cause a notice to be served upon such owners or occupants, which notice shall specify the place and manner, and the time, not less than thirty days, in case of a new sidewalk or curb, or not less than forty-eight hours in case of repairs, within which the sidewalk or

curb is required to be constructed, relaid or repaired. If an owner or occupant shall not construct, relay or repair the sidewalk or curb as required by the notice, the Board of Supervisors may cause the same to be so constructed or repaired and assess the expense thereof upon the adjoining land. Such work may be done by the Department of Public Works or by contract under direction of that department.

Whenever a sidewalk is to be constructed upon a state highway a permit shall also be obtained from the state Department of Public Works. Upon completion of any work pursuant to this section the Commissioner of Public Work shall file in the office of the clerk of the Board of Supervisors a statement showing the actual and complete cost thereof and such part of such cost as was expended from the funds of said department and the items of such expenditures. The Board of Supervisors shall provide for the payment of the cost of such work including the reimbursement of the funds of the Department of Public Works, and the cost of such work shall be borne by assessment upon the abutting property and such assessments shall be levied by the Board of Supervisors and shall be collected in the same manner as ad valorem county taxes. The provisions of this section shall not apply to sidewalks in a town which has a town wide sidewalk district.
(Amended by Local Law No. 10-1985, in effect January 1, 1986, amended by Local Law No. 12-1986, in effect September 29, 1986.)

§ 12-4.2 **Trees on county roads and on property abutting county roads.**

a. Except in cities and in villages of the first and second class all trees, hedges and shrubbery between the property lines on county roads as defined in this title and county roads constructed pursuant to article six of the highway law shall be under the jurisdiction of the Department of Public Works. The County Legislature may by ordinance regulate the planting of such trees, hedges and shrubbery, the care, pruning or removal and the destruction, alteration or degradation of the health or appearance thereof.

b. Such ordinance may also provide for the care, pruning or removal of trees, hedges and shrubbery located on property abutting such roads by the owners or occupants of such abutting property when any such tree or trees, hedges or shrubbery are dangerous to such roads or to persons or vehicles using such roads and may prohibit or otherwise regulate the destruction, alteration or degradation of the health or appearance of such trees, hedges or shrubbery. Such ordinance may provide for notice to the owners of abutting property to care for, prune or remove such dangerous tree or trees, hedges or shrubbery or to replace trees, hedges and shrubbery that have been unlawfully destroyed, altered or degraded and that upon failure so to do within a period fixed in such ordinance, that the Department of Public Works may cause such tree or trees,

hedges or shrubbery to be cared for, pruned or removed or replaced and that the expense thereof may be assessed by the County Legislature upon the abutting property on which such tree or trees, hedges or shrubbery were located.

c. Upon completion of any work pursuant to subdivision b of this section the Commissioner of Public Works shall file in the office of the clerk of the County Legislature a statement showing the actual and complete cost thereof as to each particular lot or plot of ground and such part of the cost as was expended from the funds of said department and the items of such expenditures. The County Legislature shall provide for the reimbursement of the funds of the Department of Public Works and the amount of such complete costs as to each particular lot or plot of ground shall be added to and made a part of the annual taxes of the next ensuing fiscal year against such property, and the same shall be collected in and with as part of the annual taxes for such fiscal year, or the County Legislature may direct the County Attorney to sue for and recover the amount of such expense, as appropriate.
(Amended by L 1946 Ch. 497 § 1, in effect April 4, 1946; Local Law 10-2008, signed by the County Executive on October 10, 2008.)

§ 12-4.3 **Deposits of material on county roads.**

a. No person shall cause or permit any accumulation of sand, gravel, cinders, topsoil, mud, earth or other material or any container, box, dumpster, or other instrumentality for the storage of such materials to be placed, deposited, tracked, or flowed upon any county road whether such be a county road as defined in this title or a county road constructed pursuant to article six of the highway law.

b. A violation of this section shall be a misdemeanor punishable by a fine of not more than one hundred dollars or imprisonment for a period of not exceeding thirty days and the County may also maintain an action or proceeding to enjoin the violation and recover the costs incurred by the County for cleaning, repairing, reconditioning, or restoring the road or otherwise remedying the condition.

c. This section shall not be construed to prohibit the storing of building material, or the debris therefrom, or the containers, boxes, dumpsters or instrumentalities used to store such materials on county roads when such materials or containers are stored pursuant to a permit issued by the Commissioner of Public Works.
(Added by Local-Law No. 1-1953, in effect May 18.1953; Subds. a and c amended by Local Law No. 6-1983, in effect July 18, 1983.)

§ 12-4.4 **Establishment of snow routes for a snow emergency.**

a. The Commissioner of Public Works shall prepare, and may from time to time amend, a list of county roads which he designates as snow routes, indicating the name and county route number of each road. Such list and any amendments thereto shall be filed with the clerk of the Board of Supervisors who shall cause such list or amendments thereto to be published once in the official newspapers of the County. Such snow routes shall take effect upon such publication and shall continue until modified.

b. The County Executive may declare a state of snow emergency whenever in his judgment snow has created dangerous driving conditions within the County. During the existence of a snow emergency no vehicle shall be parked or abandoned upon the snow routes.

c. The Department of Public Works shall erect and maintain appropriate signs at reasonable intervals along designated snow routes to provide notice that it is unlawful to park or abandon any vehicle along a snow route during a snow emergency.

d. Any vehicle parked or abandoned in violation of the provisions of this section shall be deemed a nuisance and a menace to the safe and proper regulation of traffic. Employees of the Department of Public Works or any peace officer may remove or cause to be removed any such vehicle to any other location within the County, without incurring any liability for damages to the vehicle. The owner of such vehicle shall be required to reimburse the County for the actual and necessary cost of removal and storage thereof before he is entitled to regain possession of the vehicle.

e. Parking or abandoning a vehicle in violation of the provisions of this section shall be a traffic infraction and every person convicted of a violation thereof shall be liable to a fine of not more than fifteen ($15.00) dollars.
(Added by Local Law No. 7-1964, in effect November 15, 1964; subd. e added by Local Law No. 1-1966 in effect January 28, 1968.)

§ 12-4.5 **Regulation of Motor Vehicle Dimension and Weights on County Roads.** No person shall operate or move, or cause or knowingly permit to be operated or moved on any county road any vehicle or combination of vehicles of a size or weight exceeding the limitations provided for in this section unless a permit has been obtained from the New York State Department of Transportation or Nassau County Department of Public Works.

a.

(1) The width of a vehicle, inclusive of load, shall be not more than

ninety-six inches plus safety devices, except that the maximum width of a vehicle, inclusive of load, shall be one hundred two inches, plus safety devices, on any county road designated an access highway.

(2) The provisions of paragraph (1) of this subdivision shall not apply to omnibuses or buses used solely for the transportation of children to and from school, but the width of such omnibuses shall not exceed ninety-eight inches.

(3) Notwithstanding the provisions of paragraph (1) of this subdivision, the maximum width for omnibuses or buses having a carrying capacity of more than seven passengers shall not exceed one hundred two inches.

b. The height of a vehicle from under side of tire to top of vehicle, inclusive of load, shall be not more than thirteen and one half feet. Any damage to County bridges or roads resulting from the use of a vehicle exceeding thirteen feet in height where such excess height is the proximate cause of the accident shall be compensated for by the owner and operator of such vehicle.

c.

(1) The length of a single vehicle, inclusive of load and bumpers, shall be not more than forty feet unless otherwise provided in this subdivision.

(2) The length of a semitrailer or trailer shall forty-eight feet provided, however, that the length of semi trailer being operated in combination with another semi trailer shall not exceed twenty-eight and one-half not exceed any trailer or trailer or feet.

(3) The length of buses having a carrying capacity of more than seven passengers shall not exceed forty-five feet, except that the length of articulated buses shall not exceed sixty-two feet.

(4) The provisions of this subdivision shall not apply to fire vehicles.

d.

(1) The total length of a combination of vehicles, inclusive of load and bumpers, shall not be more than sixty-five feet.

(2) The provisions of paragraph (1) of this subdivision shall not apply to:

i. A combination of vehicles being operated on a County road

designated an access highway;

ii. Vehicles of a corporation which is subject to the jurisdiction of the interstate commerce commission, the public service commission or other regulatory body and which are used in the construction, reconstruction, repair or maintenance of its property or facilities, provided that any such vehicle complies with the safety requirements of the laws and regulations of the United States and of this state pertaining to over length vehicles;

iii. Vehicle hauling poles, girders, columns, or other similar objects of great length provided that any such vehicle complies with the safety requirements of the laws and regulations of the United States and of this state pertaining to such over length vehicles;

iv. Fire vehicles;

v. A vehicle or combination of vehicles which is disabled and unable to proceed under its own power and is being towed for a distance not in excess of ten miles for the purpose of repairs or removal from the highway; and

vi. Stinger-steered automobile transporters, while operating on a County road designated as an access highway. Such vehicles shall not, however, exceed seventy-five feet exclusive of an overhang of not more than three feet on the front and four feet on the rear of the vehicle.

(3) Notwithstanding the provisions of paragraph (1) of this subdivision, an overhang of not more than three feet on the front and four feet on the rear of an automobile transporter or stinger-steered automobile transporter shall be permitted.

e. In determining the number of wheels and axles on any vehicle or combination of vehicles within the meaning of this section, only two wheels shall be counted for each axle, and axles which are less than forty-six inches apart, from center to center, shall be counted as one axle. However, in the case of multiple tires or multiple wheels, the sum of the widths of all the tires on a wheel or combination of wheels shall be taken in determining tire width.

f. The weight per inch width of tire on any one wheel of a single vehicle or a combination of vehicles equipped with pneumatic tires, when loaded, shall be not more than eight hundred pounds.

g. The weight on any one wheel of a single vehicle or a combination of vehicles, equipped with pneumatic tires, when loaded, shall be not more than eleven thousand two hundred pounds.

h. The weight on any one axle of a single vehicle or a combination of vehicles, equipped with pneumatic tires, when loaded, shall be not more than twenty-two thousand four hundred pounds.

i. The weight on any two consecutive axles of a single vehicle or combination of vehicles, equipped with pneumatic tires, when loaded, and when such axles are spaced less than eight feet from center to center, shall be not more than thirty-six thousand pound except where axles are spaced eight feet or greater, but less, than ten feet, the weight on those two axles shall not exceed that permitted by paragraph (2) of subdivision (j) of this section and, in addition, shall not exceed forty thousand pounds. Axles to be counted as provided in subdivision (e) of this section.

j. A single vehicle or a combination of vehicles having three axles or more and equipped with pneumatic tires, when loaded, may have a total weight on all axles not to exceed thirty-four thousand pounds, plus one thousand pounds for each foot and major fraction of a foot of the distance from the center of the foremost axle to the center of the rearmost axle. Axles to be counted as provided in subdivision five of this section. In no case, however, shall the total weight exceed eighty thousand pounds. For any vehicle or combination of vehicles having a total gross weight less than seventy-one thousand pounds, the higher of the following shall apply:

(1) The total weight on all axles shall not exceed thirty-four thousand pounds plus one thousand pounds for each foot and major fraction of a foot of the distance from the center of the foremost axle to the center of the rearmost axle, or

(2) The overall gross weight on a group of two or more consecutive axles shall not exceed the weight produced by application of the following formula:

$$W = 500 (LxN) / (N-1) + (12xN) + 36)$$

where W equals overall gross weight on any group of two or more consecutive axles to the nearest five hundred pounds, L equals - distance in feet from the center of the foremost axle to the center of the rearmost axle of any group of two or more consecutive axles, and N equals number of axles in group under consideration, except that two consecutive sets of tandem axles may carry a gross load of thirty-

four thousand pounds each providing the overall distance between the first and last axles of such consecutive sets of tandem axles is thirty-six feet or more. For any vehicle or combination of vehicles having a total gross weight of seventy-one thousand pounds or greater, paragraph (2) shall apply to determine maximum gross weight which is permitted hereunder.

k. For the purpose of this section, the width of pneumatic tires shall be ascertained by measuring the greatest width of the tire casing when tire is inflated.

l. No person shall operate or move a vehicle or a combination of vehicles over, on or through any bridge or structure on any county road if the weight of such vehicle, or combination of vehicles, and load, is greater than the posted capacity of the structure or exceeds the height of the posted clearance as shown by an official sign.

m.

(1) A violation of the provisions of subdivision (j) of this section by any vehicle or combination of vehicles whose weight exceeds the weight limitations as set forth in this section, or the weight limitations specified by a permit issued by the New York State Department of Transportation or Nassau County Department of Public Works shall be punishable by fines levied on the registered owner of the vehicle or vehicles, whether at the time of the violation the vehicle was in the charge of the registered owner or his agent or lessee in accordance with the following schedule:

Excess Total Weight (pounds) greater than	less than or equal to	Amount of Fine (dollars)
0	2,000	50
2,000	3,000	75
3,000	4,000	100
4,000	5,000	200
5,000	6,000	300
6,000	7,000	400
7,000	8,000	500
8,000	9,000	600
9,000	10,000	700
10,000	15,000	1,200
15,000	20,000	1,700
20,000	25,000	2,200
25,000	30,000	2,700

30,000 six cents for each pound in excess of 30,000

(NOTE: Where the excess total weight is greater than 10,000 pounds in excess of the limits specified by a permit, the permit shall be deemed voided and then the amount of fine shall be determined in accordance with the maximum weight which would have been in effect for the operation of such vehicle if the permit to exceed such maximum weight had not been issued.)

(2) A violation of the provisions of subdivisions (h) and (i) of this section by any vehicle or combination of vehicles whose weight exceeds the weight limitations as set forth in this section, or the weight limitations specified by a permit issued by the New York State Department of Transportation or Nassau County Department of Public Works shall be punishable by fines levied on the registered owner of the vehicle or vehicles, whether at the time of the violation the vehicle was in the charge of the registered owner, or his agent, or lessee, in accordance with the following schedule:

Percentage of excess weight (percentage)		Amount of Fine (dollars)
Greater than	less than or equal to	
0	5.0	100
5.0	10.0	200
10.0	15.0	350
15.0	20.0	600
20.0	25.0	1000
25.0	30.0	1600
30.0		2450

(NOTE: Where the excess axle or axles weight is greater than ten percent in excess of the limits specified by a permit, the permit shall be deemed voided and then the amount of fine shall be determined in accordance with the maximum weight which would have been in effect for the operation of such vehicle if the permit to exceed such maximum weight had not been issued.)

In connection with the weighting of a vehicle or combination of vehicles, if it is found that there is a violation of a New York State Department of Transportation permit or Nassau County permit and/or subdivision (j) and also of subdivision (h) or (i), or both subdivisions (h) and (i), of this section, there shall be a single fine imposed and the maximum amount of such fine shall not exceed the highest fine that could be imposed under paragraph (1) of this subdivision or this paragraph.

(3) A violation of the provisions of subdivisions (a), (b), (c), (d), (f), (g) and (1) of this section by any vehicle or combination of vehicles shall be punishable by a fine not to exceed five hundred dollars for the first

offense and a fine not to exceed one thousand dollars for subsequent offenses.

n. If a vehicle or combination of vehicles is operated in violation of this section, an appearance ticket or summons may be issued to the registrant of the vehicle, or if a combination of vehicles, to the registrant of the hauling vehicle rather than the operator. In the event the vehicle is operated by a person other than the registrant, any appearance ticket or summons issued to the registrant shall be served upon the operator, who shall be deemed the agent of the registrant for the purpose of receiving such appearance ticket or summons. Such operator-agent shall transmit such ticket or summons to the registrant of the vehicle or the hauling vehicle. If the registrant does not appear on the return date, a notice establishing a new return date and either containing all pertinent information relating to the charge which is contained on the summons or appearance ticket or accompanied by a copy of the information or complaint shall also be mailed by certified or registered mail by or on behalf of the court before whom the appearance ticket or summons is returnable to the registrant at the address given on the registration certificate for the vehicle, or if no registration certificate, is produced at the time the appearance ticket or summons is issued, to the address of the registrant on file with the Department of Motor Vehicles or given to the person issuing the appearance ticket or summons.
(Added by Local Law 21-2000, in effect June 26, 2000.)

§ 12-5.0 **Issuance of bonds and other evidences of indebtedness.** The construction, improvement, reconstruction and maintenance of the County roads may be financed by taxation or by the issuance of obligations pursuant to the local finance law.
(Amended by L. 1943 Ch. 710 § 113, as last amended by L. 1945 Ch. 338, in effect September 2, 1945.)[74]

§ 12-6.0 **County roads in villages and cities.** A county road may be constructed through a village or city unless it is the opinion of the Commissioner of Public Works that the street through which the proposed county road runs shall not be reconstructed because it has been so improved or paved as to form a continuous and improved highway. In the latter event such county road shall be constructed or improved to the place where such paved or improved street begins.

§ 12-7.0 **Acquisition of lands for rights-of-way.** The Board of Supervisors shall acquire all necessary fights of way prior to the actual commencement of the construction, laying out, improvement, widening or other alteration of a new or existing county road.

[74] Amendment required by Local Finance Law § 10.00, 11.00, 20.00, 30.00 and 57.00

§ 12-7.1 **Termination of working easements.** Where a working, easement, as defined in section 11-6.0 of this code, has been acquired for any public work, the Commissioner of Public Works shall, within thirty-days after completion of such public work and its acceptance by him, file in the office of the County Clerk a certificate, in form suitable for recording, certifying that such working easement is no longer necessary. Upon filing of such certificate the working easement shall be terminated. A working easement, in the absence of the filing of such certificate, shall, in any event terminate when five years have elapsed from the date of vesting.
(Added by Local Law No. 6, 1967, in effect May 18, 1961.)

§ 12-8.0 **Removal of road obstructions.** The Commissioner of Public Works may enter upon private property, with the consent of the owners thereof,

at intersecting cross roads and remove obstructions to the view of users of a county road.
(Amended by L. 1939 Ch. 866 § 5, in effect June 4, 1939.)

§ 12-9.0 **Sunrise boulevard; spurs.**

a. The spurs from the conduit or Sunrise Boulevard shall be constructed under the direction of the superintendent of public works at the expense of the state and the County.

b. The plans for the construction of the Lynbrook spur shall have the approval of the Long Island state park commission and the city of New York.

c. The village of Lynbrook may pay the cost of:

   1. Additional paving, and

   2. All landscaping on that part of Lynbrook spur located within such village.

d. The spur at Lynbrook from the conduit or Sunrise Boulevard and the Merrick Road to the Southern State Parkway, when completed, shall be a parkway or boulevard under the jurisdiction and subject to the ordinances, rules and regulations of the Long Island state park commission.

§ 12-10.0 **Long Island state park commission; conveyances.**

a. The Board of Supervisors may request the Long Island state park commission to convey to the County any right of way or easement acquired by such commission by donation or dedication for state parkway purposes.

b. The Long Island state park commission may certify to the Board of Commissioners of the land office, with the approval in writing of the governor, that any right or rights of way or easements heretofore or hereafter acquired by such commission in the County of Nassau by donation or dedication for state parkway purposes are no longer required for such purposes and that they are necessary for or incidental to the construction of county roads in the County of Nassau.

c. The Board of Commissioners of the land office upon such certification shall thereupon convey such rights of way or easements to the County to be used by such county only for the purposes of county roads. If such

rights of way shall be wider than required by the County for road purposes, such Board of Commissioners of the land office shall reconvey in consideration of one dollar or other nominal consideration so much of such right of way as is not required for such county roads, to the person or persons who originally donated or dedicated such rights of way to the state. The Board of Commissioners of the land office shall not convey such rights of way to the County unless the approval in writing of the person or persons who originally donated or dedicated such right of way or easement to the state shall be filed with such board.

Title C
Bridges

§ 12-11.0 **Application of title.**

a. The provisions of this title relate to bridges wholly within the County.

b. The provisions of sections two hundred thirty-five to two hundred forty-three inclusive and section two hundred sixty-five of the highway law shall not apply to a bridge described in this title.

§ 12-12.0 "**Bridge**" **defined.** As used in this title, the term "bridge" means a bridge wholly within the County having a span of more than twenty feet.
(Amended by L.1939 Ch. 866 § 6, in effect June 14.1939.)

§ 12-13.0 **Construction, maintenance and control of bridges within the County.**

a. Bridges over streams or waterways intersecting or at the terminus of state highways or county roads shall be constructed, repaired and maintained by the County.

b. The Commissioner of Public Works shall supervise the construction, repair and maintenance of such bridges.

c. Prior to the use of heavy equipment on a bridge, the Commissioner of the Department of Public Works shall require the certification of a New York State certified professional engineer that in the opinion of the professional engineer such use of heavy equipment will not damage bridge components including, but not limited to foundations, abutments, substructures, beams, concrete, steel, bearings, pins, hangers, and superstructures. For the purposes of this section:
   i. “Heavy equipment” is defined as any equipment that would require any special permissions of any County, state or federal official under any state or federal law, rule or regulation prior to

its use on a County bridge.

ii. "Damage" is defined as any condition that may undermine the integrity of the bridge including but not limited to cracking, microcracking, buckling, spalling, deformation, or any condition that may contribute to or result in bridge failure.
(Subdivision "c" added by Local Law No. 2-2017, in effect March 1, 2017).

§ 12-14.0 **Plans and specifications.** The Commissioner of Public Works shall prepare plans, specifications and estimates for the repair or construction of such bridges.
(Amended by L. 1939 Ch. 866 § 7, in effect June 14, 1939.)

§12-15.0 **Construction of bridges to be by contract.** Where the estimated cost of the construction, improvement or repairs of a bridge exceeds fifteen hundred dollars such work shall be done by contract except where the work is performed by regular employees of the Department of Public Works.
(Amended by L. 1939 Ch. 866 § 8, in effect June 14, 1939.)

§ 12-16.0 **Condemnation of bridges.**

a. The Board of Supervisors by resolution shall direct the inspection of any bridge reported to be unsafe for public use and travel by the Commissioner of Public Works or by five residents of the County. If such bridge is found to be unsafe for public use and travel, such board shall condemn such bridge and notify the Commissioner of Public Works of that fact.

b. Such board may direct the Commissioner of Public Works to prepare or cause to be prepared plans and specifications for the immediate construction, reconstruction or repair of such bridge.

c. The Board of Supervisors, upon receiving and approving such plans and specifications, shall procure estimates for the reconstruction or repair of such bridges.

§ 12.17.0 **Reconstruction and repairs after condemnation.**

a. The County Executive, upon receiving notice of the condemnation of a bridge shall call a meeting of the Board of Supervisors. Such board shall appropriate and make immediately available the necessary moneys for the immediate rebuilding of such bridge.

b. As soon as moneys are made available therefore, the Commissioner of Public Works shall proceed with the repairing or rebuilding of such condemned bridge.

§ 12-18.0 **Liability of county for damages.** The County shall be liable for damages suffered by any person from defects in any such bridge.

§ 12-19.0 **Issuance of bonds; interest; sale.** The construction, repair, maintenance or the permanent betterment of bridges may be financed by taxation or by the issuance of obligations pursuant to the local finance law.
(Amended by L. 1943 Ch. 710 § 114, as last amended by L. 1945 Ch. 338, in effect September 2, 1945.)[75]

Title D
Drainage

§ 12-20.0 **Drainage facilities; construction by county.** The Board of Supervisors, for the purpose of drainage and to protect the property and the public health within the County from floods, freshets, and high waters, may authorize the Department of Public Works to:

1. Construct dams, culverts, ditches, sluices, and other channels for the passage of water.

2. Deepen, straighten, alter, pipe, or otherwise improve any of the lakes, ponds, streams, ditches, drains, or water courses in any part or section of the County in order to prevent them from overflowing, and to provide that they carry off such additional water as may be brought to them by other public improvements in the County.
(Amended by L. 1946 Ch. 904 § 1, in effect April 18, 1946.)

§ 12-20.1 **Approval of drainage facilities provided by other agencies.** No city, town, village or other public corporation shall make any improvements which may be made by the County under section 12-20.0 of the code until a plan showing the improvement proposed to be made, in such detail as may be required by the Commissioner of Public Works, shall be submitted to and be approved by such Commissioner of Public Works.
(Added by L. 1946 Ch. 904 § 2, in effect April 18, 1946.)

Title E
Waterways

§ 12-21.0 **Improvement of waterways.** The Board of Supervisors may provide for the widening, deepening or dredging of any bay, harbor, inlet or channel within the boundaries of the County and for the construction of dikes, bulkheads, seawalls, jetties or other similar devices necessary or appropriate to increase the navigability of any such bay, harbor, inlet or channel, and to

[75] Amendment required by Local Finance Law § 10.00, 11.00, 21.00, 23.00, 28.00, 30.00 and 57.00.

lessen erosion, and to protect against damage from floods, or storm waters, at the expense of the County, and, if any such work or Improvement shall be, undertaken by the State of New York or by the federal government or by any of the agencies of such state or federal government, the Board of Supervisors may, in its discretion, agree to pay, and pay, to the state or federal government or any such agency undertaking such work or improvement, a portion of the cost of such work or improvement.
(Amended by L. 1953 Ch. 822. § 1, in effect April 17, 1953.)

Title F
Mosquito Extermination[76]

§ 12-22.0 **Powers and duties.**

a. The Department of Public Works shall use every practicable means to exterminate mosquitoes found within the County.

b. The Commissioner of Public Works without hindrance shall enter upon any or all lands within the County for the purpose of draining or treating such land. The Commissioner may perform such other acts which in his opinion may be necessary for the elimination of breeding places of mosquitoes in such land, or which will tend to exterminate mosquitoes of fresh water, salt water and every other kind or variety found within the County.

§ 12-23.0 **Publication of notice of plans; hearing thereon.** Immediately upon completion of its plans for work during the ensuing year, the Department of Public Works shall file a copy thereof with the Board of Supervisors. Such plans shall set forth the blocks and sections on the land map of Nassau County within which are located the lands where work is to be performed. Immediately following approval of such plans by the Board of Supervisors and the County Executive, the Department of Public Works may file such approved plans with the clerk of the Board of supervisors and may within thirty days publish in the official newspapers of the County a notice of a hearing on such plans which hearing shall be held not less than ten or more than thirty days after the publication of said notice. Such notice shall set forth a list of blocks and sections on the land map of Nassau County within which are located the lands where work is to be performed. Any person who objects to the entry of the Commissioner of Public Works and any consulting engineer, deputy, assistant or employee of the Department of Public Works, upon his lands shall on or before the opening of the hearing file a protest with the Commissioner setting forth his objection. The decision of the Commissioner of Public Works as to the necessity of such work set forth in such plans shall be final.

[76] Formerly Chapter IX-A. established by L. 1944 Ch. 274, subsequently repealed by L. 1947 Ch. 204 and established as title F under Chapter XII.

§ 12-24.0 **Claims; actions thereon.** Any person claiming damages due to the execution of the work of the Department of Public Works shall file a claim in writing against the County with the clerk of the Board of Supervisors and with the County Attorney as required by section 11-4.1 of the code and actions to recover such damages shall only be brought as provided in such section 114.1.

§ 12-25.0 **Annual plan.**

a. The Department of Public Works, at the time it submits its annual estimate, shall file with the County Executive:

1. A plan of the work to be done and the methods to be employed.

2. A general description of the lands to be entered for the purpose of executing its plans.

b. The County Executive and the Board of Supervisors may approve, modify or alter the plans and methods proposed by the Department of Public Works for the ensuing year.

§ 12-26.0 **Obstructions; interferences.** Any person who obstructs or interferes with the entry of the Commissioner of Public Works and any consulting engineer, deputy, assistant or employee of the Department of Public Works, upon his lands or who obstructs or interferes with, molests, or damages any work of the Department of Public Works shall be guilty of a misdemeanor.

§ 12-27.0 **Accumulation of water a nuisance.** Any accumulation of water in which mosquitoes are breeding, or are likely to breed, is hereby declared to be a nuisance.

§ 12-28.0 **Property of abolished commission.** Upon the abolition of the County mosquito extermination commission, such commission shall surrender and deliver all files, books, documents, equipment, indices, materials, papers, records, supplies and all other property of whatsoever kind or description in its official custody or under its control to the Department of Public Works, and shall account to such Department of Public Works for all money in its official custody. The balance of county appropriations placed to or remaining to the credit of the County mosquito extermination commission, is hereby transferred to and shall be placed to the credit of the Department of Public Works.

§ 12-29.0 **Employees.** The officers and employees in the competitive and noncompetitive classes of the County civil service in the County mosquito extermination commission at the time of the abolition of such commission shall

be retained in the Department of Public Works, and the existing status and rights of such officers and employees in respect to grade, pension, promotion, rank, salary, seniority and tenure shall continue.
(Added by L. 1947 Ch. 204 § 2, in effect July 1, 1947.)

CHAPTER XIII
DEPARTMENT OF CIVIL SERVICE

Title A
In General

§ 13-1.0 **Officers and employees to be residents.**

a. An office or position, compensation for which is payable solely or in part from funds of the County, shall be filled only by a person who is a citizen and a bona fide resident and dweller of the County for at least one year.

b. A person who is not a citizen or bona fide resident or dweller of the County for one year may be appointed to an office or position for which peculiar or exceptional qualifications of a scientific, professional or technical character are necessary. In such cases, evidence in writing shall be furnished:

   1. That the service or work to be performed cannot be properly performed by any available citizen and resident of the County.

   2. That the non-resident person, proposed to be appointed, is generally recognized as one possessing such exceptional qualifications in a high degree.

   (Subd. b amended by Local Law No. 1-1950, in effect August 30, 1950.)

c. The consent of the County Executive shall be obtained before the appointment or employment of such non-residents shall be made. The County Executive may require the County civil service commission to, pass upon the appointment and certify:

   1. Whether it be necessary, and

   2. Whether for lack of an available citizen and actual resident the proposed non-resident be competent and necessary.

d. Nothing herein shall be construed to apply to an official or employee of the County, whose duties regularly require his attendance in places outside of the County.

e. Notwithstanding any other provision of this section, members of the faculty at the Nassau community college may be employed without regard to their place of citizenship or residency.

(Added by L. 1944 Ch. 175, in effect March 16, 1944; Subd. f added by Local Law No. 2-1968, in effect May 22, 1968. Section 13-1.0 amended, deleting subd. e and renumbered subd. f as subd. e by Local Law No. 7-1987, in effect December 21, 1987.)

CHAPTER XIV
FRANCHISES

CHAPTER XV
DISTRICTS, TOWNS, VILLAGES AND CITIES

§ 15-1.0 **Nassau County Joint Municipal Survey Committee.**

a. There is hereby created pursuant to article 12-c of the general municipal law, a joint municipal survey committee of the various cities, towns, villages and school districts within the County of Nassau and the County of Nassau, to be known as the Nassau County joint municipal survey committee. The term "committee", as used in this section shall mean the Nassau County joint municipal survey committee. The term "municipality", as used in this section shall mean the County, and any town, village, city and school district within the County.

b. The committee shall consist of one member appointed by the County Executive, subject to confirmation by the Board of Supervisors, and one member for each other participating municipality appointed by their respective governing bodies or appointing authorities as the case may be. Each member shall serve at the pleasure of the person or authority which appointed him.

c. The committee shall serve as a joint municipal survey committee to strengthen local governments and promote efficient and economical provision of local government services within or by the participating municipalities and shall have the power, within the limits of the appropriation made by the Board of Supervisors and the respective governing bodies of the other participating municipalities to:

    1. Make surveys and studies and conduct research programs to aid in the resolution of local governmental problems and in efforts to improve administration and services including but not limited to comprehensive studies pursuant to section twelve hundred sixty-three-A of the public health law and part five-A or article five of the conservation law.

    2. Provide for the distribution of information and recommendations resulting from such surveys, studies and programs.

    3. Consult and cooperate with appropriate state, municipal and public or private agencies in matters affecting municipal government.

    4. Devise practical ways and means for obtaining greater economy and efficiency in the planning and provisions of municipal services and make recommendations in accordance therewith.

5. Promote the general commercial, industrial and cultural welfare of the participating municipalities.

6. Otherwise promote strong and effective local government public health, safety, morals and general welfare by means of local and inter-community planning or performance of municipal services.

7. Employ such persons and adopt such rules and regulations as shall be necessary and proper to effectuate the purposes of this section.

8. Receive and expand grants from private foundations or agencies, apply for and accept grants from the federal or state governments, enter into contracts for and agree to accept such grants, donations, or subsidies in accordance with such reasonable conditions and requirements as may be imposed thereon.

d. The Committee shall adopt by-laws to govern its activities and shall elect from its members a chairman and secretary and other necessary officers and subcommittees to serve for such periods as the committee shall decide. The powers of the committee shall be vested in and exercised by a majority of its members present representing the participating municipalities at a meeting duly called and held.

e. The members of the committee shall receive no compensation for their services, but shall be reimbursed from committee funds for their expenses actually and necessarily incurred in the performance of their duties hereunder.
(Added by Local Law No. 9. 1964, in effect October 14, 1965.)

CHAPTER XVI
DEPARTMENT OF PLANNING

Title A
In General

§ 16-1.0 **Width of streets for real property development in Nassau County.**

a. Real property within the County, outside of a city or village, which has been or which shall be subdivided by any person or corporation into lots, plots, blocks or sites shall not be offered for sale before streets are laid out therein of at least three rods in width, and are so indicated on any map thereof filed with the County or town clerk pursuant to section three hundred thirty-four-a of the real property law.

b. However, the town superintendent of highways of the town in which such real property is located may consent that any such street, or part thereof, be of a lesser width but not less than two rods. Such consent, if granted, shall be evidenced by a certificate of the town superintendent of highways describing or designating such street or portion thereof with sufficient exactitude to locate the same on the map of such real property, filed in the offices of the County and town clerks. Such certificate shall be issued in duplicate and a copy filed in each such office. If a map of such real property shall have been filed in such offices, prior to the granting of such consent, the County or town clerk shall indicate thereon every street or portion thereof to which such consent applies.

c. The provisions of this section shall not apply to streets, not less than two rods in width, laid out in a real property development, described in this section, prior to the seventh day of March, nineteen hundred twenty-two, if dwelling houses shall have been erected thereon.

d. Any person or corporation violating this section shall be guilty of a misdemeanor, and in addition, any contract for the sale of a lot or plot in such development, and any deed or conveyance thereof, may be set aside by the supreme court, upon proof of the fact that a street or portion thereof in such development, on which such lot or plot is situated, has not been laid out as required by this section.

Title B
Empire Zones

§16-2.0 **Purpose.** Article 18-B of the General Municipal Law establishes a program creating "Empire Zones," intended to stimulate private investment,

private business development and job creation through special incentives. This local law will enable the Planning Department to apply on behalf of Nassau County for designation as an Empire Zone of an area in need of assistance to encourage economic development incentives available under the designation can encourage new businesses to locate in the zone area and existing businesses to expand, thereby creating new employment opportunities for Nassau County residents.

§ 16-2.1 The Nassau County Planning Department is hereby authorized and empowered to submit an application for designation of certain areas within the County of Nassau as an Empire Zone; provided, however, that such authorization and empowerment shall be conditioned upon the prior concurrence, with respect to such application of the governing bodies of any and all cities, towns and villages in which such zone is located.

§ 16-2.2 The boundaries of the areas to be included in the Empire Zone shall be as attached hereto and made a part hereof.

§ 16-2.3 Pursuant to the requirement of section 963 of the General Municipal Law, the Deputy County Executive for Economic Development shall serve as the Local Empire Zone Certification Officer of Nassau County's Empire Zone, and shall perform the following duty, to wit: certify, jointly with the New York State Commissioner of Economic Development and the New York State Commissioner of Labor, those business enterprises that are eligible to receive benefits referred to in section 966 of the General Municipal Law, and any other applicable statutes.

§ 16-2.4 Pursuant to Article 18-B of the General Municipal Law, a Local Empire Zone Administrative Board is hereby established to consist of not fewer than six (6) members. All appointments to the Board shall be made by the County Executive, subject to the approval of the Legislature. The members shall not include the Local Empire Zone Certification Officer, and shall include a representative of local business, organized labor, financial institutions, local educational institutions, community organizations and at least one resident of the Empire Zone. The Chairperson of the Board shall be the County Executive. The Local Empire Zone Administrative Board shall perform all duties required of it pursuant to section 963(b) of the General Municipal Law.
(Added by Local Law 8-2002, signed into law on August 7, 2002.)[77]

[77] Local Law No. 8 -2005, an unconsolidated Local Law, also authorized application for designation of certain areas as an Empire Zone with slightly varying provisions. Such application was approved by the State on January 3, 2006.

CHAPTER XVII
FIRE PREVENTION[78]

Title A

PROHIBITION OF THE USE AND SALE OF SPARKLING DEVICES

Section §17-1.0 Definitions
§17-2.0 Prohibitions
§17-3.0 Penalties
§17-4.0 Applicability

§17-1.0 **Definitions.**

As defined in this law, the following term shall have the meaning indicated: "Sparkling Devices" – as defined in Section 270.00 of New York Penal Law.

§17-2.0 **Prohibitions.**

The sale and use of sparkling devices is hereby prohibited within the County of Nassau.

§17-3.0 **Penalties.**

(i) Any person who shall use or explode a sparkling device, or cause an exploding device to be exploded, shall be guilty of a violation punishable by a fine not to exceed $500;
(ii) Any person who offers a sparkling device for sale, or sells or furnishes a sparkling device to another person or persons, shall be guilty of a Class B misdemeanor, punishable by a fine of $1,000 and fifteen (15) days in jail.

§17-4.0 **Applicability.**

This law shall apply to all actions occurring on or after the effective date of this law.
(Title added by Local Law No. 10-2018, in effect June 12, 2018).

[78] Ordinance 28-2016, as amended, is the Nassau County Fire Prevention Ordinance and is available from the Nassau County Fire Marshal's Office.

CHAPTER XVIII
COUNTY DEBT COMMISSION

CHAPTER XIX
COUNTY CLERK

Title A. Indexing and Re-Indexing

Section	19-1.0	Scope of title.
	19-2.0	Definitions.
	19-3.0	Land and tax map; custody and control.
	19-4.0	Subdivision of county land and tax map.
	19-5.0	Land and tax maps: public records: copyright.
	19-6.0	Maps to be furnished to certain county offices.
	19-7.0	Copies of map authorized by Board of Supervisors.
	19-8.0	Supplemental land and tax maps; public records; effect.
	19-9.0	Supplemental land and tax maps furnished to county offices.
	19-10.0	Sale of copies of maps.
	19-11.0	Block indices.
	19-12.0	Entries of satisfaction.
	19-13.0	Correcting instruments.
	19-14.0	Block indices of liens; public record.
	19-15.0	Daily indices.
	19-16.0	Designation of section and block numbers.
	19-16.1	Endorsement of diagram.
	19-17.0	Fees for indexing; endorsement page requirement: section, block and lot number information requirement.
	19-18.0	Erroneous block designations: how corrected; fees.
	19-19.0	Entry of time of receipt: tickler entries: index entries.
	19-20.0	Endorsement of block numbers on certificate.
	19-21.0	Block index to be notice: variance.
	19-22.0	Re-indexing.
	19-23.0	Method of indexing and re-indexing.
	19-24.0	Corrections to be made without destroying original entry.
	19-25.0	System of reference; public record.
	19-26.0	Variance between system of reference and records; liability.
	19-27.0	Expense to be a county charge.

Title A
Indexing and Re-Indexing

§ 19-1.0 **Scope of title.**

County, which shall be recorded in the office of the County Clerk, shall be recorded and indexed pursuant to the provisions of this title.

b. The provisions of this title shall not apply to the indexing or recording of:

1. General assignments.

2. Wills.

3. Powers of attorney.

4. Executory contracts for the sale or purchase of land.

Such instruments shall be filed or recorded as required by law and when filed or recorded shall be indexed in separate alphabetical indices.

§ 19-2.0 **Definitions.**

1. The term "section" means a subdivision of the County delineated upon the land and tax maps by a section number.

2. The term "block" means a plot or parcel of land delineated upon the land and tax maps by a block number. For the purpose of locating the description of property contained in an instrument, in the several blocks affected thereby, each block shall be deemed to extend to the middle lines of the streets, avenues, roads, highways, boulevards and brooks when these form one or more of the boundaries of such block.
(Subds. 1 and 2. amended by L. 1946 Ch. 726 §§ 1-2, in effect July 1, 1946.)

3. The term "lot" means a plot or parcel of land lying wholly within the confines of a block and designated by a lot number.

4. The term "county land and tax map" means the County land and tax map as required in section six hundred three of the County Government Law of Nassau County and all the sections into which the County shall be divided.

5. The term "section land and tax map" means a map delineating a section of the County.

6. The term "land and tax map" means the County land and tax map together with section land and tax maps.
(Subds. 4, 5 and 6, amended by L. 1946 Ch. 726 § 3, in effect July 1, 1946.)

7. The term "block diagram" means a map delineating all the lots lying wholly within the confines of a block and designating the numbers of

such lots.

§ 19-3.0 **Land and tax map; custody and control.** The County land and tax map shall be in the custody and control of the Board of Assessors. The land maps now in existence are hereby discontinued; however, they shall be preserved and kept in the custody and control of the County Clerk.

§ 19-4.0 **Subdivision of county land and tax map.** The County land and tax map shall:

1. Be subdivided into sections convenient for the use to which it is to be put pursuant to this title.

2. Have delineated thereon the division lines of the several sections.

3. Have the sections thereon numbered from number one consecutively, upward for as many sections as shall appear thereon.

4. Have the blocks thereon numbered in such manner as is deemed advisable.

Separate maps of each section containing the numbers of all blocks shall be made.

§ 19-5.0 **Land and tax maps; public records: copyright.** The land and tax maps, as amended from time to time shall be public records and shall be housed in the same building where the office of the County Clerk is maintained.

§ 19-6.0 **Maps to be furnished to certain county officers.** The Board of Assessors shall furnish a certified copy of the County land and tax map to the following county officers:

1. The County Treasurer.

2. The County Attorney.

3. The County Clerk.

4. The Department of Public Works.

5. The Department of Planning.

§ 19-7.0 **Copies of map authorized by the Nassau County Legislature.** The Legislature, upon terms and conditions in its discretion may authorize:

1. Any city or village, now existing or hereafter incorporated within the County, to make a copy of such part of the county land and tax map covering the incorporated area of such city or village.

2. The Assessor to make and deliver to such city or village a copy of such part of the County land and tax map.
(Sections 19-3.0.19-4.0.19-5.0.19-6.0 and 19-70, amended by L. 1948 Ch. 726 § 7, in effect July 1, 1946; amended by Local Law No. 13-2011, in effect December 22, 2011.)

§ 19-8.0 **Supplemental land and tax maps; public records; effect.**

a. Whenever the Board of Assessors deem it necessary, they may further subdivide the sections and blocks delineated on the land and tax maps and designate the new subdivisions with such numbers or titles of reference as they deem most suitable.

b. The County Clerk, so far as practicable, shall keep a record of all changes caused by the opening, closing, widening or alteration of any street, avenue, road, highway, boulevard, parkway or waterway and shall forthwith notify the Board of Assessors who shall denote such changes on the land and tax map.
(Subds. a. and c. amended by L. 1948 Ch. 726 §§ 5 and 6, in effect July 1, 1946.)

d. The supplemental land and tax maps shall constitute a part of the land and tax maps and shall be a public record.
(Subd. d. amended by L 1946 Ch. 726 § 7, in effect July 1, 1946.)

§ 19-9.0 **Supplemental land and tax maps furnished to county offices.** The Board of Assessors, annually on the first day of May or as soon thereafter as possible, shall furnish to the County offices enumerated in section 19-6.0 of the code a certified copy of the supplemental land and tax maps, showing all new subdivisions, numberings and changes made during the preceding year.
(Amended by L. 1946 Ch. 726 § 8, in effect July 1. 1946.)

§ 19-10.0 **Sale of copies of maps.** The Board of Assessors shall:

1. Print as many copies of the land and tax maps as the Board of Supervisors may authorize.
(Amended by L. 1946 Ch. 726 § 9 in effect July 1, 1946.)

2. Sell such copies at a price fixed by the Board of Supervisors.

3. Pay over to the County Treasurer the proceeds of the sale of such copies.

§ 19-11.0 **Block indices.**

a. The County Clerk shall prepare one or more books for each section for the indexing under the proper block diagrams and block and lot numbers of all instruments required to be recorded in the books of conveyances and mortgages.

b. Such books shall be entitled "block indices" and shall bear such other titles as the County Clerk may designate. The block indices shall indicate the sections and blocks to which they relate.

c. Such indices shall contain:

   1. The names of the parties to each instrument.

   2. The date of the instrument.

   3. The date of record.

   4. The liber and page of the record.

   5. A notation of the location of the lot or parcel of land it affects.

   6. A column headed "remarks" wherein shall be noted such additional information which in the judgment of the County Clerk will make reference to recorded instruments more convenient.

d. The indices shall be kept in the office of the County Clerk and shall be public records.

§ 19-12.0 **Entries of satisfaction.** The County Clerk upon receiving for recording and filing

a. satisfaction of any mortgage shall forthwith enter upon the margin of the record of such mortgage the date of the recording and filing of such satisfaction, provided, however, if recording is accomplished by microfilm process, the County Clerk may, in lieu of making such entry on the record, make appropriate entry on the block index of such mortgage of the date of filing and recording of the satisfaction.
(Amended by L. 1949 Ch. 180; L. 1968 Ch. 524, in effect July 5, 1968.)

§ 19-13.0 **Correcting instruments.** The County Clerk upon receiving for recording any instrument which by its express recitals purports to correct a recorded instrument shall index such instrument in the same manner as a deed or a mortgage and shall also make a suitable note thereof upon the index of the affected instrument.

(Amended by L. 1939 Ch. 701 § 9, In effect June 5, 1939.)

§ 19-14.0 **Block indices of liens; public record.**

a. There shall be a set of block indices in the office of the County Clerk for the purpose of indexing all liens or statutory notices of liens or claims on land except mortgages and the satisfaction or cancellation thereof.
(Amended by L. 1949 Ch. 180 § 2, in effect May 1, 1949.)

b. Such books shall be suitably designated as block indices of liens, the designation specifying the kind of liens indexed therein.

c. Such indices shall be ruled for the entering therein of:

1. The-names of the lienors or claimants.

2. The names of the owners against whose title or interest a lien or claim is made.

3. The property affected.

4. The amount claimed to be due.

5. The date of satisfaction or cancellation.
(Subd. c. amended by L. 1939 Ch. 701 § 11, in effect June 5, 1939.)

d. The block indices of liens shall be kept in the office of the County Clerk. Such indices shall be public records.

§ 19-15.0 **Daily indices.**

a. The County Clerk shall provide and keep in his office:

1. A daily digital index of conveyances.

2. A daily digital index of mortgages.

3. A daily digital index of lis pendens.

4. A daily digital index of liens or statutory notices of liens or claims on land.

b. The County Clerk shall maintain such digital indices by section and block numbers.
(Amended by L. 1939 Ch. 701 § 11, in effect June 5, 1939; amended by Local Law No. 13-2011, in effect December 22, 2011.)

§ 19-16.0 **Designation of section and block numbers.**

a. Every instrument presented for recording which is required to be indexed pursuant to this title must have endorsed thereon, to be recorded therewith, before it shall be accepted by the County Clerk, a designation of the number of each section and the number of each block in such section on the County land and tax map in which the land affected by the instrument lies.
(Amended by L. 1946 Ch. 726 § 10, in effect July 1, 1946.)

b. The record of such instruments shall not be notice to bona fide purchasers or encumbrances in respect to any land situated in any block not so endorsed, except as hereinafter provided in section 19-18.0 of the code.
(Subd. c renumbered as b by L. 1939 Ch. 701 § 13, in effect June 5, 1939).

§ 19-16.1 **Endorsement of diagram.**

a. The County Clerk may refuse to accept any instrument presented for recording or filing which is required to be indexed pursuant to this title unless there is endorsed thereon a diagram of the land affected by the instrument.

b. Such diagram shall be in conformity with the block diagrams on the County land and tax map.
(Section added by L. 1939 Ch. 705 § 2, in effect June 5, 1939; subd. b, amended by L. 1946 Ch. 726 § 11, in effect July 1, 1946.)

§ 19-17.0 **Fees for indexing; endorsement page requirement; section, block and lot number information requirement.**

a. Any person presenting an instrument, including but not limited to deeds, mortgages, and any other such instruments, to the County Clerk for recording and indexing or for the satisfaction or cancellation of a lien or statutory notice of a lien or claim on land and the indexing of such satisfaction or cancellation, shall pay to such clerk, in addition to such other fees required by law, the sum of three hundred dollars for each block under which such instrument is required to be indexed.

b. The office of the County Clerk shall affix to the instrument its computer-generated endorsement page which shall meet statutory requirements for endorsement, and which shall become part of the instrument. Such endorsement page shall be subject to the statutory per page fee set forth in CPLR section 8021(4)(a).

c. Any document or instrument affecting real property presented to the

County Clerk for recording and indexing or filing shall contain the property section, block and lot number on the first page of the instrument.
(Amended by L. 1945, Ch. 148 §2, in effect March 13, 1945; Local Law No. 3, 1954; Local Law No. 10, 1972, in effect October 1, 1972; Local Law No. 7, 1979, in effect January 1, 1979; Local Law No. 10, 1979, in effect January 1, 1980; Local Law No. 16-1990, in effect October 15, 1990; Local Law No. 9-1992, in effect July 1, 1992: Local Law No. 4-1994, in effect October 11, 1994; Subd. a. b and c amended by Local Law No. 5-1995, in effect June 28, 1995: Subd. d & e deleted by Local Law No. 5-1995, in effect June 26, 1995; Subd. a amended by Local Law No. 17-2010, in effect December 1, 2010; Subd. a amended by Local Law No. 18-2012, in effect January 1, 2013; Subd. a amended by Local Law No. 8-2015, in effect November 30, 2015 (The effect of Local Law No. 8-2015 was, however, suspended until January 4, 2016, by Local Law 10-2015 in effect December 22, 2015).)

d. Issuance of a cover sheet which is the functional equivalent of the original cover sheet. The County Clerk is authorized to:

1. Produce and issue a document which is the functional equivalent of a cover sheet when the original cover sheet is unavailable for reproduction; and

2. Certify said document as a true copy of the original, without further explanation and to collect the requisite certification fee.
(Subd. d added by Local Law No. 8-1997, in effect January 8, 1998.)

§ 19-18.0 **Erroneous block designations; how corrected; fees.**

a. Upon presentation of a recorded instrument which has not been properly indexed pursuant to this title and upon presentation of a correction document, the County Clerk shall:

1. Properly re-index such instrument against each section and block in which the land affected lies.

2. Forthwith make a note of such re-indexing and the date thereof in every place where such instrument may have been erroneously indexed, opposite the entry thereof.

3. Forthwith make a note of such re-indexing and the date thereof upon the record of the instrument and upon the instrument itself if it is in his possession or presented to him for that purpose.

b. Any person presenting a correction document to be re-indexed pursuant to this section shall pay to such clerk, in addition to such other fees required by law, the sum of three hundred dollars for each block under which such instrument is required to be indexed.
(Amended by Local Law 17-2010, in effect December 1, 2010; amended by Local Law

18-2012 in effect January 1, 2013; amended by Local Law No. 8-2015, in effect November 30, 2015 (The effect of Local Law No. 8-2015 was, however, suspended until January 4, 2016, by Local Law 10-2015 in effect December 22, 2015).)

c. Where an instrument has been improperly indexed the record of such instrument shall not be notice to a bona fide purchaser until such instrument has been properly re-indexed pursuant of this section. (Amended by Local Law No. 13-2011, in effect December 22, 2011.)

§ 19-19.0 **Entry of time of receipt; tickler entries; index entries.** The County Clerk upon recording an instrument which is required to be indexed pursuant to this title shall:

1. Forthwith endorse thereon the date, hour and minute of its recording.

2. Forthwith enter in the proper database the names of every party executing the instrument, the date of record thereof and the number of every section and block endorsed upon the instrument pursuant to section 19-16.0 of the code.

3. Within ninety days after its recording, index the instrument in the proper book of block indices under the block number.
(Amended by Local Law No. 13-2011 in effect December 22, 2011.)

§ 19-20.0 **Endorsement of block numbers on certificate.** The certificate which the County Clerk is required to endorse on instruments recorded by him, shall contain, in addition to the other matters required to be stated thereon the number of every block and section on the land and tax map under which the instrument has been indexed.
(Amended by L. 1946 Ch. 726 § 12, in effect July 1, 1946.)

§ 19-21.0 **Block index to be notice; variance.**

a. All entries made in the indices pursuant to this title except the information contained in the column headed "remarks" shall be deemed a part of the record of the instruments to which such entries respectively refer, and shall be notice to subsequent purchasers or encumbrances to the same extent as the recorded instruments in the office of the County Clerk.

b. Whenever a variance exists between any entry in such indices and any part of the record proper of an instrument as contained in the libers or books of record, such record proper shall be controlling for the purpose of notice as provided in section 19-26.0 of the code.

§ 19-22.0 **Re-indexing.**

a. The County Clerk may re-index and prepare new indices, of all instruments, liens, notices and claims affecting real property in the County which were recorded or filed in the office of the County Clerk of the County of Nassau prior to, the completion and filing of the land maps and prior to the commencement of the block and lot index.

b. The County Clerk may keep the records of such re-indexing and new indices in separate books or incorporate them partly or wholly in the section, block and lot indices.

c. Such supplemental indices or any part thereof shall become a public record when their completion for public use is certified by the County Clerk under his hand. Such indices shall be kept in the office of the County Clerk.

d. The index books prepared under this section shall be suitably endorsed as block indices of re-indexed instruments affecting real property, the endorsements specifying the kind of instruments or liens re-Indexed in each index book.

e. Upon the certification by the County Clerk of the completion of the supplemental indices or any part thereof all the provisions of this title shall apply to them with the same force and effect as if they were prepared pursuant to sections 19-11.0 and 19-14.0 of the code.

§ 19-23.0 **Method of indexing and re-indexing.** When the County Clerk deems it impracticable or inadvisable to index or re-index an instrument or notice of lien as required by this title he may adopt and execute such other plan of indexing or re-indexing which in his opinion will simplify reference to such instruments and notices.

§ 19-24.0 **Corrections to be made without destroying original entry.** A correction of an entry in the records index of the Office of the County Clerk shall be made by putting notations on the screen of the original entry. The notations shall include the date of the correction, initials of the person making the correction, the new liber and page, if any, and the nature of the correction to be made, without destroying the original entry.

A corrective document is created which reflects the changes and a new cover sheet reflecting such changes is generated. The original recording date and time is set forth on the corrected record index. Both the original entry and the corrective entry will cross reference each other.
(Amended by Local Law No. 6-1994, in effect June 27, 1994.)

§ 19-25.0 **System of reference; public record.** The County land and tax maps, section land and tax maps, the former county land map, the former section land maps, block diagrams, block indices and the notations made from time to time upon them and the marginal notations of satisfactions made from time to time upon or adjacent to the record of any mortgage pursuant to this title shall constitute a system of reference to instruments recorded or filed in the office of the County Clerk. Such system of reference shall be a public record.
(Amended by L. 1946 Ch. 726 § 3, in effect July 1, 1946.)

§ 19-26.0 **Valiance between system of reference and records; liability.**

a. Where a variance exists between the information noted in any part of such system of reference and the record proper of any instrument recorded or filed, as contained in the libers or books of record in the office of the County Clerk, the record proper of the instrument shall be controlling.

b. The County Clerk, his deputies, assistants and employees shall not be liable for damages in any cause arising from such variance unless it was made or brought about by willful and intentional fraud attributable to the department or persons sought to be held liable therefore.

§ 19-27.0 expense to be a county charge. Upon the requisition of the County Clerk the County Treasurer shall payout of the amounts appropriated the expenses authorized by this title.
(Amended by L. 1943 Ch. 710 § 115, as last amended by L. 1945 Ch. 338, in effect September 2, 1945.)[79]

[79] Amendment required by Local Finance Law § 11.00.

CHAPTER XX
SHERIFF

Title A. In General

Section	20-1.0	Chaplains to the County Jail.
	20-2.0	Petty Cash Fund.
	20-3.0	Health and Wellness Division

Title A
In General

§ 20-1.0 **Chaplains to certain institutions of Nassau County.**

a. The County Executive, subject to confirmation by the Board of Supervisors, may appoint chaplains to each of the following county institutions: the County jail, the A. Holly Patterson Home for Aged and Infirm, the Nassau County Public General Hospital, the Nassau County Sanatorium, the Nassau County Children's Shelter and such other county institutions as may from time to time be designated by ordinance.

b. Except as provided in subdivision c of this section, chaplains, appointed as aforesaid, shall receive an annual salary in such amount as shall be fixed by ordinance of the Board of Supervisors. Such salary shall include all expenses incurred by such chaplains in the performance of their duties.

c. Designation of chaplains for the aforesaid institutions may also be accomplished by means of a contractual agreement or agreements for the services of such chaplains at the said institutions and such other county institutions as may from time to time be designated by ordinance at such compensation as shall be fixed by the Board of Supervisors, which shall include all expenses incurred by such chaplains in the performance of their duties. Such contract or contracts shall be executed by the County Executive with the approval of the Board of Supervisors.

§ 20-2.0 **Petty Cash Fund.** The Board of Supervisors may authorize the County Treasurer to furnish the Department of Sheriff with a petty cash fund, in such amount as the Board of Supervisors may speedy by resolution. Expenditures from this fund shall be covered by itemized vouchers or claims in the name of the fund verified by the oath of the sheriff. Upon audit of such vouchers or claims and by means of a warrant drawn on the County Treasurer signed by the Comptroller, the treasurer shall reimburse such petty cash fund the said amount audited and allowed.

Such fund shall be used for:

1. Defraying the expenses of the department in meeting public emergencies, and

2. As approved by the sheriff, advancing the expenses that might be incurred by members of the department in the course of their assigned duties, except that expenses authorized by §7-b of the General Municipal Law shall also be approved by the County Executive.
(Amended by Local Law No. 6-1963; Local Law No. 8-1963: Local Law 10-1963; Local Law No. 1-1968, in effect February 13, 1968; Section 20.2.0 added by Local Law No. 6-1986, in effect June 16, 1986.)

§20-3.0. **Health and Wellness Division.**

a. There shall be within the Nassau County Department of Sheriff a Health and Wellness Division. It shall be the duty of the Division to provide health and wellness training and resources to the members of the Nassau County Department of Sheriff. The Health and Wellness Division shall:
    1. Maintain a smartphone application and website for active and retired Sheriff personnel to provide information on the signs of depression, signs of suicidal behavior, links to the American Foundation of the Prevention of Suicide and additional information as determined by the Sheriff to assist retired and active members of the Department of Sheriff;
    2. establish and determine funding for a formal peer support program for Sheriff Department personnel;
    3. provide in-service wellness training and resources for all Nassau County Sheriff Department personnel for a minimum of one-hour per calendar year;
    4. establish a mental health action plan, to be evaluated by the Nassau County Sheriff annually, to examine the mental health policy, procedures, and resources of the Department and identify necessary updates;
    5. establish guidelines to protect the privacy of police officers to the maximum extent allowable by law;
    6. perform such other duties as determined by the Sheriff.
    (Added by Local Law No. 21-2019, in effect on October 21, 2019)

CHAPTER XXI
MISCELLANEOUS OFFICERS

Title A. Law, Library

Section 21-1.0 Continuance of law library.
21-2.0 Board of Trustees.
21-3.0 Appointments; budget; expenses.
21-4.0 Powers of Board of Trustees.
21-5.0 Gifts to law library.
21-6.0 Suits to recover penalties and damages.

Title B Hospitals and Sanatoria

Section 21-7.0 Regulation of the use of county hospital buildings and grounds.

Title C Commission on Human Rights

Section 21-9.0 Policy.
21-9.0-a Chapter to be Liberally Construed.
21-9.1 Creation of Commission on Human Rights.
21-9.2 Definitions.
21-9.3 Functions of the Commission.
21-9.4 Powers and duties.
21-9.5 Employments and expenses.
21-9.6 Separability.

Title C-1 Open Housing

Section 21-9.7 Open housing provisions.

Title C-2 Unlawful Discriminatory Practices

Section 21-9.8 Unlawful discriminatory practices.
21-9.9 Enforcement.
21-9.9.1 Penalties.
21-9.9-b Separability.

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21-10.2 Unfair trade practices prohibited; enforcement.
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21-11.2 License required, home improvement business.
21-11.3 Craft licenses.
21-11.4 Home improvement business licenses: requirements.
21-11.5 Licenses: display, renewals: duplicates.
21-11.6 Fees.
21-11.7 Powers of the Commissioner.
21-11.8 Refusal, suspension, revocation of license and fines.
21-11.9 Prohibited acts.
21-11.10 Exceptions.
21-11.11 Completion Date.
21-11.12 Issuance, refusal and renewal of licenses; temporary licensing.
21-11.13 Hearings on charges; decisions.
21-11.14 The Home Improvement Industry Board.
21-11.15 Violations and penalties.
21-11.15a [Seizure and Impound[81]]
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Title D-2 Locksmith Licenses

Section 21-12.1 Definitions
21-12.2 License requirement
21-12.3 License fee
21-12.5 Proof of qualifications; fingerprinting
21-12.6 Refusal to issue or renew, or suspension or revocation

[80] Not in local law. Added to facilitate use.
[81] Not in local law. Added to facilitate use.

based on criminal conviction
21-12.7 Violations and penalties
21-12.8 Enforcement

Title D-3 Sale of Water Contaminated Gasoline

Section 21-13.0 Definitions.
21-13.1 Duties of operator of motor-fuel dispensing facility.
21-13.2 Prohibitions.
21-13.3 Penalties.
21-13.4 Enforcement.
21-13.5 Separability.

Title D-4 Fuel Delivery Vehicle Identification

Section 21-14.0 Definitions.
21-14.1 Vehicle Identification.
21-14.2 Enforcement.
21-14.3 Penalties.
21-14.4 Separability.

Title D-5 Sale of Adulterated Motor Fuel

Section 21-15.0 Legislative Intent.
21-15.1 Definitions.
21-15.2 Marking of Motor Product Fuel Pumps.
21-15.3 Penalties.
21-15.4 Enforcement.
21-15.5 Separability.

Title D-6 Licensing of School Bus Companies[82]

Section 21-16.0 Legislative intent.
21-16.1 Definitions.
21-16.2 Licenses required.
21-16.3 Applications for licenses.
21-16.4 Licenses; decals; renewals; duplicates; hearings.
21-16.5 Fees.
21-16.6 Powers of the Commissioner.
21-16.7 Bus inspections.
21-16.8 General provisions.
21-16.9 Refusal, suspension and revocation of licenses.

[82] Title D-6 was declared invalid in the case of *Board of Education of the Farmingdale Union Free School District v. Gulotta*, 157 A.D.2d 642 (2d Dept. 1990) on the grounds that it was preempted by state law.

21-16.10 Hearings on charges; decisions.
21-16.11 Fines.
21-16.12 Violations and penalties.
21-16.13 Separability.

Title D-7 Required Posting of Tax-exempt Foods and Drugs

Section 21-17.0 Legislative Intent.
21-17.1 Definitions.
21-17.2 General Provisions.
21-17.3 Enforcement.
21-17.4 Hearing.
21-17.5 Penalty for Violations.
21-17.6 Settlements.
21-17.7 Separability.

Title D-8 Item Pricing and Pricing Accuracy

Section 21-18.0 Legislative Intent.
21-18.1 Definitions.
21-18.2 Item Pricing.
21-18.3 Pricing Accuracy.
21-18.3.1 Waiver from Item Pricing
21-18.4 Enforcement.
21-18.5 Regulations.
21-18.6 Separability.

Title D-9[83] Tax Assessment Reduction Services

Section 21-19.1 Definitions.
21-19.2 Unlawful Activity.
21-19.3 Penalties.
21-19.4 Enforcement of Contracts and Agreements.
21-19.5 Title Not Exclusive Remedy.
21-19.6 Regulations.

Title D-10 Disclosure Requirements for Refund Anticipation Loans

Section 21-20.0 Legislative Intent.
21-20.1 Title and scope.
21-20.2 Definitions.
21-20.3 Refund anticipation loans.
21-20.4 Posting of Fee Schedule and Disclosures.

[83] A second Title D-9 regarding the registration of taxicabs and limousines was repealed by Local Law18-2014.

21-20.5 Penalties.
21-20.6 Civil Cause of Action.
21-20.7 Severability.

Title D-12 Automated Teller Machine Safety

Section 21-22.0 Short title
21-22.1. Legislative findings and intent
21-22.2 Definitions
21-22.3 Applicability
21-22.4 Registration of private automated teller machines
21-22.5 Requirements for operation of automated teller machines registered in accordance with this title
21-22.6 Safety rules for private automated teller machines
21-22.7 No impact on banking regulations; not to supersede EFT regulations
21-22.8 Facilities not subject to this article; exemptions
21-22.9 No waiver
21-22.10 Penalties
21-22.11 Reporting to federal authorities; guidance to victims
21-22.12 Identity theft public education and awareness effort
21-22.13 County not liable

Title D-13 Selling, Loaning or Distributing Video Games

Section 21-23.1 Legislative Intent.
21-23.2 Definitions.
21-23.3 Display of rating system information.
21-23.4 Penalty.

Title D-14 Licensing of sign hangers

Section 21-24.1 [Legislative Finding][84]
21-24.2 Definitions.
21-24.3 General license requirements.
21-24.4 Issuance of License.
21-24.5 Term of license; renewal.

[84] No title in Local Law. Added for ease of use.

21-24.6 Use of license.
21-24.7 License fee.
21-24.8 Violations and penalties.
21-24.9 Exemptions.
21-24.10 Severability.

Title D-15 Preventing the spread of invasive species in Nassau County

Section 21-24.1 Definitions.
21-24.2 Prohibitions.
21-24.3 Invasive species committee.
21-24.4 Exemptions.
21-24.5 Variance requests.
21-24.6 Disposal of prohibited invasive species.
21-24.7 Enforcement.
21-24.8 Severability

Title D-16 Home Services Licenses

Section 21-25.0 Legislative purpose
21-25.1 Definitions
21-25.2 License required; Home service business
21-25.3 Craft licenses
21-25.4 Home service business licenses; Requirements
21-25.5 Licenses; Display; Renewals; Duplicates
21-25.6 Fees
21-25.7 Powers of the Commissioner
21-25.8 Refusal, suspension and revocation of license; Fines
21-25.9 Prohibited acts
21-25.10 Exceptions
21-25.11 Completion date
21-25.12 Issuance, refusal and renewal of licenses
21-25.13 Hearings on charges; Decision
21-25.14 Violations and penalties
21-25.15 Severability

Title D-17 Storage Warehouse Operators

Section 21-26.0 Legislative intent
21-26.1 Definitions
21-26.2 License required

21-26.3 Regulations
21-26.4 Application for license; fee; bond
21-26.5 Issuance of License
21-26.6 Expiration and Renewal of License
21-26.7 Denial or Revocation of License; Appeals
21-26.8 Non-Transferability of License
21-26.9 Duties of warehouse operator
21-26.10 Schedule of rates
21-26.11 Bond
21-26.12 Insurance
21-26.13 Form contract
21-26.14 Penalties
21-26.15 Unfair trade practices
21-26.16 Severability

Title D-18 Second-Hand Precious Metal And Gem Dealers

Section 21-27.0 Legislative intent
21-27.1 Definitions
21-27.2 License required, Display, Signs and labeling
21-27.3 Regulations
21-27.4 Application for license; Fee; Bond; Insurance
21-27.5 Issuance of License
21-27.6 Expiration and Renewal of License
21-27.7 Denial or Revocation of License; Appeals
21-27.8 Non-Transferability of License
21-27.9 Restrictions
21-27.10 Record of Purchases and Sales
21-27.11 Identity of Person from whom Purchase is Made
21-27.12 Lost or Stolen Property
21-27.13 Report to Law Enforcement Agencies
21-27.14 Duty to Enforce
21-27.15 Disclaimer of Liability
21-27.16 Penalties for offenses
21-27.17 Severability

Title D-19 Electronic and Home Appliance Service Dealers

Section 21-28.0 Legislative purpose
21-28.1 Definitions
21-28.2 License required; Electronic or home appliance service dealer
21-28.3 Effect on other laws
21-28.4 Electronic or home appliance service dealer license; Requirements
21-28.5 Licenses; Display; Renewals; Duplicates

21-28.6 Fees
21-28.7 Powers of the Commissioner
21-28.8 Refusal, suspension and revocation of license; Fines
21-28.9 Duties of licensee
21-28.10 Prohibited acts
21-28.11 Exceptions
21-28.12 Completion date
21-28.13 Issuance, refusal and renewal of licenses
21-28.14 Hearings on charges; Decision
21-28.15 Violations and penalties
21-28.16 Severability

Title D-20 Scrap Metal Processors, Vehicle Dismantlers and Junk Dealers

Section 21-29.0 Legislative intent
21-29.1 Definitions
21-29.2 License required, Display, Signs and labeling
21-29.3 Regulations
21-29.4 Application for license; fee; bond
21-29.5 Issuance of License
21-29.6 Expiration and Renewal of License
21-29.7 Denial or Revocation of License; Appeals
21-29.8 Non-Transferability of License
21-29.9 Restrictions
21-29.10 Recordkeeping Requirements
21-29.11 Transaction receipt requirements
21-29.12 Inspection of records and books
21-29.13 Order to hold property
21-29.14 Penalties for offenses
21-29.15 Injunctive relief
21-29.16 Severability
21-29.17 Applicability

Title D-21 Drycleaners And Laundromats

Section 21-30.1 Legislative intent
21-30.2 Definitions
21-30.3 License required, Display, Signs and labeling
21-30.4 Regulations
21-30.5 Application for license; fee; bond
21-30.6 Issuance of License
21-30.7 Expiration and Renewal of License
21-30.8 Denial or Revocation of License; Appeals
21-30.9 Non-Transferability of License

21-30.10 Duties of Laundry Operator
21-30.11 Scales
21-30.12 Schedule of Rates
21-30.13 Advertising
21-30.14 Refund Policy
21-30.15 Bond
21-30.16 Penalties

Title D-22 Environmental Hazard Remediation Providers

Section 21-31.0 Definitions
21.31.1 License Required, Display
21.31.2 Types of License
21.31.3 Application of Environmental Hazard Remediation Provider License; Fee; Insurance
21-31.4 Application for Environmental Hazard Remediation Technician License; Fee
21.31.5 Issuance of License
21.31.6 Expiration and Renewal of License
21.31.7 Denial or Revocation of License; Appeals
21.31.8 Non-Transferability of License
21.31.9 Restrictions
21-31.10 Reports to the Commissioner
21.31.11 Regulations
21.31.12 Disclaimer of Liability
21.31.13 Penalties for Offenses
21.31.14 Discretion of the County Executive to Modify or Suspend
21.31.15 Severability

Title D-23 Health Club Operators

Section 21-32.1 Definitions
21-32.2 Escrow Required.
21-32.3 Bond , Letter of Credit or Certificate of Deposit Required
21-32.4 Contract Restrictions
21-32.5 Right of Cancellation of Contracts for Services
21-32.6 Assignment of Contracts for Services
21-32.7 Deceptive Acts Prohibited.
21-32.8 Contracts Void and Unenforceable.
21-32.9 Automated External Defibrillator Requirements
21-32.10 Private Right of Action
21-32.11 Violations.

	21-32.12	Supplemental definitions
	21-32.13	License required
	21-32.14	Application for license; fee
	21-32.15	Issuance of License
	21-32.16	Expiration and Renewal of License
	21-32.17	Powers of the Commissioner
	21-32.18	Refusal, suspension and revocation of license; grounds
	21-32.19	Denial, Suspension or Revocation of License; Appeals
	21-32.20	Penalties for offenses
	21-32.21	Imposition of penalties
	21-32.21	Non-Transferability of License

Title D-24 Pet Grooming Businesses

Section	21-33.0	Definitions
	21-33.1	Pet Grooming License Required
	21-33.2	Pet Groomer License
	21-33.3	Health and Safety Standards
	21-33.4	Regulation
	21-33.5	Penalties for Offenses
	21-33.6	Imposition of penalties
	21-33.7	Denial or Revocation of Licenses; Appeals
	21-33.8	Non-Transferability of Licenses
	21-33.9	Applicability

Title D-25 For-Hire Vehicles

Section	21-19.0	Definitions
	21-19.1	Regulation of for-hire vehicles

Title E Nassau County Traffic Safety Board

Section	21-50.0	Board established.
	21-50.1	Organization and reports by the Board.
	21-50.2	Functions of the Board.
	21-50.3	Executive secretary of the Board.

Title F Environmental Management Council

Section	21-60.0	Legislative intent and declaration of policy.
	21-60.1	Council established.
	21-60.2	Membership.
	21-60.3	Term of office.

21-60.4 Powers and duties.
21-60.5 Compensation and expenses.

Title G Control and Regulation of Waste Oil Deposition[85]

Title H Advisory Council for Senior Citizen Affairs

Section 21-80.0 Council established.

Title I Nassau County Water Resources Board

Section 21-90.0 Legislative intent and declaration of policy.
21-90.1 Board established.
21-90.2 Membership.
21-90.3 Powers and duties.
21-90.4 Compensation and expenses.

Title J Nassau County Cultural Development Board[86]

Title K Nassau County Public Utility Agency

Section 21-110.0 Legislative intent and declaration of policy.
21-110.1 Agency Established
21-110.2 Membership.
21-110.3 Powers and duties.
21-110.4 Rates and Agency Costs.
21-110.5 Eminent Domain.
21-110.6 Compensation and Expenses.

Title L Nassau County Department of Probation

Section 21-120.0 Petty Cash Fund.

Title M Nassau County Recycling Board

Section 21-130.0 Legislative Intent and Declaration of Policy.
21-130.1 Recycling Board Established
21-130.2 Membership.
21-130.3 Powers and Duties.
21-130.4 Establishment of the Position of Recycling Coordinator.

[85] Repealed by Local Law No. 7-1982, adopted September 13, 1982, due to pre-emption by an amendment to Article 23 of the Environmental Conservation Law of the State of New York.

[86] Repealed by Local Law No. 43-2000, in effect December 28, 2000.

21-130.5 Powers and Duties of the Recycling Coordinator.
21-130.6 Separability.

CHAPTER XXI
MISCELLANEOUS OFFICERS

Title A
Law library

§ 21-1.0 **Continuance of law library.** The law library maintained in the County seat is continued and shall be a county department.

§ 21-2.0 **Board of Trustees.** The Board of Trustees of such library is continued. Such board shall consist of the County judge, the surrogate and the district attorney.

§ 21-3.0 **Appointments; salary; budget; expenses**

a. The County Executive, subject to confirmation by the Board of Supervisors, shall appoint, and at pleasure remove, a librarian and such assistant or assistants as he may deem necessary. Such librarian and assistants shall receive such compensation as may be provided by ordinance.

b. The law library shall be subject to the budgetary and other financial provisions of the charter. All purchases of books, periodicals, supplies, materials and equipment of every nature shall be made pursuant to the provisions of the charter.

§ 21-4.0 **Powers of Board of Trustees.** Such Board of Trustees:

1. May direct the purchase of such books and periodicals, within its annual appropriation, as it may deem necessary.

2. May make rules and regulations for the management and protection of such law library and prescribe penalties for the violation thereof.

§ 21-5.0 **Gifts to law library.** The County may receive by gift, devise or bequest any property given or conveyed for the law library.

§ 21-6.0 **Suits to recover penalties and damages.** The County may sue for and recover penalties prescribed by the Board of Trustees and may

maintain actions for injury to such library.

Title B
Hospitals and Sanatoria

§ 21-7.0 **Regulation of the use of county hospital buildings and grounds.** The Board of Managers of any Nassau County tuberculosis hospital or county public general hospital is authorized to adopt by ordinance, rules and regulations for the government, use and protection of the hospital buildings and the property and grounds in connection therewith, provided that no such ordinance shall regulate, restrict or authorize the vehicular use of, or parking on, or traffic in and through the hospital property or grounds.

Every such ordinance hereafter adopted by the Board of Managers of a county hospital shall be entered in the minutes of such board and shall be published in the official newspapers of Nassau County once and the same shall take effect ten days after such publication.

It shall be the duty of the County police department to enforce such ordinance and to prevent the violation thereof whether such violation or threatened violation occurs in the County of Nassau within or without the County police district, and for such purpose within the County hospital buildings and the property grounds and driveways in connection therewith, the members of the County police force shall possess all the powers which they possess within the boundaries of the County police district. Any person who violates any rule or regulation established by such ordinance shall be guilty of a misdemeanor and upon conviction, shall be punishable by a fine of not to exceed fifty dollars or by imprisonment. Fines collected for violation of such ordinance shall be paid to the County Treasurer and credited to the County general fund.

Nothing in this section contained shall be held to affect or abridge the right of any city, town or village to perform its lawful functions of government within its boundaries, or to pursue and apprehend as it lawfully may, any person or persons who commit any breach of any statute, ordinance or regulation.
(Added by Local Law No. 5-1945; amended by Local Law No. 2, § 2, 1954, in effect May 17, 1954.)

§ 21-8.0 **Refusal to grant hospital staff appointments and privileges because of group participation prohibited.**
(Repealed by L. 1964 Ch. 582, in effect June 15, 1964.)

Title C
Commission on Human Rights

§ 21-9.0. **Policy**. In a county such as the County of Nassau, with its large and diverse population, there is no greater danger to the health, morals, safety and welfare of the County than the existence of groups prejudiced against and antagonistic to one another because of actual or perceived differences of race,

color, creed, gender, age, disability, religion, source of income, veteran status, first responder status, sexual orientation, national origin, marital status, familial status or ethnicity. The Nassau County Legislature hereby finds and declares that prejudice, intolerance, bigotry and discrimination threaten the rights and proper privileges of its residents and menace the institutions of a free democratic society. Pursuant to the powers granted to the County by the New York State Constitution and the Municipal Home Rule Law, in order to protect the health, morals, safety and welfare of the County and its inhabitants, a Commission is hereby created through which the County of Nassau officially may encourage mutual understanding and respect among all groups in the County, eliminate prejudice, intolerance, bigotry and discrimination and give effect to the guarantee of equal rights for all assured by the Constitution and the laws of this state and of the United States of America.

§ 21-9.0-a. **Titles to be liberally construed**. Titles C, C-1 and C-2 of this chapter shall be construed liberally for the accomplishment of their purposes and any provision of this code inconsistent with any provision of these titles shall not apply.

§ 21-9.1. **Creation of Commission on Human Rights**. There is hereby created a Commission on Human Rights. It shall consist of fifteen members, serving without compensation, to be appointed by the County Executive, upon recommendation of the Commission and subject to confirmation by the County Legislature. One member shall be designated by the County Executive as the chair of the Commission. Of the fifteen members first appointed, five shall be appointed for one year, five for two years and five for three years; thereafter all appointments to the Commission shall be for a term of three years. In the event of death or resignation of any member, his or her successor shall be appointed to serve for the unexpired period of the term for which such member has been appointed.

§ 21-9.2. **Definitions**. For the purposes of titles C, C-1 and C-2 of this chapter the following terms shall have the following meanings unless otherwise defined in Titles C-1 or C-2:

a. “Commission” means the Nassau County Human Rights Commission, established and governed pursuant to this chapter.

b. “County” means the County of Nassau.

c. “County attorney” means the Nassau County Attorney.

d. “Discrimination” means any difference in the treatment based on actual or perceived race, creed, color, national origin, ethnicity, gender, religion, source of income, veteran status, first responder status, sexual

orientation, age, marital status, familial status, disability, or visible traits of an individual such as natural hair texture, protective hairstyles and the donning of religious garments or items and shall include segregation, except that it shall not be discrimination for any religious or denominational institution to devote its facilities, exclusively or primarily, to or for members of its own religion or denomination or to give preference to such members or to make such selection as is calculated by such institution to promote the religious principles for which it is established or maintained, unless membership in such religion is restricted on account of race, color, or national origin.

e. "Disability" means (a) a physical, mental or medical impairment, resulting from anatomical, physiological, genetic or neurological conditions, that prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques or (b) a record of such an impairment; or (c) a condition regarded by others as such an impairment, provided, however, that in all provisions of this chapter regarding employment, the term shall be limited to disabilities which, upon the provision of reasonable accommodations, do not prevent the complainant from performing in a reasonable manner the activities involved in the job or occupation sought or held.

f. "Familial status" refers to (a) a person who is pregnant or has a child or is in the process of securing legal custody of a person who has not attained the age of eighteen years, or (b) one or more persons who have not attained the age of eighteen years and are domiciled with a parent or another person having legal custody of such person or persons or the designee of such parent.

g. "Legislature" means the Legislature of Nassau County.

h. "Marital status" refers both to the status of a person and to the status of a couple.

i. "National origin," for the purposes of this chapter, includes ancestry.

j. "Person" includes one or more individuals, partnerships, limited liability companies, associations, corporations, municipal corporations, legal representatives, trustees, trustees in bankruptcy, mutual companies, joint-stock companies, trusts, unincorporated associations, fiduciaries, or receivers.

k. "Protected status" means race, creed, color, gender, disability, age, religion, source of income, veteran status, first responder status, sexual

orientation, ethnicity, familial status, marital status, or national origin.

l. “Reasonable accommodation” means actions taken that permit an employee, prospective employee or member with a disability to perform in a reasonable manner the activities involved in the job or occupation sought or held. Reasonable accommodation includes, but is not limited to, provision of an accessible worksite, acquisition or modification of equipment, support services for persons with impaired hearing or vision, permitting persons with impaired hearing to use hearing aids and other such auxiliary aids, interpreters, teletypewriters (TTY s), telecommunications devices for the deaf (FFDs), text telephones (TTs), video phones, modified exams and training materials, and/or indicator lights to effectively make aurally delivered information available to such persons, and permitting persons with impaired vision to use eyeglasses, readers or interpreters, modified exams and training materials, computer screen magnifiers, braille printers, equipment with tactile markings or raised print, canes, screen reading software, and light probes to detect light to make visually delivered information available to such persons, job restructuring and modified work schedules, provided, however, that such actions do not impose an undue hardship on the business, program or enterprise of the entity from which action is requested. Additionally, the following shall be examples of reasonable accommodations: desks that accommodate wheelchair bound individuals, anti-glare screens, telephone headsets, speaker phones, adaptive light switches, keyboard armrests and finger guides mounted on keyboards to keep persons with motor control impairments from striking keys in error, and clipboards for employees with manual impairments.

m. “Religious or denominational institution” means an institution operated for religious purposes or operated, supervised or controlled by religious or denominational organizations.

n. “Sexual orientation” refers to a person’s actual or perceived identity as being homosexual, bisexual or heterosexual.

o. “Source of income” means any lawful source of income, including federal, state, local, non-profit assistance or subsidy program.

p. "Veterans status" means current or prior service in (1) The United States army, navy, air force, marine corps, coast guard, the commissioned corps of the national oceanic and atmospheric administration, the commissioned corps of the United States public health services, army national guard or the air national guard; (2) The organized militia of the state of New York, as described in section 2 of the military law, or the organized militia of any other state, territory or possession of the United

States; (3) Any other service designated as part of the "veterans status" pursuant to subsection (16) of section 4303 of title 38 of the United States code; (4) Membership in any reserve component of the United States army, navy, air force, marine corps, or coast guard; or (5) Being listed on the state reserve list or the state retired list as described in section 2 of the military law or comparable status for any other state, territory or possession of the United States.

q. “First responder status” means current or prior service as a police officer, auxiliary police officer, volunteer or paid firefighter, emergency medical technician, ambulance medical technician, or any other person who is among those responsible for going immediately to the scene of an accident or emergency to provide assistance.

r. “Protective hairstyle” includes, but is not limited to, such hairstyles as braids, locks and twists.

§ 21-9.3. **Functions of the Commission**. The Commission shall:

a. foster mutual understanding and respect in Nassau County, a community diverse with respect to race, creed, color, national origin, ethnicity, gender, religion, source of income, veteran status, first responder status, sexual orientation, age, marital status, familial status or disability;

b. encourage equality of treatment and prevent discrimination based upon actual or perceived race, creed, color, national origin, ethnicity, gender, religion, source of income, veteran status, first responder status, sexual orientation, age, marital status, familial status or disability;

c. cooperate with governmental and non-governmental agencies and organizations having like or kindred functions; and

d. make such investigations and studies in the field of human relations as in the judgment of the Commission will aid in effectuating its general purposes.

§ 21-9.4. **Powers and duties**. In addition to the powers and duties set forth in section 21-9.3, the Commission shall:

a. work together with federal, state, city, town, village and non-profit agencies in developing courses of instruction, for presentation in public and private schools, public libraries and other suitable places, on techniques for achieving harmonious inter group relations within the

County of Nassau;

b. enlist the cooperation of those comprising diversity with respect to race, creed, color, national origin, ethnicity, gender, religion, source of income, veteran status, first responder status, sexual orientation, age, marital status, familial status and disability; community organizations; labor organizations; fraternal and benevolent associations; and other groups in the County of Nassau in programs and campaigns devoted to eliminating group prejudice, intolerance, bigotry and discrimination;

c. study the problems of prejudice, intolerance, bigotry, discrimination and disorder occasioned thereby in all or any fields of human relationship;

d. receive and investigate complaints and to initiate its own investigations of (i) tensions, prejudice, intolerance and bigotry based upon race, creed, color, national origin, ethnicity, gender, religion, source of income, veteran status, sexual orientation, age, marital status, familial status and disability; and any disorder occasioned thereby; (ii) discrimination against any person or persons, organization or corporations whether practiced by private persons, associations, corporations and, after consultation with the County Executive, by county officials or agencies;

e. hold hearings, compel the attendance of witnesses, administer oaths, take the testimony of any person under oath and in connection therewith require the production of any evidence relating to any matter under investigation or in question before the Commission. Except as provided in section 21-9.7 of this chapter, all such hearings shall be held in executive session unless prior written approval for a public hearing is obtained from the County Executive. The Commission, after the completion of any public hearing, shall make a report in writing to the County Executive setting forth the facts found by the Commission and its recommendations. At any hearing before the Commission or any committee thereof a witness shall have the right to be advised by counsel present during such hearing. The powers enumerated in this subdivision may be exercised by any group of three or more members of the Commission acting as a committee thereof, when so authorized in writing by the Commission. The Commission shall designate one member of the committee to chair such hearing and such chair is designated, pursuant to section twenty-two hundred thirteen of the County Government Law of Nassau County, as an officer who may administer oaths and affirmations; compel the attendance of witnesses and the production of books and papers;

f. issue publications and reports of investigations and research designed to promote good will and minimize or eliminate prejudice, intolerance,

bigotry, discrimination and disorder occasioned thereby;

g. recommend to the County Executive and to the Nassau County Legislature policies and procedures to aid in carrying out the purposes of the title; and

h. submit an annual report to the County Executive and the Nassau County Legislature.

§ 21-9.5. **Employment and expenses**. The Nassau County Legislature may appropriate sufficient sums to meet the capital and operating expenses of said Commission. The County Executive, upon the recommendation of the Commission and subject to the confirmation of the Legislature, shall appoint an Executive Director. The Commission may employ such additional personnel as it deems necessary within appropriations therefor. The Executive Director shall act as Secretary of said Commission and perform such other duties as shall be assigned to him or her by the Commission.

§ 21-9.6. **Separability**. If any provision of this title or the application of such provision to any person or circumstance shall be held invalid, the remainder of such title or the application of such provision to persons or circumstances other than those to which it is held invalid shall not be affected thereby.
(Title added by Local Law No. 5-1963, in effect April 8, 1963; amended by Local Law No. 7-2004, in effect June 28, 2004, amended by Local Law no. 9-2006, in effect January 1, 2007; amended by Local Law No. 6-2019, in effect April 30, 2019; Local Law No. 8-2019, in effect May 24, 2019; Local Law No.24-2019, in effect on October 16, 2019); Local Law No. 9-2020, in effect August 14, 2020).

Title C-1
Open Housing

§ 21-9.7. **Open housing provisions**.

a. **Policy**. There is no greater danger to the health, morals, safety, and welfare of the County and its residents than the existence of groups and persons antagonistic to each other because of actual or perceived differences of race, creed, color, gender, disability, age, religion, source of income, veteran status, first responder status, sexual orientation, familial status, marital status, ethnicity or national origin. Many persons have been compelled to live under substandard, unhealthful, unsanitary, and crowded living conditions because of discrimination and segregation in housing. The Legislature also finds that housing segregation creates economic instability by limiting access to quality education, health care and job opportunities for professionals and skilled workers. It creates pockets of poverty and increases the cost of housing

in all neighborhoods. It limits the availability of housing for enterprises whose workforces reflect the efficiencies of diversity, and this limitation reduces the County's capacity for economic development, to the social and economic detriment of the entire County.

The Nassau County Legislature hereby finds and declares that acts of prejudice, intolerance, bigotry, and discrimination which deny a person the opportunity to sell, purchase or lease, rent, or obtain financing for the purchase or lease of housing accommodations because of actual or perceived race, creed, color, gender, disability, age, religion, source of income, veteran status, first responder status, sexual orientation, familial status, marital status, ethnicity or national origin threaten the fundamental rights and privileges of the residents of the County of Nassau and undermine the foundations of a free democratic state. The Legislature further declares it to be the public policy of the County of Nassau to eliminate and prevent discrimination and segregation based on actual or perceived race, creed, color, gender, disability, age, religion, veteran status, first responder status, source of income, sexual orientation, ethnicity, familial status, marital status or national origin, and to safeguard the right of every person to sell, purchase, lease, rent, or obtain financing for the purchase or lease of housing accommodations without regard to actual or perceived race, creed, color, gender, disability, age, religion, source of income, sexual orientation, ethnicity, familial status, marital status or national origin.

The Nassau County Legislature further declares it to be the public policy of the County of Nassau to require that every department or other agency of the County which may be involved in any public construction program which could involve the removal of persons from their present housing accommodations and their relocation elsewhere, or which endeavor to implement any public or publicly-assisted or public-approved housing or relocation plan, promote the elimination of segregation in housing within the County.

It shall be the duty of all county officers, officials, and employees to exercise appropriate governmental functions relating to the use or occupancy of land, real property, or housing accommodations in such a manner consistent with law that all patterns of racially segregated housing existing in this county be eliminated and that the creation of any such patterns be prevented to the maximum extent that such a result can be achieved by such action.

In addition, the Legislature further declares that veterans and active military service members often face unique obstacles that are a result of their service such as finding adequate and affordable housing. As of

November, 2018 the Nassau County Comptroller determined that there are over 50,000 veterans residing in the County. Veterans have made enormous personal sacrifices in order to serve our Country, preserve our Constitution and laws, promote our democratic values, ensure our security and protect American lives and property. Unfortunately, there are instances when, instead of receiving the gratitude and respect they have earned, veterans have instead encountered discrimination in areas such as housing, based on their veteran or active military service status. Under the federal Fair Housing Act, it is illegal to deny housing or discriminate against someone based on his or her disability, gender, race, color, national origin, familial status, or religion. Although veterans with disabilities have protection against housing discrimination under the Americans With Disabilities Act, veteran status by itself is not a protected class. The Nassau County Legislature hereby finds and declares that including veterans status, whether on active duty or not, as a protected class under the open housing provisions Nassau County Human Rights Law would provide veterans, active service military members, and their families with the ability to challenge discrimination in housing at the local level through the Nassau County Commission on Human Rights, and allow aggrieved veterans to have an avenue to obtain relief when their rights are violated.

b. **Definitions**. The terms defined in section 21-9.2 of this chapter, unless otherwise defined herein, shall have the meanings set forth therein. For purposes of this title, the following terms shall have the following meanings:

1. “Agent” means a person with the authority to engage, on behalf of another, in any act associated with the offer, purchase, sale, rental, or occupancy of one or more housing accommodations.

2. “Covered multifamily dwelling” means:

   (i) any building consisting of four or more units if such building has one or more elevators; and

   (ii) any ground floor unit in any building consisting of four or more units.

3. “Couple” means two persons who reside or seek to reside together.

4. “Covered entity” means a person required to comply with any provision of this title.

5. "Discrimination" and "discriminate" mean any difference in treatment

based on actual or perceived race, creed, color, national origin, ethnicity, gender. religion, source of income, veterans status, first responder status, sexual orientation, age, marital status, familial status, disability, or visible individual traits such as natural hair texture, protective hairstyles and the donning of religious garments or items, and shall include segregation, except that it shall not be discrimination for any religious or denominational institution to devote its facilities, exclusively or primarily, to or for members of its own religion or denomination or to give preference to such members or to make such selection as is calculated by such institution to promote the religious principles for which it is established or maintained, unless membership in such religion is restricted on account of race, color, or national origin.

6. “Housing accommodation” includes a building, structure, or portion thereof used or occupied or intended, arranged or designed to be used or occupied as the home, residence or sleeping place of one or more human beings, and vacant land offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

7. “Lending institution” means any bank, insurance company, savings and loan association, or any other person regularly engaged in the business of lending money or guaranteeing loans.

8. "Protected status" means race, creed, color, gender, disability, age, religion, source of income, veteran’s status, first responder status, sexual orientation, ethnicity, familial status, marital status, or national origin.

9. “Reasonable modification” and “reasonable accommodation” mean such modification or accommodation, including a reasonable economic or financial accommodation relating to the payment for or financing of a dwelling, that will not cause undue hardship in the conduct of the owner’s business. The owner shall be required to demonstrate undue hardship.

10. “Real estate broker,” “real estate salesperson,” and “associate real estate broker” shall have, respectively, the meanings of “real estate broker,” “real estate salesman,” and “associate real estate broker” set forth in section four hundred forty of the Real Property Law. Notwithstanding any inconsistent provision, for the purposes of this title, a real estate broker shall be legally responsible for any act of a real estate salesperson or associate real estate broker, provided that:

(i) In connection with the offer, purchase, sale, rental, or lease of housing accommodations, the real estate broker has authorized such real estate salesperson or associate real estate broker to act on the broker's behalf and subject to his or her direction, supervision, or control; and

(ii) such violation has occurred within the scope of the authorization described in subparagraph i of this paragraph.

11. "Veterans status" means current or prior service in (1) The United States army, navy, air force, marine corps, coast guard, the commissioned corps of the national oceanic and atmospheric administration, the commissioned corps of the United States public health services, army national guard or the air national guard; (2) The organized militia of the state of New York. as described in section 2 of the military law, or the organized militia of any other state, territory or possession of the United States; (3) Any other service designated as part of the "veteran's status" pursuant to subsection (16) of section 4303 of title 38 of the United States code; (4) Membership in any reserve component of the United States army, navy, air force, marine corps, or coast guard; or (5) Being listed on the state reserve list or the state retired list as described in section 2 of the military law or comparable status for any other state, territory or possession of the United States.

12. "First responder status" means current or prior service as a police officer, auxiliary police officer, volunteer or paid firefighter, emergency medical technician, ambulance medical technician, or any other person who is among those responsible for going immediately to the scene of an accident or emergency to provide assistance.

c. **Certain acts prohibited**.

1. It shall be an unlawful discriminatory practice for the owner, lessee, sub-lessee, assignee, or managing agent of, or other person having the right to sell, rent or lease housing accommodations, constructed or to be constructed, or any agent or employee thereof:

(i) to refuse to sell, rent or lease any housing accommodation to any person or group of persons, or refuse to negotiate for the sale, rental or lease of any housing accommodation to any person or group or persons, because of the actual or perceived protected status of such person or persons, or to represent that any housing accommodation is not available for inspection, sale, rental or lease when in fact it is so available, or to otherwise deny or withhold any

housing accommodation or any facilities of any housing accommodation from any person or group of persons because of the actual or perceived protected status of such person or persons;

(ii) to discriminate against or harass any person in the terms, conditions or privileges of the sale, rental, lease, or occupancy of any such housing accommodations or in the furnishing of facilities or services in connection therewith because of the actual or perceived protected status of such person.

(iii) to induce or attempt to induce any person to sell or rent any housing accommodation through the use of representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, creed, gender, age, disability, religion, source of income, veterans status, first responder status, sexual orientation, national origin and ethnicity.

(iv) to print or circulate or cause to be printed or circulated any statement, advertisement, or publications, or to use any form of application for the purchase, rental, or lease of such housing accommodations, or to make any record or inquiry in connection with the prospective purchase, rental, or lease of such housing accommodations which expresses, directly or indirectly, any limitation, specification, or discrimination with respect to actual or perceived protected status.

(v) to refuse to make reasonable modifications of existing premises occupied or to be occupied by a person with a disability if such modifications are made at the expense of the person with a disability and are necessary to afford such person full enjoyment of the premises; except that, in the case of a rental, the covered entity may where it is reasonable to do so condition permission for such modification on a tenant's agreement to restore, at his or her own expense, the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted;

(vi) to refuse to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling;

(vii) in connection with the design and construction of covered multifamily dwellings for first occupancy after the first of January two thousand seven, to fail to design and construct those dwellings in such a manner that—

(A) the public use and common use portions of such dwellings are readily accessible to and usable by disabled persons;

(B) all the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by persons in wheelchairs; and

(C) all premises within such dwellings contain the following features of adaptive design:

(aa) a route into and through the dwelling accessible by persons in wheelchairs;

(bb) light switches, electrical outlets, thermostats, and other environmental controls in locations accessible to such persons;

(cc) reinforcements in bathroom walls that permit installations of grab bars; and

(dd) kitchens and bathrooms about which persons in wheelchairs can maneuver.

Compliance with the appropriate requirements of the American National Standard for Buildings and Facilities Providing Accessibility and Usability for Physically Handicapped People ("ANSI A117.1"), as such standard may from time to time be amended, suffices to satisfy the requirements of clause (C) of subparagraph (vii) of this paragraph. Nothing in subparagraphs (iv), (v) or (vi) of this paragraph requires that a dwelling be made available to a person whose tenancy would constitute a direct threat to his or her health or safety or to the health or safety of others or whose tenancy would result in substantial physical damage to the property of others.

The provisions of subparagraphs (i) through (iv) of this paragraph shall not apply: (1) to the rental of housing accommodations in a building which contains housing accommodations for not more than two families if the owner of such building actually maintains and occupies one of such housing accommodations as his or her residence, or (2) to the rental of a room or rooms in a housing accommodation by a person who actually maintains and occupies such housing accommodation as his or her residence. With respect to familial status, the provisions of this title shall not apply to housing accommodations that fall under a state or federal program specifically designed and operated to assist elderly persons, as defined in such program; are intended for and solely occupied by persons sixty-two years of age or older; or are intended and

operated for occupancy by persons fifty-five years of age or older, as such intention and operation is defined at subparagraph C of paragraph 2 of subdivision b of section eight hundred seven of the federal Fair Housing Amendments Act of 1988, as amended.

2. No person, bank, trust company, private banker, savings bank, industrial bank, saving and loan association, credit union, investment company, mortgage company, insurance company, or other financial institution or lender, doing business in the County and, if incorporated, regardless of whether incorporated under the laws of the state of New York, the United States, or any other jurisdiction, or any officer, agent or employee thereof, to whom application is made for financial assistance for the purchase, acquisition, construction, rehabilitation, repair or maintenance of any housing accommodations shall:

   (i) discriminate against any such applicant or applicants because of the actual or perceived protected status of such applicant or applicants or any member, stockholder, director, officer, or employee of such applicant or applicants, or of the prospective occupants or tenants of such housing accommodations in the granting, withholding, extending, or in the fixing of the rates, terms or conditions of any such financial assistance.

   (ii) use any form or application for such financial assistance or make any record or inquiry in connection with applications for such financial assistance which expresses, directly or indirectly, limitations, specification, preference or discrimination because of actual or perceived protected status.

3. No person shall aid, abet, incite, compel, or coerce the doing of any of the acts forbidden under this title, or attempt to do so.

4. No person shall coerce, intimidate, threaten, harass, or interfere with any person: (i) in the exercise or enjoyment of, or because he or she exercised or enjoyed any right granted or protected by this title; (ii) because he or she aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by this title; or (iii) because of the protected status of a person with whom such person has or is perceived to have a relationship or association.

d. **Enforcement**.

1. Administrative enforcement.

(i) It shall be the duty of the Commission to receive and investigate complaints and to initiate its own investigations of violations of this title, to hold hearings, compel the attendance of witnesses, administer oaths, take the testimony of any person under oath, and in connection thereof to require the production of any evidence relating to any matter under investigation or any question before the Commission, provided, however, that the Commission shall not have jurisdiction to hear a complaint if:

(A) the complainant has previously initiated a civil action in a court of competent jurisdiction with respect to the same grievance that is the subject of the complaint under this title unless such civil action has been dismissed without prejudice or withdrawn without prejudice;

(B) the complainant has previously filed and has an action or proceeding pending before an administrative agency of the state of New York with respect to the same grievance that is the subject of the complaint under this title; or

(C) the complainant has previously filed a complaint with the New York State Division of Human Rights with respect to the same grievance that is the subject of the complaint under this title and the complaint has not been dismissed pursuant to subdivision nine of section two hundred ninety-seven of the Executive Law.

(ii) Complainant-initiated complaints. Any person aggrieved by an unlawful discriminatory practice may, by himself or herself or such person's attorney, make, sign and file with the Commission a verified complaint. The Commission shall acknowledge the filing of the complaint and advise the complainant of the time limits and forum choices set forth in this title. It shall serve a copy of the complaint upon the respondent and all persons it deems to be necessary parties and shall advise the respondent and such parties of his or her procedural rights and obligations as set forth herein. The Commission shall not have jurisdiction over any complaint that has been filed more than one year after the alleged unlawful discriminatory practice occurred, or over any complaint that has been filed more than one year after a complainant learns or should have learned that he or she has been harmed as a result of an act or acts prohibited under this section, whichever is later.

(iii) Commission-initiated complaints. The Commission may itself make, sign and file a verified complaint alleging that a person has

committed an unlawful discriminatory practice, provided that the Commission shall not have authority to file such complaint more than two years after the alleged unlawful discriminatory practice occurred or after a complainant learns or should have learned that he or she has been harmed as a result of an act or acts prohibited under this section, whichever is later.

(A) A verified complaint filed with the Commission pursuant to subparagraphs (ii) or (iii) shall conform to the requirements for verified pleadings set forth in the Civil Practice Law and Rules.

(B) The Commission shall not have jurisdiction to entertain a complaint if:

(aa) the complainant has previously initiated a civil action in a court of competent jurisdiction alleging an unlawful discriminatory practice as defined by this title with respect to the same grievance which is the subject of the complaint under this title, unless such civil action has been dismissed without prejudice or withdrawn without prejudice; or

(bb) the complainant has previously filed and has an action or proceeding before any administrative agency under any other law of the state alleging an unlawful discriminatory practice as defined by this title with respect to the same grievance which is the subject of the complaint under this title; or

(cc) the complainant has previously filed a complaint with the New York State Division of Human Rights alleging an unlawful discriminatory practice as defined by this title with respect to the same grievance with is the subject of the complaint under this title and a final determination has been made thereon.

(dd) such complaint alleges in whole or part that a zoning law, ordinance, regulation or rule duly enacted by a municipal corporation is or will be, pursuant to subparagraph (i) or (ii) of paragraph one of subdivision c of this section, an unlawful discriminatory practice by virtue of or as evidenced by its disparate impact on persons having a protected status. Nothing herein shall be construed to prohibit the commencement of a civil action to obtain enforcement upon such claim pursuant to paragraph three of this subdivision.

(iv) Answer.

(A) A written, verified answer shall be filed with the Commission no later than thirty days after a copy of the complaint has been served upon the respondent by the Commission. The Commission shall cause a copy of such answer to be served upon the complainant and any necessary party.

(B) All verified answers filed with the Commission pursuant to this section shall conform to the requirements for verified pleadings set forth in the Civil Practice Law and Rules;

(v) Withdrawal of complaints.

(A) A complaint filed pursuant to paragraph one of this section may be withdrawn by the complainant as of right at any time prior to the commencement of a hearing before an administrative law judge. Such a withdrawal shall be in writing and signed by the complainant.

(B) Unless such complaint is withdrawn pursuant to a conciliation agreement, the withdrawal of a complaint shall be without prejudice:

(aa) to the continued prosecution of the complaint by the Commission;

(bb) to the filing by the Commission of a complaint based in whole or in part upon the same facts;

(cc) to the commencement of a civil action pursuant to paragraph three of this subdivision; or

(dd) to the commencement of a civil action by the County Attorney based upon the same facts pursuant to paragraph two of this subdivision.

(vi) Dismissal of complaint.

(A) The Commission may, in its discretion, dismiss a complaint:

(aa) for administrative convenience at any time prior to the taking of testimony at a hearing. The grounds for dismissal of a complaint for administrative convenience may include, but shall not be limited to, the following:

(1) the complainant's objections to a proposed conciliation agreement are without substance;

(2) the complainant is unavailable or unwilling to participate in conciliation or investigation, or to attend a hearing, or has repeatedly engaged in conduct that is disruptive to the orderly functioning of the Commission;

(3) relief is precluded by the respondent's absence or other special circumstances;

(4) holding a hearing will not benefit the complainant;

(5) processing the complaint will not serve the public interest; or

(6) the complainant has initiated or intends to initiate an action or proceeding in another forum based on the same grievance.

(bb) if the complaint is not within the jurisdiction of the Commission.

(cc) if after investigation the Commission determines that probable cause does not exist to believe that the respondent has engaged or is engaging in an unlawful discriminatory practice, the Commission shall dismiss the complaint as to such respondent.

(B) The Commission shall promptly serve notice upon the complainant, respondent and any necessary party of any dismissal pursuant to this section.

(C) The complainant or respondent may, in accordance with the rules of the Commission, apply to the chairperson for review of any dismissal pursuant to this section. Upon such application, the chairperson shall review such action and issue an order affirming, reversing or modifying such determination or remanding the matter for further investigation and action. A copy of such order shall be served upon the complainant, respondent and any necessary party.

(D) The Commission may reopen any proceeding, or vacate or modify any order or determination of the Commission, whenever justice so requires, in accordance with the rules of the

Commission.

(vii) Investigation.

(A) The Commission shall cause every complaint to be investigated according to standards and procedures adopted by the Commission.

(B) Such standards and procedures shall include, but not be limited to, a requirement that proceedings with respect to a complaint be commenced within thirty days of its filing. They shall also include a requirement that, within one hundred days of the filing of a complaint, the Commission shall determine whether it has jurisdiction and, if so, whether there is probable cause to believe that the respondent named in the complaint has engaged or is engaging in activity prohibited under this section.

(C) At the end of each investigation, the Commission shall prepare a final investigative report. The Commission shall make available on request of a complainant or respondent a copy of the final investigative report and the information derived from the investigation.

(viii) Injunction and temporary restraining order.

(A) At any time after the filing of a complaint with the Commission alleging an unlawful discriminatory practice under this title, where there is reason to believe that the respondent, or any other person acting in concert with the respondent, may do or cause to be done any act that would tend to render ineffectual relief that could be ordered:

(aa) The County Attorney may commence a special proceeding in accordance with article sixty-three of the Civil Practice Law and Rules for an order to show cause why the respondent and such other persons should not be enjoined from doing or causing such acts to be done; and

(bb) Where the County Attorney has obtained injunctive relief pursuant to this paragraph, in order to prevent the involvement of innocent third parties in the rental or sale of housing accommodations during the pendency of the complaint, a notice may be posted by the county in a conspicuous place on such housing accommodation stating

that such accommodation is the subject of a complaint before the Commission and that prospective buyers or renters will take such accommodations at their own risk, provided, however, that no such notice shall be posted where the person charged with discrimination agrees in writing not to sell or rent such housing accommodations during the pendency of the action or proceeding against him or her. Any willful destruction, defacement, alteration or removal of such notice by the owner or the agents or employees of the owner shall be a misdemeanor punishable upon conviction by a fine of not less than five hundred dollars nor more than one thousand dollars.

(ix) Determination of probable cause.

(A) Where the Commission determines that there is probable cause to believe that the respondent has engaged or is engaging in an act or acts prohibited under this section, the Commission shall issue a written notice to complainant and respondent so stating. A complaint initiated by the Commission shall be deemed a determination that there is such probable cause.

(B) A determination of probable cause shall not be administratively or judicially reviewable.

(C) Where the Commission has found probable cause pursuant to clause A of this subparagraph, the Commission shall refer the complaint to an administrative law judge and shall serve a notice upon the complainant, respondent and any necessary party that the complaint has been so referred.

(x) Investigative orders.

(A) The Commission may at any time issue subpoenas requiring attendance and giving of testimony by witnesses and the production of books, papers, documents and other evidence relating to any matter under investigation or any question before the Commission.

(B) Where the Commission has determined that probable cause exists to believe that any respondent engaged or is engaging in an act or acts prohibited under this title, the Commission may demand, with respect to records of the type made and kept by such respondent and that the Commission determines is or could be relevant to determining whether such person or

persons have committed unlawful discriminatory practices, that such respondent continue to make and keep such records until the termination of all proceedings relating to the complaint about which probable cause has been determined. The Commission may inspect such records or require them to be filed with the Commission.

(C) The Commission shall establish by procedures enabling any person upon whom a demand has been made pursuant to this provision to object to such demand. Unless the Commission orders otherwise, the assertion of an objection shall not stay compliance with the demand.

(D) Upon the expiration of the time set pursuant to such rules for making an objection to such demand, or upon a determination that an objection to the demand shall not be sustained, the Commission shall order compliance with the demand.

(E) A proceeding may be brought by the County Attorney on behalf of the Commission in any court of competent jurisdiction seeking an order to compel compliance with an order issued pursuant to subparagraph (D) of this paragraph.

(xi) Mediation and conciliation.

(A) At any time after the filing of a complaint, the Commission may endeavor to resolve such complaint by any method of dispute resolution prescribed by rule of the Commission including but not limited to mediation and conciliation.

(B) The terms of any conciliation agreement may contain such provisions as may be agreed upon by the Commission, the complainant and the respondent, including a provision for the entry in court of a consent decree or complaint with motion for conditional dismissal based upon a settlement agreement embodying the terms of the conciliation agreement.

(C) The members of the Commission and its staff shall not publicly disclose what transpired during the processes of mediation and conciliation.

(D) If a conciliation agreement is entered into, the Commission shall embody such agreement in an order and serve a copy of such order upon all parties to the conciliation agreement. The Commission may impose civil penalties for a violation of a

conciliation order as authorized under subparagraph (ii) of paragraph four of this subdivision.

(E) Every conciliation agreement shall be available to the public except where, to the extent allowed by law, the Commission determines, either on its own or at the request of both complainant and respondent, that extraordinary circumstances exist that would make such disclosure contrary to the public interest.

(xii) Hearing.

(A) A hearing on a complaint shall be held before an administrative law judge designated by the Commission. Notice of the date, time and place of such hearing shall be served upon the complainant, respondent and any necessary party.

(B) The case in support of the complaint shall be presented before the Commission by prosecutors employed or otherwise designated by the Commission, under contract to the Commission, or attorneys assigned to the Commission for such purpose by the County Attorney.

(C) An administrative law judge may, in his or her discretion, permit any person who has a substantial interest in the complaint to intervene as a party and may require the joinder of necessary parties.

(D) An administrative law judge shall have the powers of the Commission as set forth at clause (A) of subparagraph (x) of this paragraph.

(E) Evidence relating to endeavors at mediation or conciliation by, between or among the Commission, the complainant and the respondent shall not be admissible.

(F) If the respondent has failed to answer the complaint within the time period prescribed in clause (A) of subparagraph (iv) of paragraph one of subdivision d of section 21-9.7 of this title, the administrative law judge shall enter a default and the hearing shall proceed to determine the evidence in support of the complaint.

(G) Except as otherwise provided in this title, the Commission through its prosecutors, a respondent who has filed an answer

or whose default in answering has been set aside for good cause shown, a necessary party or a complainant or other person who has intervened pursuant to the rules of the Commission may appear at such hearing in person or otherwise, with or without counsel, and may cross-examine witnesses, present testimony and offer evidence.

(H) A hearing shall be governed by rules of evidence adopted by the Commission and established to elicit the best evidence consistent with due process. The rules of evidence observed by courts need not be adopted. The testimony taken at such hearing shall be under oath and shall be transcribed.

(I) Subsequent to a hearing and to such briefing as the administrative law judge may direct, the administrative law judge shall prepare and forward to the Commission, along with the record, a recommended decision and order.

(xiii) Decision and order.

(A) If the Commission finds that a respondent has engaged in any unlawful discriminatory practice, it shall state its findings of fact and conclusions of law and issue and cause to be served on such respondent an order requiring such respondent to cease and desist from such unlawful discriminatory practice. Such order shall require the respondent to take such affirmative action as, in the judgment of the Commission, will effectuate the purposes of this title including, but not limited to: selling, renting or leasing, or approving the sale, rental or lease of housing accommodations, land or commercial space or an interest therein, or the provision of credit with respect thereto, without unlawful discrimination; requiring training, monitoring, or the adoption of alternative policies; payment of compensatory damages to the person aggrieved by such practice or act; and submission of reports with respect to the manner of compliance. The Commission may also direct the payment of civil penalties to the County in the amounts and under circumstances described in paragraph four of this subdivision. The Commission may also direct the payment of a prevailing complainant's reasonable attorney's and expert fees and costs.

(B) If the Commission finds that a respondent has not engaged in any such unlawful discriminatory practice, the Commission shall issue an order stating its findings of fact and conclusions of law and shall dismiss the complaint as to such respondent.

(xiv) Judicial review. Any final order of the Commission shall be subject to review in the manner provided in article seventy-eight of the Civil Practice Law and Rules.

(xv) Enforcement of final orders of the Commission. The County Attorney may initiate any action or proceeding that may be appropriate or necessary for the enforcement of any final order issued by the Commission pursuant to this title, including actions to secure temporary or permanent injunctions enjoining any acts or practices that constitute a violation of any such order, mandating compliance with the provisions of any such order, imposing civil penalties pursuant to paragraph four of this subdivision, or for such other relief as may be appropriate.

2. Enforcement actions by County Attorney. In addition to any other enforcement provision of this title, the County Attorney is hereby authorized to obtain enforcement of the provisions of this title by commencing an administrative proceeding before the Commission or an action in any court of competent jurisdiction for any relief as provided under this title, including but not limited to injunctive relief, monetary and punitive damages to persons aggrieved, civil penalties, and attorney's fees. Such authority shall include the authority to appear as intervenor in any action commenced by a party pursuant to any provision of this title. Notwithstanding any other provision of law, any action taken by the County Attorney under this paragraph shall not require a resolution of the Legislature.

3. Civil cause of action.

(i) Except where a complainant has filed a complaint with the Commission or the New York State Division of Human Rights or a federal enforcement agency with respect to the same grievance and such complaint has not been dismissed by such division pursuant to subdivision nine of section two hundred ninety-seven of the Executive Law, any person claiming to be aggrieved by a practice prohibited by this title shall have a cause of action in any court of competent jurisdiction for damages, including punitive damages and for injunctive relief or such other remedies as may be appropriate.

(ii) Notwithstanding any inconsistent provision of this subdivision, where a complaint filed with the Commission is dismissed for administrative convenience or by annulment of complainant's administrative remedy by the Commission or by the New York

State Division of Human Rights, an aggrieved person shall maintain all rights to commence a civil action pursuant to this section as if no such complaint had been filed.

(iii) Notice of any civil action filed pursuant to this paragraph shall be delivered in person to the County Attorney within ten days of such filing, or by any method calculated to place the County Attorney in receipt thereof within ten days of such filing. In any such action, the County Attorney shall have the right to intervene whenever he or she determines such intervention necessary to vindicate the public interest.

(iv) A civil action commenced under this section must be commenced within three years after the occurrence of the alleged unlawful discriminatory practice. Upon the filing of a complaint with the Commission and during the pendency of such complaint and any court proceeding for review of the dismissal of such complaint, such three-year limitations period shall be tolled.

(v) Notwithstanding any inconsistent provision of this subdivision, where a complaint filed with the Commission is dismissed for administrative convenience and such dismissal is due to the complainant's malfeasance, misfeasance or recalcitrance, the three-year limitation period on commencing a civil action pursuant to this paragraph shall not be tolled.

(vi) Any person shall be deemed to be injured by an unlawful discriminatory practice and shall have the right to commence an action pursuant to this paragraph or to file a complaint pursuant to subparagraph (ii) of paragraph one of this subdivision when such person or its agents:

(A) are deprived of truthful information in violation of section 21-9.7(c)(1)(i); or

(B) discover through investigation that a covered entity is engaging or has engaged in an unlawful discriminatory practice, provided that such person has expended funds to reveal the covered entity’s unlawful discriminatory practice, regardless of whether such expenditure constituted a diversion of resources from his or her other activities.

This subparagraph shall not limit the availability of any other basis in law for alleging injury resulting from acts prohibited under subdivision d of this title. The measure of compensatory

damages for a person injured as defined in this subparagraph shall include the fair market value of the efforts such person has undertaken to investigate and remedy the unlawful discriminatory practice.

4. Civil penalties for unlawful discriminatory practices or for violating orders of the Commission.

   (i) In any matter where the Commission or a court of competent jurisdiction finds that a person has engaged in a discriminatory practice in violation of this title, the Commission or such court shall impose a civil penalty in an amount not more than fifty thousand dollars. Where the Commission finds that an unlawful discriminatory practice was the result of the respondent's wanton or malicious act, the Commission or court shall impose a civil penalty in an amount not more than one hundred thousand dollars.

   (ii) Any person who fails to comply with an order issued by the Commission pursuant to subparagraphs (x), (xi) or (xiii) of paragraph one of this subdivision shall be liable for a civil penalty of not more than fifty thousand dollars and an additional civil penalty of not more than one thousand dollars per day for each day that the violation continues.

   (iii) Any civil penalties recovered pursuant to this chapter shall be paid into the general fund of the County.

5. Attorney's fees. In any administrative enforcement or civil action commenced pursuant to this subdivision, the Commission or court, in its discretion, may award the prevailing party or parties costs and reasonable attorney's fees regardless of the amount of damages awarded to a complainant in such action. For the purposes of this paragraph, the term "prevailing" includes a complainant or plaintiff and/or intervenor whose commencement and/or prosecution of litigation has been found by the Commission or court to have substantially resulted in the remediation of an unlawful discriminatory act on the part of the respondent or defendant, regardless of whether such remediation has been implemented voluntarily, as a result of a settlement or as a result of a judgment in such complainant's, plaintiff's or intervenor's favor.

6. Guidelines for construction and rules of procedure. The Commission may adopt guidelines for the construction of the provisions of this title and shall adopt rules setting forth hearing and pre-hearing

procedures. Such rules shall include, but not be limited to, rules governing discovery, motion practice and the issuance of subpoenas.

e. **Separability**. If any section, subdivision, paragraph, subparagraph, clause, or item of this title is for any reason held invalid or unconstitutional by any court of competent jurisdiction such portion shall be deemed a separate, distinct, and independent provision; and such holding shall not affect the validity of the remaining portions thereof.

(Title C-1 added by Local Law No. 4, 1969 in effect August 26, 1969; amended by Local Law No. 7-2004, in effect June 28, 2004, amended by Local Law 9-2006, in effect January 1, 2007; Local Law No. 6-2019, in effect April 30, 2019; Local Law No. 8-2019, in effect May 24, 2019; Local Law No. 9-2020, in effect August 14, 2020)

Title C-2
Unlawful Discriminatory Practices

§ 21-9.8 **Unlawful discriminatory practices.**

1. It shall be an unlawful discriminatory practice:

   a. For an employer to refuse to hire or employ or to bar or to discharge from employment or to discriminate against any individual in compensation or in terms, conditions or privileges of employment, because of the actual or perceived gender, race, color, creed, national origin, disability, age, religion, source of income, veterans status, first responder status, or sexual orientation of any such individual.

   b. For an employment agency to discriminate against any individual in receiving, classifying, disposing or otherwise acting upon applications for its services or in referring an applicant or applicants to an employer or employers because of actual or perceived gender, race, color, creed, national origin, ethnicity, disability, age, religion, source of income, veteran status, first responder status or sexual orientation.

   c. For a labor organization to exclude or to expel from its membership or to discriminate in any way against any of its members or against any employer or any individual employed by an employer because of the actual or perceived gender, race, color, creed, national origin, ethnicity, disability age, religion, source of income, veteran status, first responder status or sexual orientation of any individual.

   d. For any employer or employment agency to print or circulate or cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for employment or to make any inquiry in connection with prospective employment, which

expresses, directly or indirectly any limitation, specification or discrimination as to actual or perceived gender, race, color, creed, national origin, ethnicity, disability, age, religion, source of income, veteran status, first responder status or sexual orientation, or any intent to make any such limitation, specification or discrimination, unless based upon a bona fide occupational qualification.

e. For any employer, labor organization or employment agency to discharge, expel or otherwise discriminate against any person because he has opposed any practices forbidden under this title or because he had filed a complaint, testified or assisted in any proceeding under this title.
(Amended by Local Law No. 38-2000, in effect December 13, 2000; amended by Local Law No. 7-2004, in effect June 28, 2004.)

2. It shall be an unlawful discriminatory practice for an employer, labor organization, employment agency or any joint labor-management committee controlling apprentice training programs:

a. To refuse to select any person or persons for an apprentice training program registered with the state of New York because of actual or perceived gender, race, color, creed, national origin, ethnicity, disability, age, religion, source of income, veteran status, first responder status or sexual orientation and on any basis other than their lack of qualifications as determined by objective criteria which permit review.

b. To deny to or withhold from any person because of his actual or perceived gender, race, color, creed, national origin, ethnicity, disability, age, religion, source of income, veteran status, first responder status or sexual orientation, the right to be admitted to or participate in a guidance program, an apprenticeship training program, on-the-job training program, or other occupational training or retraining program.

c. To discriminate against any person in his or her pursuit of such programs or to discriminate against such a person in the terms, conditions or privileges of such programs because of actual or perceived gender, race, color, creed, national origin, ethnicity, disability, age, religion, source of income, veteran status, first responder status or sexual orientation.

d. To print or circulate or cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for such programs or to make any inquiry in connection

with such program which expresses, directly or indirectly, any limitation, specification or discrimination as to actual or perceived gender, race, color, creed, national origin, ethnicity, disability, age, religion, source of income, veteran status, first responder status, or sexual orientation, or any intent to make any such limitation, specification or discrimination, unless based on a bona fide occupational qualification.

3. It shall be an unlawful discriminatory practice for any person, being the owner, lessee, proprietor, manager, superintendent, agent or employee of any place of public accommodation, resort or amusement, because of the actual or perceived gender, race, color, creed, national origin, ethnicity, disability, age, religion, source of income, veteran status, first responder status or sexual orientation of any person directly or indirectly, or visible traits of an individual such as natural hair texture, protective hairstyles and the donning of religious garments or items directly or indirectly, to refuse, withhold from or deny to such person any of the accommodations, advantages, facilities or privileges thereof, or, directly or indirectly, to publish, circulate, issue, display, post or mail any written or printed communication, notice or advertisement to the effect that any of the accommodation, advantages, facilities and privileges of any such place shall be refused, withheld from or denied to any person on account of actual or perceived gender, race, color, creed, national origin, ethnicity, disability, age, religion, source of income, veteran status, first responder status, or sexual orientation is unwelcome, objectionable or not acceptable, desired or solicited.

4. No person shall aid, abet, incite, compel, or coerce the doing of any of the acts forbidden under this title, or attempt to do so.

5. No person engaged in any activity to which this title applies shall retaliate or discriminate against any person because he or she has opposed any practices forbidden under the title or because he has filed a complaint, testified, or assisted in any proceeding under this title.

§ 21-9.9 **Enforcement.**

a. It shall be the duty of the Nassau County Commission on human rights to receive and investigate complaints and to initiate its own investigations of violations of this title, to hold hearings, compel the attendance of witnesses, administer oaths, take the testimony of any person under oath, and in connection thereof to require the production of any evidence relating to any matter under investigation or any question before the commission, provided, however, that the commission

shall not have jurisdiction to hear a complaint if (i) the complainant has previously initiated a civil action in a court of competent jurisdiction with respect to the same grievance that is the subject of the complaint under this title unless such civil action has been dismissed without prejudice or withdrawn without prejudice; (ii) the complainant has previously filed and has an action or proceeding pending before an administrative agency of the state of New York with respect to the same grievance that is the subject of the complaint under this title; or (iii) the complainant has previously filed a complaint with the State Division of Human Rights with respect to the same grievance that is the subject of the complaint under this title. The County Attorney is hereby authorized to take such action as necessary to obtain enforcement of the provisions of this title, including the enforcement of corrective orders and the assessment of penalties and fines as provided herein. Any action taken by such commission or County Attorney under this title shall not require resolution of the Legislature.

b. Where the commission determines that probable cause exists to believe that a respondent has engaged, or is engaging, in a practice prohibited by this title, the commission shall issue a written notice of its determination to the complainant and the respondent. A finding of probable cause is not a final order of the commission and shall not be subject to administrative or judicial review.

c. At any time after the filing of a complaint with the commission alleging an unlawful discriminatory practice under this title, where there is reason to believe that the respondent, or any other person acting in concert with the respondent, is doing or causing to be done any act that would tend to render ineffectual relief that could be ordered, the County Attorney may commence a special proceeding in accordance with article sixty-three of the civil practice law and rules for an order to show cause why the respondent and such other persons should not be enjoined from doing or causing such acts to be done.

§21-9.9.1 **Penalties.** Any person who shall be found to have violated any of the provisions of section 21-9.8 of this title shall, shall, in addition to such corrective action, be liable for a penalty of not less than five thousand nor more than ten thousand dollars that shall be recoverable for and payable to the aggrieved, and shall, in addition be subject, for the first such offense, for a fine of no less than five thousand dollars nor more than ten thousand dollars and, for each subsequent offense, to a fine of no less than ten thousand nor more than twenty thousand dollars.

§21-9.9-b **Separability.** If any portion, subsection, sentence, clause, phrase, or portion of this title is for any reason held invalid or unconstitutional by any

court of competent jurisdiction such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not effect the validity of the remaining portions thereof.

(Title C-2 added by Local Law No. 7, 1970 in effect January 1, 1971; amended by Local Law No. 38-2000; amended by Local Law No. 7-2004, in effect June 28, 2004; amended by Local Law No. 6-2019, in effect April 30, 2019; amended by Local Law No. 8-2019, in effect May 24, 2019, amended by Local Law No. 9-2020, in effect August 14, 2020.)

Title C-3
Domestic Workers and Household Employees

§21-9.10.1 **Definitions**.

“Domestic or household employee” means any person who performs services of a household nature in a private home of the person by whom he or she is employed. The term includes employees such as housecleaners, nannies, governesses, cooks, waiters, butlers, valets, maids, laundresses and chauffeurs of automobiles for family use. It does not include au pairs as defined herein. This listing is illustrative and not exhaustive.

“Au pair” means a person who performs childcare services pursuant to the program administered by the State Department of the United States in a private home of the person by whom he or she is employed.

"Employment agency" means:

a. any person who, for a fee, procures or attempts to procure:

(1) employment or engagements for persons seeking employment or engagements, or

(2) employees for employers seeking the services of employees.

b. any person who, for a fee, renders vocational guidance or counseling services and who directly or indirectly:

(1) procures or attempts to procure or represents that he or she can procure employment or engagements for persons seeking employment or engagements;

(2) represents that he has access, or has the capacity to gain access, to jobs not otherwise available to those not purchasing his or her services; or

(3) provides information or service of any kind purporting to promote, lead to or result in employment for the applicant with any

employer other than himself.

"Fee" means anything of value, including any money or other valuable consideration charged, collected, received, paid or promised for any service, or act rendered or to be rendered by an employment agency, including but not limited to money received by such agency or its agent which is more than the amount paid by it for transportation, transfer of baggage, or board and lodging on behalf of any applicant for employment.

"Person" means any individual, company, society, association, corporation, limited liability corporation or company, limited liability partnership, manager, contractor, subcontractor, partnership, bureau, agency, service, office or the agent or employee of the foregoing.

§21-9.10.2 **Statement of employee rights and employer obligations under state and federal law.**

a. Every employment agency engaged in the job placement of domestic or household employees shall provide to each applicant for employment as a domestic or household employee and his or her prospective employer, before job placement is arranged, a written statement indicating the rights of such employee and the obligations of his or her employer under state and federal law. Such statement of rights and obligations shall be formulated by the chair of the commission and shall embody provisions of state and federal laws that pertain to domestic or household employees, both in their capacity as workers in New York State and the United States and in their capacity specifically as domestic or household employees in New York State and the United States. Such statement of rights and obligations shall include, but not be limited to, a general description of employee rights and employer obligations pursuant to laws regarding minimum wage, overtime and hours of work, record keeping, social security payments, unemployment insurance coverage, disability insurance coverage and workers' compensation. Such statement of rights and obligations shall be prepared in any language the Commission on Human Rights determines the law applies to and/or any language requested by an employment agency, and shall be made available to all employment agencies that are engaged in the job placement of domestic or household employees in Nassau County by being posted on the county web-site in PDF form and/or distributed to employment agencies that request forms by the chair of commission.

b. Every employment agency engaged in the job placement of domestic or household employees in Nassau County shall keep on file in its principal place of business for a period of three (3) years a statement, signed by

the employer of a domestic or household employee whom the employment agency has placed with such employer, indicating that the employer has read and understands the statement of rights and obligations he or she received pursuant to subdivision a of this section.

§21-9.10.3 **Statement of job conditions; records**.

a. Every employment agency engaged in the job placement of domestic or household employees in Nassau County shall provide to each applicant for employment as a domestic or household employee a written statement, in a form approved by the commission, of the job conditions of each potential employment position to which the agency recommends that the applicant apply. Each such statement shall fully and accurately describe the nature and terms of employment, including the name and address of the person to whom the applicant is to apply for such employment, the name and address of the person authorizing the hiring for such position, wages, hours of work, the kind of services to be performed and agency fee.

b. Every employment agency engaged in the job placement of domestic or household employees in Nassau County shall keep on file in its principal place of business for a period of three (3) years a duplicate copy of the signed written statement of job conditions required by subdivision (a) of this section.

§21-9.10.4 **Enforcement.** The commission shall have the same duties and powers of enforcement as set forth in section 21-9.9 of this chapter.

§21-9.10.5 **Violations.** Any employment agency that violates this title shall be subject to a fine not to exceed one thousand dollars by any court of competent jurisdiction.
(

Title D
Consumer Affairs

§ 21-10.0 **Commissioner of Consumer Affairs; powers and duties.**[87]
(Repealed by Local Law No. 5-2018, in effect April 2, 2018.)

§ 21-10.1 **Board on consumer affairs.** There is hereby created a Board of Consumer Affairs, consisting of fifteen representatives who shall reflect a cross section of consumer and business interests, to be appointed by the County Executive, subject to confirmation by the Board of Supervisors. Of the nine members the first appointed before September fifteenth, nineteen sixty-eight,

[87] See Article XXI-B of the County Charter establishing a Department of Consumer Affairs.

two shall be appointed for three years, two for a term of two years, and two for a term of one year, thereafter, all appointments shall be for a term of three years. One member shall be designated by the County Executive as chairman. Members shall serve without compensation but shall be reimbursed for the expenses actually and necessarily incurred by them in the performance of their duties. The Board shall assist and advise the Commissioner in his duties and functions under this title.

§ 21-10.2 **Unfair trade practices prohibited; enforcement.**[88]

1. Unfair Trade Practices Prohibited; Licenses Required

   (a) Unfair trade practices prohibited. No person shall engage in any deceptive or unconscionable trade practice in the sale, lease, rental or loan or in the offering for sale, lease, rental or loan of any consumer goods or services, in the extension of consumer credit, or in the collection of consumer debts.

   (b) It shall be unlawful for any person or entity required to be licensed pursuant to the provisions of this title or pursuant to provisions of state law authorized to be enforced by the Department to engage in any trade, business or activity for which a license is required unless such person or entity possesses such license.
   (Amended by Local Law 20-2002, in effect November 15, 2002.)

2. Definitions.

   a. "Person." An individual, merchant, partnership, firm or corporation.

   b. "Deceptive trade practice." Any false, falsely disparaging, or misleading oral or written statement, visual description or other representation of any kind, which has the capacity, tendency or effect of deceiving or misleading consumers and is made In connection with the sale, lease, rental or loan of consumer goods or services; the offering for sale, lease, rental or loan of consumer goods or services; the extension of consumer credit: or the collection of consumer debts, deceptive trade practices include but are not limited to:

      1. representations that:

         (a) goods or services have sponsorship, approval, accessories, characteristics, ingredients, uses, benefits, or quantities that they do not have;

[88] *See Matter of Food Parade v. Office of Consumer Affairs,* 7 N.Y.3d 568 (2006).

(b) the merchant has a sponsorship, approval, status, affiliation or connection that he does not have;

(c) goods are original or new if they are deteriorated altered, reconditioned, reclaimed, or secondhand:

(d) goods or services are of particular standard, quality, grade, style, or model, If they are of another.

2. the use, in any oral or written representation, of exaggeration, innuendo or ambiguity as to a material fact:

3. failure to state a material fact if such use or failure deceives or tends to deceive;

4. disparaging the goods, services, or business of another by false or misleading representations of materials facts;

5. offering goods or services without intent to sell them:

6. offering goods or services without intent to supply reasonably expectable public demand, unless the offer discloses the limitation;

7. making false or misleading representations of fact concerning: the reason for, existence of, or amounts of price reductions; or the price in comparison to prices of competitors to one's own price at a past or future time;

8. falsely stating that a consumer transaction involves consumer rights, remedies or obligations:

9. falsely stating that services, replacements or repairs are needed; and

10. falsely stating the reasons for offering or supplying goods or services at sale or discount prices.

11. causing, permitting, allowing or approving the blockage, obstruction or concealment from the view of the purchaser or purchasers, the indicators of any machine, device or register used to Itemize and/or total sales to such purchaser or purchasers, by any person engaged in any commercial business activity in which consumer goods and/or services are sold to the public.

12. advertising a price for goods or services which price is a

comparative price to the price of a specified merchant or to the prices of other specified merchants, unless such comparative price is a price at or below the price at which goods or services of identical or substantially the same kind or quality are to have been offered for sale by the specified merchant.
(Subd. (12) added by Local Law No. 2-1996, In effect May 8, 1996.)

13. advertising former price unless goods or services of identical or substantially the same kind or quality have been sold in reasonable quantities for a price equal to or below the former price or openly and actively offered for sale to the public for a reasonable period of time in the regular course of business in good faith and not for the purpose of establishing a fictitious price comparison. "Former price" shall mean the price at which goods or services were previously sold in reasonable quantities or offered for sale to the public for a reasonable period of time.
(Subd. 13 added by Local Law No. 2-1996, in effect May 8, 1996.)

14.[89] The sale, advertising or offering for sale of gasoline:

(a) Using the term "regular", either by itself or in combination with any other term, to describe or identify gasoline with an R+M/2 octane number greater than 87;

(b) Using the terms "mid grade", "plus" or "mid", either by themselves or in combination with any other term, to describe or identify gasoline with R+M/2 Octane number other than 89;

(c) Using the terms "super", "premium" or "high test", either by themselves or in combination with any other term, to describe or identify gasoline with an R+M/2 Octane number less than 92;

(d) Using the terms "no lead", "unleaded" or "lead free" or other similar meaning to describe or identify any grade of gasoline. These terms may be used in combination with other terms such as "unleaded regular", "premium no lead", etc., providing such terms meet the conditions set forth in (a), (b) or (c) above;

(e) Using more than one term, description or identifying name to describe gasolines with the same R+M/2 Octane number at a single retail gasoline location.
(Subd. 14 added by Local Law No. 5-1998, in effect August 19, 1998.)

[89] There are two subdivisions 14.

14.[90] failure of any taxicab company and/or limousine service or terminal therefore to include its license and/or Nassau County registration number and the name or the issuing jurisdiction in any print, television or radio advertisement.
(Subd. 14 added by Local Law No. 20-2000, in effect June 26, 2000.)

c. "Unconscionable trade practice." Any act or practice is unconscionable if it takes unfair advantage of the lack of knowledge, ability, experience or capacity of a consumer which results in a gross disparity in the rights of a consumer as against the merchant or results in a gross disparity between the value received by a consumer and the price paid by the consumer;

d. "Consumer goods, services, credit and debts." Goods, services, credit and debts which are primarily for personal household or family purposes;

e. "Consumer.' A purchaser, lessee or recipient or prospective purchaser, lessee or recipient of consumer goods or services or consumer credit. Including a co-obligor or surety;

f. "Merchant" A manufacturer, supplier, seller, lessor, creditor or other person, firm or corporation who
makes available to consumers, either directly or indirectly, goods, services, or credit;

g. "Commissioner." The Commissioner of Consumer Affairs.

2. Regulations. The Commissioner may, after a public hearing, adopt such rules and regulations as may be necessary to effectuate the purposes of this section, including regulations defining specific deceptive or unconscionable trade practices. At least seven days prior notice of such public hearing shall be published in the official newspapers of the County. A copy of the rules and regulations adopted hereunder and any amendments thereto shall be filed in the office of the clerk of the Legislature and posted to the Department of Consumer Affairs webpage on the official website of Nassau County.
(Amended by Local Law No. 1-2021, in effect January 13, 2021_

4. Enforcement.

(a) The violation of any provision of this section or of any rule or regulation promulgated hereunder shall render the violator liable for the payment to the County of a civil penalty, recoverable in a civil

[90] There are two subdivisions 14.

action, in the sum of not more than $5,000 for each violation, together with, in each instance, the cost of the investigation incurred by the Commissioner.

(i) Prior to the issuance of a ticket or summons for an alleged unconscionable trade practice in violation of any provision of this section or any rule promulgated hereunder, the Department of Consumer Affairs shall provide a reasonable opportunity for businesses to present evidence including receipts, books, and records showing that the increased price to be paid by a consumer is attributable to increased or additional costs incurred that are not within the control of the business or that the amount charged preserves the margin of profit that the business received for the same goods or services prior to the abnormal disruption in the market. Notwithstanding the foregoing, there shall be no obligation for businesses to present such evidence.

(ii) Prior to the issuance of a ticket or summons for an alleged deceptive trade practice in violation of any provision of this section or any rule promulgated hereunder, the Department of Consumer Affairs shall provide a reasonable opportunity for businesses to present exculpatory evidence. Notwithstanding the foregoing, there shall be no obligation for businesses to present such evidence.

(iii) After the issuance of a summons for alleged violation of any provision of this section of any rule promulgated hereunder and within five (5) business days prior to a hearing or conference on such charges, the Department of Consumer Affairs shall provide a written explanation of the alleged violations to the defendant business including the evidence it will present to prove that a violation has occurred under this section. Failure of the Department to meet this deadline shall result in the adjournment of the matter for a first offense and dismissal of the matter for a second offense.

(Amended by Local Law No. 19-1990, in effect November 26, 1990; amended by Local Law No. 25-2000, in effect July 31, 2000; amended by Local Law No. 20-2002, in effect November 15, 2002. Amended by Local Law No. 20-2014, in effect August 6, 2104. Amended by Local Law No. 1-2021, in effect January 13, 2021)

(b) Whenever any person has engaged in any acts or practices which constitute repeated, persistent or multiple violations of any provision of this section or of any rule or regulation promulgated hereunder, the County Attorney, upon the request of the Commissioner of Consumer Affairs, may make application to the Supreme Court for a temporary

or permanent injunction, restraining order, or other equitable relief.

(c) Notwithstanding any other provision in this title, the Commissioner after notice and a hearing shall be authorized to impose fines upon any person or entity in violation of this paragraph (b) of subdivision 1 of this section of one hundred dollars ($100.00) per violation per day for each and every day of such violation.
(Subd. (c) added by Local Law No. 20-2002, in effect November 15, 2002.)

5. Settlements. In lieu of instituting or continuing an action or proceeding, the Commissioner may accept written assurance of discontinuance of any act or practice in violation of this section. Such assurance may include a stipulation for the payment by the violator of the costs of investigation, a fine, and/or a stipulation for the restitution by the violator to consumers of money, property or other things received from such consumers in connection with a violation of this section. Any civil penalty authorized by subdivision 4 of §10.2 may be waived or compromised by the Commissioner or his designated representative.
(Subd. 5 amended by Local Law No. 7-1994, in effect August 1, 1994.)

6. Exclusions. Nothing in this section shall apply to any television or radio broadcasting station or to any publisher or printer of a newspaper, magazine, or other form of printed advertising, who broadcasts, publishes, or prints an advertisement which violates this section except insofar as such station or publisher or printer engages in a deceptive or unconscionable practice in the sale or offering for sale of its own goods or services.

7. Separability. If any provision of this section or the application of such provision to any person or circumstance shall be held unconstitutional or invalid, the constitutionality or validity of the remainder of this section and the applicability of such provision to other persons or circumstances shall not be affected thereby.
(Title D added by Local Law No. 9, 1961 § 2, in effect June 9, 1961; § 21-10.1 amended by Local Law No. 5, 1968; §21.10.2 added by Local Law No. 2, 1970; paragraph b of subdivision 2 of § 21-10.2 amended by Local Law No. 6, 1971 adding subparagraph 11; subparagraph 11 of paragraph b of subdivision 2 of § 21.10.2 amended by Local Law No. 11, 1973, in effect October 1, 1973; subparagraphs (12) and (13) of § 21-10.2 amended by Local Law No. 2-1996, in effect May 8.1996.)

§ 21-10.3. **[Late Renewal Fee]**[91] Any person or company that fails to renew a license issued by the Commissioner of Consumer Affairs or his or her designee or employee within fifteen days after the expiration of the license shall be subject to a fee, to be set by ordinance, in addition to the renewal fee, which

[91] Not in local law. Added to facilitate use.

shall be paid prior to the issuance of the renewed license.
(Added by Local Law No. 9-2016, in effect January 2, 2017.)

Title D-1
Licenses

§ 21-11.0 **Legislative purpose.** It is the purpose of the Board of Supervisors in enacting this Local Law to safeguard and protect the homeowner against abuses on the part of home improvement contractors by regulating the home improvement, remodeling and repair business and by licensing of persons engaged in such business.
(§ 21-11.0 amended by Local Law No. 2-1984, in effect January 4, 1984.)

§ 21-11.1 **Definitions.**

1. "Commissioner" means the Commissioner of Consumer Affairs.

2. "Contractor" means any person who owns or operates a home improvement business or who undertakes or offers to undertake or agrees to perform any home improvements in Nassau County.
(Subdivision 2 amended by Local Law No. 2-1984, in effect January 4, 1984; Local Law No. 3-1981, in effect July 21, 1981.)

3. "Home Improvement" means repair, maintenance, replacement, remodeling, alteration, conversion, modernization, or addition to any land or building, or that portion thereof, which is used as a private residence or dwelling place for not more than three families, and other improvements to structures or upon land which is adjacent to a dwelling, and shall include, but not be limited to, the installation, construction, replacement or improvement of driveways, swimming pools, porches, garages, sheds, central heating or air conditioning systems, vacuum cleaning systems, windows and awnings, sandblasting, power washing, waterproofing, floor refinishing, chimney cleaning, interior and/or exterior painting, carpet installation, demolition, mold remediation services, and gardening/landscaping, when the gardener/landscaper uses his/her own equipment in the conduct of his/her business and uses his/her vehicle to transport such equipment. "Home Improvement" shall not include (a) the construction of a new home building or work done by a contractor in compliance with a guarantee of completion of a new building project, or (b) the sale of goods or materials by a seller who neither arranges, to perform nor persons directly or indirectly any work or labor in connection with the installation of goods or materials, or (c) decorating when not incidental or related to home improvement work as herein defined, or (d) residences owned by, the state or any municipal subdivision thereof, or (e) automatic fire alarm systems, or (f) burglar alarm systems.
(Subd. 3 amended by Local Law No. 3-1981, in effect August 17, 1981; Local Law No. 3-1981, in effect July 27, 1981; Local Law No. 2-1995, in effect February 28, 1995;

amended by Local Law No. 20-2002, in effect November 15, 2002; amended by Local Law No. 10-2004; amended by Local Law No. 12-2014, in effect August 6, 2014).

4. "Home improvement contract" means an agreement between a contractor and an owner for the performance of a home improvement, and Includes all labor, services and materials to be furnished and performed thereunder.

5. "Home improvement establishment" means any shop, establishment place or premises where the home improvement business is carried on.

6. "Licensee" means a person permitted to engage in the home improvement business under the provisions of this title.

7. "Owner" means any homeowner, tenant, or any other person who orders, contracts for, or purchases the home improvement services of a contractor, or the person entitled to the performance of the work of a contractor pursuant to a home Improvement contract.

8. "Person" means an individual, firm, partnership, association or corporation.

9. "Management Personnel" means a person or persons who are principals in a contracting business or who are employed by a contractor and are responsible for assisting in the business of the contractor and vested with such discretion and judgment as to accomplish the business purpose of the contractor.
(Subd. 3, amended by Local Law No, 3-1978, in effect March 13, 1978; amended by Local Law No. 3-1981, in effect August 17,1981; Subd. 9 added by Local Law No. 2-1981, in effect July 27, 1981.)

§ 21-11.2 **License required; home improvement business.** No person shall own, maintain, conduct, operate, engage in or transact a home improvement business after January first, nineteen hundred seventy-two, or hold himself out as being able to do so after such date unless he is licensed therefore pursuant to this title.
(Amended by Local Law No. 4-1971, in effect May 26.1971.)

§ 21-11.3 **Craft Licenses.**

1. A license issued pursuant to this title may not be construed to authorize the licensee to perform any particular type of work or kind of business which is reserved to qualified licensees under separate provisions of state or local law; nor shall any license or authority other than as is issued or permitted pursuant to this title authorize engaging in the home improvement business.

2. Nothing in this title shall be construed to limit or restrict the power of a city, town or village to regulate the quality, performance, or character of the work of contractors including a system of permits and inspections which are designed to secure compliance with and aid in the enforcement of applicable state and local building laws, or to enforce other laws necessary for the protection of the public health and safety. Nothing in this title limits the power of a city, town or village to adopt any system of permits requiring submission to and approval by the city, town or village of plans and specifications for an installation prior to the commencement of construction of the installation or of inspection of work done.

§ 21-11.4 **Home improvement business Licenses; requirements.**

1. The maintenance of a bona fide establishment at a definite location within the state shall be a prerequisite for the issuance of a home improvement business license.

   The use of a telephone answering service shall not constitute a location for purposes of this section.

2.

   (a) An applicant for a home improvement contractor's license must establish that he is the real owner and possesses title to or is entitled to the possession of the establishment and will conduct, engage in and transact a home improvement business. He must furnish satisfactory evidence of a good moral character and financial responsibility.
   (b) All applicants for a license pursuant to this title will submit to fingerprinting of the individual owner, if the applicant is a sole proprietorship, the general partners if the applicant is a partnership, and the officers, principals, directors, and stockholders holding more than 5% of the outstanding stock if the applicant is a corporation. All individuals fingerprinted in connection with an application for a license shall be subject to a review of their criminal history record by the Commissioner of the Nassau County Department of Consumer Affairs, or his/her designee. All fingerprints and any applicable fees must be submitted in the form and manner as prescribed by the Division of Criminal Justice Services (“DCJS”). Any decision regarding a prospective applicant’s fitness for a license based upon a conviction contained in the criminal history background information obtained from the DCJS of any individual fingerprinted pursuant to this section must be made upon consideration of New York State Correction Law Sections 701-703-b and Sections 751-753. The cost for fingerprinting shall be an expense payable by the applicant.

(c) All applicants must furnish certificates of public liability and property damage insurance in the amount of two hundred and fifty thousand dollars ($250,000) per person, five hundred thousand dollars ($500,000) per occurrence, bodily injury and one hundred thousand dollars ($100,000) each occurrence and aggregate, property damage.
(Subd. 2 amended by Local Law No. 3-1987, in effect July 27, 1987; Subd. 2 further amended by Local Law No. 9-2023, in effect December 19, 2023.)

3. The Commissioner may require an application for a license or a renewal application to be accompanied by a bond, approved as to form by the County Attorney, executed by a bonding or surety company authorized to do business in the State of New York, in an amount to be set by the Commissioner, but in no event to exceed one hundred thousand dollars, conditioned upon the assurance that during the term of such license, the licensee will continue to comply with the provisions of this title to assure that upon default in the performance of any contract the advance payments made thereon, less the reasonable value of services actually rendered to the date of such default, of the reasonable costs of completion of the contract in the event of noncompletion thereof, will be refunded to the purchaser, owner or lessee with whom such contract was made. Such bond shall run to the County of Nassau for the use and benefit of any person or persons intended to be protected thereby. The filing of the required bond in the office of the clerk of the Board of Supervisors, after approval as to form by the County Attorney, shall be deemed sufficient compliance with this section. The Commissioner may require a bond at any time during the term of the license based on the licensee's performance during such term.
(Subd. 3 amended by Local Law No. 1-1972, in effect February 4, 1972; Local Law No. 5, 1980, in effect June 9, 1980; Local Law No. 3-1987, in effect July 27, 1987.)

§ 21-11.5 **Licenses; display; renewals; duplicates.**

1. All licenses, except temporary licenses, shall be for a period of two years from the date of issuance and shall expire on the last day of the twenty-fourth month following issuance.
(Subd. 1 amended by Local Law No. 1-1972, in effect February 4, 1972; Local Law No. 18-1990, in effect November 26, 1990.)

2. No license shall be assignable or transferable except as hereinafter provided. A license to conduct a home improvement business issued to an individual may be assigned or transferred for the remainder of the license period to a partnership or corporation if such individual is a member of such partnership or a stockholder of such corporation owning not less than twenty five per cent of the outstanding stock at the time of such assignment or transfer. A license issued to a partnership may be assigned or transferred for the remainder of the license period to any one

member of such partnership provided he obtains the consent of all of the other members of such partnership. The application for such transfer or assignment must be accompanied by proof satisfactory to the Commissioner that the requirements herein provided have been complied with. No assignment or transfer shall become effective unless and until the endorsement of the transfer or assignment has been made on the face of the license by the Commissioner and such license, so endorsed, has been returned to the assignee or the transferee. All such endorsements shall be made upon a payment of a fee to be set by ordinance.
(Subdivision 2 amended by Local Law No. 20-2002, in effect November 15, 2002; amended by Local Law No. 13-2012, in effect August 8, 2012; amended by Local Law No. 9-2016, in effect January 2, 2017.)

3. Each license issued pursuant to this title shall be posted and kept posted in some conspicuous place in the home improvement business.

4. Any license except a temporary license, which has not been suspended or revoked, may, upon the payment of the renewal fee prescribed by this title, be renewed for an additional period of two years from its expiration, upon filing of an application for such renewal on a form to be prescribed by the Commissioner. Failure to make application for such renewal within fifteen (15) days shall subject the licensee to an additional fee to be set by ordinance which shall be paid prior to the issuance of the renewal.
(Subdivision 4 amended by Local Law No. 1-1972, in effect March 16, 1972; Local Law No. 3-1987, in effect July 27, 1987: Local Law No, 18-1990, in effect November 26, 1990; Local Law No. 20-2002, in effect November 15, 2002; amended by Local Law No. 13-2012, in effect August 8, 2012; amended by Local Law No. 9-2016, in effect January 2, 2017.)

5. A duplicate license may be issued for one lost, destroyed or mutilated upon application therefore a form prescribed by the Commissioner and the payment of the fee prescribed therefore by this title. Each such duplicate license shall have the word "duplicate" stamped across the face thereof and shall bear the same number as the one it replaces.

6. A supplementary license may be issued for each additional place of business maintained by a licensee within the County of Nassau upon application therefore on a form prescribed by the Commissioner and the payment of the fee prescribed therefore by this title. Each such supplementary license shall have the word "supplementary" stamped across the face thereof and shall bear the same number as the original.
(Subd. 6 added by Local Law No. 1-1972, in effect February 4, 1972.)

§ 21-11.6 **Fees.**

1. The fee for a license to conduct a home improvement business and for each renewal thereof the fee shall be set by ordinance.
   (Subd. 1 of 21-11.6 amended by Local Law No. 5-1986, in effect June 2, 1986; Local Law No. 18-1990, in effect November 26, 1990; Local Law No. 20-2002, in effect November 15, 2002; amended by Local Law No. 13-2012, in effect August 8, 2012; amended by Local Law No. 9-2016, in effect January 2, 2017.)

2. The fee for issuing each supplementary or for a duplicate license for one lost, destroyed or mutilated shall be set by ordinance.
   (Subd. 2 amended by Local Law No. 1-1972, in effect February 4, 1972; Local Law No. 3-1987, in effect July 27, 1987; Local Law No. 20-2002, in effect November 15, 2002;. amended by Local Law No. 13-2012, in effect August 8, 2012; amended by Local Law No. 9-2016, in effect January 2, 2017.)

3. The fees hereinabove set forth shall be those for licenses issued for a period of two (2) years.
   (Subd. 3 amended by Local Law No. 1-1972, in effect February 4, 1972: Local Law No. 18-1990, in effect November 26, 1990; Local Law No. 20-2002, in effect November 15, 2002.)

4. The Commissioner shall refund the fee paid by any applicant in the event that the applicant for the license has predeceased its issuance, or has been inducted into the military service prior to its issuance. The Commissioner shall refund half of the fee paid by any applicant in the event that the application is denied, such refunds shall, upon approval by the Commissioner and after audit by the Comptroller, be paid from any monies received from the operation of this title.
   (Subd. 4 amended by Local Law No. 20-2002, in effect November 15, 2002.)

§ 21-11.7 **Powers of the Commissioner.** In addition to the powers and duties elsewhere prescribed in this title, the Commissioner shall have power:

1. To appoint such officers and employees, within the appropriation therefore as he shall deem necessary for the performance of his duties;

2. To examine into the qualifications and fitness of applicants for licenses under this title;

3. To keep records of all licenses issued, suspended or revoked;

4. To adopt such rules and regulations not inconsistent with the provisions of this title as may be necessary with respect to the form and content of applications for licenses, the receipt thereof, the investigation and examination of applicants and their qualifications, and the other matters incidental or appropriate to his powers and duties as prescribed by this title and for the proper administration and enforcement of the provisions of this title, and to amend or repeal any of such rules and regulations:

5. In the event that an applicant for a home improvement license has outstanding examinations, hearings, investigations, complaints or proceedings with the Office of Consumer Affairs, the Commissioner shall be authorized, after review, to issue a temporary license. Said temporary-license shall be for a period and under conditions to be determined by the Commissioner. Said temporary license shall have no effect upon the merits of the outstanding matters of the applicant pending in the Office of Consumer Affairs.
(Subd. 5 added by Local Law No. 3-1987, in effect July 27, 1987.)

6. The Commissioner or commissioner's designee shall be authorized to suspend the license of any person pending payment of such fine, penalty or pending compliance with any order of the Commissioner or the Office of Consumer Affairs or with any other lawful order of the office.
(Subd. 6 added by Local Law No. 3-1987, in effect July 27, 1987.)

7. The Commissioner or the Office of Consumer Affairs may arrange for the redress of injuries or damage caused by any violation of this article and may otherwise provide for compliance with the provisions and purposes of this article.
(Subd. 7 added by Local Law No. 3-1987, in effect July 27, 1987.)

§ 21-11.8 **Refusal, suspension and revocation of license; fines.** A license to conduct, operate, engage in and transact a home improvement business as a home improvement contractor may be refused, suspended or revoked by the Commissioner, or a fine not exceeding five thousand dollars ($5,000.00), or both, may be imposed by the Commissioner or an authorized officer or employee of the Commissioner for anyone or more of the following causes:

1. Fraud, misrepresentation or bribery in securing a license.

2. The making of any false statement as to a material matter in any application for a license.

3. The contractor is not financially responsible.

4. The person or the management personnel of the contractor are untrustworthy or not of good character.

5. The business transactions of the contractor have been marked by a failure to perform its contracts.

6. The willful manipulation of assets or accounts by the contractor.

7. Failure to display the license as provided in this title.

8. Failure to resolve a valid complaint registered in the Office of Consumer Affairs.

9. Violation of any provision of this title, or of any rule or regulation adopted hereunder.
(Amended by Local Law No. 1-1975, in effect December 16, 1974; amended by Local Law No. 20-2002, in effect November 15, 2002; subd. 3 re-numbered 4 and amended, new subdivision 3 added, subdivision 4 re-numbered 5 and amended, subdivision 5 re-numbered and amended, new subdivision 6 re-numbered 8 and amended, new subdivision 6 added by Local Law No. 2-1984, in effect January 4, 1984; amended by Local Law No. 18-1990, in effect November 26, 1990.)

10. A home, improvement contractor who has had a license suspended and/or revoked in another jurisdiction shall report said suspension or revocation to the Office of Consumer Affairs within ten (10) days of said action. Upon receipt of notification, the Commissioner, or his designee, may order a hearing to determine the continued validity of the contractor's ability to operate as home improvement licensee in Nassau County.

Any failure on the part of the contractor to report another jurisdiction's actions, shall be deemed a willful failure to report and will result in the immediate suspension and/or revocation of the contractor's home improvement license in Nassau County.
(Subd. 10 added by Local Law No. 12-1992, in effect January 1, 1993.)

§ 21-11.9 **Prohibited acts.** The following acts are prohibited:

1. Abandonment or willfully[92] failure to perform, without justification, any home improvement contract or project engaged in or undertaken by a contractor;

2. Making any substantial misrepresentation in the procurement of a home improvement contract, or making any false promise likely to influence, persuade or induce;

3. Any fraud in the execution of or in the material alteration of any contract, mortgage, promissory note or other document incident to a home improvement transaction;

4. Preparing or accepting any mortgage, promissory note or other evidence of indebtedness upon the obligations of a home improvement transaction with knowledge that it recites a greater monetary obligation than the agreed consideration for the home improvement work;

[92] So in local law.

5. Directly or indirectly publishing any advertisement relating to home improvements which contains an assertion, representation or statement of fact which is false, deceptive or misleading, provided that any advertisement which is subject to and complies with the then existing rules, regulations or guides of the Federal Trade Commission shall not be deemed false, deceptive or misleading; or by any means of advertising or purporting to offer the general public any home improvement work with the intent not to accept contracts for the particular work or at the price which is advertised or offered to the public;

6. Willful or deliberate disregard and violation of the building, sanitary and health laws of this state or of any political municipal subdivision thereof;

7. Willful failure to notify the Commissioner, in writing, of any change or control in ownership, management or business name or location;

8. Conducting a home improvement business in any name other than the one in which the contractor is licensed;

9. Willful failure to comply with any order, demand or requirement made by the Commissioner pursuant to provisions of this title;

10. As part of or in connection with the inducement to make a home improvement contract, no person shall promise or offer to pay credit charges or allow to a buyer any compensation or reward for the procurement of a home improvement contract with others;

11. No contractor shall offer or pay a loan as an inducement to enter into a home improvement contract;

12. No acts, agreements or statements of a buyer under a home improvement contract shall constitute a waiver of any provisions of this title intended for the benefit or protection of the buyer;

13. Any transaction or agreement which fails to provide that the buyer can cancel same at any time prior to midnight on the third business day after the date of such agreement without penalty and every home improvement contract, excluding contracts signed in the seller's retail business establishment, shall contain a "Notice of Cancellation" in such form as provided by the Commissioner pursuant to such rules and regulations as he promulgates;
(Subd. 13 added by Local Law No. 2-1984, in effect January 4, 1984.)

14. A willful deviation from or disregard of plans or specifications in any

material respect without the consent of the owner.
(Subd. 14 added by Local Law No. 3-1987, in effect July 27, 1987.)

§ 21-11.10 **Exceptions.** No contractor's license shall be required of any person when acting in the particular capacity or particular type of transaction set forth in this section:

1. An individual who performs labor or services for a licensee as an employee thereof.
(Amended by Local Law No. 12-2014, in effect August 6, 2014)

2. A plumber, electrician, architect, professional engineer, or any other such person who is required by state or local law to attain standards of competency or experience as a prerequisite to engaging in such craft or profession and who is acting exclusively within the scope of the craft or profession for which he is currently licensed pursuant to such other law.

3. This title shall not apply to a home improvement contract otherwise within the purview of this local law which is made prior to the effective date of the respective provisions of this title governing such contracts.
(Amended by Local Law No. 12-1992, in effect January 1, 1993.)

§ 21-11.11 **Completion Date.** Every home improvement contract shall provide for a completion date on which date all labor, services and materials to be furnished and performed is to be completed and in no event shall such work be completed any later than thirty days after said contract completion date.
(§ 21-11.11 repealed and new § 21-11.11 added by Local Law 2-1984, in effect January 4, 1984; amended by Local Law 3-1987, in effect July 27, 1987.)

§ 21-11.12 **Issuance, refusal and renewal of licenses; temporary licensing.**

1. When an application or renewal application has been filed with the Commissioner in proper form the Commissioner shall, within a period of ninety days from the date thereof, issue or refuse the appropriate contractor's license to the applicant. If an application for a license is refused, the Commissioner shall send to the applicant a written statement setting forth the reasons for the refusal to grant the license.

2. The Commissioner shall prescribe and furnish such forms as he may deem appropriate In connection with applications for licenses and the issuance, renewal or termination thereof.

3. An applicant for any license required by the provisions of this title shall file with the Commissioner a written application which shall be signed and under oath. As a part of or in connection with such application, the

applicant shall furnish information concerning his true identity, residence, personal history, home improvement business and any other pertinent facts which the Commissioner may require. The Commissioner may require the names of owners, stockholders, partners, directors and officers of any applicant, and the business addresses and trade names of any applicant.
(Subd. 3 amended by Local Law No. 3-1987, in effect July 27, 1987.)

4. Every contractor licensee shall immediately after a change of control in ownership or of management or a change of address or trade name, notify the Commissioner in writing of such changes.

5. Licenses of all contractors shall expire two years from the date of issuance unless prior thereto the license is revoked or suspended by the Commissioner. Upon payment of the bi-annual license fee, as prescribed by Section 21.11.6 of this title, prior to the expiration date, a license may be renewed in the discretion of the Commissioner for another two years: and the authority to do business shall continue in effect until such time within the two years as the Commissioner revokes or suspends the license.
(Subd. 5 amended by Local Law No. 3-1987, in effect July 27, 1987; Local Law No. 18-1990, in effect November 26, 1990.)

6. Temporary licenses may be issued in accordance with such rules or regulations as the Commissioner may prescribe to any applicant for a license who files an application in proper form and pays the bi-annual license fee thereof. A temporary license shall automatically expire at the time the Commissioner either refuses to issue or grants the license.
(Subd. 6 amended by Local Law No. 18-1990, in effect November 26, 1990.)

7. The Commissioner may, at any time, require reasonable information of an applicant or licensee, and may require the production of books of accounts, financial statements or other records which relate to the home improvement activity, qualification or compliance With this title by the licensee.

§ 21-11.13 **Hearings on charges; decisions.**

a. No license shall be revoked until after a hearing had before an officer or employee of the Commissioner designated for such purpose by the Commissioner upon notice to the licensee of at least ten days except as otherwise provided in this section. The notice shall be served by registered or certified mail and shall state the date and place of hearing and set forth the ground or grounds constituting the charges against the licensee: and, if the licensee fails to attend such hearing, the Commissioner shall revoke the license of said licensee. The licensee

shall be heard in his defense either in person or by counsel and may offer evidence on his behalf. A stenographic record of the hearing shall be taken. The person conducting the hearing shall make a written report of his findings and a recommendation to the Commissioner for decision. The Commissioner shall review such findings and the recommendation and, after due deliberation, shall issue an order accepting, modifying or rejecting such recommendation. For the purpose of this title, the Commissioner or any officer or employee of the department designated by him may administer oaths, take testimony, subpoena witnesses and compel the production of books, papers, records and documents deemed pertinent to the subject of the investigation.

b. A license may be suspended or fine imposed after a hearing had before an officer or employee of the Commissioner designated for such purpose by the Commissioner upon notice to the licensee of at least ten (10) days except as otherwise provided in this section. The notice shall be served by registered or certified mail and shall state the date and place of hearing and set forth the ground or grounds constituting the charges against the licensee, and if the licensee fails to attend such hearing, the Commissioner shall revoke the license of said licensee. The licensee shall be heard in his defense either in person or by counsel and may offer evidence on his behalf. For the purpose of this title, the Commissioner or, any officer or employee of the department designated by him may administer oaths, take testimony, subpoena witnesses and compel the production of books, papers, records and documents deemed pertinent to the subject of investigation.

c. Any fine authorized by section 21-11.8 may be waived or compromised by the Commissioner or his designated representative.
(Amended by Local Law No. 1-1975, in effect December 16, 1975; amended by Local Law No. 2-1984, in effect January 4, 1984; amended by Local Law No. 8-1994, in effect August 1, 1994.)

§ 21-11.14 **The Home Improvement Industry Board.**

1. Board: The Commissioner of Consumer Affairs shall appoint a seven-member home improvement contracting board to serve for a three-year term. Said board shall be composed of individuals having a personal knowledge and interest in home improvement contracting such as representatives of labor, management, trade or government. The Commissioner shall serve as a non-voting ex officio member of each board. Three members of the Board shall be appointed for a three-year term, two members for a two-year term, and two members for a one-year term. All appointments thereafter shall be for a three-year term.

2. Compensation: No member of the Board shall be compensated for

performing the duties of said board. Reasonable and necessary expenses incurred by a member carrying out the duties defined herein shall be compassable by the County of Nassau.

3. Powers and Duties: The Board shall have the following powers and duties:

   (1) To hold bi-monthly meetings in the Office of Consumer Affairs for the efficient discharge of the responsibilities and duties of the Board.

   (2) To make rules for the conduct of its meetings and keep a minute book of its proceedings, including a record of its examinations and other official actions.

   (3) To conduct meetings and, after a hearing at which all interested parties are afforded a sufficient opportunity to be heard, submit recommendations to the Commissioner relating to the home improvement industry.

   (4) To formulate and recommend to the Commissioner and Office of Consumer Affairs standards for the issuance, suspension, and revocation of licenses and identification cards, including the conditions for the issuance of same, the type of examination required, the terms and fees, and the conditions upon and the circumstances under which the same may be revoked or suspended.
   (§ 21-11.14 amended by Local Law No. 1-1972, in effect March 6.1972; amended by Local Law No. 5-1980, in effect June 9, 1980, renumbered as §21-11.5 by Local Law No. 3-1987, in effect Jury 27, 1987; new §21-11.14 added by Local Law No. 3-1987, in effect July 27, 1987.)

§ 21-11.15 **Violations and penalties.**

1. Any person who shall own, conduct or operate a home improvement business without obtaining a license therefore or who shall violate any of the provisions of this title or any rules promulgated hereunder, or having had a valid license which has been suspended or revoked, shall continue to engage in such business, shall be guilty of a class A misdemeanor, and subject to the punishment provided therefor. Each such violation shall be deemed a separate offense.

2. In addition to the penalties provided by paragraph 1 of this section and those provided by sections 21-10.2 of this code, any person who violates any of the provisions of this title shall be liable for a penalty of not more than five thousand dollars ($5,000) for each such violation.

3. In addition to the penalties provided by paragraphs 1 and 2 of this

section and those provided by sections 21-10.2 of this code, any person who uses a false or invalid license number, or falsely states or implies that he or she is licensed, under this title, in any advertisements or in dealings with consumers whether oral or written, shall be subject to a penalty for a deceptive trade practice, in accordance with the provisions of section 21-10.2 of this code.

4. The County Attorney may bring an action in the name of the County to restrain or prevent any violation of this subdivision or any continuance of any such violation.

5. Where any violation of this subdivision is found to be willful or where such violation has posed a threat to the health or safety of the persons residing at the property at which the contractor has performed the work, the Commissioner may order the contractor to pay to the owner of such property, or other person for whom the contractor has performed the work, an amount which shall not exceed three times the actual amount of damages sustained by such owner or other person as a result of such violations.

(§ 21-11.14 renumbered as §21-11.5 by Local Law No. 3-1987, in effect Jury 27, 1987; amended by Local Law No. 20-2002, in effect November 15, 2002.)

§ 21-11.15-a **[Seizure and Impound]**[93]

a. A police officer or authorized officer, employee or agent of the office of consumer affairs or the sheriff's department may, upon service on the operator of a vehicle of a notice of violation for operating without a license required by section 21-11.2 of this title, seize and impound any vehicle, tool or other implement which such officer has reasonable cause to believe is being used in connection with such violation. Any vehicle, tool or implement seized pursuant to this section shall be delivered into the custody of the office of consumer affairs.

(i). A person from whom a vehicle has been seized and impounded pursuant to this section shall receive notice at the time of such seizure and by certified mail, return receipt requested, as soon thereafter as practical informing such person how and when the vehicle may be reclaimed and whether the vehicle is subject to a civil forfeiture proceeding pursuant to subdivision e of this section. In the event that the person from whom the vehicle was seized is not the registered owner of the vehicle, separate notice shall be provided by certified mail, return receipt requested, to the registered owner of the vehicle. Notice shall also be provided to any lienholder. For purposes of this section, the term "lienholder" shall, in the case of a vehicle, mean any person,

[93] Not in local law. Added to facilitate usage.

corporation, partnership, firm, agency, association or other entity who at the time of an seizure pursuant to this section has a financial interest recorded as a lien with the department of motor vehicles of New York state or any other state, territory, district, province, nation or other jurisdiction, except that "lienholder" shall not mean an entity that leases vehicles pursuant to a written agreement subject to the New York state personal property law or the uniform commercial code. Nothing in this provision shall be construed to prevent a lienholder whose lien is not so recorded from intervening in any action or proceeding under this section.

(ii) The commissioner or the designee of the commissioner shall hold a hearing to adjudicate the violation underlying the seizure and impoundment within five business days after the date of such seizure and impoundment and shall render his or her determination immediately following the conclusion of such hearing.

b. A vehicle, tool or other implement seized and impounded pursuant to this section may be released prior to the hearing provided in subdivision a of this section upon the posting of an all cash bond in a form satisfactory to the commissioner in an amount sufficient to cover the maximum fines or civil penalties which may be imposed for the violation underlying the impoundment and all reasonable costs for removal and storage of such vehicle, tool or implement; provided, however that such release shall be conditioned on presentation of, in the case of (i) a vehicle, proof of ownership or authorization from the owner of the vehicle as ownership is defined by section three hundred eight-eight of the vehicle and traffic law, or (ii) in the case of a tool or other implement or equipment, proof of ownership or authorization by the owner satisfactory to the commissioner.

c. Following an adjudication that has resulted in a determination that the vehicle, tool or other implement was used in connection with unlicensed activity in violation of section 21-11.2 of this code, release of such vehicle, tool or other implement may be obtained upon payment of all applicable fines and civil penalties and all reasonable costs of removal and storage and upon proof of ownership as provided in subdivision b of this section.

d. Notwithstanding the provisions of subdivisions b and c of this section, no person shall obtain release of a vehicle, tool or other implement pursuant to such section unless and until such person submits an application for a home improvement contractor license, or reinstatement of such a license, as appropriate, to the commissioner in the form and containing the information required by the commissioner. A vehicle, tool or implement released pursuant to this subdivision or subdivision b of this section may be used for home improvement activities pending the determination of the

commissioner on the license application. In the event that the commissioner denies such application, such use shall cease upon notification of the commissioner's determination. Continuation of such use following notification of denial of a license shall constitute unlicensed activity subject to the fines and other penalties provided in this title. Notwithstanding the provisions of this section, in the event that the owner of the vehicle, tool or other implement is not the person who was found to be in violation of the provisions of section 21-11.2 of this code, such owner may obtain release upon payment of fines and penalties and reasonable costs of removal as provided herein and upon execution of a sworn statement, subject to the provisions of the penal law relative to false statements and satisfactory to the commissioner, that he or she will not permit the person who has violated such provisions to operate the vehicle, tool or other implement in violation of section 21-11.2 of this code.

e. In addition to any other fine, penalty or sanction for violation of section 21-11.2 of this code, the county of Nassau may commence a civil action for forfeiture to such county of any vehicle as such term is defined in subdivision fourteen of section 10.00 of the penal law or any tool or implement when such vehicle is operated or such tool or implement is used by a person who has been found at least two times within any five year period, commencing after effective date of the local law that added this section to have engaged in unlicensed activity in violation of section 21-11.2 of this code and each such determination has included findings that a vehicle, or tool or implement similar to the tool or implement seized was used in connection with such violations. The interest of a lienholder in such property shall not be subject to forfeiture pursuant to this provision, provided, however, that this provision shall not be construed to entitle a lienholder to more than the outstanding balance of the lien.

f. The county may, pending final resolution of the forfeiture proceeding, retain a vehicle, tool or implement subject to forfeiture pursuant to subdivision e of this section and shall apply to the court, after having provided notice as required to the persons or entities set forth in subparagraphs a and d of this section paragraph, within fifteen days of seizure for a prompt hearing to request the court to take measures to protect the public from unlicensed home improvement businesses and to protect the vehicle from destruction or sale during the pendency of the forfeiture proceeding. At such hearing the court shall determine the probable validity of the retention of the vehicle by the county, or other such appropriate measures, including but not limited to an order prohibiting the use of the vehicle, tool or equipment in home improvement activities, the posting of a bond or an order restraining the sale or transfer of title of the vehicle. The hearing shall take into consideration, but not be limited to:

(i) the existence of probable cause for the underlying seizure;

(ii) the likelihood of success on the merits of the forfeiture action; and

(iii) determinations of unlicensed home improvement activities within the past five years.

Notice pursuant to this paragraph to an owner or lienholder shall be to the address recorded with the department of motor vehicles by certified mail, return receipt requested.

g. It shall be an affirmative defense to forfeiture pursuant to this subdivision that a person who claims an interest in a vehicle, tool or implement, establishes to the satisfaction of the court that 1) the use of the vehicle, tool or implement for the conduct that was the basis for seizure occurred without the knowledge of such person, or if such person had knowledge of such use, that such person did not consent to such use by doing all that could reasonably have been done to prevent such use, and that such person did not knowingly obtain such interest in the vehicle in order to avoid the forfeiture of such vehicle, or (ii) that the conduct that was the basis for such seizure was committed by any person other than such person claiming an interest in the vehicle tool or implement while such vehicle, tool or implement was unlawfully in the possession of a person who acquired possession thereof in violation of the criminal laws of the United States or any state.

h. The county may, after judicial determination of forfeiture, at its discretion either retain such vehicle for official use by the county; or (ii) sell such vehicle at public sale, the proceeds of which shall be deposited into the general fund.
(Added by Local Law No. 10-2004).

§ 21-11.16 **Home Improvement Restitution Fund.**

1. There shall be a fund administered by the Office of Consumer Affairs known as the Home Improvement Restitution Fund.

2. Every home improvement contractor who applies for a license or a renewal of a license pursuant to this title on or after the effective date of this local law, shall pay a one-time fee of $50.00 into the Home Improvement Restitution Fund.

3. The Nassau County Treasurer is hereby authorized, empowered and directed to deposit the collected funds into a separate account and is

hereby further authorized to invest the proceeds of this account into any instrument authorized for the investment of reserve funds pursuant to Section 6-F of the General Municipal Law. All proceeds and earnings of such investments shall be retained in the Home Improvement Restitution Fund and shall be utilized solely and exclusively for this account.

4. The proceeds of the Home Improvement Restitution Fund shall be used to compensate an owner or owners who have obtained a judgment from a court of law or final award in arbitration against a licensed home improvement contractor but which is incapable of execution.

5. Payment of Claims from the Home Improvement Restitution Fund.

   (A) The Commissioner is hereby authorized to approve a payment from the Home Improvement Restitution Fund in an amount not to exceed $10,000 for any owner who complies with the following conditions:

      (1) The owner first files a complaint with the Office of Consumer Affairs against a licensed home improvement contractor subsequent to the effective date of this title.

      (2) The owner provides the Commissioner with a certified copy of a final judgment of a court of competent jurisdiction, or a final award in arbitration, with all rights of appeal exhausted, in which the court or arbitrator has found on the merit that the owner is entitled to monetary relief in a sum certain, or a default judgment rendered against the home improvement contractor that the owner is entitled to monetary relief in a sum certain which shall be verified to the satisfaction of the Commissioner by the production of receipts of payments by the owner or owners or other such proof.
      (Amended by Local Law 20-2002, in effect November 15, 2002.)

   (B) The Commissioner may authorize payment from the Home Improvement Restitution Fund in an amount not to exceed $10,000 to compensate for monetary damages certified in the aforementioned judgment or award for non-performance, partial performance, or performance in an unworkmanlike manner by a licensed home improvement contractor.
   (Amended by Local Law 10-2005).

   (C) No compensation from the Home Improvement Restitution Fund shall be made for the following: attorney fees, court costs, personal injury awards; consequential, incidental or punitive damage; loss of income; loss of time.

(D) If, at any time, the amount on deposit in the Home Improvement Restitution Fund, is insufficient to satisfy any approved claim, the Commissioner when a sufficient amount has been deposited in the Home Improvement Restitution Fund, shall satisfy the unpaid claims in the order in which they were received by the Commissioner.

(E) A claim for compensation from the Home Improvement Restitution Fund shall be brought by an owner within 2 years from the date that the judgment or award upon which the claim is made has been filed with the County Clerk.
(Subd. F added by Local Law 10-2005 and repealed by Local Law No. 12-2014, in effect August 6, 2014)

6. Consumer Affairs Review and Disciplinary Actions.

(A) Neither the pendency of a claim or the satisfaction or a claim against the Home Improvement Restitution Fund shall limit the authority of the Commissioner to investigate and to take any action consistent with this title against a contractor.

(B) A contractor whose actions have resulted in the payment of a claim from the Home Improvement Restitution Fund, shall not be issued a home improvement license or a renewal thereof, until the full amount of said claim shall be repaid to the Home Improvement Restitution Fund. Said payment shall not include the $50.00 fee established in this title.

(C) No home improvement contracting license or a renewal thereof shall be issued to a contractor while a claim against the Home Improvement Restitution Fund is pending.
(Title D.-1 added by Local Law No. 6-1970, in effect October 7, 1970. Section 21-11.16 added by Local Law No. 12-1992, in effect January 1, 1993.)

Title D-2
Locksmiths Licenses[94]

§ 21-12.1 **Definitions.** As used in this title the following terms shall have the following meanings:

"Commissioner" shall mean the commissioner of the Nassau County Office of Consumer Affairs.

[94] Former Title D-2 [§ 21-12.0 to 21-12.18] entitled "Privilege Tax on Coin Operated Amusement Devices" was added by Local Law No. 2-1979 in effect April 23, 1979 amended by Local Law No. 10-1984 in effect June 21, 1984 and REPEALED by Local Law No. 20-2003, in effect December 31, 2003.

“Locksmith” shall mean a person whose trade or occupation is repairing, rebuilding, rekeying, repinning, servicing, adjusting, or installing locks, mechanical or electronic locking devices, safes, vaults, and safe-deposit boxes for compensation or other consideration, including services performed by safe technicians, automobile technicians and those who originate keys for locks.

"Person" means an individual, firm, partnership, association or corporation.

§ 21-12.2 **License requirement.** No person shall perform locksmith services within the County of Nassau unless such person holds a valid locksmith license issued by the Commissioner; provided, however, that the following persons shall not be required to hold such a license:

a. An employee or apprentice of a licensed locksmith acting under the control and supervision of the licensed locksmith.

b. A property owner, or the owner's employee, when providing locksmith services on the property owner's property, as long as the owner or employee does not represent himself or herself as a locksmith. For purposes of this section, 'property' means, but is not limited to, a hotel, motel, apartment, condominium, commercial rental property, automobile and residential rental property.

c. A merchant, or retail or hardware store, when it lawfully duplicates keys.

d. A member of a law enforcement agency, fire department or other government agency who, when acting within the scope and course of the member's employment with the agency or department opens locked doors to vehicles, homes, or businesses.

e. A salesperson while demonstrating the use of locksmith tools to persons licensed under this title.

f. A home improvement contractor licensed under Title D-1 of this chapter when acting within the scope and course of the general contractor license.

g. Any person or firm that sells gun safes or locking devices for firearms when acting within the scope and course of the sale of gun safes or locking devices for firearms.

h. A person while performing a locksmith service in an emergency situation without receiving any compensation for this service and who does not

advertise those services.

§ 21-12.3 **License fee.** Every license and renewal issued under this title shall take effect and expire on dates determined by the Commissioner and shall be valid for a period of two years; provided, however, where the expiration date of the registration of any license falls on a Saturday, Sunday or county holiday, such license shall be valid until midnight of the next day on which county offices shall be open for business. The fee for a locksmith's license shall be set by ordinance.
(Amended by Local Law No. 9-2016, in effect January 2, 2017).

a. Every licensed locksmith shall display the license issued hereunder in a conspicuous place where it can be readily seen by anyone entering the premises where the business is conducted and on the vehicles used in the business. Where the licensed locksmith is not in business for himself or herself but is employed by another, it shall be incumbent upon the licensee and his or her employer to display the license hereunder in a conspicuous place where it can be readily seen by anyone entering the premises wherein the business is conducted or on the vehicle used in the business. Where more than one locksmith is employed in such premises the license of the person then in charge need only be displayed.

b. Every invoice and receipt for each transaction conducted shall include the identification number that is printed on the license issued by the Commissioner.

c. Every person advertising locksmith services performed by the person shall include in the advertisement the identification number that is printed on the license issued by the Commissioner.

d. Every licensee under this title shall provide to the Commissioner the names of each person employed by the licensee who either performs locksmith services or has access to locksmith tools. The licensee shall notify the Commissioner forthwith of any change in the information provided pursuant to this paragraph.

e. Every locksmith shall make a good faith effort to: (1) determine the identification of any person requesting the opening of a locked item; and (2) obtain proof that a person requesting the opening of a locked item is the proper owner of the locked item or is authorized to request that the locked item be unlocked.

f. Every locksmith opening a locked item shall, when practicable, obtain the signature or mark of the person requesting the opening of such

locked item on a form to be prescribed by the commissioner. Such form shall state that the person requesting that an item be opened is authorized to open that item. The forms shall be retained by the locksmith in such manner as the commissioner shall require and shall be available at all reasonable times for inspection by the commissioner, and any departmental inspector, any police officer, or any person duly authorized by the commissioner or any judge of the criminal court.

§ 21-12.5 **Proof of qualifications; fingerprinting**

a. The maintenance of a bona fide establishment at a definite location shall be a prerequisite for the issuance of a locksmith license. The use of a telephone answering service or post office box number shall not constitute a location for purposes of this section.

b. An applicant for a locksmith's license must establish that he is the real owner and possesses title to or is entitled to the possession of the establishment and will conduct, engage in and transact a locksmith business. He must furnish satisfactory evidence of a good moral character and financial responsibility.

c. The commissioner shall require that applicants for licenses issued pursuant to this title be fingerprinted for the purpose of securing criminal history records from the state division of criminal justice services. The applicant shall pay a processing fee as required by the state division of criminal justice services. Fingerprints shall be taken of the individual owner if the applicant is a sole proprietorship the general partners if the applicant is a partnership; and the officers, principals, directors, stockholders owning more than ten percent of the outstanding stock of the corporation if the applicant is a corporation and employees of each entity. Any person required to be fingerprinted hereunder shall furnish to the department three current passport-size photographs of such person. Criminal histories secured pursuant to this provision shall be subject to a review by the commissioner or by the Commissioner's designee.
Amended by Local Law No. 12-2014, in effect August 6, 2014)

§ 21-12.6 **Refusal to issue or renew, or suspension or revocation based on criminal conviction.** In addition to any of the powers that may be exercised by the commissioner pursuant to this title, the commissioner, after notice and an opportunity to be heard, may refuse to issue or renew, or may suspend or revoke, a license required under this title if the applicant or licensee, or any of its principals, officers or directors, or any of its stockholders owning more than ten percent of the outstanding stock of the corporation has been convicted of a crime which, in the judgment of the Commissioner, has a direct relationship to such person's fitness or ability to perform any of the

activities for which a license is required under this Title or has been convicted of any other crime which would provide a justification for the Commissioner to refuse to issue or renew, or to suspend or revoke, such license. If a prospective applicant has been convicted of a specified criminal activity, any decision by the Commissioner regarding such prospective applicant's fitness for a license must be made with consideration of New York State Corrections Law §§ 701 through 703 and §§751 through 753.
(Amended by Local Law No. 12-2014, in effect August 6, 2014)

§ 21-12.7 **Violations and penalties**

a. Any person who violates any of the provisions of this title or any rules promulgated hereunder shall be guilty of a class A misdemeanor which shall be punishable by a fine not to exceed five thousand dollars. Each such violation shall be deemed a separate offense.

b. In addition to the penalties provided by paragraph a of this title and those provided by title 21-10.2 of this code, any person who violates any of the provisions of this title shall be subject to a fine of not more than five thousand dollars for each such violation.

c. In addition to the penalties provided by paragraphs a and b of this title and those provided by title 21-10.2 of this code, any person who uses a false or invalid license number, or falsely states or implies that he or she is licensed under this title, in any advertisements or in dealings with consumers whether oral or written, shall be subject to a penalty for a deceptive trade practice, in accordance with the provisions of title 21-10.2 of this code.

d. The County Attorney may bring an action in the name of the County to restrain or prevent any violation of this subdivision or any continuance of any such violation.

§ 21-12.8 **Enforcement.** The Commissioner may adopt and enforce such rules as may be reasonable and necessary for issuing licenses to applicants, for the conduct of the licensees, or for the general enforcement of this chapter in the protection of the public.
(Added by Local Law 19-2007, signed by the County Executive on October 11, 2007.)

Title D-3
Sale of Water Contaminated Gasoline

§ 21.13.0 **Definitions.** For the purposes of this local law, the following

words and phrases shall have the meanings indicated.

1. Person. Any natural person, corporation, unincorporated association, firm, partnership, joint venture, joint stock association, or other entity or business organization of any kind.

2. Operator. The person in charge of a motor-fuel dispensing facility. This term shall specifically include, but not necessarily be limited to, the owner, lessee, manager, assistant manager, or any other person in charge of the operations or activities of a motor-fuel dispensing facility.

3. Motor Fuel. Liquid used as fuel for internal-combustion engines. This term shall specifically include, but not necessarily be limited to gasoline, diesel fuel, and gasohol.

4. Motor Fuel device. A device designed for the measurement and delivery of motor fuel.

5. Motor Vehicle. Shall mean such term as it is or may be defined by the New York State Vehicle and Traffic Law.

6. Motor-Fuel Dispensing facility. Any gasoline station, service station, repair shop, or other place or premises where motor fuel is sold, offered for sale, or allowed to be sold, to the general public at retail.

7. Calendar Day. The time from midnight to midnight, including Sundays and holidays, and as such term is or may be defined and construed by and under the New York State General Construction law §9.

8. Commissioner. The Commissioner of the Nassau County Office of Consumer Affairs.

§ 21-13.1 **Duties of Operator of Motor-Fuel Dispensing Facility.**

A. The operator of a motor-fuel dispensing facility shall be required to measure the level of water contained in each motor fuel storage tank located at such facility at least once each calendar day, on any calendar day during which the facility is open to the public for any portion of such day.

B. In addition to the requirement contained in 21-13.1(A) hereof, the operator of a motor fuel dispensing facility shall also be required to measure the level of water contained in each motor-fuel storage tank located at such facility within one hour after a delivery of motor fuel has been made to any such storage tank, except that if a delivery of motor-

fuel is made while a motor-fuel dispensing facility is not open to the public then the obligations of this subsection may be fulfilled by measuring the level of water contained in each storage tank into which motor fuel was delivered within one hour after the motor-fuel dispensing facility opens to the public.

§ 21-13.2 **Prohibitions.**

A. No person shall sell or offer for sale motor fuel from a motor-fuel dispensing facility, unless the operator of such facility has complied with the duties set forth in § 21-13.0 hereof.

B. No person shall sell or offer for sale motor fuel from a motor-fuel device, which draws from a storage tank at a motor-fuel dispensing facility, which contains more than two inches of water.

C. No person shall sell or offer for sale motor fuel from a motor-fuel device which draws from any storage tank during the time in which a delivery of motor fuel is being made to or into such storage tank, unless the operator of the motor fuel dispensing facility shall have measured the level of water contained in any such storage tank immediately before the delivery begins, and determined that the storage tank contains no more than two inches of water.

§ 21-13.3 **Penalties.**

A. The Commissioner or his designated representative shall have the power to impose upon any person who shall violate any of the provisions of this local law a civil penalty of not less than fifty dollars nor more than five hundred dollars for each such violation.

B. No penalty shall be imposed until after a hearing has been held before the Commissioner or his designated representative upon at least five business days' notice to the alleged violator. Such notice shall be served either personally or by certified mail, return receipt requested, to the last known address of the alleged violator, and shall state the date and place of the hearing as well as enumerate the grounds constituting the allegations. The alleged violator may be represented by counsel and may produce witnesses in his own behalf.

C. All monies received by the Office pursuant to the provisions of this local law, shall be remitted to the County Treasurer for deposit in the general fund of the County within thirty days after receipt.

§ 21-13.4 **Enforcement.** This local law shall be enforced by the Nassau

County Office of Consumer Affairs.

§ 21-13.5 **Separability.** If any part of or provisions of this local law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part of or provision of or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this local law, or the application thereof to other persons or circumstances.
(Title D-3 Added by Local Law No. 3, 1982, in effect March 8, 1982.)

Title D-4
Fuel Delivery Vehicle Identification

§ 21-14.0 **Definitions.**

1. Person. Any natural person, corporation, unincorporated association, firm partnership, joint venture, joint stock association, or other entity or business organization of any kind.

2. Fuel. Any liquid petroleum-based product used for residential heating, which shall include, but not be limited to, kerosene, diesel oil, and those products commonly referred to as #1, #2, #4 and #6 oil.

3. Fuel delivery vehicle. Any motor vehicle as such term is or may be defined in the New York State Vehicle & Traffic Law, which is used to deliver, sell, or offer for sale fuel, as defined herein, for residential home heating use.

4. Commissioner. The Commissioner of the Nassau County Office of Consumer Affairs.

5. Owner. A person, other than a lien holder, having the property in or title to a vehicle. The term includes a person entitled to the use and possession of a fuel delivery vehicle subject to a security interest in another person and also includes any lessee or bailee of a fuel delivery vehicle having the exclusive use thereof, under a lease or otherwise, for a period greater than thirty days.

§ 21-14.1 **Vehicle identification.**

1. Required information. Every fuel delivery vehicle shall conspicuously display the following information:

A. The name of the owner. If the owner is a corporation, the name

displayed shall be the actual corporate name. If the owner is not a corporation, then the name displayed shall be the complete name under which the business is conducted.

B. The street address of the owner, including the street number, community, and zip code.

C. The telephone number, including the area code, of the owner.

D. If the owner owns or operates more than one fuel delivery vehicle, then each such truck owned or operated by him shall display a number assigned by the owner to the vehicle, which shall be a different number for each such vehicle so owned and operated.

2. Size. All numbers and letters used to display the information required by §21-14.1 (1) hereof shall be legible, clearly visible, and be at least two inches in height and two inch in width.

3. Location. The information required by §21-14.1 (1) hereof shall be displayed upon the driver and the passenger doors of the front or passenger cab or compartment, of the fuel delivery vehicle.

4. Exceptions.

A. The requirements of § 21-14.1 (B) and § 21-14.1 (C) hereof, for the display of street address and telephone number, shall not apply in any case where the owner's name is displayed in accordance with § 21-4.1 (A) hereof, and where the owner's street address and phone number are listed in any current edition of the Nassau County telephone directory, under the owner's name as it is displayed on the fuel delivery vehicle.
B. The requirements of § 21-14.1 (3) hereof concerning the location of the information required to be displayed by. § 21-14.1 (1) hereof shall not apply where the required Information is displayed elsewhere on the fuel delivery vehicle, and the Commissioner grants written approval in accordance with § 21-14.1 (2) hereof.

§ 21-14.2 **Enforcement.**

1. This local law shall be enforced by the Nassau County Office of Consumer Affairs.

2. The Commissioner of the Nassau County Office of Consumer Affairs shall have the power to adopt, after due notice and public hearing, rules and regulations for the enforcement and administration of this local law,

including, but not limited to, rules and regulations governing the granting of approval for the display of the information required by § 21-14.1(1) and § 21-14.1(2) hereof, in locations other than that required by § 21-14.1(3) hereof.

§ 21-14.3 **Penalties.**

1. The Commissioner or his designated representative shall have the power to impose upon any person who shall violate any of the provisions of this local law a civil penalty of not less than fifty dollars not more than five hundred dollars for each such violation.

2. No penalty shall be imposed until after a hearing has been held before the Commissioner or his designated representative upon at least five business days' notice to the alleged violator. Such notice shall be the last known address of the alleged violator, and shall state the date and place of hearing as well as enumerate the grounds constituting the allegations. The alleged violator may be represented by counsel and may produce witnesses in his own behalf.

3. All monies received by the Office pursuant to the provisions of this local law, shall be remitted to the County Treasurer for deposit in the general fund of the County within thirty days after receipt.

§ 21-14.4 **Separabillty.**

If any part of or provisions of this local law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part of or provision of or application directly involved In the controversy in which such judgment shall have been rendered and shall affect or impair the validity of the remainder of this local law or the application thereof to other persons or circumstances.
(Title D-4 added by Local Law No. 1, 1982, in effect February 22, 1982.)

Title D-5
Sale of Adulterated Motor Fuel

§ 21-15.0 **Legislative Intent.** It is the intent of the County of Nassau, as an exercise of its police power to promote the general health, safety and welfare of the residents and inhabitants of the County by enacting this Local Law, since it is the finding of the Board of Supervisors that the marking and content of motor fuel is a desirable consumer practice to insure the safety and the protection of Nassau County consumers against motor fuel being offered for sale which is improperly marked with respect to octane level and lead content.

§ 21-15.1 **Definitions:** As used in this section:

(a) "Consumer," shall mean any person, individual, purchaser or recipient, or prospective purchaser or recipient of motor fuel.

(b) "Merchant" shall mean any person, individual, partnership, firm or corporation who offers for sale motor fuel to consumers.

(c) "Commissioner" shall mean the Nassau County Commissioner of Consumer Affairs.

(d) "Motor Fuel Pump" shall mean any dispenser, or machine to dispense motor fuel.

(e) "Adulterated Motor Fuel" shall mean the mixing of a lesser grade of octane or lead fuel with a higher grade of octane or lead fuel resulting in a lower quality motor fuel.

(f) "Distributor" shall mean any person who transports, stores or causes the transportation or storage of motor fuel.

(g) "Motor Vehicle" shall have the same definition as that which is set forth in New York State Vehicle and Traffic Law.

(h) "Octane Rating" shall mean the measurement of certain characteristics of motor fuel which are determined by the American Society for Testing and materials analytical method, more properly described as the R+M octane rating.

(i) "Motor Fuel" shall mean any fuel sold for the use in motor vehicles and motor vehicle engines, and commonly or commercially known or sold as gasoline, including diesel fuel.

(j) "Unleaded Gasoline" shall mean gasoline containing not more than a 0.05 gram of lead per gallon and not more than a 0.005 gram of phosphorus per gallon.

(k) "Leaded Gasoline" shall mean gasoline which is produced with the use of any lead additive or which contains more than a 0.05 gram of lead per gallon or more than a 0.005 gram of phosphorus per gallon.

(l) "Motor Fuel Product Storage Identification" shall mean the fill connection for any motor fuel product storage ground tank or vessel supplying motor fuel, used by the merchant, shall be permanently, plainly, and visibly

marked as to the product contained. When the fill connection is marked by means of color code, the code key shall be conspicuously displayed at the place of business.

§ 21-15.2 **Marking of Motor Product Fuel Pumps.**

(a) Each merchant shall mark every motor fuel pump with an octane rating sticker which shall indicate the octane rating of the motor fuel as prescribed by the rules and the regulations promulgated by the Commissioner.

(b) All merchants must maintain accurate records establishing the source of delivery of motor fuel to their stations for a period of one (1) year to insure the security and accessibility for Inspection by weights and measures officials.

§ 21-15.3 **Penalties.**

(a) Any merchant who is found to be offering for sale Adulterated Motor Fuel will be strictly liable for his actions.

(b) Any merchant who fails to comply with Section 21-15.2 (a), (b) and (c) shall be guilty of a misdemeanor, subject to a penalty of one thousand ($1,000.00) dollars per occurrence, plus the cost of the investigation.

§ 21-15.4 **Enforcement.** This Local Law and the provisions thereof shall be enforced by the Nassau County Office of Consumer Affairs. Upon presentation of appropriate credentials, Consumer Affairs shall have the right to enter upon any retail outlet, or the premises or property of any distributor in Nassau County, and shall have the right to make inspection, take samples and conduct tests to determine compliance with this part of the Local Law. The Commissioner shall have authority to determine the facts and hold a hearing upon application by the merchant against whom any penalty has been assessed. The Commissioner, or his designee, may remit, compromise, mitigate, settle or release any such forfeiture upon all such applications, after a hearing.

§ 21-15.5 **Separability.** If any part of or provisions of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision of or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law, or the application thereof to other persons or circumstances.
(Title D-5 Added by Local Law No, 8.1985, in effect September 24, 1985.)

Title D-6[95]
Licensing of School Bus Companies

§ 21-16.0 **Legislative Intent.** It is the intent of the County of Nassau, as an exercise of its police power, to promote the general health, safety and welfare of its residents by enacting this legislation, since it is the finding of the County Executive and the Board of Supervisors that the licensing of school bus companies is a desirable practice to insure the safety and the protection of its residents with respect to the safe operation of school buses within the County of Nassau.

§ 21-16.1 **Definitions.**

(a) "Commissioner" shall mean the Commissioner of Consumer Affairs.

(b) “County" shall mean the County of Nassau, the County Executive or the Board of Supervisors of the County of Nassau.

(c) "License shall mean a license issued by the Commissioner to a school bus company for the purpose of transporting all individuals to and from a school within the County of Nassau.

(d) "Management Personnel" shall mean persons who are principals in a school bus company or who are employed by a school bus company and are responsible for assisting in the business of a school bus company and vested with such discretion and judgment as to accomplish the business purpose of a school bus company.

(e) "School" shall mean every place of academic, vocational or religious service or Instruction and places of higher education. It shall include every childcare center, day treatment center, every institution for the care or training of the mentally or physically handicapped and every day camp.

(f) "School Bus" shall mean every motor vehicle owned by a public or governmental agency or private school and operated for the transportation of pupils, teachers and other persons and those acting in a supervisory capacity, to or from school or school activities or privately owned and operated for compensation for the transportation of pupils, teachers and other persons or those acting in a supervisory capacity to or from school or school activities.

[95] Title D-6 was declared invalid in the case of *Board of Education of the Farmingdale Union Free School District v. Gulotta*, 157 A.D.2d 642 (2d Dept. 1990) on the grounds that it was preempted by state law.

(g) "School Bus Company" shall mean a person, company, corporation or any other legal entity which owns, leases or operates a transportation service within the County of Nassau in the business of transporting individuals to and from a school pursuant to a contract with a municipality, school district or any other school, whether public, private, parochial or person. It shall also include a school district which owns, leases or operates its own buses.

(h) "School District" shall mean an entity as defined in Section 3621 or Section 1950 of the Education Law.

§ 21-16.2 **Licenses Required.** No school bus company shall own, maintain, conduct, operate or engage in a transportation service for individuals, or hold itself out as being able to do so after the effective date of this Title, unless it is licensed in accordance with the provisions of this Title.

§ 21-16.3 **Applications for Licenses.** Applications for licenses shall be made in writing to the Commissioner, be verified under oath and shall be in such form and contain such information as the Commissioner may require including, but not limited to:

(a) The name and address of the applicant, address of the place from which school buses are proposed to be garaged and dispatched, specifying, in the case of any unincorporated association or partnership, the names and addresses of each member or partner thereof and In the case of any corporation, the names and addresses of each officer.

(b) All crimes of which the applicant or any member or partner thereof, if any, unincorporated association or partnership or any officer, if a corporation, has been convicted, stating the name, and location of the Court and the date on which such convictions were had and the penalties imposed therefore.

(c) The experience of the applicant in the transporting of individuals to and from schools and school activities.

(d) Any, facts which tend to prove that the general health, safety and welfare of individuals being transported to and tram school and school activities requires the granting of a license to the applicant.

(e) The names and addresses of all schools the applicant is presently transporting for or anticipates transporting for at the time a license may be issued.

(f) The number of vehicles proposed to be operated by the applicant and a description of each such vehicle, including the make, model, year of manufacture, New York State registration number, vehicle identification number, and bus number thereof.

(g) The location of any and all depots and terminals proposed to be used by the applicant.

(h) Certificates of insurance evidencing public liability and property damage coverage in limits required by law.

(i) Any other relevant information which the Commissioner may require.

§ 21-16.4 **Licenses; Decals; Renewals; Duplicates; Hearings.**

(a) All licenses, except temporary licenses, shall be for a period of one year from the date of issuance and shall expire on the last day of the twelfth month following issuance.
Notwithstanding the foregoing, licenses issued on or before July 31, 1988 shall expire on that date and all further renewals or new licenses shall take effect on the first day of August of the year of issuance or such other date that the Commissioner determines.

(b) No license shall be assignable or transferable except as hereinafter provided. A license issued to an individual may be assigned or transferred for the remainder of the license period to a partnership or corporation if such individual is a member of such partnership or a stockholder of such corporation owning not less than twenty-five percent of the outstanding stock at the time of such assignment or transfer. A license issued to a partnership may be assigned or transferred for the remainder of the license period to any one member of such partnership provided he obtains the consent of all of the other members of such partnership. The application for such transfer or assignment must be accompanied by proof satisfactory to the Commissioner that the requirements herein provided have been complied with. No assignment or transfer shall become effective unless and until the endorsement of the transfer or assignment has been made on the face of the license by the Commissioner and such license, so endorsed, has been returned to the assignee or transferee. All such endorsements shall be made upon payment of a fee of two hundred fifty dollars.

(c) Upon the issuance of a license to an applicant, a decal shall be issued for each vehicle set forth in the application pursuant to § 21-16.3(f) of this title, which decal shall be conspicuously displayed on the vehicle beneath the first passenger window on the left side of the vehicle. No

school bus shall be permitted to operate within the County of Nassau without a decal.

(d) Any license which has not been suspended or revoked, may, at the discretion of the Commissioner, upon the payment of the renewal fee prescribed by this title, be renewed for an additional period of one year from its expiration, upon filing of an application for such renewal on a form to be prescribed by the Commissioner. Failure to make application for such renewal within fifteen days after the expiration date of the license shall subject the licensee to a penalty of ten percent of the annual license fee which shall be paid prior to the issuance of the renewal.

(e) A duplicate license may be issued for one lost, destroyed or mutilated upon application therefore on a form prescribed by the Commissioner and the payment of a fee of one hundred dollars prescribed therefore by this Title. Each such duplicate license shall have the word "duplicate" stamped across the face thereof and shall bear the same number as the one it replaces.

(f) The Commissioner shall issue replacement decals to a school bus company only in the event that a school bus company notifies the Commissioner in writing that a decal has been lost, mutilated or stolen or that a vehicle covered by the license has been removed from service and replaced by another vehicle. The school bus company must include in its notification letter the New York State registration number, vehicle identification number and bus number for any vehicle requiring a replacement or new decal as well as for any vehicle being removed from service. A fee of ten dollars shall be paid by a school bus company for each replacement decal issued by the Commissioner.

(g) The Commissioner may, in his discretion, before the issuance of a license under this Section, require the applicant and any others having knowledge of the facts to submit to an examination under oath and to produce evidence relating thereto.

(h) The Commissioner shall determine the month in which a school bus company shall renew any license issued under this Title.

§ 21-16.5 **Fees.**

(a) Notwithstanding any other fees set forth in this Title, a fee of five hundred dollars shall be paid to the County of Nassau to obtain a license. Additionally, there shall be a fee of ten dollars for each decal required by an applicant.

(b) The fees set forth in subdivision (a) of this section shall be those for licenses issued for the license period of one year.

(c) The Commissioner shall refund the fee paid by any applicant in the event the application for a license is denied, less an administrative fee of two hundred fifty dollars which shall be retained by the Commissioner. No refund shall be made to school bus companies which have had their licenses suspended or revoked in accordance with the provisions of this Title.

(d) Notwithstanding the provisions of this section the fees set forth herein shall not be applicable to a school district which owns, leases or operates its own buses.

§ 21-16.6 **Powers of the Commissioner.** In addition to the powers and duties elsewhere prescribed in this Title, the Commissioner shall have the power:

(a) To appoint such officers and employees, within the appropriation therefore, as he shall deem necessary for the performance of his duties;

(b) To examine into the qualifications and fitness of applicants for licenses under this Title;

(c) To keep records of all licenses issued, suspended or revoked;

(d) After a public hearing. to adopt such rules and regulations not inconsistent with the provisions of this Title as may be necessary with respect to the form and content of applications for licenses, the receipt thereof, the investigation and examination of applicants and their qualifications, and the other matters incidental or appropriate to his powers and duties as prescribed by this Title and for the proper administration and enforcement of the provisions of this title, and to amend or repeal any of such rules and regulations;

(e) In the event that an applicant for a license has outstanding examinations, hearings, investigations, complaints or proceedings with the Office of Consumer Affairs, to issue a temporary license. Said temporary license shall be for a period and under conditions to be determined by the Commissioner. Said temporary license shall have no effect upon the merits of the outstanding matters of the applicant pending in the Office of Consumer Affairs;

(f) To subpoena and require the attendance of witnesses and the production of books, papers and documents to secure information pertinent to the

performance of his duties hereunder and of the enforcement of this Title and to examine them in relation thereto;

(g) To extend the time for the affixation of decals as required by § 21-16.4(c) for a period of not more than thirty days.

(h) To obtain information from any law enforcement agency regarding the criminal history of any owner, partner, member, officer and/or employee of a school bus company including but not limited to any driver or matron.

§ 21-16.7 **Bus Inspections.** The Commissioner, his designee and/or the Nassau County Police Department shall be empowered to, conduct physical inspections of all school buses operating in Nassau County whether or not the school buses display the appropriate decal. These inspections shall take place at any time during which the school bus is in service or at such other times as may be prescribed by the Commissioner. The inspection and testing may consist of, but not be limited to:

(a) Proper documentation in possession of the school bus driver

(b) Seatbelt installation and usage, seats securely fastened, car seats where required

(c) Horn

(d) Windshield, windshield wipers, defroster

(e) Brakes, brake linings

(f) Lights: headlights, taillights, brake lights, plate light, back-up lights, interior lights, emergency flashers, directional

(g) Fuel tank and fuel lines (h) Fire extinguisher, first aid kit

(i) Mirrors, windows, safety glass

(j) Electrical system, wiring, battery cables

(k) Flares and/or reflectors

(I) Exhaust system, pollution control devices

(m) Radios where required

(n) Rear emergency doors and buzzers

(o) School bus signs

(p) Tires, wheels, lug nuts

(q) Emergency windows and buzzers

(r) Color: National School Bus Chrome (s) Steering mechanism

(t) Floor, floor covering, interior body panels (u) Undercarriage, suspension drive shaft

(v) Axles, frame

(w) Dash board-no unsecured items

(x) Transmission fluid, oil-no leaks

(y) Wheelchairs where required

(z) Other apparatus where for use by handicapped passengers

Failure, inadequacy, excessive deterioration or absence of any of the above equipment or any other equipment failures may result in the issuance of appearance tickets. Additionally, such violations shall be recorded with the Commissioner and shall be considered at the time of a license application, renewal or hearing.

§ 21-16.8 **General Provisions.**

(a) School bus companies shall certify to the Commissioner under oath in writing at the time application is made for new license, a renewal license or a duplicate license that it is in full compliance with all federal, state and local laws and regulations including, but not limited to Article 73 of the Education Law of the State of New York, the New York Transportation Law, the New York Mental Hygiene Law and the New York Vehicle and Traffic Law.

(b) School bus companies licensed pursuant to this Title shall notify the Commissioner of pre-service instruction courses and all refresher courses given to its drivers. The notice shall be in writing to the Commissioner and must be provided at least ten days prior to the conducting of any course. The Commissioner, his designee and/or the Nassau County Police Department shall have the absolute right to attend

and monitor any courses given. School bus companies shall certify to the Commissioner under oath in writing that the courses referred to in this section have been completed by their drivers. A list of the drivers completing the courses shall be made a part of the certifications.

(c) School bus companies shall provide the Commissioner with a list of schools they are transporting for together with the name(s) and telephone number(s) of contact person(s) at each school. This list shall be updated by the school bus companies as changes occur upon any addition or deletion of a school.

(d) School bus companies shall have all vehicles used by them for school transportation inspected by inspectors certified by the New York State Department of Transportation at intervals not to exceed six months. School bus companies shall certify to the Commissioner under oath in writing, semi-annually, that such inspections have taken place. The names of the inspectors shall be included in the certification, together with the vehicle bus numbers.

(e) School bus companies shall maintain precise records of all complaints and accidents involving any of their licensed motor vehicles. Additionally, all traffic infractions committed by their drivers in the performance of their duties shall be immediately reported to the Commissioner.

(f) School bus companies shall provide each licensed motor vehicle with a pre-trip inspection log. There shall also be a medical summary sheet for passengers, where available and necessary. The pre-trip inspection log and medical summary sheet shall be in the form approved by the Commissioner. It shall be the responsibility of the school bus companies and/or their drivers to certify compliance with all items contained on the pre-trip inspection log prior to a licensed motor vehicle being place in service each day.

§ 21-16.9 **Refusal, Suspension and Revocation of Licenses.** A license to conduct, operate or engage in the transportation of individuals to and from a school as previously set forth in this Title may be refused, suspended or revoked by the Commissioner or his designee or fines imposed as hereinafter set forth for anyone or more of the following causes:

(a) Fraud, misrepresentation or bribery in securing a license or renewal thereof.

(b) The making of any false statement as to a material matter in any application for a license or renewal thereof.

(c) The school bus company is not financially responsible.

(d) The management personnel and/or drivers or matrons of the school bus company are untrustworthy or not of good moral character.

(e) The management personnel and/or drivers fail to comply with the provisions of the New York State Vehicle and Traffic Law.

(f) The business transactions of the school bus company have been marked by a failure to perform its transportation contracts.

(g) The willful manipulation of assets or accounts by the school bus company.

(h) Failure to display the decals on the school buses as required.

(i) Repeated violations of any provision of this Title, or of any rule or regulation adopted hereunder.

§ 21-16.10 **Hearings on charges; decisions.** No license shall be suspended or revoked nor a fine imposed until after a hearing had before an officer or employee of the Commissioner designated for such purpose by the Commissioner upon notice to the school bus company of at least ten days except otherwise provided in this section. The notice shall be served by registered or certified mail and shall state the date and place of hearing and set forth the ground or grounds constituting the charges against the school bus company, and if the school bus company fails to attend such hearing, the Commissioner shall revoke the license of said school bus company licensee. The school bus company shall be heard in its defense either in person or by counsel and may offer evidence on its behalf. A stenographic record of the hearing shall be taken. The person conducting the hearing shall make a written report of his findings and a recommendation to the Commissioner for decision. The Commissioner shall review such findings and the recommendations and, after due deliberation, shall issue an order accepting, modifying or rejecting such recommendation. For the purpose of this Title, the Commissioner or any officer or employee of the department designated by him may administer oaths, take testimony, subpoena witnesses and compel the production of books, papers, records and documents deemed pertinent to the subject of investigation, pursuant to Section twenty-two hundred thirteen of the County Government Law of Nassau County.

§ 21-16.11 **Fines.** A violation of any provision of this Title shall be a violation which shall be punishable by a fine of not more than two hundred fifty dollars for the first violation and not more than one thousand dollars for

the second and each subsequent violation.

§ 21-16.12 **Violations and Penalties.** Any school bus company which provides school transportation as set forth in this Title without having obtained a license therefore, or having had a valid license which has been suspended or revoked, shall be guilty of a Class A Misdemeanor and subject to the punishment provided therefore. Each such violation shall be deemed a separate offense.

§ 21-16.13 **Separability.** If any part of, or provision of this local law or the application thereof to any person or circumstance be adjudged invalid by any Court of competent jurisdiction, such judgment shall be confined in its operation to the part of or provision of or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this local law or the application thereof to other persons or circumstances.

(Title D-6 added by Local Law No. 4-1987, in effect October 15, 1987. Title D-6 was declared invalid in the case of *Board of Education of the Farmingdale Union Free School District v. Gulotta*, 157 A.D.2d 642 (2d Dept. 1990) on the grounds that it was preempted by state law).

Title D- 7
Required Posting of Tax-exempt Foods and Drugs

§ 21-17.0 **Legislative Intent.** It is the intent of the County of Nassau, as an exercise of its police power, to promote the general health, safety and welfare of its residents by enacting this title. It is further determined that it is the finding of the County Executive and the Board of Supervisors that the posting of tax-exempt food and drug items is a good consumer practice necessary to avoid County residents and others from being overcharged for items purchased in retail establishments in Nassau County.

§ 21-17.1 **Conditions.**

(a) "Commissioner" shall mean the Commissioner of Consumer Affairs.

(b) "County" shall mean the County of Nassau.

(c) "Person" shall mean any individual, partnership, corporation, joint venture, joint stock company, corporate entity of any type, an unincorporated association or any other person acting In a judiciary or representative capacity, whether appointed by a court or otherwise and any combination thereof.

(d) "Office" shall mean the Nassau County Office of Consumer Affairs.

(e) "Retail Establishment" shall mean any legal entity which sells food to the public for human consumption or sells drugs and medicines intended for use internally or extremely, in the cure, mitigation, treatment or prevention of illness or diseases in human beings and is responsible for the collection of New York State retail sales tax imposed under

subdivision (a) of section eleven hundred five and section eleven hundred ten of the Tax Law of the State of New York Except that any retail sales establishment which shall have less than $3,000,000 gross sales on an annualized basis shall be exempt unless such retail establishment is a part of a network, franchise, affiliate or other owned or member stores under direct or common control which has gross sales in excess of $3,000,000 annually. Also excluded from this definition shall be any legal entity which has less than three (3) percent of gross sates, by dollar value, of tax-exempt items.

(f) "List" shall mean an official publication of the New York State Department of Taxation and Finance numbered 820, 822 and 880 and/or their successors or replacements containing the description of taxable and exempt foods or drugs and medicines.

(g) "Posting" shall mean to place in full public view by pinning, tacking, gluing or otherwise displaying in a prominent, clear, unobstructed location where viewing thereof by employees and the public can be had in the area of the vicinity of the "check out area" or in such area near any cash register where consumers may purchase their goods, a list of foods or drugs and medicines, as the case may be, the receipts of which shall be exempt from New York State Sales and Use Taxes.

§ 21-17.2 **General Provisions.**

(a) Any retail establishment within the County of Nassau shall be required to post or otherwise make available to the public, a list of those foods or drugs and medicines, as the case may be, the receipts of which shall be exempt from the tax on retail sales imposed under subdivision (a) of section eleven hundred five and the compensating use tax imposed under section eleven hundred ten of the Tax Law of the State of New York, as amended.

(b) It shall be the duty of the retail establishment to obtain and post or otherwise to make available to the public the list received from the New York State Department of Taxation and Finance. Any updated list issued by the New York State Department of Taxation and Finance shall be

posted or otherwise made available to the public within six months of availability.

(c) No retail establishment which is not required by law to collect sales and use tax under subdivision (a) of section eleven hundred five and section eleven hundred ten of the Tax Law of the State of New York shall be affected by these provisions.

§ 21-17.3 **Enforcement.** The provisions of this title shall be enforced by the Office. Upon presentation of appropriate credentials, the Office shall have the night to enter upon the premises of any retail establishment to make an inspection and to determine compliance with the provisions of this title.

§ 21-17.4 **Hearing.** A hearing shall be had on each violation at a date to be scheduled not less than five (5) business days after notification to the person involved of such hearing and the charges and specifications thereof. Such hearing shall be conducted by an officer or employee designated by the Commissioner for such purpose. The person conducting the hearing shall make a written determination. Such determination may be appealed to the Commissioner who, after due deliberation, shall issue an order accepting, modifying or rejecting such determination.

Notice shall be served upon such person either personally or by certified mail and shall state the time, date and place of such nearing and shall set forth the ground or grounds constituting the charges.

The person against whom the charges are pending has the right to be heard in his defense and be represented by counsel, or have counsel appear on his or her behalf and such person or the attorney for such person shall have the right to call witnesses and produce evidence on behalf of such person. For the purpose of this title, the Commissioner or any officer or employee of the Office designated by him may administer oaths, take testimony, subpoena witnesses and compel the production of books, papers, records and documents deemed pertinent to the subject of the investigation, pursuant to section twenty-two hundred thirteen of the County Government Law of Nassau County.

§ 21-17.5 **Penalty for Violations.** Any retail establishment violating any provisions of this title shall be issued a warning for the first violation and shall have ten days to comply. Thereafter, a violation shall be punishable by a civil penalty to the County of Nassau of not more than $50.00 for a second violation or the failure to correct the first violation and not more than $250.00 for any subsequent violations.

§ 21-17.6 **Settlements.**

(a) In lieu of instituting or continuing an action or proceeding, the Commissioner may accept written assurance of discontinuance of any

act or practice in violation of this title.

(b) An assurance entered into pursuant to this title shall not be deemed an admission of a violation unless it does so by its terms. Violation of an assurance entered into pursuant to this title shall be treated as a violation and shall be subject to all the penalties provided therefore.

§ 21-17.7 **Separability.** If any part of, or provisions of this title or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined In its operation to the part of or the provision of or application directly Involved in the controversy In which such judgment shall nave been rendered and shall not affect or impair the validity of the remainder of this title or the application thereof to other persons or circumstances.
(Title D-7 added by Local Law No. 5, 1989, in effect June 19, 1989.)

Title D-8
Item Pricing and Pricing Accuracy

Section 21-18.0 Legislative Intent
21-18.1 Definitions
21.18.2 Item Pricing
21-18.3 Pricing Accuracy
21-18.3.1 Waiver from Item Pricing
21.18.4 Enforcement
21-18.5 Regulations
21-18.6 Separability

§ 21-18.0 **Legislative intent.** The Legislature recognizes that clear, accurate Item pricing is a basic consumer right that is not protected under current state law. It is further determined that it is the intent of this legislation to ensure that consumer goods offered for sale in the County of Nassau are clearly, accurately and adequately marked as to selling price.
(Amended by Local Law No. 12-2011, in effect December 22, 2011).

§ 21-18.1 **Definitions.**

(a) "Commissioner" shall mean the Commissioner of Consumer Affairs.

(b) "County" shall mean the County of Nassau.

(c) "Person" shall mean an individual, firm, partnership, association or corporation.

(d) "Office" shall mean the Nassau County Office of Consumer Affairs.

(e) "Computer, assisted checkout system" shall mean any electronic device, computer system or machine which determines the selling price of a stock keeping item by interpreting its universal product code, or by use of its price look-up function.

(f) "Inspector" shall mean the Commissioner or authorized agent to enforce the provisions of this Title.

(g) "Item price" shall mean the tag, stamp or mark affixed to a stock keeping item which sets forth, in Arabic numerals, the retail price of each item of consumer goods.
(Amended by Local Law No. 12-2011, in effect December 22, 2011).

(h) "Price look-up function" shall mean the capability of any checkout system to determine the retail price of a stock keeping item by way of the manual entry into the system of a code number assigned to that particular unit by the retail store or by way of the checkout operator's consultation of a file maintained at the point of sale.
(Amended by Local Law No. 12-2011, in effect December 22, 2011).

(i) "Retail store" shall mean a store selling stock keeping units at retail. A store which is not open to the general public but is reserved for use by its members shall come within the provisions of this definition unless the members must pay a direct fee to the store to qualify for membership and the store is not required to collect sales tax on transactions with members. Pursuant to this section a retail store shall not include any store which:

1. has as its only full-time employee the owner thereof, or the parent, or the spouse or child of the owner, or in addition thereto, not more than two full-time employees; or

2. had annual gross sales in a previous calendar year of less than three million dollars, unless the retail store is part of a network of subsidiaries, affiliates or other member stores, under direct or indirect common control, which, as a group, had annual gross sales in the previous calendar year of three million dollars or more; or

3. engages primarily in the sale of food for consumption on the premises or in a specialty trade which the Commissioner determines, by regulation, would be inappropriate for item pricing.
(Amended by Local Law No. 12-2011, in effect December 22, 2011).

(j) "Sale Item or weekend special" shall mean stock keeping item offered for sale for a period of seven days or less in a retail store at a price below the

price, that the item is usually sold for in such drugstore

(k) "Stock keeping unit" shall mean each group of items offered for sate of the same brand name, quantity of contents, retail price, and variety

(l) "Stock keeping item" shall mean each item of a stock keeping unit offered for sale.

(m)"Universal product coding" shall mean any system of coding which entails electronic pricing.

(n) “Retail area” shall mean the area designated in a retail store to display and sell products, provide customer service and checkout. The retail area does not include the storage area, back rooms, stock area, maintenance areas, or other locations which are not intended to be accessible to consumers.
(Amended by Local Law No. 12-2011, in effect December 22, 2011).

§ 21-18.2 **Item Pricing.**

(a) notwithstanding the provision of any local law or regulation to the contrary, every person who sells, offers for sale or exposes for sale in a retail store a stock keeping unit that bears a universal product code shall disclose to the consumer the item price of each stock keeping item as defined in section 21-18.1(g).

(b) Certain items exempted. The following stock keeping items need not be item priced as provided in subdivision (a) of this section provided that a shelf price adjacent to the display is maintained for such stock keeping items:

(1) Stock keeping items which are under three cubic inches in size, and weigh less than three ounces, and are priced under fifty cents.

(2) Items sold through a vending machine.

(3) Milk.

(4) Eggs.

(5) Loose fresh produce.

(6) Stock keeping items which are offered for sale in single packages and weighing three ounces or less.

(7) Stock keeping items offered as a sale item or weekend special.

(8) Strained and junior size baby foods packaged in jars.

(9) Single cans or bottles of soda where the selling price for different flavors packaged in identical sizes or quantities is the same.

(10) Stock keeping items which are displayed for sale in bulk which are either packaged for or by the consumer.

(11) Snack foods such as cakes, gum, candies, chips and nuts offered for sale in single packages and weighing five ounces or less.

(12) Food sold for consumption on premises, and

(13) Frozen juice and ice cream.

(14) Nonfood consumer goods which are not packaged prior to sale; displayed for sale in bulk and are either packaged for or by the consumer at the time of sale.
(Amended by Local Law No. 12-2011, in effect December 22, 2011).

(c) The provisions of this section may be subsequently modified or amended by order of the Commissioner, either by adding or deleting stock keeping units from the list of exemptions or by further directing the manner in which the selling price of exempted stock keeping units shall be posted.

§ 21-18.3 **Pricing Accuracy.**

(a) No retail store shall charge a retail price for any exempt or non-exempt stock keeping item which exceeds the lower of any item, shelf, sale or advertised price of such stock keeping item. In the event that the price exceeds the lowest price a store is permitted to charge for a stock keeping unit, the store will be subject to a penalty as described in section 21-18.4.

(b) In a store with a laser scanning or other computer assisted checkout system, the inspector shall be permitted to compare the item, shelf, sale, or advertised price of anyone stock keeping item within a stock keeping unit sold in the store with the programmed computer price.

21-18.3.1 **Waiver from Item Pricing**

(a) Every person, store, firm, partnership, corporation, or association which uses a computer-assisted checkout system and which would otherwise

be required to item price as provided in section 21-18.2 of this Title may make an application in writing to the Commissioner for a waiver of said item pricing requirement. A separate application shall be required for each store. Each application shall be subject to a non-refundable waiver fee which shall be set by ordinance.
(Amended by Local Law No. 9-2016, in effect January 2, 2017).

(b) Waiver applications and the required fee must be received at the Office of Consumer Affairs on or before May 1, 2003, and on or before each May 1, thereafter. Stores that fail to comply will be subject to §21-18.2 of this code. New stores or establishments which did not previously hold waivers may apply after the May 1 deadline and the application fee and the length of waiver will be prorated accordingly.

(c) Upon receipt of an application and fee as provided in subsection (a) of this section, the Commissioner shall cause to be conducted two scanner accuracy inspections of the store for which the application has been submitted. These inspections shall be conducted on two separate days, and in the manner prescribed by the Commissioner. At stores with a retail area in excess of 20,000 square feet a minimum of 100 items shall be checked at each inspection. At stores with a retail area of 20,000 square feet or less a minimum of 50 items shall be checked. If, considering both inspections together, the number of stock keeping units found to be in violation does not exceed two percent of all those stock keeping units inspected, the Commissioner shall grant to the applicant a one year revocable waiver from the item pricing requirement. Any store with a current waiver shall be exempt from the requirements of §21-18.2 of this code.

(d) A waiver from item pricing shall be valid for a period of one year from the date of issuance. Stores must reapply annually for renewal of waiver at the rates established by ordinance. The waiver fee and two inspections shall be required for each annual renewal application, as required for an original waiver application.
(Amended by Local Law No. 9-2016, in effect January 2, 2017.)

(e) In the event that total violations in excess of two percent are discovered in the inspections provided for herein, the Commissioner shall not grant a waiver to the applicant. Such a store may reapply for a waiver and pay an additional waiver fee to be set by ordinance to the Commissioner within five business days after being notified of the failure. Stores which do not reapply must be in compliance with all the requirements of this code within thirty days from the date of failure.
(Amended by Local Law No. 9-2016, in effect January 2, 2017.)

(f) In the event that the Commissioner is unable to conduct inspections

pursuant to subsection (c) of this section within ninety days of receipt of a complete waiver application and proper waiver fee, the Commissioner shall grant a temporary waiver pending completion of the inspections. The Commissioner shall cause said inspections to be completed as soon as practicable. If, upon completion, the inspections detect a violation rate of less than two percent, the Commissioner shall issue a regular waiver with an expiration date one year from the date of the temporary waiver. If the inspections detect a violation rate in excess of two percent, the temporary waiver shall be immediately revoked and the provisions of subsection (e) shall apply.

(g) As a condition of the waiver from item pricing pursuant to this section, each store which accepts a waiver must agree to meet the following requirements, and no regular or temporary waiver shall be granted to a store which has not agreed to these requirements in writing:

(i) The store shall designate and make available price check scanners to enable consumers to confirm the price of the stock keeping item. These price check scanners shall be in locations convenient to consumers with signs of sufficient sized lettering to identify the units to the consumers. The number of price check scanners shall be dependent on the stores retail areas as follows:

Store size	Scanners Required
Up to 20,000 sq. ft.	1
Between 20,001 and 30,000 sq. ft.	a minimum of 2 and such additional scanners as the Commissioner may deem appropriate
Between 30,001 and 60,000 sq. ft.	a minimum of 3 and such additional scanners as the Commissioner may deem appropriate
Between 60,001 and 90,000 sq. ft.	a minimum of 4 and such additional scanners as the Commissioner may deem appropriate
Over 90,000 sq. ft.	a minimum of 5 and such additional scanners as the Commissioner may deem appropriate; and

(Amended by Local Law No. 12-2016, in effect January 2, 2017.)

(ii) The store shall not charge any customer a price for any stock keeping item which exceeds the item, shelf, sale, or advertised price, whichever is less; and

(iii)The store shall make prompt payment to consumers who have been overcharged and shall correct all pricing errors identified by consumers.

(iiii) Stores must have a shelf price for each stock keeping item which is visible to the consumer and which is located directly under the item on the shelf where the item is displayed; or if the item is not conspicuously visible to the consumer, by a sign or list conspicuously placed near the point of procurement.

(h) The Commissioner may revoke a waiver from item pricing for any of the following reasons:

(i) Failure to comply with any provisions of this code;

(ii) Deliberate overcharging of any consumer;

(iii)Material misrepresentation in the application for a waiver.
(Added by Local Law No. 20-2002, in effect November 15, 2002; amended by Local Law No. 12-2011, in effect December 22, 2011).

§ 21-18.4 **Enforcement.**

(a) The provisions of this section shall be enforced by the Office. Upon presentation of appropriate credentials, the Office shall have the right to enter upon the premises of any retail store to make an inspection and to determine compliance with the provisions of this Title.

(b) Item pricing inspection procedures. For the purposes of determining a store's compliance with the requirements of section 21-18.2, an inspection shall be conducted of a sample at no less than twenty-five stock keeping units.

(c) For the purpose of a violation of section 21-18.2(a), no item shall be cited more than once in a forty-eight hour period.

(d) With respect to the item price of any exempt item, the Commissioner, in his discretion, may direct a retail store to post a sign in a conspicuous and unobstructed location in the manner and form prescribed by him.

(e) Laser scanner accuracy inspection procedures. For any inspection

under section 21-18.3, the store representative shall afford the inspector access to the test mode of the checkout system in use at that store or to a comparable function of said system and to the retail price information contained in a price look-up function.

(f) Stop removal order. The inspector shall have the authority to issue a stop removal order with respect to any stock keeping unit being used, handled, or offered for sale in violation of sections 21-18.2 and 21-18.3. Any such order shall be in writing and direct that the stock keeping item shall be removed from sate pending correction.

(g) A violation pursuant to section 21-18.2(a) shall exist any time three or more items within a stock keeping unit are found not to be property item priced. If a stock keeping unit consists of less than three items, failure to item price one or more items shall constitute a violation.

(h) Penalties for violations. Any person who fails to comply with the provisions of this title or any regulation or order promulgated thereunder with the exception of section 21-18.4(d) of this title, shall be subject to civil penalties of not more than one hundred dollars per violation, not to exceed two thousand dollars per inspection. A person who fails to comply with the provisions of section 21-18.4(d) shall be subject to a civil penalty of not more than one hundred fifty dollars per violation, not to exceed one thousand dollars per inspection. Such civil penalties may be recovered after a hearing. For additional violations during a subsequent inspection In a twelve month period, the above civil penalties shall be doubled.

(i) Failure to pay violations within ninety days may result in additional penalties assessed for up to five thousand dollars.

(j) Settlement.

1. In lieu of instituting or continuing a hearing to recover a civil penalty or penalties, the Commissioner may release, settle or compromise any alleged violation by accepting written assurance of discontinuance of any act or practice in violation of this Title.

2. An assurance entered into pursuant to this Title shall not be deemed an admission of a violation unless it does so by its terms. Violation of an assurance entered into pursuant to this Title shall be treated as a violation and shall be subject to all the penalties provided therefore.

(j) Hearing.

1. A hearing held on any violation or violations of the provisions of this Title shall be scheduled on a date not less than five (5) business days after notification to the person involved, of such hearing. The hearing shall be conducted by an officer or employee designated by the Commissioner for such purpose. The person conducting the hearing shall make a written determination. Such determination may be appealed to the Commissioner who, after due deliberation, shall issue an order accepting, modifying or rejecting such determination.

2. Notice shall be served upon such person either personally or by certified mail and shall contain a concise statement of the facts constituting the alleged violation or violations as well as setting forth the date, time and place the hearing will be held.

3. At the hearing conducted by the officer or employee designated by the Commissioner, the Office shall be authorized to recover any penalty imposed as the result of a finding of a violation of the provisions of this Title.

4. The person against whom the charges are pending has the right to be heard in his defense and be represented by counsel, or have counsel appear on his or her behalf and such person or the attorney for such person shall have the tight to call witnesses and produce evidence on behalf of such person. For the purpose of this title, the Commissioner or any officer or employee of the Office designated by him may administer oaths, take testimony, subpoena witnesses and compel the production of books, papers, records and documents pertinent to the subject of the investigation, pursuant to section twenty-two hundred thirteen of the County Government Law of Nassau County.
(Amended by Local Law No. 12-2011, in effect December 22, 2011).

§ 21-18.5 **Regulations.** In addition to the powers and duties elsewhere prescribed in this title, the Commissioner shall have the power to adopt, amend or rescind after a public hearing, such regulations as may be necessary to effectuate the purposes of this title with respect to item pricing and pricing accuracy. At least seven days prior notice of such public hearing shall be published in the official newspaper of the County. A copy of the regulations adopted hereunder and any amendments thereto shall be filed in the office of the Clerk of the Board of Supervisors.

§ 21-18.6 **Separability.** If any part of or provision of this title or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part of or the provision of or application directly involved in the controversy in which such judgment shall have been rendered and shall not

affect or impair the validity of the remainder of the Title or the application thereof to other persons or circumstances.
(Title D-6 added by Local Law No. 11 1991, in effect October 7, 1991.)

Title D-9[96]
Tax Assessment Reduction Services

Section 21-19.1 Definitions
21-19.2 Unlawful Activity
21-19.3 Penalties
21-19.4 Enforcement of Contracts and Agreements
21-19.5 Title Not Exclusive Remedy
21-19.6 Regulations

§ 21-19.1 **Definitions.**

A. "Person" shall mean any natural person, individual, firm, partnership, association, entity or corporation.

B. "Dwelling" shall mean a one, two or three family owner-occupied structure, including a separately secured or occupied unit within such a structure, or larger structure such as a cooperative or condominium, used primarily for residential purposes.
(Amended by Local Law No. 12-2016, in effect January 2, 2017.)

C. "Owner" shall mean the last person in whose name the affected dwelling appears in the records of the Nassau County Clerk as certified by an abstract company licensed by the State of New York. "Owner" shall include the authorized agent of an owner, a contract vendee, the estate of a decedent owning a dwelling and any person who has entered into a contract or agreement with a tax assessment reduction service for the purpose of obtaining a reduction in the assessed valuation of a dwelling.

D. "Tax Assessment Reduction Service" shall mean any person who provides or offers to provide, for any compensation or consideration, whether direct or indirect, any service to assist the owner or the authorized agent of the owner of any dwelling located within Nassau County in obtaining a reduction in the assessed valuation of such premises from the Nassau County Department of Assessment or the Nassau County Assessment Review Commission or who files or causes to file a STAR exemption application, an Enhanced STAR exemption application or a senior citizen

[96] A second Title D-9 regarding the registration of taxicabs and limousines was repealed by Local Law18-2014.

tax exemption application on behalf of another who is not a family member or relative. A person who obtains ten or more reductions in assessed valuations in a tax year shall be deemed a tax assessment reduction service. A tax assessment reduction service shall not include an attorney admitted to practice law in the State of New York or a law firm, but only if said attorney or law firm were retained directly by the client and their representation of the client is subject to attorney ethical and disciplinary rules.
(Amended by Local Law No. 12-2016, in effect January 2, 2017.)

E. "Commissioner" shall mean the Commissioner of Consumer Affairs or the Commissioner's designee.
(Added by Local Law No. 12-2016, in effect January 2, 2017.)

§ 21-19.2 **Unlawful Activity.** No tax assessment reduction service shall:

A. Claim or otherwise hold itself out, whether directly or indirectly, including by the use of a seal or logo or any acronym, to be a governmental entity or a part thereof or to be affiliated with an entity of government; or
(Amended by Local Law No. 12-2016, in effect January 2, 2017.)

B. Claim or imply, directly or indirectly, that an owner is overpaying real property taxes, unless such service shall have supported such allegations by furnishing the owner with detailed and specific information, directly relating to the affected parcel of real estate; or

C. Claim or imply, directly or indirectly, that the only effective method by which an owner may receive a tax assessment reduction is through use of a tax assessment reduction service; or

D. Charge an owner any fee or retain any fee previously paid to it by an owner unless such service has made reasonable efforts to fully communicate to such owner the terms of any offer of settlement made to such service by the County in the course of a tax assessment review proceeding, other than a hearing or trial, with respect to the affected parcel of real estate; or

E. Enter into a contract or agreement with an owner unless such contract or agreement shall contain, conspicuously and clearly written:

(1) A schedule of the fees charged by such service; and

(2) A provision permitting the owner, at any time within three days after having entered into such contract or agreement, to completely cancel such contract or agreement and receive a full and prompt refund of

any fee or deposit already paid by such owner to such tax assessment reduction service. Any provision in a contract or agreement that purports or attempts to nullify, vacate or in any manner restrict the night of cancellation described in this paragraph shall be completely void and unenforceable; and

(3) A provision requiring the prompt refund by the service to the owner of all fees paid by the owner to the service, other than disbursements already paid by such service on behalf of such owner as evidenced by a receipt or other indicia of payment issued to such service by a court or government agency if the efforts of the service do not achieve a tax assessment reduction for the owner; and

(4) A notification that an owner is not required to use a tax assessment reduction service in order to file for and/or receive a tax assessment reduction; and

(5) The date on which such contract or agreement was entered into; and

(6) A provision stating that the service is required by law to make reasonable efforts to fully communicate to the owner the terms of any offer of settlement made by the County of Nassau to the service in the course of a tax assessment review proceeding, other than a hearing or trial, with respect to the affected parcel of real estate; and

(7) A provision stating: “Only: 1. a person named in the records of the Nassau County Clerk as a homeowner; or 2. that person's authorized agent; or 3. a person who has contracted to buy a home; or 4. the estate of a deceased homeowner, is eligible under the law to receive a tax assessment reduction and a property tax refund. If you are not in any of these four categories, you will not be able to receive a property tax refund and you should not sign this agreement;” or
(Amended by Local Law No. 12-2016, in effect January 2, 2017.)

(8) the statement “complaints regarding any services rendered or not rendered under this contract may be addressed to the Nassau County Office of Consumer Affairs;” or
(Added by Local Law No. 12-2016, in effect January 2, 2017.)

F. Charging or accepting more than twenty-five dollars ($25) for the completion of a STAR exemption application, more than fifty dollars ($50) for the completion of an Enhanced STAR application or fifty dollars ($50) for the completion of an application for a senior citizen tax exemption to be granted pursuant to any law or regulation.
(Added by Local Law No. 12-2016, in effect January 2, 2017.)

§ 21-19.3 **Penalties.**

A. Notwithstanding any provisions to the contrary contained in this Chapter, the Nassau County Charter, the Nassau County Administrative Code or any other local law, a failure to comply with any of the provisions of this Title shall constitute a Class A Misdemeanor and shall be punishable by a fine not exceeding five thousand dollars ($5,000), or imprisonment for a period not more than one year, or by both such fine and imprisonment. Each such violation shall be deemed a separate offense

B. In addition to the penalties provided by paragraph A of this section, any person who violates any of the provisions of this Title shall be liable for a penalty of not more than five thousand dollars ($5,000) for each such violation.

C. Any civil penalty may only be assessed by the Commissioner following a hearing and opportunity for an alleged violator to be heard.

D. A fine may be imposed after a hearing before an officer or employee of the Commissioner designated for such purpose by the Commissioner upon notice to the tax assessment reduction service of at least ten days except as otherwise provided in this section. The notice shall be served by registered or certified mail and shall state the date and place of hearing and set forth the ground or grounds constituting the charges against the tax assessment reduction service, and if the tax assessment reduction service fails to attend such hearing, the Commissioner shall impose the maximum allowable fine. The tax assessment reduction service shall be heard in his defense either in person or by counsel and may offer evidence on his behalf. For the purpose of this title, the Commissioner or, any officer or employee of the department designated by him may administer oaths, take testimony, subpoena witnesses and compel the production of books, papers, records and documents deemed pertinent to the subject of investigation.

§ 21-19.4 **Enforcement of Contracts and Agreements.** Any contract or agreement entered into in violation of subdivision E of section 21-19.2 of this title shall be unenforceable by a tax assessment reduction service as against an owner and shall be voidable at the option of the owner.

§ 21-19.5 **Title Not Exclusive Remedy.** This title shall not be construed to exclude any other remedy or right, civil, criminal or administrative, provided by law.

§ 21-19.6 **Regulations**. The Commissioner shall make such regulations as

deemed necessary for the proper implementation and enforcement of this Title.
(Amended by Local Law No. 12-2016, in effect January 2, 2017.)
(Title added by Local Law No. 4-1995, in effect August 28, 1995. Title renumbered as D-9 and sections renumbered by Local Law No. 20-2002, in effect November 15, 2002.)

Title D-10
Disclosure Requirements for Refund Anticipation Loans

§21-20.0 **Legislative Intent.** The Legislature has found that tax preparers and other persons are increasingly offering to consumers "instant refunds", which essentially allow consumers to obtain what purports to be the proceeds of the consumers' anticipated tax refunds on an expedited basis. Tax preparers and others who offer such "instant refunds" often do no disclose complete and accurate information to consumers concerning these financial transactions. The Legislature has found that the characterization of these financial transactions as "instant refunds" is misleading, and that these transactions are instead loans or non-loan type bank products payable against the consumer's tax refund, which accrue interest, fees and other administrative costs. Consumers are often not aware that an "instant refund" being offered by the tax preparer and other persons is, in fact, a loan and/or a non-loan type bank product and that the consumer will be charged substantial fees and interest. Additionally, many consumers are under the impression that they are not liable for the full amount of the loan if they do not receive all or part of their tax refund from the IRS.

This Legislature has found that Refund Anticipation Loans ("RAL's") drain billions of dollars from the pockets of American consumers. Tax preparers, and facilitators of these transactions often target the working poor who receive the Earned Income Tax Credit ("EITC"). To be eligible for this credit, an individual's income cannot exceed between $11,230 and $34,692 depending on individual eligibility. In 2002, fifty-five percent (55%) of those consumers who received RALs also received the EITC. These loans cost American workers $1.14 billion in loan fees in 2002, plus an additional $406 million in other fees. (Chi Chi Wu and Jean Ann Fox, "Quick Tax Loans Drain Over a Billion from American Workers", National Consumer Law Center and Consumer Federation of America, January 29, 2004).

This Legislature seeks to provide consumers with certain protections, to require complete disclosure about these transactions and, to provide a private right of action to recover against those tax preparers, facilitators, and others who violate this law.

§21-20.1 **Title and scope.**

1. This law shall be known and cited as the Refund Anticipation Loan Disclosure Law. This law shall be liberally construed to effectuate its purpose. The purpose of this law is to protect consumers who enter into

refund anticipation loan and refund anticipation check ("RAC") transactions and to require tax preparers, facilitators, and other persons who offer or facilitate such loans to completely disclose all fees and charges for RALs and RACs facilitated or processed in this County.

2. No person (including any tax preparers, facilitators, and other person) may individually or in conjunction or cooperation with another person: (a) solicit the execution of, process, receive, or accept an application or agreement for a RAL and/or RAC, or (b) in any other manner facilitate the making of a RAL and/or RAC unless the person has complied with the provisions of this section.

§21-20.2 **Definitions.**

1. "Person" shall mean an individual, a firm, a partnership, an association, a corporation or another entity.

2. "Tax preparer" or "preparer" means a person, who for valuable consideration advises or assists or offers to advise or assist in the preparation of income tax returns for another.

3. "Facilitator" shall mean a person who individually or in conjunction or cooperation with another person: (i) solicits the execution of, processes, receives, or accepts an application or agreement for a RAL and/or RAC, or (ii) in any other manner substantially assists in the making of a RAL and/or RAC.

4. "Creditor" shall mean any person who makes a RAL or who takes an assignment of a RAL.

5. "Consumer" shall mean any natural person who, singly or jointly with another consumer, is solicited to apply for, applies for, or receives the proceeds of a RAL or RAC.

6. "Refund anticipation check" shall mean a check or other payment mechanism: (i) representing the proceeds of the consumer's tax refund; (ii) that is not a loan; (iii) which was issued by a depository institution or other person that has or will have received a direct deposit of the consumer's tax refund from the Internal Revenue Service; and (iv) for which the consumer has paid a fee or other consideration for such payment mechanism.

7. "Refund anticipation loan" shall mean a loan that is secured by and that creditor arranged to be repaid directly or indirectly from the proceeds of the consumer's income tax refund and includes the payment of interest,

and/or RAL fees by the consumer. A RAL shall also includes[97] any sale, assignment, or purchase of a consumer's tax refund at a discount or for a fee, whether the consumer is required to repay the buyer or assignee if the Internal Revenue Service denies or reduces the consumer's tax refund.

8. "Refund anticipation loan fee" shall mean the charges, fees, or other consideration charged or imposed directly or indirectly by the tax preparer or facilitator for the making of or in connection with a RAL. This term includes any charge, fee, or other consideration for a deposit account, if the deposit account is used for receipt of the consumer's tax refund to repay the amount owed on the loan. This term does not include any charge, fee, or other consideration usually charged or imposed by the facilitator or tax preparer, in the ordinary course of business, such as fees for tax return preparation and fees for electronic filing of tax returns, if the same fees in the same amount are customarily charged to the facilitator's customers who do not receive RALs.

9. "Commissioner" shall mean the Nassau County Commissioner of Consumer Affairs.

10. "Consumer Affairs" shall mean the Nassau County Office of Consumer Affairs.

11. "County" shall mean the County of Nassau.

§ 21-20.3 **Refund anticipation loans.**

1. Any tax preparer or facilitator who advertises the availability of a RAL shall not directly or indirectly represent such a loan as a tax refund. Any advertisement which mentions, refers, relates, or discusses and/or describes a RAL, and/or proceeds of such loan must state explicitly and conspicuously that the monies being, referred to, related to, mentioned, discussed, described, and/or offered as represented in such advertisements, are in fact a loan, and not a tax refund, and that a refund anticipation fee and/or interest will be charged by the tax preparer, facilitator, or other person offering or issuing such loan. The advertisement must also disclose the name of the person, lender, tax preparer, creditor, or facilitator providing the RAL.

2. Before any consumer enters into a RAL transaction, the tax preparer, facilitator or creditor as applicable shall disclose to the consumer the following disclosure in writing, in English and Spanish, in a form separate from the application, containing a legend, centered, in bold, capital letters and in 18

[97] So in the local law.

point type stating NOTICE; and stating the following language in at least 14-point type:

- THIS IS A LOAN.
- SPECIFICALLY, THIS IS A REFUND ANTICIPATION LOAN.
- YOU ARE NOT REQUIRED TO ENTER INTO THIS REFUND ANTICIPATION LOAN AGREEMENT MERELY BECAUSE YOU HAVE RECEIVED THIS INFORMATION.
- IF YOU DO SIGN A CONTRACT FOR A REFUND ANTICIPATION LOAN YOU WILL BE TAKING OUT A LOAN, AND YOU WILL BE RESPONSIBLE FOR REPAYMENT OF THE ENTIRE LOAN AMOUNT AND ALL RELATED COSTS AND FEES, REGARDLESS OF HOW MUCH MONEY YOU ACTUALLY RECEIVE IN YOUR TAX REFUND. IF YOUR TAX REFUND IS LESS THAN EXPECTED, YOU MUST STILL REPAY THE ENTIRE AMOUNT OF THE LOAN.
- IF YOU *DO NOT* TAKE OUT THIS REFUND ANTICIPATION LOAN, YOU ARE ELIGIBLE TO RECEIVE A GROSS TAX REFUND OF APPROXIMATELY $_[insert amount].
- IF YOU *DO* TAKE OUT THIS REFUND ANTICIPATION LOAN, YOU WILL BE RESPONSIBLE TO PAY $ [insert amount] IN INTEREST AND FEES FOR THE LOAN. AFTER THESE FEES ARE PAID, YOU WILL RECEIVE APPROXIMATELY $ [insert amount].
- IF YOUR REFUND IS DELAYED, YOU MAY HAVE TO PAY ADDITIONAL FEES AND INTEREST.
- THE ESTIMATED ANNUAL PERCENTAGE RATE OF YOUR REFUND ANTICIPATION LOAN IS _[insert amount]%. THIS IS BASED ON THE ESTIMATED AMOUNT OF TIME YOU WILL HAVE BORROWED MONEY THROUGH THIS REFUND ANTICIPATION LOAN.
- IF YOU *DO* TAKE OUT THIS REFUND ANTICIPATION LOAN, YOU CAN EXPECT TO RECEIVE YOUR LOAN IN APPROXIMATELY ONE TO TWO DAYS.
- IF YOU *DO NOT* TAKE OUT THIS REFUND ANTICIPATION LOAN, YOU CAN STILL RECEIVE YOUR TAX REFUND QUICKLY. IF YOU FILE YOUR TAX RETURN ELECTRONICALLY AND RECEIVE YOUR TAX REFUND THROUGH THE MAIL, YOU CAN EXPECT TO RECEIVE YOUR REFUND IN APPROXIMATELY FIFTEEN TO TWENTY-TWO DAYS. IF YOU FILE YOUR TAX RETURN ELECTRONICALLY AND HAVE YOUR TAX REFUND DIRECTLY DEPOSITED INTO A BANK ACCOUNT, YOU CAN EXPECT TO RECEIVE YOUR REFUND IN APPROXIMATELY EIGHT TO FIFTEEN DAYS.

3. In addition, the following disclosure must be made to the consumer in writing, in both English and Spanish, in connection with the RAC, in a form separate from the RAC, and from the application, containing a legend,

centered, in bold, capital letters and in 18 point type stating NOTICE; and stating the following language in at least 14-point type:

YOU ARE PAYING [insert the amount of the fee] TO GET YOUR REFUND CHECK THROUGH [insert name of issuer of refund anticipation check]. YOU CAN AVOID THIS FEE AND STILL RECEIVE YOUR REFUND IN EIGHT TO FIFTEEN DAYS BY HAVING THE IRS DEPOSIT YOUR REFUND DIRECTLY INTO YOUR OWN BANK ACCOUNT OR IN FIFTEEN TO TWENTY-TWO DAY BY HAVING THE IRS MAIL THE CHECK.

4. All language, figures, etc. to be inserted in §2 and §3 herein shall be inserted by the tax preparer or facilitator, as applicable.

5. In the event that the taxpayer does not understand English or Spanish, the tax preparer and or facilitator shall also provide a point-by-point oral explanation of the required disclosure in a language understood by the taxpayer and such explanation can be provided through the use of a translator.

6. It shall be the obligation of the tax preparer, or facilitator to complete the required disclosure accurately and thoroughly, inclusive of all relevant information to provide the required point-by-point oral explanation when necessary; and to ensure that the completed disclosure form is signed by the consumer before the consumer consummates the RAL and/or RAC transaction.

§21-20.4. **Posting of Fee Schedule and Disclosures.**

1. Every tax preparer, and facilitator who offers RALs and RAC's, shall display a a current fee schedule for RALs and RACs, and for the electronic filing of the consumer's tax return.

2. Every tax preparer, and/or facilitator who offers RALs and RAC's, shall also prominently display on each fee schedule: (i) a legend centered in bold, capital letters, and in one-inch letters stating: NOTICE CONCERNING REFUND ANTICIPATION LOANS; and (ii) the following verbatim statement: "When you take out a refund anticipation loan, you are borrowing money against your anticipated tax refund. If your tax refund is less than expected, you must still repay the entire amount of the loan which includes interest and fees. If your refund is delayed, you may have to pay additional costs. You can have your tax return filed electronically and you refund directly deposited into your own bank account without obtaining a loan or paying loan fees."

3. The postings required by this section shall be made in no less than 28-point type on a document measuring no less than 16 inches by 20 inches. The postings required in this section shall be displayed in a

prominent location at each office where the tax preparer, or facilitator is processing the RALs and/or RAC's.

4. No tax preparer or facilitator may process or caused to be processed a RAL or RAC, unless (i) the disclosure required by this section is displayed; (ii) the fee actually charged for the RAL or RAC is the same as the fee displayed on the schedule.

§21-21.5. **Penalties.**
Any violation under this section shall be deemed a deceptive trade practice and shall be subject to the penalties set fort in section 21-10.2 (4)(a) as amended by Local Law 25-2000. The Office of Consumer Affairs shall be charged with enforcing this law and shall promulgate the necessary rules and regulations for its implementation and enforcement.

§21-20.6. **Civil Cause of Action.**
Any person claiming to be injured by the failure of a tax preparer or facilitator to act in accordance with this subchapter shall have a cause of action against such tax preparer or facilitator in any court of competent jurisdiction for any or all relief applicable under the law.

§21-20.7. **Severability.**
If any provision, clause, sentence or paragraph of this local law, or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application if the provisions of this local law which can be given effect without the invalid provision or application and, to this end, the provisions of this local law are hereby declared to be severable.
(Added by Local Law 6-2004; amended by Local Law 13-2004)

Title D-12
Automated Teller Machine Safety

Section	21-22.0	Short title
	21-22.1	Legislative findings and intent
	21-22.2	Definitions
	21-22.3	Applicability
	21-22.4	Registration of private automated teller machines
	21-22.5	Requirements for operation of automated teller machines registered in accordance with this title
	21-22.6	Safety rules for private automated teller machines
	21-22.7	No impact on banking regulations; not to supersede EFT regulations
	21-22.8	Facilities not subject to this article; exemptions
	21-22.9	No waiver

21-22.10 Penalties
21-22.11 Reporting to federal authorities; guidance to victims
21-22.12 Identity theft public education and awareness effort
21-22.13 County not liable

§ 21-22.0 **Short title** This law shall be known as the "Automated Teller Machine Safety Act."

§ 21-22.1. **Legislative findings and intent**. Identity theft is recognized as one of the fastest-growing crimes in America. The Federal Trade Commission has reported that between 1998 and 2003, 27.3 million Americans became victims of identity theft, which is often associated with other serious crimes including mail fraud, narcotics, organized crime, money laundering, weapons trafficking, computer crimes and terrorism. The use of automated teller machines enables consumers to access funds conveniently without having to go to a bank, but it also provides an opportunity for identity thieves. Indeed, people who use the unenclosed automated teller machines found in many buildings such as supermarkets and convenience stores, whose functions are unrelated to banking activities, are particularly vulnerable because such machines are not regulated by federal or state law. These machines can be the setting for unscrupulous machine operators or third parties to obtain the personal bank information of persons conducting financial transactions. While automated teller machines located at banking institutions provide certain safety enhancements, such as rearview mirrors or security cameras, 'non-bank' automated teller machines are currently not legally required to do so. Moreover, because such machines are not at present licensed or otherwise registered in New York State, their operators are often untraceable, making it difficult for law enforcement trying to solve identity theft crimes involving automated teller machine fraud. This local law implements measures to combat identity theft and protect citizens' personal information at those automated teller machines that are not currently regulated by federal or state law.

§ 21-22.2 **Definitions.** As used in this Title:

"Automated teller machine" shall mean a device which is linked to the accounts and records of a banking institution and which enables consumers to carry out banking transactions, including, but not limited to, account transfers, deposits, cash withdrawals, balance inquiries, and loan payments.

"Operator" shall mean a person, organization, or company, including but not limited to one who owns, invests in, or leases an automated teller machine and is responsible for the maintenance, functioning, and operation of such machine, which is located in any building, structure or space whose primary purpose or function is unrelated to banking activities, including but not limited to supermarkets, restaurants, bars, and convenience stores, airports, school buildings, and public buildings.

"Automated teller machine placement agreement" shall mean an agreement between a merchant and a private automated teller machine operator authorizing the location and providing the terms of operation of a private automated teller machine at a specified site, including the merchant's place of business.

"EFT Network" shall mean an electronic funds transfer network that enables the transfer of funds in and out of a person's bank account when such person completes a transaction at an automated teller machine.

"Enforcing Agent" shall refer to the Nassau County Office of Consumer Affairs or the Nassau County Police Department.

"Transaction" shall mean the act of accessing an account at a financial institution with a credit card, debit card, or other bankcard at a private automated teller machine for the purpose of making cash withdrawals, balance inquiries, deposits, fund transfers from or to the account, or engaging in any other transaction.

§ 21-22.3 **Applicability.** The provisions of this Title shall apply to any unenclosed automated teller machine located in any building, structure or space whose primary purpose or function is unrelated to banking activities, including but not limited to supermarkets, restaurants, bars, convenience stores, airports, school buildings, and public buildings, where such automated teller machine is available for use only during the regular hours of operation of the building, structure, or space in which such machine is located.

§ 21-22.4 **Registration of private automated teller machines.**

(a) No automated teller machine shall be operated in Nassau county without first being registered in accordance with the provisions of this title, except as otherwise expressly provided in this title.

(b) Every operator of an automated teller machine operated in Nassau County shall, except as otherwise expressly provided, apply in the form and manner established by the Commissioner, to the office of Consumer Affairs, or to any agent of the commissioner, an application for

registration addressed to the commissioner, and on a form to be prepared under the direction of and furnished by the Commissioner for that purpose, containing: (a) a brief description of the automated teller machine to be registered, including the name and serial number of such machine, and such other facts as the Commissioner shall require; (b) the name and address of the operator of such machine, specifying in the case of an unincorporated association or partnership, the name and address of each member or partner thereof, and in the case of any corporation, the name and address of each officer; (c) the location and identification of the automated teller machine to be registered; (d) proof that such automated teller machine is in compliance with all applicable federal and state regulations; and (e) such additional facts or evidence as the commissioner may require in connection with the application for registration, including, if the operator is also registered with at least one EFT network through a sponsorship agreement with a financial institution that is a member of the EFT network, such EFT registration information. The application shall contain or be accompanied by such evidence of the ownership of the automated teller machine to be registered as may be required by the Commissioner or his agent.

(c) The removal of any automated teller machine from a premises and its relocation to another in Nassau County shall require the re-registration of such machine in accordance with subdivision (b) above, except that such re-registration shall be charged a reduced fee, as provided herein.

(d) Times for Registration, re-registration; fees.

(i) Registrations and renewed registrations shall take effect and expire on dates determined by the Commissioner and shall be valid for a period of one year. However, where the expiration date of the registration of any automated teller machine falls on a Saturday, Sunday or county holiday, such registration shall be valid for the operation of such vehicle until midnight of the next day on which County offices shall be open for business.

(ii) Fees to be set by ordinance shall be paid to the Commissioner, or the Commissioner's agent, upon the registration or the renewal of a registration of an automated teller machine by the operator of any automatic teller machine in Nassau County in accordance with the provisions of this title.
(Amended by Local Law 12-2012, in effect August 8, 2012; amended by Local Law No. 9-2016, in effect January 2, 2017.)

(e) With respect to any automated teller machine placed into operation prior to the effective date of this local law, the operator of such machine shall, within ninety days of the effective date of this local law, comply with the

registration provisions of this section; provided, however, that such registration, and each registration thereafter, shall be considered and charged a fee for a renewal under subdivision (d) of this section.

§ 21-22.5 **Requirements for operation of automated teller machines registered in accordance with this title.**

(a) Notwithstanding any other provision of this law, no person or entity shall permit an unenclosed automated teller machine to be located on his or her premises without having obtained proof that such machine has been registered in accordance with the provisions of this title.

(b) Each operator of an automated teller machine registered in accordance with this Title shall:

(i) comply with all EFT network operating rules and all local, state, and federal regulations governing the operations of its private automated teller machines;

(ii) maintain comprehensive and verifiable inventory procedures and establish controls that identify the location of all of the private automated teller machines that it owns and operates in Nassau County;

(iii) when locating and installing an automated teller machine on premises owned by another person or entity, operate such machine within Nassau County only pursuant to an automated teller machine placement agreement with a person or entity who is legally authorized to conduct business in New York State and Nassau County. Such agreement shall provide the operator's full legal name and any trade name under which business is conducted, along with the operator's federal and New York income tax identification numbers, or in the case of a sole proprietor, his or her social security number, and shall be filed with the Commissioner of Consumer Affairs; and

(iv) post in a conspicuous place on the front of each private automated teller machine a notice in at least 24-point type setting forth: (1) the name of the operator of an automated teller machine registered in accordance with this Title, as well as the name and phone number of the merchant on whose premises such machine is located; (2) the telephone number of the commissioner of Consumer Affairs; and (3) the language: "Protect your PIN. Report a lost or stolen card immediately."

(c) Every operator of an automated teller machine, and any person or entity on whose premises any such machine is located and installed, shall maintain such records in relation to such machine as the commissioner of Consumer Affairs may require.

§ 21-22.6 **Safety rules for automated teller machines.** Every person or entity shall maintain the following security measures with respect to each of the automated teller machines located and installed on his or her property:

a) Adequate lighting, which permits a person using an automated teller machine to readily and easily see all other persons in the immediate vicinity of such machine; and

b) A reflective mirror or mirrors, either affixed to or standing independently of each automated teller machine, placed in such a manner as to permit a person using such machine to see behind them as they conduct their transactions.

§ 21-22.7 **No impact on banking regulations; not to supersede EFT regulations** This local law shall have no impact on or intent to affect bank accounts, federal and state banking procedures or banking regulations, and shall not be interpreted or construed to modify, amend, suspend, supersede, or cancel any EFT network rule or regulation.

§ 21-22.8 **Facilities not subject to this article; exemptions.** The provisions of this title shall not apply to any automated teller machine facility located in an area within the dominion and control of a banking institution, including any state or federally chartered bank, trust company, savings bank, savings and loan association, or credit union, that operates one or more automated teller machines within the state of New York.

§ 21-22.9 **No waiver.** No requirement of this title shall be waived.

§ 21-22.10 **Penalties.**

(a) Any operator of an automated teller machine found to be in violation of any provision of this title shall be subject to a civil penalty of up to five thousand dollars ($5,000), which may be recovered following notice and an opportunity to be heard in a proceeding before the Commissioner of Consumer Affairs. Each period of fifteen days that such violation remains uncorrected shall constitute a separate distinct offense.

(b) Any person or entity who permits an automated teller machine to be located and installed and to operate on his or her premises in violation of any provision of this title shall be subject to a civil penalty of up to two

hundred fifty dollars ($250), which may be recovered following notice and an opportunity to be heard in a proceeding before the Commissioner of Consumer Affairs. Each period of fifteen days that such violation remains uncorrected shall constitute a separate distinct offense.

(c) Any civil penalty imposed pursuant to this section shall not limit or preclude any cause of action available to any person or entity injured or aggrieved by such action.

§ 21-22.11 **Reporting to federal authorities; guidance to victims.** The Commissioner of Consumer Affairs or the Commissioner of Police of Nassau County shall, upon learning of an instance of possible identity theft, report such information to the Federal Trade Commission or other appropriate federal and state authorities, and provide guidance to victims.

§ 21-22.12 **Identity theft public education and awareness effort.** The Treasurer shall receive all monies resulting from the operation of this title and shall allocate and credit such monies, as follows:

All of the monies received from the collection of fees and the imposition of fines pursuant to this title shall be credited to the General Fund for the Office of Consumer Affairs to reimburse such office for the administration and enforcement of this title.

§ 21-22.13 **County not liable.** Nothing in this title shall be deemed to impose any civil or criminal liability upon Nassau County or any of its officials, employees or agencies.

(Added by Local Law No.2-2005, passed on March 7, 2005, signed on March 11, 2005, in effect 120 days after it shall have become a law)

Title D-13
Selling, Loaning or Distributing Video Games

§ 21-23.1. **Legislative Intent**. This Legislature finds that while video game producers and retailers have implemented rating systems to inform buyers of the nature of video game content, such rating systems are not always easily accessible to consumers. This title ensures that anyone buying a video game will have sufficient access information about video game content to be able to make an informed decision about whether any such game is appropriate for that consumer.

§ 21-23.2 **Definitions.**

“County” means County of Nassau.

“Video game” means an object or device that stores recorded data or

instructions, receives data or instructions generated by a person who uses it, and, by processing the data or instructions, creates an interactive game capable of being played, viewed, or experienced on or through a computer, gaming system, console, or other technology.

"Video game retailer" means a person who sells or rents video games to the public.

§ 21-23.3. **Display of rating system information.** Every video game retailer within the county shall post a sign providing information to consumers about any video game rating system which appears on a video game offered by such retailer. Such information shall include, but not be limited to any store policy, relevant rating symbols, and content descriptors. The sign shall be posted in a conspicuous place within the portion of the establishment dedicated to the display or advertisement of video games. Each video game retailer shall make available to consumers, upon request, written information explaining each such rating system.

§ 21-23.4. **Penalty.** Any person violating the provisions of this title shall be subject to a civil penalty in an amount not less than $250.00 and not more than $500.00 for each violation, which may be recovered following notice and an opportunity to be heard in a proceeding before the Commissioner of Consumer Affairs. Each day in violation of this subsection shall constitute a separate offense.
(Title D-13 added by Local Law 16 - 2006, passed on November 13, 2006 and signed on December 13, 2006.)

Title D-14
Licensing of sign hangers

§21-24.1[98] **[Legislative Finding][99]** This Legislature finds that currently sign hangers and riggers are not required to be licensed. Persons who hang signs should have the ability to read plans and specifications relating to sign construction and hanging including supports and framework and must possess knowledge of problems and practices of sign construction. They should also possess the knowledge of risks, precautions, safe loads, types of rigging, size & strength of ropes, cables, block sand derricks and the characteristics, uses and misuses of the tools involved. Without proper qualifications and financial responsibility the public safety is at risk and personal injury and property damage can occur. This legislation requires any person erecting covered signs to be licensed by the county in order to protect and promote the public health safety and welfare of all persons in Nassau County.

[98] There are two sections 21-24.1
[99] Not in Local Law. Added for ease of use.

§21-24.2[100] **Definitions.**

"Commissioner" means the commissioner of the Office of Consumer Affairs.

"County" means the County of Nassau.

"Office" means the Office of Consumer Affairs.

"Display sign" means a structure that exceeds seventy five square feet in area or twenty five pounds in weight and is arranged, intended, designed or used as an advertisement, announcement or direction including, but not limited to, signs, sign screens, billboards, awnings and advertising devices of every kind.

"Sign hanger" means any person who builds, erects, hangs, suspends, hoists, lowers, attaches, maintains or removes any kind of display sign, but shall not include an owner of residential property who himself or herself installs a display sign on his or her property.

"Structure" means any stationery combination of materials built or erected, including, but not limited to, a building, bridge, framework, billboard, railroad trestle, awning or other object that has been put together from many different parts.

§21-24.3[101] **General license requirements.**

a. No sign hanger may install, construct, reconstruct, alter or repair any display sign upon any structure or upon the exterior walls or roof of any structure located in the County, or remove any display sign from any structure or exterior walls or roof of any structure located in the County, without having first obtained a license from the Commissioner in accordance with and subject to the provisions herein.

§21-24.4[102] **Issuance of License.** The Commissioner shall promulgate rules specifying the qualifications and procedures for licenses required hereunder. The Commissioner may require the applicant to submit to an oral, written and/or practical examination in order to determine fitness and qualifications of applicants and their possession of the skills necessary for safe and proper sign hanging, including, but not limited to, the ability to read plans and specifications related to sign construction and knowledge of tools, risks and safety precautions. The Commissioner shall require evidence of insurance.

[100] There are two sections 21-24.2
[101] There are two sections 21-24.3
[102] There are two sections 21-24.4

The Commissioner shall issue a license to each applicant who has submitted satisfactory evidence of (1) insurance; (2) his or her qualifications; and (3) paid the required fee, as specified in the rules promulgated pursuant to this section.

§21-24.5[103] **Term of license; renewal.** All licenses, issued by the Commissioner under the provisions of this title shall expire two years from the date of issuance thereof, and may be renewed, provided that application for renewal of the license is made thirty calendar days prior to the expiration date of the license. All applications for renewal of a license shall be accompanied by the required renewal fee and information from the applicant which satisfies the commissioner as to his or her qualifications. If application for renewal is not made as provided above, the commissioner may, nevertheless, renew the license provided the applicant pays an additional fee and provided further that the applicant satisfies the commissioner as to his or her qualifications.

§21-24.6[104] **Use of license.** No holder of a license issued under this title shall authorize, consent to or permit the use of his or her license by or on behalf of any other person and any person who has not qualified and obtained a license under this title shall not hold himself or herself out to the public as licensed or as the holder of a license issued under this title, either directly or indirectly, by means of signs, sign cards, metal plates, stationery, or in any other manner whatsoever; provided, however, that this section shall not be construed to prohibit the use of a license by the holder thereof for or on behalf of a partnership, corporation or other business association, provided that at least one member of the partnership or at least one officer of the corporation is licensed for the same business, trade or calling, and that all work performed by such partnership or corporation is performed by or under the direct supervision of such license holder or holders.

§21-24.7[105] **License fee.** The fee for a sign hanger license shall be set by ordinance and the license shall be valid for a period of two years from the date of issuance. The renewal fee for such license shall be set by ordinance. If application for renewal is not made within thirty calendar days prior to the expiration date of the license, the applicant shall be required to pay an additional fee which shall be set by ordinance.
(Amended by Local Law No. 9-2016, in effect January 2, 2017.)

§21-24.8[106] **Violations and penalties.** Any person who shall violate any of the provisions of this title shall be guilty of a Class A misdemeanor. Such person shall also be subject to the payment of a civil penalty of not more than five thousand dollars, after being provided with an opportunity to be heard in a

[103] There are two sections 21-24.5
[104] There are two sections 21-24.6
[105] There are two sections 21-24.7
[106] There are two sections 21-24.8

proceeding conducted in accord with due process by the Office of Consumer Affairs.

§ 21-24.9 **Exemptions.** The provisions of this title shall not apply to County employees working in within the scope of their employment, sign painters or sign cleaners.

§21-24.10 **Severability.** If any clause, sentence, paragraph, subdivision, section or part of this local 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, effect 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.
(Added by Local Law 12 -2007, signed by the County Executive on June 6, 2007.)

Title D-15
Preventing the spread of invasive species in Nassau County

§ 21-24.1.[107] **Definitions**. As used in this law, the following terms shall have the following meanings:

(a) "Alien species" means, with respect to a particular ecosystem, any species, including its seeds, eggs, spores, or other biological material, capable of propagating or reproducing that species, that is not native to that ecosystem.

(b) “Citation” means notice issued to a person identifying all violations of this title determined to exist in the course of a single on-site inspection of such person’s property or premises.

(c) "Commissioner" means the Commissioner of the Nassau County Office of Consumer Affairs.

(d) "Control" means eradicating, suppressing, reducing, or managing invasive species populations, preventing spread of invasive species from areas where they are present, and taking steps such as restoration of native species and habitats to reduce the effects of invasive species and to prevent further invasions.

(e) "Department" means the Nassau County Office of Consumer Affairs.

(f) "Invasive species" means an alien species, including all of its cultivars and varieties, whose introduction causes or is likely to cause economic or environmental harm or harm to human health.

(g) "Invasive species committee" means the committee established and comprised as set forth in this title.

(h) "Native species" means, with respect to a particular ecosystem, a species that, other than as a result of an introduction, historically occurred or currently occurs in that ecosystem.

(i) "Person" means any individual, governmental entity, firm, partnership, corporation, company, society, association, or any organized group of persons whether incorporated or not, and every officer, agent, or employee thereof.

(j) "Propagation" means purposefully increasing the population of a species

[107] There are two sections 21-24.1

by means of manipulating its sexual and/or asexual reproduction processes.

§ 21-24.2.[108] **Prohibitions.**

(a) No person shall introduce, throw, dump, deposit, place or cause to be propagated, transplanted, introduced, thrown, dumped, deposited or placed in any river, stream, lake, pond, wetland or storm water drain, in whatever capacity and for whatever purpose, the invasive plant species listed in subdivision b of this section.

(b) No person shall knowingly collect, transport, sell, distribute, propagate or transplant any living and viable portion of any plant, or the compost, mulch, soil, or other materials containing seeds or other viable parts of any such plant, included in the Nassau County prohibited invasive plant species list as follows:

Scientific Name	***Common Name***	***Effective Date***
Acer platanoides)	*Norway maple,*	*1/1/2013 (except cultivars 'crimson king', 'royal red' which are banned effective 1/1/2016)*
Acer pseudoplatanus	*Sycamore maple*	*1/1/2013*
Alliaria petiolata	*Garlic mustard*	*1/1/2009*
Ameplopsis brevipedunculata	*Porcelain berry*	*1/1/2009*
Anthriscus sylvestris	*Wild chervil*	*1/1/2009*
Aralia elata	*Japanese angelica tree*	*1/1/2009*
Artemisia vulgaris	*Mugwort, common wormwood*	*1/1/2009*
Arthraxon hispidus	*Arthraxon*	*1/1/2012*
Berberis thunbergii *(includes all hybrids with other Berberis species)*	*Japanese barberry*	*1/1/2014*
Brachypodium sylaticum	*[slender] False brome*	*1/1/2012*
Cabomba caroliniana	*Carolina fanwort*	*1/1/2009*
Cardamine impatiens	*Narrowleaf bittercress*	*1/1/2009*
Celastrus orbiculatus	*Oriental bittersweet*	*1/1/2009*

[108]There are two sections 21-24.2

Centaurea stoebe ssp. micranthos s.l. (C. biebersteinii, C. diffusa, C. maculosa misapplied, C. xpsammogena)	*Spotted knapweed, spotted star-thistle*	*1/1/2009*
Cirsium arvense	*Canada thistle*	*1/1/2009*
Clematis terniflora	*Japanese virgin's bower;*	*1/1/2011*
Cynanchum louiseae (C. nigrum, Vincetoxicum nigrum)	*Black swallow-wort*	*1/1/2009*
Cynanchum rossicum (C. medium, Vincetoxicum medium, V.rossicum)	*European swallow-wort, pale swallow-wort, dog strangling vine*	*1/1/2009*
Dioscorea polystachya	*Chinese yam;cinnamon vine*	*1/1/2012*
Egeria densa	*Brazilian waterweed*	*1/1/2009*
Elaeagnus umbellata	*Autumn olive*	*1/1/2009*
Euonymus alatus	*Winged euonymus*	*1/1/2016*
Euonymus fortunei	*Spindle-tree, Winter creeper*	*1/1/2013*
Euphorbia cyparissias	*Cypress spurge*	*1/1/2009*
Fallopia japonica/sachalinensis/xbohemica (Polygonum cuspidatum/ sachalinense/ xboehmicum)	*Japanese knotweed, giant knotweed, silver lace vine*	*1/1/2009*
Glyceria maxima (Glyceria grandis var. grandis)	*Tall Glyceria, English Watergrass, Reed mannagrass*	*1/1/2012*
Humulus japonicus	*Japanese hops*	*1/1/2009*
Hydrilla verticillata	*Water thyme*	*1/1/2009*
Hydrocharis morsus-ranae	*Frogbit*	*1/1/2009*
Imperata cylindrical (all except I.C. Var. koenigii “Red Baron’ (syn. ‘Rubra’))	*Cogon grass*	*1/1/2012 except cultivar ‘Red baron which is banned effective 1/1/2014*
Iris pseudacorus	*Yellow iris*	*1/1/2012*

Lepidium latifolium	*Broadleaf pepperweed*	*1/1/2009*
Lespedeza cuneata	*Chinese lespedeza*	*1/1/2009*
Ligustrum obtusifolium	*Border privet*	*1/1/2009*
Lonicera japonica	*Japanese honeysuckle*	*1/1/2011*
Lonicera maackii	*Amur honeysuckle*	*1/1/2011*
Lonicera morrowii/tatarica/xbella	*Morrow's honeysuckle*	*1/1/2011*
Ludwigia grandiflora	*Uruguayan primrose willow*	*1/1/2009*
Ludwigia peploides	*Floating primrose willow*	*1/1/2009*
Lythrum salicaria	*Purple loosestrife*	*1/1/2009*
Microstegium vimineum	*Japanese stilt grass*	*1/1/2009*
Miscanthus sinensis	*Chinese Silver grass*	*1/1/2016*
Murdannia keisak	*Marsh dewflower, wart removing herb*	*1/1/2012*
Myriophyllum aquaticum	*Parrot-feather*	*1/1/2009*
Myriophyllum heterophyllum and x M. pinnatum	*Broadleaf water-milfoil*	*1/1/2011*
Myriophyllum spicatum	*Eurasian water-milfoil*	*1/1/2009*
Nymphoides peltata	*Yellow floating heart*	*1/1/2009*
Oplismenus hirtellus	*[wavy leaf] basketgrass*	*1/1/2012*
Persicaria perfoliata (Polygonum perfoliatum)	*Mile a minute weed*	*1/1/2009*
Phalaris arundinacea (Eurasian genotype)	*Reed canary-grass*	*1/1/2009*
Phellodendron amurense/japonicum	*Amur cork tree*	*1/1/2013*
Phragmites australis	*Common reed grass*	*1/1/2009*
Potamogeton crispus	*Curly pondweed*	*1/1/2009*
Pueraria montana var. lobata	*Kudzu*	*1/1/2009*

Ranunculus ficaria (includes all subspecies)	*Lesser celandine*	*1/1/2009*
Rhamnus cathartica	*Common buckthorn*	*1/1/2009*
Rhamnus frangula (Frangula alnus)	*Smooth buckthorn*	*1/1/2013*
Robinia pseudoacacia	*Black locust*	*1/1/2013*
Rosa multiflora	*Multiflora rose*	*1/1/2009*
Rubus phoenicolasius	*Wineberry*	*1/1/2009*
Salix atrocinerea/cinerea	*Gray florist's willow*	*1/1/2013*
Silphium perfoliatum var. perfoliatum	*Cup-plant*	*1/1/2009*
Trapa natans	*Water chestnut*	*1/1/2009*
Vitex rotundifolia (V. ovata, V. trifolia)	*Beach vitex*	*1/1/2009*

(c) A cultivar of an invasive species identified in subdivision b may be exempted from prohibited status if:

(1) its primary means of reproduction is sexual;

(2) scientific, peer-reviewed criteria verify that such cultivar is effectively 100% male and female sterile;

(3) it is guaranteed by the producer to be sterile;

(4) there exists appropriate safeguards to document the identity of the cultivar and source of the cultivar, including tagging individual plants and shipping and nursery invoices; and

(5) it is deemed appropriate for exemption by the Invasive Species Committee and the Long Island Invasive Species Management Area (LIISMA) Scientific Review Committee (SRC).

(Amended by Local Law 22-2009, in effect October 13, 2009; amended by Local Law 22-2010, in effect November 8, 2010; amended by Local Law 5-2012, in effect April 23, 2012)

§ 21-24.3.[109] **Invasive species committee.**

(a) A committee on invasive species shall advise the Commissioner on matters affecting the county relating to invasive species. The committee shall annually choose one of its members to serve as chairperson and another of its members to serve as vice-chairperson.

The County Executive shall appoint the members of such committee, which shall be comprised of the following members:

1. The Commissioner of the Nassau County Office of Consumer Affairs,

[109]There are two sections 21-24.3

or his or her designee;

2. the Commissioner of the Nassau County Department of Public Works, or his or her designee;

3. the Commissioner of the Nassau County Department of Parks, Recreation and Museums, or his or her designee;

4. a representative of the Cornell Cooperative Extension;

5. a representative of the Nassau County Soil & Water Conservation District;

6. a representative of The Nature Conservancy;

7. a representative of the nursery or landscape industry;

8. a scientist or gardener having terrestrial or aquatic invasive species expertise;

9. a representative of the Long Island Invasive Species Management Area.

(b) The committee on invasive species shall assist the Commissioner's preparation and publication of amendments, when appropriate, to the Nassau County prohibited invasive species list.

§ 21-24.4 [110] **Exemptions.**

(a) The Commissioner and/or department employees, while acting in the performance of their duties, shall be exempt from the restrictions of this section relative to:

(1) Collection;

(2) Distribution;

(3) Transportation;

(4) Propagation;

(5) Control; or

[110] There are two sections 21-24.4

(6) Disposal.

(b) Persons who have been granted an approved written variance from the Department as provided in §21-24.5 shall be exempt from the provisions of this section for one or more of the following activities:

(1) Collection;

(2) Transportation;

(3) Cultivation;

(4) Transplantation;

(5) Propagation;

(6) Control; or

(7) Disposal.

(c) The prohibitions set forth in §21-24.2 shall not apply to the collection and transportation of prohibited invasive species in connection with the maintenance of a public herbarium, mycology or entomology collection.

§ 21-24.5[111] **Variance requests.**

(a) Any person may apply for a written variance permitting the collection, transportation, cultivation, transplantation or propagation of prohibited invasive species for scientific or educational purposes in accord with the conditions set forth in such variance.

(b) Applicants seeking such variance shall obtain an application form from the Department. No application deemed incomplete shall be granted, and approval of any application shall be subject to the sole discretion of the Department.

(c) No request for such variance shall be approved that is likely to result in any of the following:

(1) environmental impacts;

(2) economic damage; or

[111] There are two sections 21-24.5

(3) cause harm to human health.

(d) Persons obtaining an approved written variance shall, within thirty days of the completion of the project, submit written notification to the Department describing the results of the project.

§ 21-24.6[112] **Disposal of prohibited invasive species.** Prohibited invasive species shall only be disposed of in a manner that renders them non-living and non-viable.

§ 21-24.7[113] **Enforcement.** The Department shall be authorized to enforce the provisions of this title and, in its discretion, to impose penalties within the parameters herein. A first offense shall be subject to a warning. Each citation thereafter identifying violations of § 21-24.2(a) and § 21-24.5 shall be subject to a civil penalty, payable to the County, of not less than ten dollars nor more than twenty five dollars for each plant that is the subject of the citation. Each citation thereafter identifying violations of § 21-24.2(b) shall be subject to a civil penalty, payable to the County, of not less than one hundred dollars nor more than one thousand dollars for each plant that is the subject of the citation.

§ 21-24.8[114] **Severability.** If any section, subdivision, paragraph, subparagraph, clause, or item of this title is for any reason held invalid or unconstitutional by any court of competent jurisdiction such portion shall be deemed a separate, distinct, and independent provision; and such holding shall not affect the validity of the remaining portions thereof.
(Title D-15 added by local law no. 24-2007, signed by the County Executive on December 20, 2007, in effect January 1, 2008.)

Title D-16
Home Services Licenses

Section	21-25.0	Legislative purpose
	21-25.1	Definitions
	21-25.2	License required; Home service business
	21-25.3	Craft licenses
	21-25.4	Home service business licenses; Requirements
	21-25.5	Licenses; Display; Renewals; Duplicates
	21-25.6	Fees
	21-25.7	Powers of the Commissioner
	21-25.8	Refusal, suspension and revocation of license;

[112] There are two sections 21-24.6
[113] There are two sections 21-24.7
[114] There are two sections 21-24.8

Fines
21-25.9 Prohibited acts
21-25.10 Exceptions
21-25.11 Completion date
21-25.12 Issuance, refusal and renewal of licenses
21-25.13 Hearings on charges; Decision
21-25.14 Violations and penalties
21-25.15 Severability

§ 21-25.0**. Legislative purpose**

It is the purpose of the Legislature in enacting this Local Law to safeguard and protect homeowners against abuses on the part of home service contractors by regulating the home service contractor business and by licensing persons engaged in such business.

§ 21-25.1**. Definitions**

1. "Commissioner" means the commissioner of Consumer Affairs.

2. "Contractor" means any person who owns or operates a home service business or who undertakes or offers to undertake or agrees to perform any home services in Nassau County.

3. "Home service" shall include, but not be limited to, repair, carpet and floor cleaning, installation of decorative goods, upholstery including repair and cleaning, window treatment, gutter cleaning, window cleaning, general cleaning, mending windows and/or screens; installing home theatres, installing smoke and/or carbon monoxide detectors, home decorating, furniture repair, refinishing and/or restoration, roof and/or house washing, other than powerwashing and junk/debris/rubbish/estate cleanouts . "Home service" shall not include work performed by licensed home improvement contractors.

4. "Home service contract" means an agreement between a contractor and an owner for the performance of a home service, and includes all labor, services and materials to be furnished and performed there under.

5. "Home service establishment" means any shop, establishment, place or premises where the Home service business is carried on.

6. "Licensee" means a person permitted to engage in the home service business under the provisions of this title.

7. "Owner" means any homeowner, tenant, or any other person who orders, contracts for, or purchases the home service services of a Contractor, or the person entitled to the performance of the work of a contractor pursuant to a home service contract.

8. "Person" means an individual, firm, partnership, association, LLC or

corporation.

9. "Management Personnel" means a person or persons who are principals in a contracting business or who are employed by a Contractor and are responsible for assisting in the business of the Contractor and vested with such discretion and judgment as to accomplish the business purpose of the Contractor.

§ 21-25.2**. License required: Home service business**

No person shall own, maintain, conduct, operate, engage in or transact a home service business after January first two thousand thirteen, or hold himself out as being able to do so after such date unless he is licensed therefore pursuant to this title.

§ 21-25.3**. Craft licenses**

1. A license issued pursuant to this title may not be construed to authorize the licensee to perform any particular type of work or kind of business which is reserved to qualified licensees under separate provisions of state or local law; nor shall any license or authority other than as is issued or permitted pursuant to this title authorize engaging in the home service business.

2. Nothing in this title shall be construed to limit or restrict the power of a city, town or village to regulate the quality, performance or character of the work of the contractors including a system of permits and inspections which are designed to secure compliance with and aid in the enforcement of applicable state and local building laws, or to enforce other laws which are necessary for the protection of the public health and safety. Nothing in this title limits the power of a city, town or village to adopt any system of permits requiring submission to and approval by the city, town or village of plans and specifications for an installation prior to the commencement of construction of the installation or of inspection of work done.

§ 21-25.4**. Home service business licenses; Requirements**

1. The maintenance of a bona fide establishment at a definite location within the state shall be a prerequisite for the issuance of a home service business license. The use of a telephone answering service shall not constitute a location for purposes of this section.

2. (a) An applicant for a home service Contractor's license must establish that he is the real owner and possess title to or is entitled to the possession of the establishment and will conduct, engage in and transact a home service business. He must furnish satisfactory evidence of a good moral character and financial responsibility.

(b) All applicants must furnish certificates of public liability and property damage insurance in the amount of one hundred thousand dollars

($100,000) per person, three hundred thousand dollars ($500,000) per occurrence, bodily injury and fifty thousand dollars ($50,000) each occurrence and aggregate, property damage.

3. The Commissioner may require an application for a license or a renewal application to be accompanied by a bond, approved as to form by the county attorney, executed by a bonding or surety company authorized to do business in the state of New York, in an amount to be set by the commissioner, but in no event to exceed one hundred thousand dollars ($100,000), conditioned upon the assurance that during the term of such license, the licensee will continue to comply with the provisions of this title to assure that upon default in the performance of any contract, the advance payments made thereon, less the reasonable value of services actually rendered to the date of such default, of the reasonable costs of completion of the contract in the event of non-completion thereof, will be refunded to the purchaser, owner or lessee with whom such contract was made. Such bond shall run to the County of Nassau for the use and benefit of any person or persons intended to be protected thereby. The filing of the required bond in the office of the clerk of the legislature, after approval as to form by the county attorney, shall be deemed sufficient compliance with this section. The Commissioner may require a bond at any time during the term of the license based on the licensee's performance during such term.

§ 21-25.5**. Licenses; Display; Renewals; Duplicates**

1. All licenses, shall be for a period of two (2) years from the date of issuance and shall expire on the last day of the twenty-fourth (24th) month following issuance.

2. No license shall be assignable or transferable except as hereinafter provided. A license to conduct a home service business issued to an individual may be assigned or transferred for the remainder of the license period to a partnership or corporation if such individual is a member of such partnership or a stockholder of such corporation owning not less than twenty-five (25) percent of the outstanding stock at the time of such assignment or transfer. A license issued to a partnership may be assigned or transferred for the remainder of the license period to any one member of such partnership provided he obtains the consent of all of the other members of such partnership. The application of such transfer or assignment must be accompanied by proof satisfactory to the Commissioner that the requirements herein provided have been complied with. No assignment or transfer shall become effective unless and until the endorsement of the transfer or assignment has been made on the face of the license by the Commissioner and such license, so endorsed, has been returned to the assignee or transferee. All such endorsements shall be made upon a payment fee which shall be set by ordinance.
(Amended by Local Law No. 9-2016, in effect January 2, 2017.)

3. Each license issued pursuant to this title shall be posted and kept posted in some conspicuous place in the home service business.

4. Any license, which has not been suspended or revoked, may, upon the payment of the renewal fee prescribed by this title, be renewed for an additional period of two (2) years from its expiration, upon filing of an application for such renewal on a form to be prescribed by the Commissioner. Failure to make an application for such renewal within fifteen (15) days, shall subject the licensee to an additional fee to be set by ordinance which shall be paid prior to the issuance of the renewal.
(Amended by Local Law No. 9-2016, in effect January 2, 2017.)

5. A duplicate license may be issued for one lost, destroyed or mutilated upon application therefore on a form prescribed by the Commissioner and the payment of the fee prescribed therefore by this title. Each such duplicate license shall have the word "duplicate" stamped across the face thereof and shall bear the same number as the one it replaces.

6. A supplementary license may be issued for each additional place of business maintained by a licensee within the County of Nassau upon application therefore on a form prescribed by the Commissioner and a payment of the fee prescribed therefore by this title. Each such supplementary license shall have the word "supplementary" stamped across the face therefore and shall bear the same name as the original.

§ 21-25.6**. Fees**

1. For a license to conduct a home service business there shall be a non-refundable application fee and for each renewal thereof the fee shall be set by ordinance.
(Amended by Local Law No. 9-2016, in effect January 2, 2017.)

2. The fee for issuing each supplementary license or for a duplicate license for one lost, destroyed or mutilated shall be set by ordinance.
(Amended by Local Law No. 9-2016, in effect January 2, 2017.)

3. The fees hereinabove set forth shall be those for licenses issued for a period of two (2) years.

§ 21-25.7**. Powers of the Commissioner**

In addition to the powers and duties prescribed in this title, the Commissioner shall have power:

1. To appoint such officers and employees, within the appropriation therefore, as he shall deem necessary for the performance of his duties.

2. To examine into the qualifications and fitness of applicants for licenses under this title.

3. To keep records of all licenses issued, suspended or revoked.

4. To adopt such rules and regulations not inconsistent with the provisions of this title as may be necessary with respect to the form and content of applications for licenses, the receipt thereof, the investigation and examination of applicants and their qualifications, and the other matters incidental or appropriate to his powers and duties as prescribed by this title and for the proper administration and enforcement of the provisions of this title, and to amend or repeal any of such rules and regulations.

5. The Commissioner or Commissioner's designee shall be authorized to suspend the license of any person pending payment of such fine, penalty or pending compliance with any order of the Commissioner or the Office of Consumer Affairs of with any other lawful order of the Office.

6. The Commissioner or the Office of Consumer Affairs may arrange for the redress of injuries or damage caused by any violation of this article and may otherwise provide for compliance with the provisions and purposes of this article.

7. The Commissioner shall be authorized to impose a fine or civil penalty or to suspend a license or both for failure to appear at a hearing at the Office after due notice of such hearing. If a license has been suspended, it shall be returned to the Office forthwith upon receipt of the order of suspension. Failure to surrender the license shall be grounds for a fine or civil penalty or revocation of the license.

8. Any of the remedies provided for in this section shall be in addition to any other remedies provided under any other provision of law.

9. The Commissioner, upon due notice and hearing, may require that persons licensed under this title who have committed repeated, multiple or persistent violations of this title or any other law, rule or regulation the enforcement of which is within the jurisdiction of the Office, conspicuously display at their place of business and in advertisements a notice (of a form, content and size to be specified by the Commissioner), which shall describe the person’s record of such violations; provided that, for each time such display is required, the Commissioner may require that such notice be displayed for not less than ten not more than one hundred days.

§ 21-25.8**. Refusal, suspension and revocation of license; Fines**

A license to conduct, operate, engage in and transact a home service business as a home service contractor may be refused, suspended or revoked by the Commissioner or a fine not exceeding five thousand dollars ($5,000), or both, may be imposed by the Commissioner or an authorized officer or employee of the Commissioner for any one or more of the following causes:

1. Fraud, misrepresentation or bribery in securing a license.

2. The making of any false statement as to a material matter in any application for a license.

3. The contractor is not financially responsible.

4. The person or the management personnel of the contractor are untrustworthy or not of good character.

5. The business transactions of the contractor have been marked by a failure to perform its contracts.

6. The willful manipulation of assets or accounts by the contractor.

7. Failure to display the license as provided in this title.

8. Failure to resolve a valid complaint registered in the Office of Consumer Affairs.

9. Violation of any provision of this title, or of any rule or regulation adopted hereunder.

10. A home service contractor who has had a license suspended and/or revoked in another jurisdiction shall report said suspension or revocation within ten (10) days of said action. Upon receipt of notification, the Commissioner, or his designee, may order a hearing to determine the continued validity of the contractor's ability to operate as a home service licensee in Nassau County.

Any failure on the part of the contractor to report another jurisdiction's actions, shall be deemed a willful failure to report and will result in the immediate suspension and/or revocation of the contractor's home service license in Nassau County.

§ 21-25.9**. Prohibited acts**

The following acts are prohibited:

1. Abandonment or willful failure to perform without justification, any home service contract or project engaged in or undertaken by the contractor.

2. Making any substantial misrepresentation in the procurement of a home service contract, or making any false promise likely to influence, persuade or induce.

3. Any fraud in the execution of or in the material alteration of any contract, mortgage, promissory note or other document incident to a home service transaction.

4. Preparing or accepting any mortgage, promissory note or other evidence of indebtedness upon the obligation of a home service transaction with knowledge that it represents a greater monetary obligation than the agreed consideration for the home service work.

5. Directly or indirectly publishing any advertisement relating to home services which contains an assertion, representation or statement of fact which is false, deceptive or misleading, provided that any advertisement which is subject to and complies with the then existing rules, regulations or guides of the Federal Trade Commission shall not be deemed false, deceptive or misleading; or by any means or advertising or purporting to offer the general public any home service work with the intent not to accept contracts for the particular work or at the price which is advertised or offered to the public.

6. Disregard and/or violation of the building, sanitary and health laws of this state or of any political or municipal subdivision thereof.

7. Failure to notify the Commissioner, in writing, of any change or control in ownership, management or business name or location.

8. Conducting a home service business in any name other than the one in which the contractor is licensed.

9. Failure to comply with any order, demand or requirement made by the Commissioner pursuant to provisions of this title.

10. As part of, or in connection with, the inducement to make a home service contract, no person shall promise or offer to pay credit charges or allow to a buyer any compensation or award for the procurement of a home service contract with others.

11. No contractor shall offer or pay a loan as an inducement to enter into a home service contract.

12. No acts, agreements or statements of a buyer under a home service contract shall constitute a waiver of any provisions of this title intended for the benefit or protection of the buyer.

13. Any transaction or agreement which fails to provide that the buyer can cancel same at any time prior to midnight on the third business day after the date of such agreement without penalty and every home service contract, excluding contracts signed in the seller's retail business establishment, shall contain a "Notice of Cancellation" in such form as provided by the Commissioner pursuant to such rules and regulations as he promulgates.

14. A willful deviation from or disregard of plans or specifications in any material respect without the consent of the owner.

15. No contractor shall permit the use of his license by another.

§ 21-25.10**. Exceptions**

No contractor's license shall be required of any person when acting in the particular capacity or particular type of transaction set forth in this section.

1. An individual who performs labor or services for a contractor as an employee thereof.

2. A person who is required by state or local law to attain standards of competency or experience as a prerequisite to engaging in his or her craft of profession and who is acting exclusively within the scope of the craft or profession for which he is currently licensed pursuant to such other law.

3. This title shall not apply to a home service contract otherwise within the purview of this local law which is made prior to the effective date of the respective provisions of this title governing such contracts.

§ 21-25.11**. Completion date**

Every home service contract shall provide for a completion date on which date all labor, services and materials be furnished and performed is to be completed and in no event shall such work be completed any later than thirty (30) days after said contract completion date.

§ 21-25.12**. Issuance, refusal and renewal of licenses**

1. When an application or renewal application has been filed with the Commissioner in proper form, the Commissioner shall, within a period of ninety (90) days from the date thereof, issue or refuse the appropriate Contractor's license to the applicant. If the application for a license is refused, the Commissioner shall send to the applicant a written statement setting forth the reasons for refusal to grant the license.

2. The Commissioner shall prescribe and furnish such forms as he may deem appropriate in connection with applications for licenses and issuance, renewal or termination thereof.

3. An applicant for any license required by the provisions of this title shall file with the Commissioner a written application which shall be signed and under oath. As a part of or in connection with such application, the applicant shall furnish information concerning his true identity, residence, personal history, home service business and any other pertinent facts which the Commissioner may require. The Commissioner may require names of owners, stockholders, partners, directors and officers of any applicant, and the business address and trade names of any applicant.

4. Every contractor licensee shall immediately after a change in control or ownership or of management or a change of address or trade name, notify the Commissioner in writing of such changes.

5. Licenses of all Contractors shall expire two (2) years from the date of issuance unless prior thereto the license is revoked or suspended by the Commissioner. Upon payment of the bi-annual license fee, as prescribed by section § 21-25.6 of this title, prior to the expiration date, a license may be

renewed at the discretion of the Commissioner for another two (2) years, and the authority to do business shall continue in effect until such time within the two (2) years as the Commissioner revokes or suspends the license.

6. Temporary licenses may be issued in accordance with such rules or regulations as the Commissioner may prescribe to any applicant for a license who files an application in proper form and pays the bi-annual license fee thereof. A temporary license shall automatically expire at the time the Commissioner either refuses to issue or grants the license.

7. The Commissioner may, at any time, require reasonable information of an applicant or licensee, and may require the production of books of accounts, financial statements or other records which relate to the home service activity, qualification or compliance with this title by the licensee.

§ 21-25.13**. Hearings on charges; Decisions**

1. No license shall be revoked until after a hearing had before an officer or employee of the Commissioner designated for such purpose by the Commissioner upon notice to the licensee of at least ten (10) days accept as otherwise provided in this section. The notice shall be served by registered or certified mail and shall state the date and place of hearing and set forth the ground or grounds constituting the charges against the licensee; and, if the licensee fails to attend such hearing, the Commissioner shall revoke the license of said licensee. The licensee shall be heard in his defense either in person or by counsel and may offer evidence on his behalf. The person conducting the hearing shall make a written report of his findings and a recommendation to the Commissioner for decision. The Commissioner shall review such findings and the recommendations and, after due deliberation, shall issue an order accepting, modifying or rejecting such recommendation. For the purpose of this title, the Commissioner or any officer or employee of the department designated by him may administer oaths, take testimony, subpoena witnesses and compel the production of books, papers, records and documents deemed pertinent to the subject of investigation.

2. A license may be suspended or fine imposed after a hearing had before an officer or employee of the Commissioner designated for such purpose by the Commissioner upon notice to the licensee of at least ten (10) days except as otherwise provided in this section. The notice shall be served by registered or certified mail and shall state the date and place of hearing and set forth the ground or grounds constituting the charges against the licensee, and if the licensee fails to attend such hearing, the Commissioner shall revoke the license of said licensee. The licensee shall be heard in his defense either in person or by counsel and may offer evidence on his behalf. For the purpose of this title, the Commissioner or any officer or employee of the department designated by him may administer oaths, take testimony, subpoena witnesses and compel the production of book, papers, records and documents deemed pertinent to the subject of investigation.

3. Any fine authorized by Section § 21-25.8 may be waived or

compromised by the Commissioner or his designated representative.

§ 21-25.14. **Violations and penalties**

1. Any person who shall own, conduct or operate a home service business without obtaining a license therefor or who shall violate any of the provisions of this title or any rules promulgated thereunder, or having had a valid license which has been suspended or revoked, shall continue to engage in such business, shall be guilty of a class A misdemeanor and subject to the punishment provided therefor. Each such violation shall be deemed a separate offense.

2. In addition to the penalties provided by paragraph 1 of this subdivision and those provided by sections 21-10.2 of this title, any person who violates any of the provisions of this title shall be liable for a penalty of not more than five thousand dollars ($5,000) for each such violation.

3. In addition to the penalties provided by paragraphs 1 and 2 of this section and those provided by sections 21-10.2 of this code, any person who uses a false or invalid license number, or falsely states or implies that he or she is licensed under this title, in any advertisements or in dealings with consumers, whether oral or written, shall be subject to a penalty for a deceptive trade practice, in accordance with the provisions of section 21-10.2 of this code.

4. The county attorney may bring an action in the name of the county to restrain or prevent any violation of this subdivision or any continuance of any such violation.

5. Where any violation of this subdivision is found to be willful or where such violation has posed a threat to the health or safety of the persons residing at the property at which the contractor has performed the work, the Commissioner may order the contractor to pay to the owner of such property, an amount which shall not exceed three times the actual amount of damages sustained by the owner or other person as a result of such violations.

§ 21-25.15. **Severability**

If any clause, sentence, paragraph or part of this Title shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy and in which such judgment shall have been rendered.

(Title 16 added by Local Law 16-2012 in effect January 1, 2013. Section 21-25.15 renumbered pursuant to Local Law 16-2012 in order to insure numerical consistency)

Title D-17 Storage Warehouse Operators

Section 21-26.0 Legislative intent

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§ 21-26.0**. Legislative intent.**

This legislature finds and determines that in the interest of protecting County residents who have entrusted their belongings to third-parties, and to help safeguard the health and wellness of those residents, it is necessary to impose licensing and other requirements upon the operators of storage warehouses.

§ 21-26.1**. Definitions.**

For purposes of this title:

“Person” means and includes natural persons, corporations, partnerships, associations, LLCs, joint stock companies, and all other entities of any kind capable of being sued.

"Storage warehouse" means a building or structure, or any part thereof, in which a consumer's household goods are received for storage for compensation, except warehouses in which such goods are stored by or on behalf of a merchant for resale or other use in the course of the merchant's business.

"Storage warehouse operator" means any person operating any storage warehouse as defined herein.

"Household goods" shall mean property commonly used in a household, including but not limited to furniture, clothing and appliances but not including goods stored by, or on behalf of, a merchant for resale or other use in the merchant's business.

“Commissioner” shall mean the Nassau County Commissioner of Consumer

Affairs or his or her designated agent.

"Bill for services" means a writing signed by the storage warehouse operator or his authorized agent stating the total costs for the following:

a. the monthly charge for storage of the goods;
b. if applicable, the charge for a minimum number of months' storage;
c. the charge for packing, containers, warehouse labor in, transportation to the warehouse, padding or sanitizing;
d. any charges imposed by the storage warehouse operator, including the charges for warehouse labor out and transportation from the warehouse, if applicable.

"Inventory" means an itemized list, signed by the storage warehouse operator or his authorized agent, indicating the condition of each item which is being stored.

"Written estimate" means a writing signed by the storage warehouse operator or his authorized agent setting forth:

a. the charge, if applicable, but not exceeding $10 for the written estimate based upon an actual physical inspection;
b. a tally of the household goods included in the estimate, which shall not be construed to be an inventory as defined by §2-321 "Inventory";
c. the estimated monthly charge for storage of the goods;
d. if applicable, the estimated charge for packing, containers, warehouse labor in transportation to the warehouse, padding or sanitizing;
e. if applicable, the minimum monthly charge or the minimum number of months' storage charge;
f. any other charges imposed by the storage warehouse operator, including a statement that there will be a charge for "warehouse labor out" and "transportation from the warehouse" and a description of how these charges will be calculated;
g. any limitation on liability for loss or damage to household goods;
h. the name, principal place of business and telephone number of the storage warehouse operator, and the street address, and telephone number where the goods will be stored.

§ 21-26.2**. License required.**

1. After January 1, 2013, no person shall, within the County of Nassau, operate a storage warehouse either separately or in conjunction with some other business, without first having obtained a license in accordance with and subject to the provisions of this Title.

2. Such license shall be displayed in a conspicuous place at the designated place of business of the licensee.

3. Such license shall not in any way supplant the licensing and display requirements of any applicable Federal or State laws.

§ 21-26.3 **Regulations.**

The commissioner shall make such regulations as deemed necessary for the proper implementation and enforcement of this title.

§ 21-26.4**. Application for License; Fee; Bond; Insurance**

1. Applications for storage warehouse operator licenses shall be made to the Commissioner of Consumer Affairs. The application shall contain the following information:

a. Name and description of the applicant's business enterprise. Individuals using their own name or a trade name must present a certified copy of the business certificate on file in the Nassau County Clerk's Office. A partnership conducting business must submit a certified copy of the partnership certificate on file in the Nassau County Clerk's Office. A corporation must furnish a copy of the Secretary of State's Filing receipt. A Corporation operating under an assumed name (or "DBA") must submit an Assumed Name Certificate that has been filed with New York State authorizing the use of that name in Nassau County. All corporations must furnish the original and current corporate structure naming all principals, officers, directors and stockholders including all minutes showing changes made to the corporate structure.
b. All applicants must submit acceptable evidence of identity. This proof must be a state issued Department of Motor Vehicles Driver License or Non-Driver Identification Card of the owner or owners of the business.

c. The applicant's legal address and address of all places of business within Nassau County and the address of a designated agent for service of process.

d. The name and address of the owner or owners of the business premises and the nature of the right of occupancy of the applicant to use said premises and a copy of lease or deed of the business premises.

e. A description of the nature of the business to be conducted and/or being conducted by the applicant in Nassau County.

f. A statement that the applicant is at least 18 years of age.

g. A statement as to whether or not the applicant has, within the past 10 years, been convicted of a crime or violation of any municipal ordinance,

the nature of the offense and the punishment or penalty assessed therefore and such other facts or evidence as is deemed necessary to establish that the applicant is a person fit and capable of properly conducting the activity or business for which the license is sought.

h. Two photographs of the applicant, taken not more than 60 days prior to the date of application, which clearly depict the head and shoulders of the applicant and which shall be 2 inches wide by 2 inches tall.

2. Every application for a storage warehouse operator's license shall be accompanied by a non-refundable application fee to be set by ordinance in the form of a certified check or postal money order payable to the County of Nassau for a two-year license.
(Amended by Local Law No. 9-2016, in effect January 2, 2017.)

3. All applicants must furnish certificates of public liability and property damage insurance in the amount of one hundred thousand dollars ($100,000) per person, three hundred thousand dollars ($300,000) per occurrence, bodily injury and fifty thousand dollars ($50,000) each occurrence and aggregate, property damage.

4. No applicant for a license or license renewal shall have any un-negotiated judgments, liens, tax warrants or unpaid child support orders.

5. Every license issued hereunder shall be valid for the operation of one storage warehouse. Licensees may request additional licenses to operate additional storage warehouses from the Commissioner for a fee to be set by ordinance.
(Amended by Local Law No. 9-2016, in effect January 2, 2017.)

§ 21-26.5. **Issuance of License**

1. Upon receipt of the license application, fee and bonds required of the applicant, the Commissioner shall review the application and, if appropriate, issue a license to the applicant.

2. The Commissioner shall keep a record of all licenses issued, suspended and/or revoked, as well as any other matters herein described.

§ 21-26.6**. Expiration and Renewal of License**

Every license shall expire two years after its issuance. Every license may be renewed upon payment of the required renewal fee which shall be set by ordinance and filing a renewal application with the Commissioner no earlier than 30 days, and no later than 15 days before the license is due to expire, certifying that no changes have occurred with respect to any of the facts or

information required or supplied on the original application, or, if there have been any changes, the applicant shall furnish the facts and information relating to such changes and shall comply with the requirements of this law. (Amended by Local Law No. 9-2016, in effect January 2, 2017.)

§ 21-26.7. **Denial or Revocation of License; Appeals**

1. A license may be denied, suspended, or revoked when the applicant or licensee, or any of its principals, officers, or directors, or any of its stockholders owning more than 5% of its outstanding stock of the corporation has been convicted of a crime which, in the judgment of the Commissioner, has a direct relationship to such person's fitness or ability to perform any of the activities for which a license is required under this Title, or has been convicted of any other crime which, in accordance with Article 23a of the Correction Law, would provide a justification for the Commissioner to refuse to issue or renew, or to suspend or revoke, such license.

2. A license may be denied, suspended, or revoked when the applicant or licensee, or any of its principals, officers or directors, or any of its stockholders owning more than 5% of its outstanding corporate stock has omitted or misrepresented the facts or circumstances underlying any information contained in the license application.

3. A license may be denied or revoked when a person has been found by a court of any state to have practiced civil fraud, deceit, misrepresentation in conjunction with a storage warehouse business or other business.

4. The initial determination to deny, suspend, or revoke a license under this subsection shall be made in writing by the Commissioner.

5. Within 60 calendar days of the initial determination to deny or revoke a license under paragraphs 1 through 4 above, an aggrieved applicant or licensee may request a formal hearing. Such request shall be addressed via certified mail to the Commissioner of Consumer Affairs. Within a reasonable time thereafter, the Commissioner shall appoint an independent hearing officer with the authority to compel the attendance of witnesses, administer oaths, take the testimony of any person under oath and in connection therewith require the production of any evidence relating to any matters affecting the determination. The applicant shall be advised of the hearing date and his/her right to be represented by counsel at said hearing. The hearing officer shall render his/her Decision and Recommendation to the Commissioner within 30 calendar days of the hearing. The Commissioner will notify the applicant/licensee within a reasonable time thereafter of his/her Final Determination with respect to the disposition of his license/application for license.

§ 21-26.8**. Non-Transferability of License**

No license shall be assignable or transferable except as hereinafter provided. A license to conduct business issued to an individual may be assigned or transferred for the remainder of the license period to a partnership or corporation if such individual is a member of such partnership or a stockholder of such corporation owning not less than twenty-five (25) percent of the outstanding stock at the time of such assignment or transfer. A license issued to a partnership may be assigned or transferred for the remainder of the license period to any one member of such partnership provided he obtains the consent of all of the other members of such partnership. The application of such transfer or assignment must be accompanied by proof satisfactory to the Commissioner that the requirements herein provided have been complied with. No assignment or transfer shall become effective unless and until the endorsement of the transfer or assignment has been made on the face of the license by the Commissioner and such license, so endorsed, has been returned to the assignee or transferee. All such endorsements shall be made upon a payment of a fee which shall be set by ordinance.
(Amended by Local Law No. 9-2016, in effect January 2, 2017.)

§ 21-26.9. **Duties of warehouse operator.**

Every storage warehouse operator shall comply with the provisions of this title and regulations promulgated by the commissioner setting forth requirements for estimates and any other rules and regulations promulgated to implement and enforce this title.

§ 21-26.10. **Schedule of rates.**

Every storage warehouse operator shall, upon obtaining a license, file with the commissioner schedules showing the rates and charges for the storage and handling of property in the warehouse, and such schedules shall be kept in convenient form and be open at all times during business hours to public inspection at the warehouse or warehouses and the office of the commissioner. Prior to accepting any goods for storage, the schedule of all rates and charges must be presented to the individual requesting the goods to be stored. One copy of this schedule shall be retained by the individual requesting storage and another shall be signed by such individual and retained by the warehouse operator. Any rate or charge not included on such document may not be collected at a later date.

§ 21-26.11**. Bond.**

Each storage warehouse operator shall file before receipt of a storage

warehouse operator's license and maintain with the commissioner a surety bond in the sum of ten thousand dollars executed by the storage warehouse operator as principal, and a surety company authorized to do business in this County as surety, payable to the County of Nassau and conditioned upon the storage warehouse operator's compliance with the provisions of this title and any regulations duly promulgated and upon the further conditions that the licensee will pay to the County any fine, penalty or other obligation within thirty days of its imposition and faithfully account in the manner required by law to the owners of all goods, wares, or other property that the storage warehouse operator receives, handles, stores or otherwise deals in as a storage warehouse operator. The commissioner may increase the amount of the bond required of storage warehouse operators.

§ 21-26.12. **Insurance.**

Every warehouse operator shall offer insurance to each customer in accordance with terms and conditions to be determined by the commissioner but in no event shall any goods be insured for less than the amount established by the commissioner. All customers shall be informed of the minimum insurance rate and the availability of greater insurance and the charges made for such additional insurance.

§ 21-26.13**. Form contract.**

The commissioner may establish a form contract for use by all warehouse operators.

§ 21-26.14. **Penalties.**

1. Notwithstanding any provisions to the contrary contained in this title, the Nassau County Charter, the Nassau County Administrative Code or any other local law, a failure to comply with any of the provisions of this Title shall constitute a violation and shall be punishable by a fine not exceeding five thousand ($5,000.00) dollars, or imprisonment for a period not exceeding fifteen (15) days, or by both such fine and imprisonment. The continuation of an offense shall constitute a separate and distinct violation hereunder for each day the offense is continued.

2. In addition to the penalties provided above, any offense against the provisions of this Title shall subject the person committing the offense to a civil penalty in the amount of five hundred dollars ($500.00) for each day that the offense shall continue, collectible by and in the name of the County of Nassau.

§ 21-26.15**. Unfair trade practices.**

1. Notwithstanding the provisions of this title, the actions specified in this section shall be considered unfair trade practices pursuant to section 21-10.2

of this Code and subject to the penalties set forth therein.

2. Oral Disclosures.
a. It is a deceptive practice for a storage warehouse operator to fail to disclose to a consumer in response to a telephone inquiry about storage:
i. that the consumer has a right to a written estimate based on a physical inspection of the consumer's goods before any goods are removed by the warehouse operator;
ii. the charge, if applicable, but not exceeding $10, for the written estimate based upon a physical inspection;
iii. the street address where the goods will be stored;
iv. whether there is a minimum monthly storage charge or charge for a minimum number of months' storage and, if so, the amount of the charges;
v. the warehouse operator's storage rate per unit;
vi. the total charge customarily imposed by the warehouse operator for three months' storage of the following bedroom furniture:
1 double bed or 2 single beds
1 bureau or dresser
1 chair
1 night table
vii. whether the warehouse operator imposes charges for warehouse labor in, padding, papering, storage preparation, or sanitizing and, if so, the amount of the charges;
viii. the warehouse operator's transportation charges to the warehouse;
ix. the warehouse operator's charge for containers;
x. the warehouse operator's charge for packing;
xi. any other charges that will be imposed by the warehouse operator.
b. It is a deceptive practice for a storage warehouse operator to fail to:
i. give a consumer a printed copy of the oral disclosures prior to picking up the
goods for storage;
ii. retain a copy of the disclosures signed by the consumer acknowledging receipt
thereof.
c. It is a deceptive practice for a storage warehouse operator to represent any service as legally mandatory when it is optional (e.g. sanitizing).

3. Written Estimate.
a. It is a deceptive practice for a storage warehouse operator to accept, or offer to accept, household goods for storage without issuing the consumer a written estimate, based upon an actual physical inspection, before any goods are removed to storage, except that if a customer requests that the warehouse operator accept household goods for storage without receiving a written estimate the warehouse operator, before receiving any goods:
i. shall have the consumer sign a statement waiving his/her right to a

written estimate and giving the reasons therefor;
ii. shall orally communicate to the consumer the information required by §2-322;
iii. shall, within 5 business days after arrival of the consumer's goods at the warehouse, send the consumer a statement based upon an examination of the goods being stored, containing the following information:
(a) the monthly charge for storage of the goods (including any minimum number of months' storage charge);
(b) if applicable, the charge for packing, padding, papering, containers, warehouse labor in, transportation to the warehouse, storage preparation or sanitizing;
(c) any other charges that will be imposed by the storage warehouse operator;
(d) any limitation on legal liability for the negligent loss or damage to the goods.

b. It is an unconscionable practice for a storage warehouse operator to directly or indirectly discourage a consumer from receiving a written estimate based upon an actual physical inspection.

4. It is a deceptive practice for a storage warehouse operator to accept household goods for storage without providing the consumer, at the time the household goods are picked up, with an inventory of the goods being stored.

5. It is a deceptive practice for a warehouse operator to impose any charge upon a consumer who cancels a storage agreement before 3 p.m. on the day preceding the scheduled storage of the goods.

6. It is a deceptive practice for a storage warehouse operator to:
a. fail to deliver a written bill within 5 business days after arrival of the consumer's goods at the warehouse and at least bi-monthly thereafter for any goods and services for which the storage warehouse operator imposes a charge;
b. collect or attempt to collect, without written consent from the consumer, any charge(s) not listed on the written estimate or the statement provided pursuant to §2323 where a written estimate has not been provided, except in accordance with §2326d. infra;
c. consistently underestimate the total charges listed in §2-321 "Written estimate";
d. increase the rate charged a consumer for monthly storage unless the consumer has been notified at least 45 days prior to the effective date of the rate increase.

7. Relocation of Household Goods.
a. It is a deceptive practice for a storage warehouse operator or his authorized agent to move a consumer's goods from one location to another without informing the consumer of the reason for the move and the street address of

the new location. Such notice must be given at least 30 days prior to the move unless there is an emergency necessitating immediate removal of the goods to another location. In that event, notice shall be made as soon as practicable.
b. It is a deceptive practice for the storage warehouse operator to charge or attempt to charge the consumer any additional amount for transportation of the consumer's goods which has not been requested by the consumer, unless the storage warehouse shall have first given the consumer 45 days written notice of the amount of such charge prior to the date of such transportation.
c. In the event that a storage warehouse operator has transported a consumer's goods after being placed in storage from one location to another, where such transportation has not been requested by the consumer, any transportation charges for redelivery of the property from storage shall be determined as if the goods were being delivered out of the first location in which they were placed in storage.

8. Advertisements.
a. It is a deceptive practice for a storage warehouse operator to:
   i. solicit storage of household goods in a name other than the name in which it is licensed by the Department of Consumer Affairs;
   ii. fail to include its Department of Consumer Affairs license number in its advertisements soliciting storage of household goods;
   iii. fail to include in display advertisements soliciting storage of household goods the name and address of each storage warehouse it operates in Nassau County where household goods are stored.
b. It is a deceptive practice for any person who is not a licensed warehouse operator to advertise, represent in any manner, or claim to operate a storage warehouse.

9. Insurance.
It is a deceptive practice for the storage warehouse operator to:
a. fail to provide without cost to the consumer legal liability coverage for loss or damage to the consumer's property caused by negligence, as defined in the UCC §7204. This coverage is to be provided at the minimum value of $0.30 per pound per item up to $2,000;
b. fail to inform a consumer that (s)he may purchase through the storage warehouse operator additional coverage to cover specific items or all of the household goods at additional cost.

10. It is an unconscionable practice for a storage warehouse operator to accept a consumer's household goods for storage without entering into a written storage contract with the consumer.

10. It is an unconscionable practice for a storage warehouse operator to refuse a consumer access to his/her stored household goods to retrieve needed medication or documents which are necessary to enable the consumer to apply for social welfare benefits or employment; or to charge a consumer more than

the scheduled rate for access, which shall be based upon the hourly warehouse labor charge or rate.

11. It is an unconscionable practice for a storage warehouse operator to relinquish possession of a consumer's stored goods upon the condition that the consumer sign a general release or any other document of similar import, in which the consumer releases the warehouse operator from legal liability for negligent loss or damage to the household goods stored as a condition for regular delivery by the warehouse operator of the goods in the ordinary course of business. Nothing in this section shall prohibit a warehouse operator from securing a general release or other document of similar import where a consumer's personal property in storage has been removed from storage for the purposes of conducting a public sale of such personal property pursuant to the provisions of §7-210 of the New York Uniform Commercial Code.

12. It is an unconscionable practice for a storage warehouse operator or his authorized agent to sell a consumer's stored goods in satisfaction of alleged charges owed by the consumer unless the consumer shall first be afforded notice and the opportunity for arbitration before the Commissioner on the issues of:

a. nonpayment of the alleged charges owing; and
b. the amount of such alleged charges.

This provision does not affect any other legal right that a consumer may have prior to sale of his/her stored goods.

13. Agents.

a. It is a deceptive practice for any person, firm or corporation to act as an agent for a licensed storage warehouse operator unless:

i. his/her principal is a licensed storage warehouse operator who has complied with all the requirements of this title and any regulations promulgated by the Commissioner; and

ii. the consumer is informed that an agent in his/her capacity as agent prior to rendering any service in connection with a household goods storage transaction; and

iii. all documents furnished to consumers by such agent shall bear the name of the principal for which the agent is functioning, indicating that the agent is in fact an agent of said principal; and

iv. there is on file with the Commissioner an agency agreement, executed by both the licensed warehouse operator, as principal, and a Department of Transportation (D.O.T.) certificated mover, as agent, which shall contain the following information:

(a) the name in which the principal is licensed, and his license number;

(b) the name of the agent and his D.O.T. license number;

(c) an undertaking by the principal that he will guarantee full compliance by the agent with This title and any and all regulations promulgated thereunder;

(d) the principal place of business and home addresses and telephone numbers of the principal and agent;
(e) an undertaking by the principal that he will be responsible for the filing of an amended agency agreement in the event that any of the information required to be contained in the original agreement should become inaccurate.

b. A licensed warehouse operator who permits an agent to act on his behalf in providing any storage service shall be fully liable for any and all of the actions of such agent.

c. It is a deceptive trade practice for any licensed warehouse operator to enter into an agency arrangement with a person, firm or corporation where there is any common ownership between the agent and the licensed warehouse operator.

§ 21-26.16**. Severability**

If any clause, sentence, paragraph or part of this Title shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy and in which such judgment shall have been rendered.

(Title D-17 added by Local Law 19-2012, in effect January 1, 2013)

Title D-18
Second-Hand Precious Metal and Gem Dealers

Section	21-27.0	Legislative intent
	21-27.1	Definitions
	21-27.2	License required, Display, Signs and labeling
	21-27.3	Regulations
	21-27.4	Application for license; Fee; Bond; Insurance
	21-27.5	Issuance of License
	21-27.6	Expiration and Renewal of License
	21-27.7	Denial or Revocation of License; Appeals
	21-27.8	Non-Transferability of License
	21-27.9	Restrictions
	21-27.10	Record of Purchases and Sales
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	21-27.13	Report to Law Enforcement Agencies
	21-27.14	Duty to Enforce
	21-27.15	Disclaimer of Liability
	21-27.16	Penalties for offenses
	21-27.17	Severability

§ 21-27.0**. Legislative intent**

This Legislature finds and determines that because of the increase in incidents

of property theft, the increase in the price of precious metals and gems, and the ease with which some second-hand dealers buy and sell precious metals and gems without requiring identification or proof of ownership, that second-hand precious metal and gem dealers represent to persons involved in crime an opportunity to dispose of stolen property.

This Legislature further finds and determines that allowing second-hand precious metal and gem dealers to operate without laws to control and regulate the purchase of such articles jeopardizes the property rights of Nassau County residents and extremely hampers law enforcement agencies in their efforts to recover stolen property and identify suspects. In light of these issues, and to protect the public health, morals, and general welfare of the County, it is clear that legislation regulating second-hand precious metal and gem dealers is necessary.

§ 21-27.1. **Definitions**

1. Unless the context specifically indicates otherwise, the meaning of terms used in this Title shall be as follows:

a. “Person” means and includes natural persons, corporations, partnerships, associations, LLCs, joint stock companies, and all other entities of any kind capable of being sued.

b. “Dealer” means any person, corporation, partnership, association, LLC, joint-stock company, or other business entity, who, in any way, as a principal, broker or agent:

(i) deals in the purchase or sale at retail of any second-hand manufactured articles composed wholly or in part of: gems, gold, silver, platinum, iridium, ruthenium, osmium, or any alloys of any one or more of said metals, or

(ii) deals in the purchase or sale at retail of second-hand: gems, gold, silver, platinum, iridium, ruthenium, osmium, or any alloys of any one or more of said metals, or

(iii) deals in the purchase or sale at retail of articles composed wholly or in part of gold, silver, platinum, iridium, ruthenium, osmium, or any alloys of any one or more of said metals, or

(iv) engages in melting precious metals for the purpose of selling at retail.

c. “Commissioner” means the Nassau County Commissioner of

Consumer Affairs or his or her designated agent.

d. “Gems” means articles composed wholly or in part of the following: emerald, diamond, ruby, sapphire, black opal, ruby spinal, citrine, demantoid, bloodstone, jasper, pearl, aquamarine, beryl, topaz, garnet, chrysolite, fire opal, moonstone, rose quartz, tourmaline, carnelian, peridot, sardonyx, zircon, morganite, chrysoprase, kunzite, cat’s eye, amethyst, chalcedony, onyx, agate, alexandrite, star sapphire, lapis lazuli, harlequin opal, turquoise, jade, cymophane, opal, smoky quartz, spinel, malachite, zircon, amber, jet, coral, tanzanite, or any other item composed wholly or in part of any gem or stone whose value is in excess of one hundred ($100) dollars.

(i) The gems listed in section d above shall include such man-made gems approximating the naturally occurring gems in physical and chemical composition, not including those gems made of plastic or resin for use in costume jewelry or similarly non-valuable items.

e. “Precious Metals” means gold, silver, platinum, iridium, ruthenium, osmium, or any alloys of any one or more of said metals or any compound composed in part of any one or more of said metals.

f. "Establishment" means any shop, establishment, place or premises where a person operates a business dealing in secondhand precious metals or gems.

2. Nothing contained in this Title shall be construed to apply to charitable not-for-profit organizations as defined by the laws of the State of New York.

3. This Title shall not apply to the acceptance of merchandise which is not secondhand as a return, exchange, or for credit or refund if such merchandise was originally purchased as new merchandise from the person accepting or receiving same, nor to the resale of such merchandise.

§ 21-27.2**. License Required, Display, Signs and labeling**

1. After January 1, 2013, no person shall, within the County of Nassau, establish, engage in or carry on, directly or indirectly, the business of dealing in secondhand precious metals or gems either separately or in conjunction with some other business, without first having obtained a license in accordance with and subject to the provisions of this Title.

2. Such license shall be displayed in a conspicuous place at the designated place of business of the licensee.

3. The unit daily price of each type and class of precious metal shall be clearly displayed in Arabic numbers in such a manner that the public will be informed of said daily price.

4. Such license shall not in any way supplant the licensing and display requirements of any applicable Federal or State laws.

§ 21-27.3. **Regulations.**

The commissioner shall make such regulations as deemed necessary for the proper implementation and enforcement of this title.

§ 21-27.4. **Application for License; Fee; Bond; Insurance**

1. Applications for secondhand precious metal and gem dealer licenses shall be made to the Commissioner of Consumer Affairs. The application shall contain the following information:

a. Name and description of the applicant's business enterprise. Individuals using their own name or a trade name must present a certified copy of the business certificate on file in the Nassau County Clerk's Office. A partnership conducting business must submit a certified copy of the partnership certificate on file in the Nassau County Clerk's Office. A corporation must furnish a copy of the Secretary of State's Filing receipt. A Corporation operating under an assumed name (or "DBA") must submit an Assumed Name Certificate that has been filed with New York State authorizing the use of that name in Nassau County. All corporations must furnish the original and current corporate structure naming all principals, officers, directors and stockholders including all minutes showing changes made to the corporate structure.
b. Any applicants must maintain a bona fide establishment at a definite location within the State of New York. Any non-domestic corporation must submit a Certificate of Authority to do business in New York State.

c. All applicants must submit acceptable evidence of identity. This proof must be a state issued Department of Motor Vehicles Driver License or Non-Driver Identification Card of the owner or owners of the business.

d. The applicant's legal address and address of all places of business within Nassau County and the address of a designated agent for service of process.

e. The name and address of the owner or owners of the business premises and the nature of the right of occupancy of the applicant to use said premises and a copy of lease or deed of the business premises.

f. A description of the nature of the business to be conducted and/or being conducted by the applicant in Nassau County.

g. A statement that the applicant is at least 18 years of age.

h. A statement as to whether or not the applicant has, within the past 10 years, been convicted of a crime or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed therefore and such other facts or evidence as is deemed necessary to establish that the applicant is a person fit and capable of properly conducting the activity or business for which the license is sought.

i. Two photographs of the applicant, taken not more than 60 days prior to the date of application, which clearly depict the head and shoulders of the applicant and which shall be 2 inches wide by 2 inches tall.

j. All applicants for a license pursuant to this title will submit to fingerprinting of the individual owner, if the applicant is a sole proprietorship, the general partners if the applicant is a partnership, and the officers, principals, directors, and stockholders holding more than 5% of the outstanding stock if the applicant is a corporation. All individuals fingerprinted in connection with an application for a license shall be subject to a review of their criminal history record by the Commissioner of the Nassau County Office of Consumer Affairs, or his/her designee. All fingerprints and any applicable fees must be submitted in the form and manner as prescribed by Division of Criminal Justice Services ("DCJS"). Any decision regarding a prospective applicant's fitness for a license based upon a conviction contained in the criminal history background information obtained from the DCJS of any individual fingerprinted pursuant to this section must be made upon consideration of New York State Correction Law Sections 701-703-b and Sections 751-753.

2. Every application for a secondhand precious metal or gem dealer's license shall be accompanied by a non-refundable application fee which shall be set by ordinance in the form of a certified check or postal money order payable to the County of Nassau for a two-year license.
(Amended by Local Law No. 9-2016, in effect January 2, 2017.)

3. Every applicant shall submit a bond or other surety to the County of Nassau in the sum of five thousand dollars ($5,000.00), or for a renewal license, evidence of a bond issued in favor of the licensee. The bond shall be for the purpose of guaranteeing payments up to the face amount of the bond for bank drafts or other negotiable instruments issued by the licensee in exchange for the purchase of precious metals. All bonds must be conditioned so that the

licensee will observe all laws in relation to secondhand precious metal and gems dealers and will conduct business in conformity thereto. Such bond shall remain in force during the entire period for which the license is valid

4. All applicants must furnish certificates of public liability and property damage insurance in the amount of one hundred thousand dollars ($100,000) per person, three hundred thousand dollars ($300,000) per occurrence, bodily injury and fifty thousand dollars ($50,000) each occurrence and aggregate, property damage.

5. No applicant for a license or license renewal shall have any un-negotiated judgments, liens, tax warrants or unpaid child support orders.

6. Every license issued hereunder shall be valid for the operation of one establishment. Licensees may request additional licenses to operate additional establishments from the Commissioner for a fee per establishment. The amount of the fee shall be set by ordinance.
(Amended by Local Law No. 9-2016, in effect January 2, 2017.)

§ 21-27.5. **Issuance of License**

1. Upon receipt of the license application, fee and bonds required of the applicant, the Commissioner shall review the application and, if appropriate, issue a license to the applicant.

2. The Commissioner shall keep a record of all licenses issued, suspended and/or revoked, as well as any other matters herein described.

§ 21-27.6. **Expiration and Renewal of License**

Every license shall expire two years after its issuance. Every license may be renewed upon payment of the required renewal fee which shall be set by ordinance and filing a renewal application with the Commissioner no earlier than 30 days, and no later than 15 days before the license is due to expire, certifying that no changes have occurred with respect to any of the facts or information required or supplied on the original application, or, if there have been any changes, the applicant shall furnish the facts and information relating to such changes and shall comply with the requirements of this law.
(Amended by Local Law No. 9-2016, in effect January 2, 2017.)

§ 21-27.7. **Denial or Revocation of License; Appeals**

1. A license may be denied, suspended, or revoked when the applicant or licensee, or any of its principals, officers, or directors, or any of its stockholders owning more than 5% of its outstanding stock of the corporation has been

convicted of a crime which, in the judgment of the Commissioner, has a direct relationship to such person's fitness or ability to perform any of the activities for which a license is required under this Title, or has been convicted of any other crime which, in accordance with Article 23a of the Correction Law, would provide a justification for the Commissioner to refuse to issue or renew, or to suspend or revoke, such license.

2. A license may be denied, suspended, or revoked when the applicant or licensee, or any of its principals, officers or directors, or any of its stockholders owning more than 5% of its outstanding corporate stock has omitted or misrepresented the facts or circumstances underlying any information contained in the license application.

3. A license may be denied or revoked when a person has been found by a court of any state to have practiced civil fraud, deceit, misrepresentation in conjunction with a secondhand dealer business or other business.

4. The initial determination to deny, suspend, or revoke a license under this subsection shall be made in writing by the Commissioner.

5. Within 60 calendar days of the initial determination to deny or revoke a license under paragraphs 1 through 4 above, an aggrieved applicant or licensee may request a formal hearing. Such request shall be addressed via certified mail to the Commissioner of Consumer Affairs. Within a reasonable time thereafter, the Commissioner shall appoint an independent hearing officer with the authority to compel the attendance of witnesses, administer oaths, take the testimony of any person under oath and in connection therewith require the production of any evidence relating to any matters affecting the determination. The applicant shall be advised of the hearing date and his/her right to be represented by counsel at said hearing. The hearing officer shall render his/her Decision and Recommendation to the Commissioner within 30 calendar days of the hearing. The Commissioner will notify the applicant/licensee within a reasonable time thereafter of his/her Final Determination with respect to the disposition of his license/application for license.

§ 21-27.8. **Non-Transferability of License**

No license shall be assignable or transferable except as hereinafter provided. A license to conduct business issued to an individual may be assigned or transferred for the remainder of the license period to a partnership or corporation if such individual is a member of such partnership or a stockholder of such corporation owning not less than twenty-five (25) percent of the outstanding stock at the time of such assignment or transfer. A license issued to a partnership may be assigned or transferred for the remainder of the license

period to any one member of such partnership provided he obtains the consent of all of the other members of such partnership. The application of such transfer or assignment must be accompanied by proof satisfactory to the Commissioner that the requirements herein provided have been complied with. No assignment or transfer shall become effective unless and until the endorsement of the transfer or assignment has been made on the face of the license by the Commissioner and such license, so endorsed, has been returned to the assignee or transferee. All such endorsements shall be made upon a payment of a fee to be set by ordinance.
(Amended by Local Law No. 9-2016, in effect January 2, 2017.)

§ 21-27.9. **Restrictions**

1. It shall be unlawful for a second-hand precious metal or gem dealer to purchase any second-hand precious metals or gems from any person whom such dealer knows to be or has reason to believe to be under the age of eighteen (18) years.

2. It shall be unlawful for any dealer in second-hand precious metals or gems to sell, dispose of, destroy, alter or remove from such dealer's premises any second-hand precious metal or gem until the expiration of fourteen (14) calendar days after the acquisition by such dealer of said precious metal or gem.

3. It shall be unlawful to cause, allow, or approve of the blockage, obstruction or concealment from the view of the consumer any scale, machine, weighing device, or part thereof, used to weigh or calculate the value of precious metals or gems. Only devices approved for use in trade by the New York State Department of Agriculture and Markets shall be lawful.

4. No weighing or measuring device shall be used in the purchase or sale of precious metals or gems within Nassau County without first notifying the Office of Consumer Affairs, of its intended use. This is to include new, used, repaired devices or devices which have been moved from the location where they were originally tested and sealed, either within or outside of the County of Nassau.

5. It shall be unlawful for any dealer of secondhand precious metals or gems to engage in buying activities in any place within Nassau County other than the place of business designated in such license, except to meet with a customer at his home, bank or suitable place of business. A dealer in secondhand precious metals or gems may, upon application to the Commissioner and receiving approval of the Commissioner, extend his license to cover other locations, such as flea markets, fairs, bazaars, or religious or charitable organization functions.

6. It shall be unlawful for a secondhand precious metal or gem dealer to

continue to carry on business after his license is suspended, revoked, or has expired and has not been renewed.

§ 21-27.10**. Record of Purchases and Sales**

1. Every dealer in secondhand precious metals or gems by the close of the business day shall keep a written and electronic record in machine-readable format in a form prescribed by the Commissioner of consecutively numbered transactions, legibly written in English, which shall contain a complete, thorough description of everything secondhand precious metal or gem article so purchased, utilizing accepted trade words and phrases such as, but not limited to, serpentine, herringbone, braided herringbone, rope, crosscut, woven link, cobra, basket weave, tricolor, Florentine, twist, beveled, gem names as listed, quantities of gems, number or numbers of said articles and any monograms, inscriptions or other marks of identification that may appear on such articles. The record shall also include the name, residence address and description of the person from whom such purchase was made, including the day and hour of the purchase. At the close of business on the day of purchase, the dealer in precious metals for gems shall forward to the Nassau County Police Department and the Nassau County Office of Consumer Affairs a record of purchase, as provided herein, of each transaction which had taken place on that day. The Nassau County Police Department shall act as the central repository for such records.

2. Such written records shall be legibly written in English, in a bound book and be kept on the business premises of the second-hand precious metal or gem dealership at all times during normal business hours. Such records shall be open to the inspection of any police officer, or the Commissioner, or any person duly authorized for such purpose by the Commissioner.

3. The dealer shall use only the forms and formats prescribed by the Commissioner and shall reimburse said Commissioner for the cost thereof.

§ 21-27.11**. Identity of Person from whom Purchase is Made**

1. It shall be the duty of every second-hand precious metal or gem dealer to verify the identity of every person from whom a purchase is made and to make and to keep a written and electronic record in machine-readable format of the nature of the evidence submitted by such person to prove identity. The signature of the dealer shall be included in the recording of each transaction.

2. Only the following shall be deemed acceptable evidence of identity: any official document, except a social security account number card, issued by the United States government, any state, county, municipality or subdivision thereof, any public agency or department thereof such as a Department of

Motor Vehicles Driver License or Non-Driver Identification Card, or any public or private employer, which requires and bears the signature of the person to whom issued.

3. It shall be the duty of every dealer in second-hand precious metal or gem articles to require that every person from whom an article is purchased sign his/her name in the presence of the second-hand precious metal or gem dealer, and to compare the signature on the identifying document, if any, and retain on said premises the person's signature together with the number and description of the identifying document, if any.

§ 21-27.12. **Lost or Stolen Property**

If any articles composed wholly or in part of precious metals or gems shall be advertised in any newspaper printed in the County of Nassau or reported by any law enforcement agency as having been lost or stolen, and if any articles answering such description or any part thereof shall be or come into the possession of any licensed dealer, upon receiving actual written or oral notice of the similarity of the description of such articles, shall immediately give information relating thereto to the appropriate law enforcement agency. No disposition of such articles shall be effected until the authorization to do so shall be given to such dealer by said law enforcement agency. The failure of the law enforcement agency within 30 days to give the dealer further written notice that the articles are actually lost or are believed to be stolen and are needed in connection with a pending investigation or prosecution shall constitute authorization to dispose of said articles.

§ 21-27.13. **Report to Law Enforcement Agencies**

Every second-hand precious metal or gem dealer shall furnish to the appropriate law enforcement agency, all information requested by such agency relative to all records required to be kept under this Article.

§ 21-27.14. **Duty to Enforce**

It shall be the duty of the Commissioner or any police officer having jurisdiction at the site where a person is seen dealing in secondhand precious metals or gems to require such person seen so dealing and who is not known to the Commissioner or such police officer to be duly licensed to produce or display his secondhand precious metal dealer's license and to enforce the provisions of this chapter against any person found to be in violation of the same. It shall be the duty of the Commissioner or any police officer as described herein to require the immediate closure of any business dealing in the purchase of secondhand metals or gems as defined herein who is operating said business without a license as required by this Local Law.

§ 21-27.15. **Disclaimer of Liability**

This Article shall not create any liability on the part of the County of Nassau, its officers, agents, or employees, or any police officer for any act or damage caused as a result from reliance on this Article or any administrative decision lawfully made there under.

§ 21-27.16. **Penalties for offenses**

1. Notwithstanding any provisions to the contrary contained in this Chapter, the Nassau County Charter, the Nassau County Administrative Code or any other local law, a failure to comply with any of the provisions of this Article shall constitute a violation and shall be punishable by a fine not exceeding five thousand ($5,000.00) dollars, or imprisonment for a period not exceeding fifteen (15) days, or by both such fine and imprisonment. The continuation of an offense shall constitute a separate and distinct violation hereunder for each day the offense is continued;

2. In addition to the penalties provided above, any offense against the provisions of this Article shall subject the person committing the offense to a civil penalty in the amount of five hundred dollars ($500.00) for each day that the offense shall continue, collectible by and in the name of the County of Nassau.

§ 21-27.17**. Severability**

If any clause, sentence, paragraph or part of this Article shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy and in which such judgment shall have been rendered.
(Title D-18 added by Local Law 20-2012, in effect January 1, 2013)

Title D-19
Electronic and Home Appliance Service Dealers

Section	21-28.0	Legislative purpose
	21-28.1	Definitions
	21-28.2	License required; Electronic or home appliance service dealer
	21-28.3	Effect on other laws
	21-28.4	Electronic or home appliance service dealer license; Requirements

21-28.5 Licenses; Display; Renewals; Duplicates
21-28.6 Fees
21-28.7 Powers of the Commissioner
21-28.8 Refusal, suspension and revocation of license; Fines
21-28.9 Duties of licensee
21-28.10 Prohibited acts
21-28.11 Exceptions
21-28.12 Completion date
21-28.13 Issuance, refusal and renewal of licenses
21-28.14 Hearings on charges; Decision
21-28.15 Violations and penalties
21-28.16 Severability

§ 21-28.0**. Legislative purpose**

It is hereby declared that the business of servicing electronic or home appliances has become the subject of great abuse. The public has been and is unprotected from unethical and financially unstable service dealers. The necessity for legislative intervention to protect the public and legitimate service dealers is hereby declared as a matter of legislative determination. It is the purpose of the Legislature in enacting this Local Law to safeguard and protect the public against abuses on the part of electronic or home appliance repair service contractors by regulating the electronic or home appliance repair service contractor business and by licensing persons engaged in such business.

§ 21-28.1**. Definitions**

1. "Person" means an individual, firm, partnership, LLC, trust, association or corporation.

2. "Service dealer" means a person who within the County of Nassau:

a. advertises that he or she performs repair service on electronic or home appliances, or makes public statements reasonably calculated to lead an ordinary consumer to believe that he or she performs such repair service;

b. solicits or bills a customer for repair service on electronic or home appliances;

c. sells service contracts or maintenance agreements for the performance of repair service on electronic or home appliances and accepts requests for such repair service under such service contracts or maintenance agreements;

d. accepts requests for repair service or receives electronic or home

appliances for the performance of repair service; or

e. provides, as part of a sales transaction, repair service, including repair service performed by the seller, subcontractor, or other service repairer; provided, however, that the term "service dealer" shall apply to a manufacturer of electronic or home appliances only when such manufacturer acting as a retailer engages in any of the activities described in this subdivision.

3. "Repair service" or "repair servicing" means the installation, maintenance, repair, replacement, testing, inspection or modification for compensation, other consideration or under a warranty, of electronic or home appliances.

4. "Electronic or home appliance" means any electronic device, or any appliance, that is commonly used in a household, including, but not limited to, televisions, radios, stereo systems, compact disc players, home computer systems, telephones, telephone answering machines, satellite dishes, cameras, calculators, video recorders or players, camcorders or other portable video recording devices, cassette recorders or players, facsimile machines, portable photocopiers, air conditioners, clothes washing machines, clothes dryers, dishwashers, food freezers, refrigerators, stoves, ranges, ovens, microwave ovens or sewing machines.

5. "Service repairer" means a person who performs repair service on electronic or home appliances.

6. “Commissioner” shall mean the Nassau County Commissioner of Consumer Affairs or his or her designated agent.

7. "Contractor" means any person who owns or operates an electronic or home appliance service dealer business or who undertakes or offers to undertake or agrees to perform any electronic or home appliance repair services in Nassau County.

8. "Electronic or home appliance repair service contract" means an agreement between a contractor and an owner for the performance of an electronic or home appliance repair service, and includes all labor, services and materials to be furnished and performed there under.

9. "Establishment" means any shop, establishment, place or premises where a person operates a business as an electronic or home appliance service dealer.

10. "Licensee" means a person permitted to engage in business as an electronic or home appliance service dealer under the provisions of this title.

11. "Owner" means any homeowner, tenant, or any other person who orders, contracts for, or purchases the services of a Contractor, or the person entitled to the performance of the work of a contractor pursuant to an

electronic or home appliance repair service contract.

12. "Management Personnel" means a person or persons who are principals in a contracting business or who are employed by a Contractor and are responsible for assisting in the business of the Contractor and vested with such discretion and judgment as to accomplish the business purpose of the Contractor.

§ 21-28.2**. License required: Electronic or home appliance service dealer**

No person shall own, maintain, conduct, operate, engage in or transact business as an electronic or home appliance service dealer after January first two thousand thirteen, or hold himself out as being able to do so after such date unless he is licensed therefore pursuant to this title.

§ 21-28.3**. Effect on other laws**

1. A license issued pursuant to this title may not be construed to authorize the licensee to perform any particular type of work or kind of business which is reserved to qualified licensees under separate provisions of state or local law; nor shall any license or authority other than as is issued or permitted pursuant to this title authorize engaging in the electronic or home appliance repair servicing business.

2. Nothing in this title shall be construed to limit or restrict the power of a city, town or village to regulate the quality, performance or character of the work of the contractors including a system of permits and inspections which are designed to secure compliance with and aid in the enforcement of applicable state and local building laws, or to enforce other laws which are necessary for the protection of the public health and safety. Nothing in this title limits the power of a city, town or village to adopt any system of permits requiring submission to and approval by the city, town or village of plans and specifications for an installation prior to the commencement of construction of the installation or of inspection of work done.

§ 21-28.4. **Electronic or home appliance service dealer licenses; Requirements**

1. The maintenance of a bona fide establishment at a definite location within the state shall be a prerequisite for the issuance of an electronic or home appliance service dealer's license. The use of a telephone answering service shall not constitute a location for purposes of this section.

2. (a) An applicant for an electronic or home appliance service dealer's license must establish that he is the real owner and possess title to or is entitled to the possession of the establishment and will conduct, engage in and transact business as an electronic or home appliance service dealer . He must furnish satisfactory evidence of a good moral character and financial responsibility.

(b) All applicants must furnish certificates of public liability and property damage insurance in the amount of one hundred thousand dollars ($100,000) per person, three hundred thousand dollars ($500,000) per occurrence, bodily injury and fifty thousand dollars ($50,000) each occurrence and aggregate, property damage.

3. The Commissioner may require an application for a license or a renewal application to be accompanied by a bond, approved as to form by the county attorney, executed by a bonding or surety company authorized to do business in the state of New York, in an amount to be set by the commissioner, but in no event to exceed one hundred thousand dollars ($100,000), conditioned upon the assurance that during the term of such license, the licensee will continue to comply with the provisions of this title to assure that upon default in the performance of any contract, the advance payments made thereon, less the reasonable value of services actually rendered to the date of such default, of the reasonable costs of completion of the contract in the event of non-completion thereof, will be refunded to the purchaser, owner or lessee with whom such contract was made. Such bond shall run to the County of Nassau for the use and benefit of any person or persons intended to be protected thereby. The filing of the required bond in the office of the clerk of the legislature, after approval as to form by the county attorney, shall be deemed sufficient compliance with this section. The Commissioner may require a bond at any time during the term of the license based on the licensee's performance during such term.

§ 21-28.5. **Licenses; Display; Renewals; Duplicates**

1. All licenses, shall be for a period of two (2) years from the date of issuance and shall expire on the last day of the twenty-fourth (24th) month following issuance.

2. No license shall be assignable or transferable except as hereinafter provided. A license to conduct business as an electronic or home appliance service dealer issued to an individual may be assigned or transferred for the remainder of the license period to a partnership or corporation if such individual is a member of such partnership or a stockholder of such corporation owning not less than twenty-five (25) percent of the outstanding stock at the time of such assignment or transfer. A license issued to a partnership may be assigned or transferred for the remainder of the license period to any one member of such partnership provided he obtains the consent of all of the other members of such partnership. The application of such transfer or assignment must be accompanied by proof satisfactory to the Commissioner that the requirements herein provided have been complied with. No assignment or transfer shall become effective unless and until the endorsement of the transfer or assignment has been made on the face of the license by the Commissioner and such license, so endorsed, has been returned to the assignee or transferee. All such endorsements shall be made upon a payment of a fee which shall be set by ordinance.
(Amended by Local Law No. 9-2016, in effect January 2, 2017.)

3. Each license issued pursuant to this title shall be posted and kept posted in some conspicuous place in the licensee's establishment.

4. Any license, which has not been suspended or revoked, may, upon the payment of the renewal fee prescribed by this title, be renewed for an additional period of two (2) years from its expiration, upon filing of an application for such renewal on a form to be prescribed by the Commissioner. Failure to make an application for such renewal within fifteen (15) days, shall subject the licensee to an additional fee which shall be set by ordinance which shall be paid prior to the issuance of the renewal.
(Amended by Local Law No. 9-2016, in effect January 2, 2017.)

5. A duplicate license may be issued for one lost, destroyed or mutilated upon application therefore on a form prescribed by the Commissioner and the payment of the fee prescribed therefore by this title. Each such duplicate license shall have the word "duplicate" stamped across the face thereof and shall bear the same number as the one it replaces.

6. A supplementary license may be issued for each additional place of business maintained by a licensee within the County of Nassau upon application therefore on a form prescribed by the Commissioner and a payment of the fee prescribed therefore by this title. Each such supplementary license shall have the word "supplementary" stamped across the face therefore and shall bear the same name as the original.

§ 21-28.6. **Fees**

1. The fees for a license to conduct business as an electronic or home appliance service dealer and for each renewal thereof shall be set by ordinance.
(Amended by Local Law No. 9-2016, in effect January 2, 2017.)

2. The fee for issuing each supplementary license or for a duplicate license for one lost, destroyed or mutilated shall be set by ordinance.
(Amended by Local Law No. 9-2016, in effect January 2, 2017.)

3. The fees hereinabove set forth shall be those for licenses issued for a period of two (2) years.

§ 21-28.7. **Powers of the Commissioner**

In addition to the powers and duties prescribed in this title, the Commissioner shall have power:

1. To appoint such officers and employees, within the appropriation therefore, as he shall deem necessary for the performance of his duties.

2. To investigate any violation of this title, examine into the qualifications and fitness of applicants for licenses under this title and to investigate the business, business practices and business methods of any person who is or may be subject to this title, if in the opinion of the

commissioner, such investigation is warranted. Each person shall be obliged upon the request of the commissioner, to supply such information as may be required concerning the business, business practices or business methods or the proposed business practices or business methods.

3. To keep records of all licenses issued, suspended or revoked.

4. To adopt such rules and regulations not inconsistent with the provisions of this title as may be necessary with respect to the form and content of applications for licenses, the receipt thereof, the investigation and examination of applicants and their qualifications, and the other matters incidental or appropriate to his powers and duties as prescribed by this title and for the proper administration and enforcement of the provisions of this title, and to amend or repeal any of such rules and regulations.

5. The Commissioner or Commissioner's designee shall be authorized to suspend the license of any person pending payment of such fine, penalty or pending compliance with any order of the Commissioner or the Office of Consumer Affairs of with any other lawful order of the Office.

6. The Commissioner or the Office of Consumer Affairs may arrange for the redress of injuries or damage caused by any violation of this article and may otherwise provide for compliance with the provisions and purposes of this article.

7. The Commissioner shall be authorized to impose a fine or civil penalty or to suspend a license or both for failure to appear at a hearing at the Office after due notice of such hearing. If a license has been suspended, it shall be returned to the Office forthwith upon receipt of the order of suspension. Failure to surrender the license shall be grounds for a fine or civil penalty or revocation of the license.

8. Any of the remedies provided for in this section shall be in addition to any other remedies provided under any other provision of law.

9. The Commissioner, upon due notice and hearing, may require that persons licensed under this title who have committed repeated, multiple or persistent violations of this title or any other law, rule or regulation the enforcement of which is within the jurisdiction of the Office, conspicuously display at their place of business and in advertisements a notice (of a form, content and size to be specified by the Commissioner), which shall describe the person’s record of such violations; provided that, for each time such display is required, the Commissioner may require that such notice be displayed for not less than ten not more than one hundred days.

10. For the purpose of enforcing the provisions of this title and in conducting investigations relating to any violation thereof, and for the purpose of investigating the character, competence and integrity of any person who is or may be subject to this title, and the business, business practices and business methods thereof, the commissioner, or commissioner's designee shall have the

power to compel the attendance of witnesses and the production of books and records, in accordance with the provisions of the civil practice law and rules. No information supplied by any person at the request of the commissioner concerning his or her business, business practices or business methods, or proposed business practices or methods shall be disclosed, except as may be necessary for the purpose of enforcing the provisions of this title.

11. The commissioner may establish and properly equip an electronic or home appliance laboratory for the purpose of testing the competence and integrity of licensed service dealers, whenever complaints against such licensees would indicate the necessity or advisability for such testing, and such laboratory may be further used in the necessary investigations that may be conducted by the commissioner in connection with the proper administration and enforcement of the provisions of this title and the regulations adopted thereunder.

§ 21-28.8. **Refusal, suspension and revocation of license; Fines**

A license to conduct, operate, engage in and transact business as an electronic or home appliance service dealer may be refused, suspended or revoked by the Commissioner or a fine not exceeding five thousand dollars ($5,000), or both, may be imposed by the Commissioner or an authorized officer or employee of the Commissioner for any one or more of the following causes:

1. Fraud, misrepresentation or bribery in securing a license.

2. The making of any false statement as to a material matter in any application for a license.

3. The contractor is not financially responsible.

4. The person or the management personnel of the contractor are untrustworthy or not of good character.

5. The business transactions of the contractor have been marked by a failure to perform its contracts.

6. The willful manipulation of assets or accounts by the contractor.

7. Failure to display the license as provided in this title.

8. Failure to resolve a valid complaint registered in the Office of Consumer Affairs.

9. Violation of any provision of this title, or of any rule or regulation adopted hereunder.

10. An electronic or home appliance service dealer who has had a license suspended and/or revoked in another jurisdiction shall report said suspension

or revocation within ten (10) days of said action. Upon receipt of notification, the Commissioner, or his designee, may order a hearing to determine the continued validity of the contractor's ability to operate as a electronic or home appliance service dealer in Nassau County.

Any failure on the part of the contractor to report another jurisdiction's actions, shall be deemed a willful failure to report and will result in the immediate suspension and/or revocation of the contractor's electronic or home appliance service dealer's license in Nassau County.

§ 21-28.9**. Duties of licensees.**

1. All work done by a service dealer shall be recorded on an invoice which shall contain the license number and such other detail as may be required by regulations promulgated by the commissioner. The invoice shall fully, separately and clearly describe all service work performed, all parts supplied, the date or dates thereof, and all charges made and the computations thereof. One copy of the invoice shall be delivered to the customer and one copy shall be retained by the service dealer for a period of at least three years from the date of such delivery.

2. The service dealer shall return all replaced parts to the customer, except such parts as may be exempted from this requirement by regulations of the commissioner and except such parts as the service dealer requires for return to the manufacturer or distributor under a warranty arrangement.

3. The service dealer shall comply with regulations promulgated by the commissioner setting forth requirements for estimates or the making of such estimates and shall inform the customer as to the cost thereof prior to rendering same.

4. A service dealer shall not make the remuneration, salary, wage, or other compensation of any employee, partner, officer or member contingent or dependent upon, or in any manner determined by the value, price, quantity or type of parts replaced, upon any apparatus serviced or repaired by any person required to be licensed by this title.

5. A service dealer shall maintain such additional records as are required by regulations adopted by the commissioner to carry out the provisions of this title. Such records shall be open and available for reasonable inspection by the commissioner or other law enforcement officials, and shall be kept for a period of three years.

§ 21-28.10**. Prohibited acts**

The following acts are prohibited:

1. Abandonment or willful failure to perform without justification, any electronic or home appliance repair service contract or project engaged in or undertaken by the contractor.

2. Making any substantial misrepresentation in the procurement of an electronic or home appliance repair service contract, or making any false promise likely to influence, persuade or induce.

3. Any fraud in the execution of or in the material alteration of any contract, mortgage, promissory note or other document incident to an electronic or home appliance repair service transaction.

4. Preparing or accepting any mortgage, promissory note or other evidence of indebtedness upon the obligation of an electronic or home appliance repair service transaction with knowledge that it represents a greater monetary obligation than the agreed consideration for the electronic or home appliance repair service.

5. Directly or indirectly publishing any advertisement relating to electronic or home appliance repair servicing which contains an assertion, representation or statement of fact which is false, deceptive or misleading, provided that any advertisement which is subject to and complies with the then existing rules, regulations or guides of the Federal Trade Commission shall not be deemed false, deceptive or misleading; or by any means or advertising or purporting to offer the general public any electronic or home appliance repair service with the intent not to accept contracts for the particular work or at the price which is advertised or offered to the public.

6. Disregard and/or violation of the building, sanitary and health laws of this state or of any political or municipal subdivision thereof.

7. Failure to notify the Commissioner, in writing, of any change or control in ownership, management or business name or location.

8. Conducting business as an electronic or home appliance service dealer in any name other than the one in which the contractor is licensed.

9. Failure to comply with any order, demand or requirement made by the Commissioner pursuant to provisions of this title.

10. As part of, or in connection with, the inducement to make an electronic or home appliance repair service contract, no person shall promise or offer to pay credit charges or allow to a buyer any compensation or award for the procurement of an electronic or home appliance repair service contract with others.

11. No contractor shall offer or pay a loan as an inducement to enter into an electronic or home appliance repair service contract.

12. No acts, agreements or statements of a buyer under an electronic or home appliance repair service contract shall constitute a waiver of any provisions of this title intended for the benefit or protection of the buyer.

13. Any transaction or agreement which fails to provide that the buyer can cancel same at any time prior to midnight on the third business day after the date of such agreement without penalty and every electronic or home appliance repair service contract, excluding contracts signed in the seller's retail business establishment, shall contain a "Notice of Cancellation" in such form as provided by the Commissioner pursuant to such rules and regulations as he promulgates.

14. A willful deviation from or disregard of plans or specifications in any material respect without the consent of the owner.

16. [115]No contractor shall permit the use of his license by another.

§ 21-28.11**. Exceptions**

No contractor's license shall be required of any person when acting in the particular capacity or particular type of transaction set forth in this section.

1. An individual who performs labor or services for a contractor as an employee thereof.

2. A person who is required by state or local law to attain standards of competency or experience as a prerequisite to engaging in his or her craft of profession and who is acting exclusively within the scope of the craft or profession for which he is currently licensed pursuant to such other law.

3. This title shall not apply to an electronic or home appliance repair service contract otherwise within the purview of this local law which is made prior to the effective date of the respective provisions of this title governing such contracts.

§ 21-28.12**. Completion date**

Every electronic or home appliance repair service contract shall provide for a completion date on which date all labor, services and materials be furnished and performed is to be completed and in no event shall such work be completed any later than thirty (30) days after said contract completion date.

§ 21-28.13. **Issuance, refusal and renewal of licenses**

1. When an application or renewal application has been filed with the Commissioner in proper form, the Commissioner shall, within a period of ninety (90) days from the date thereof, issue or refuse the appropriate Contractor's license to the applicant. If the application for a license is refused, the Commissioner shall send to the applicant a written statement setting forth the reasons for refusal to grant the license.

2. The Commissioner shall prescribe and furnish such forms as he may

[115] There is no item 15.

deem appropriate in connection with applications for licenses and issuance, renewal or termination thereof.

3. An applicant for any license required by the provisions of this title shall file with the Commissioner a written application which shall be signed and under oath. As a part of or in connection with such application, the applicant shall furnish information concerning his true identity, residence, personal history, history in business as an electronic or home appliance service dealer and any other pertinent facts which the Commissioner may require. The Commissioner may require names of owners, stockholders, partners, directors and officers of any applicant, and the business address and trade names of any applicant.

4. Every contractor licensee shall immediately after a change in control or ownership or of management or a change of address or trade name, notify the Commissioner in writing of such changes.

5. Licenses of all Contractors shall expire two (2) years from the date of issuance unless prior thereto the license is revoked or suspended by the Commissioner. Upon payment of the bi-annual license fee, as prescribed by section § 21-28.6 of this title, prior to the expiration date, a license may be renewed at the discretion of the Commissioner for another two (2) years, and the authority to do business shall continue in effect until such time within the two (2) years as the Commissioner revokes or suspends the license.

6. Temporary licenses may be issued in accordance with such rules or regulations as the Commissioner may prescribe to any applicant for a license who files an application in proper form and pays the bi-annual license fee thereof. A temporary license shall automatically expire at the time the Commissioner either refuses to issue or grants the license.

7. The Commissioner may, at any time, require reasonable information of an applicant or licensee, and may require the production of books of accounts, financial statements or other records which relate to electronic or home appliance repair servicing, qualification or compliance with this title by the licensee.

§ 21-28.14. **Hearings on charges; Decisions**

1. No license shall be revoked until after a hearing had before an officer or employee of the Commissioner designated for such purpose by the Commissioner upon notice to the licensee of at least ten (10) days accept as otherwise provided in this section. The notice shall be served by registered or certified mail and shall state the date and place of hearing and set forth the ground or grounds constituting the charges against the licensee; and, if the licensee fails to attend such hearing, the Commissioner shall revoke the license of said licensee. The licensee shall be heard in his defense either in person or by counsel and may offer evidence on his behalf. The person conducting the hearing shall make a written report of his findings and a recommendation to the Commissioner for decision. The Commissioner shall review such findings

and the recommendations and, after due deliberation, shall issue an order accepting, modifying or rejecting such recommendation. For the purpose of this title, the Commissioner or any officer or employee of the department designated by him may administer oaths, take testimony, subpoena witnesses and compel the production of books, papers, records and documents deemed pertinent to the subject of investigation.

2. A license may be suspended or fine imposed after a hearing had before an officer or employee of the Commissioner designated for such purpose by the Commissioner upon notice to the licensee of at least ten (10) days except as otherwise provided in this section. The notice shall be served by registered or certified mail and shall state the date and place of hearing and set forth the ground or grounds constituting the charges against the licensee, and if the licensee fails to attend such hearing, the Commissioner shall revoke the license of said licensee. The licensee shall be heard in his defense either in person or by counsel and may offer evidence on his behalf. For the purpose of this title, the Commissioner or any officer or employee of the department designated by him may administer oaths, take testimony, subpoena witnesses and compel the production of book, papers, records and documents deemed pertinent to the subject of investigation.

3. Any fine authorized by Section § 21-28.8 may be waived or compromised by the Commissioner or his designated representative.

§ 21-28.15. **Violations and penalties**

1. Any person who shall own, conduct or operate a business as an electronic or home appliance service dealer without obtaining a license therefor or who shall violate any of the provisions of this title or any rules promulgated thereunder, or having had a valid license which has been suspended or revoked, shall continue to engage in such business, shall be guilty of a class A misdemeanor and subject to the punishment provided therefor. Each such violation shall be deemed a separate offense.

2. In addition to the penalties provided by paragraph 1 of this subdivision and those provided by sections 21-10.2 of this title, any person who violates any of the provisions of this title shall be liable for a penalty of not more than five thousand dollars ($5,000) for each such violation.

3. In addition to the penalties provided by paragraphs 1 and 2 of this section and those provided by sections 21-10.2 of this code, any person who uses a false or invalid license number, or falsely states or implies that he or she is licensed under this title, in any advertisements or in dealings with consumers, whether oral or written, shall be subject to a penalty for a deceptive trade practice, in accordance with the provisions of section 21-10.2 of this code.

4. The county attorney may bring an action in the name of the county to restrain or prevent any violation of this subdivision or any continuance of any such violation.

5. Where any violation of this subdivision is found to be willful or where such violation has posed a threat to the health or safety of the persons residing at the property at which the contractor has performed the work, the Commissioner may order the contractor to pay to the owner of such property, an amount which shall not exceed three times the actual amount of damages sustained by the owner or other person as a result of such violations.

§ 21-28.16. **Severability**

If any clause, sentence, paragraph or part of this Title shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy and in which such judgment shall have been rendered.
(Title D-19 added as Title D-16 by Local Law 14-2012, in effect January 1, 2013. Title D-19 and Section 21-28.15 renumbered pursuant to Local Law 16-2012 in order to insure numerical consistency.)

Title D-20

SCRAP METAL PROCESSORS, VEHICLE DISMANTLERS AND JUNK DEALERS

Section	21-29.0	Legislative intent
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	21-29.2	License required, Display, Signs and labeling
	21-29.3	Regulations
	21-29.4	Application for license; fee; bond
	21-29.5	Issuance of License
	21-29.6	Expiration and Renewal of License
	21-29.7	Denial or Revocation of License; Appeals
	21-29.8	Non-Transferability of License
	21-29.9	Restrictions
	21-29.10	Recordkeeping Requirements
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	21-29.13	Order to hold property
	21-29.14	Penalties for offenses
	21-29.15	Injunctive relief
	21-29.16	Severability
	21-29.17	Applicability

§ 21-29.0. **Legislative intent.**

This Legislature finds and determines that the increase in market value of scrap metal potentially induces the theft of ferrous and nonferrous metal, end-of-life vehicles and catalytic converters. Therefore, the purpose of this chapter is to

require additional record-keeping requirements for scrap metal processors, auto dismantlers, junk dealers, core buyers, and entities operating as such, and to establish significant penalties for the violation of the provisions enacted hereunder.

§ 21-29.1. **Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:
"Commissioner" means the Nassau County Commissioner of Consumer Affairs or his or her designated agent.

"Core buyer" means a person, association, partnership, corporation of an itinerant nature or other entity which is engaged in the business of purchasing and/or acquiring catalytic converters, automobile radiators, batteries and other small-component motor vehicle parts for resale as such.

"End-of-life vehicle" means any motor vehicle sold, given, or otherwise disposed of as junk or salvage.

"Government-issued photo identification" means a valid federal, state or local government-issued identification card bearing a current photograph of the card's holder. Examples include a driver's license, passport, military identification or resident alien card.

"Junk dealer" means any person, association, partnership, corporation or other entity engaged in the business of purchasing or selling old metal and/or core motor vehicle parts such as catalytic converters, radiators, batteries and such.

"Law enforcement officer" means the Commissioner of the Nassau County Police Department, his or her designee, the chief of any town or village police department within the County of Nassau, his or her designee, or any officer of such police department.

"Person" means and includes natural persons, corporations, partnerships, associations, LLCs, joint stock companies, and all other entities of any kind capable of being sued.

"Purchaser" means a scrap metal processor, vehicle dismantler, junk dealer, core buyer and/or a person, association, partnership, corporation or other entity who or which purchases or contracts to purchase ferrous and nonferrous scrap metal, end-of-life vehicles and catalytic converters, including any such person or entity who or which does not maintain a fixed place of business in the County of Nassau but enters into the County of Nassau to purchase scrap metal.

"Scrap metal" means ferrous and nonferrous metal, including but not limited to copper, aluminum, bronze, brass, tin and metals commonly purchased for reprocessing, and material which is or may have been a vehicle or vehicle part purchased for processing into a form other than a vehicle or vehicle part.

"Scrap metal processor" means a person, association, partnership, LLC,

corporation or other entity engaged primarily in the purchase, processing and shipment of ferrous and/or nonferrous scrap, the end product of which is the production of raw material for remelting purposes for steel mills, foundries, smelters, refiners, and similar users, or who or which purchases material which is or may have been a vehicle or vehicle part for processing into a form other than a vehicle or vehicle part, but who or which, except as otherwise provided by regulation of the Commissioner of Motor Vehicles, does not sell any such material as a motor vehicle, a trailer or a major component part thereof.

"Seller" means a person, association, partnership, corporation or other entity who or which sells or contracts to sell scrap metal, end-of-life vehicles and catalytic converters.

"Vehicle dismantler" means a person, association, partnership, corporation or other entity who or which is engaged in the business of purchasing and/or acquiring motor vehicles or trailers for the purpose of dismantling the same for parts or reselling such vehicles as scrap.

§ 21-29.2. **License Required, Display, Signs and labeling**

1. After January 1, 2013, no person shall, within the County of Nassau, establish, engage in or carry on, directly or indirectly, the business of purchasing ferrous and nonferrous scrap metal, end-of-life vehicles or catalytic converters, either separately or in conjunction with some other business, without first having obtained a license in accordance with and subject to the provisions of this Title.

2. Such license shall be displayed in a conspicuous place at the designated place of business of the licensee.

3. The unit daily price of each type of scrap metal shall be clearly displayed in Arabic numbers in such a manner that the public will be informed of said daily price.

4. Such license shall not in any way supplant the licensing and display requirements of any applicable Federal or State laws.

§ 21-29.3**. Regulations.**

The commissioner shall make such regulations as deemed necessary for the proper implementation and enforcement of this title.

§ 21-29.4. **Application for License; Fee; Bond**

1. Applications for scrap metal, end-of-life vehicle and catalytic converter purchaser licenses shall be made to the Commissioner of Consumer Affairs. The application shall contain the following information:

a. Name and description of the applicant's business enterprise. Individuals using their own name or a trade name must present a certified copy of the

business certificate on file in the Nassau County Clerk's Office. A partnership conducting business must submit a certified copy of the partnership certificate on file in the Nassau County Clerk's Office. A corporation must furnish a copy of the Secretary of State's Filing receipt. A Corporation operating under an assumed name (or "DBA") must submit an Assumed Name Certificate that has been filed with New York State authorizing the use of that name in Nassau County. All corporations must furnish the original and current corporate structure naming all principals, officers, directors and stockholders including all minutes showing changes made to the corporate structure.

b. All applicants must submit acceptable evidence of identity. This proof must be a state issued Department of Motor Vehicles Driver License or Non-Driver Identification Card of the owner or owners of the business.

c. The applicant's legal address and address of all places of business within Nassau County and the address of a designated agent for service of process.

d. The name and address of the owner or owners of the business premises and the nature of the right of occupancy of the applicant to use said premises and a copy of lease or deed of the business premises.

e. A description of the nature of the business to be conducted and/or being conducted by the applicant in Nassau County.

f. A statement that the applicant is at least 18 years of age.

g. A statement as to whether or not the applicant has, within the past 10 years, been convicted of a crime or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed therefore and such other facts or evidence as is deemed necessary to establish that the applicant is a person fit and capable of properly conducting the activity or business for which the license is sought.

h. Two photographs of the applicant, taken not more than 60 days prior to the date of application, which clearly depict the head and shoulders of the applicant and which shall be 2 inches wide by 2 inches tall.

i. All applicants for a license pursuant to this title will submit to fingerprinting of the individual owner, if the applicant is a sole proprietorship, the general partners if the applicant is a partnership, and the officers, principals, directors, and stockholders holding more than 5% of the outstanding stock if the applicant is a corporation. All individuals fingerprinted in connection with an application for a license shall be subject to a review of their criminal history record by the Commissioner of the Nassau County Office of Consumer Affairs, or his/her designee. All fingerprints and any applicable fees must be submitted in the form and manner as prescribed by Division of Criminal Justice Services ("DCJS"). Any decision regarding a prospective applicant's fitness for a license based upon a conviction contained in the criminal history background information

obtained from the DCJS of any individual fingerprinted pursuant to this section must be made upon consideration of New York State Correction Law Sections 701-703-b and Sections 751-753.

2. Such application for a scrap metal, end-of-life vehicle and catalytic converter purchaser's license shall be accompanied by a non-refundable application fee which shall be set by ordinance for a two year license.
(Amended by Local Law No. 9-2016, in effect January 2, 2017.)

3. Every applicant shall submit a bond or other surety to the County of Nassau in the sum of five thousand dollars ($5,000.00), or for a renewal license, evidence of a bond issued in favor of the licensee. The bond shall be for the purpose of guaranteeing payments up to the face amount of the bond for bank drafts or other negotiable instruments issued by the licensee in exchange for the purchase of precious metals. All bonds must be conditioned so that the licensee will observe all laws in relation to secondhand precious metal and gems dealers and will conduct business in conformity thereto. Such bond shall remain in force during the entire period for which the license is valid.

§ 21-29.5. **Issuance of License**

1. Upon receipt of the license application, fee and bonds required of the applicant, the Commissioner shall review the application and, if appropriate, issue a license to the applicant.

2. The Commissioner shall keep a record of all licenses issued, suspended and/or revoked, as well as any other matters herein described.

§ 21-29.6. **Expiration and Renewal of License**

Every license shall expire two years after its issuance. Every license may be renewed upon payment of the required renewal fee which shall be set by ordinance and filing a renewal application with the Commissioner no earlier than 30 days, and no later than 15 days before the license is due to expire, certifying that no changes have occurred with respect to any of the facts or information required or supplied on the original application, or, if there have been any changes, the applicant shall furnish the facts and information relating to such changes and shall comply with the requirements of this law.
(Amended by Local Law No. 9-2016, in effect January 2, 2017.)

§ 21-29.7. **Denial or Revocation of License; Appeals**

1. A license may be denied, suspended, or revoked when the applicant or licensee, or any of its principals, officers, or directors, or any of its stockholders owning more than 5% of its outstanding stock of the corporation has been convicted of a crime which, in the judgment of the Commissioner, has a direct relationship to such person’s fitness or ability to perform any of the activities for which a license is required under this Title, or has been convicted of any other crime which, in accordance with Article 23a of the Correction Law, would provide a justification for the Commissioner to refuse to issue or renew, or to suspend

or revoke, such license.

2. A license may be denied, suspended, or revoked when the applicant or licensee, or any of its principals, officers or directors, or any of its stockholders owning more than 5% of its outstanding corporate stock has omitted or misrepresented the facts or circumstances underlying any information contained in the license application.

3. A license may be denied or revoked when a person has been found by a court of any state to have practiced civil fraud, deceit, misrepresentation in conjunction with a secondhand dealer business or other business.

4. The initial determination to deny, suspend, or revoke a license under this subsection shall be made in writing by the Commissioner.

5. Within 60 calendar days of the initial determination to deny or revoke a license under paragraphs 1 through 4 above, an aggrieved applicant or licensee may request a formal hearing. Such request shall be addressed via certified mail to the Commissioner of Consumer Affairs. Within a reasonable time thereafter, the Commissioner shall appoint an independent hearing officer with the authority to compel the attendance of witnesses, administer oaths, take the testimony of any person under oath and in connection therewith require the production of any evidence relating to any matters affecting the determination. The applicant shall be advised of the hearing date and his/her right to be represented by counsel at said hearing. The hearing officer shall render his/her Decision and Recommendation to the Commissioner within 30 calendar days of the hearing. The Commissioner will notify the applicant/licensee within a reasonable time thereafter of his/her Final Determination with respect to the disposition of his license/application for license.

§ 21-29.8. **Non-Transferability of License**

No license shall be assignable or transferrable except as hereinafter provided. A license to conduct business issued to an individual may be assigned or transferred for the remainder of the license period to a partnership or corporation if such individual is a member of such partnership or a stockholder of such corporation owning not less than twenty five per cent of the outstanding stock at the time of such assignment or transfer. A license issued to a partnership may be assigned or transferred for the remainder of the license period to any one member of such partnership provided he obtains the consent of all of the other members of such partnership. The application for such transfer or assignment must be accompanied by proof satisfactory to the Commissioner that the requirements herein provided have been complied with. No assignment or transfer shall become effective unless and until the endorsement of the transfer or assignment has been made on the face of the license by the Commissioner and such license, so endorsed, has been returned to the assignee or the transferee. All such endorsements shall be made upon payment of a fee to be set by ordinance.
(Amended by Local Law No. 9-2016, in effect January 2, 2017.)

§ 21-29.9**. Restrictions**

1. It shall be unlawful to cause, allow, or approve of the blockage, obstruction or concealment from the view of the consumer any scale, machine, weighing device, or part thereof, used to weigh or calculate the value of ferrous or nonferrous scrap metal, end-of-life vehicles or catalytic converters. Only devices approved for use in trade by the New York State Department of Agriculture and Markets shall be lawful.

2. No weighing or measuring device shall be used in the purchase of ferrous or nonferrous scrap metal, end-of-life vehicles or catalytic converters within Nassau County without first notifying the Office of Consumer Affairs, of its intended use. This is to include new, used, repaired devices or devices which have been moved from the location where they were originally tested and sealed, either within or outside of the County of Nassau.

§ 21-29.10**. Recordkeeping requirements.**

1. All purchasers of ferrous and nonferrous scrap metal, end-of-life vehicles and catalytic converters shall create a record for each such purchase which shall include a copy of the seller's government-issued photographic identification; provided, however, that such seller is a natural person; the date of purchase; the name of the seller; the residence or business address of the seller; and the type, quantity and consideration paid for the items so purchased.

2. When ferrous and nonferrous scrap metal is purchased, the record shall detail the type and quantity of the scrap metal so purchased as described by industry standards, as defined by the Institute of Scrap Recycling Industries (ISRI).

3. When an end-of-life vehicle is purchased, the record shall detail the year, make, model, color and VIN number of the vehicle so purchased.

4. When a catalytic converter is purchased, the record shall detail the quantity by piece count, and the type shall be described as "catalytic converter."

5. Additional Requirements Regarding Purchase of Catalytic Converter.

a) In addition to the requirements of this section, a person attempting to sell a catalytic converter to a Purchaser shall provide to the Purchaser the following information:

i. the year, make, model, and vehicle identification number for the vehicle from which the catalytic converter was removed;

ii. a copy of the certificate of title or other documentation indicating that the seller has an ownership interest in the vehicle described in subdivision (i), or where the seller is the owner of a garage or repair shop and the catalytic converter was removed in connection with a

motor vehicle repair, the name and address of the vehicle's owner and copies of all related invoices.

b) A Purchaser may not purchase a catalytic converter from a seller who does not comply with the requirements of subsection (a).

c) A Purchaser may not purchase a catalytic converter unless such Purchaser determines that the catalytic converter is consistent with the manufacturer's specifications for a catalytic converter from the vehicle for which the seller provided information under subdivision (a)(i).

d) A Purchaser shall keep an accurate electronic record of each purchase of a catalytic converter made in the course of the Purchaser's business. The record must be in English and include the information required pursuant to §21-29.10 of the Nassau County Administration Code.

e) A Purchaser shall preserve each record required pursuant to this section until the fifth anniversary date the record was made. The records must be available for inspection not later than seventy-two (72) hours after the date of purchase.

f) On request, a Purchaser shall permit representatives of the Nassau County Department of Consumer Affairs or the Nassau County Police Department to inspect all records required to be kept pursuant to this title.

(Subdivision 5 added by Local Law No. 5-2022, in effect June 6, 2022)

§ 21-29.11**. Transaction receipt requirements.**

1. No alterations or erasures are to be made to any record or receipt of sale.

2. All records of transactions shall be kept in an electronically searchable database.

3. Records and receipts shall be stored in receipt number order in good and legible condition in a secure volume subdivided by year and month for no less than three years as measured from the date of the receipt. Each volume of article transaction receipts shall be kept at the business establishment of the scrap processor. Such records shall be archived electronically in lieu of other formats.

§ 21-29.12. **Inspection of records and books.**

1. All records and books described herein shall, at all reasonable times, be open for inspection by the Commissioner, his or her designee, or a law enforcement officer.

2. The Commissioner, his or her designee, or a law enforcement officer may request, and a purchaser shall satisfy such request within 72 hours of receiving such request, information as to copies of all purchase receipts and/or a comparable document detailing purchase information for one specific seller(s)

for a time frame of no more than 90 days.

3. Should the Commissioner, his or her designee, or law enforcement officer request information for one specific seller for a time frame greater than 90 days, then the purchaser shall have an additional 72 hours to comply with the request.

§ 21-29.13**. Order to hold property.**

1. Upon a showing that probable cause exists that a crime relating to the theft of ferrous or nonferrous scrap metal, end-of-life vehicles, or catalytic converters has occurred, the District Attorney may seek and obtain a judicial order for service upon a purchaser, ordering said purchaser to hold such for purposes of an investigation.

2. Such request for an order to hold shall specify with particularity the ferrous or nonferrous scrap metal, end-of-life vehicle or catalytic converters subject to such order to hold. In the event such order is issued, said purchaser shall not sell or remove from the business establishment the purchased item(s) which is the subject of the order. The order shall remain in effect for a period not to exceed five days from the date of issuance of the order.

§ 21-29.14. **Penalties for offenses.**

1. Notwithstanding any provisions to the contrary contained in this Chapter, the Nassau County Charter, the Nassau County Administrative Code or any other local law, a failure to comply with any of the provisions of this Title shall constitute a violation and shall be punishable by a fine not exceeding five thousand ($5,000.00) dollars, or imprisonment for a period not exceeding fifteen (15) days, or by both such fine and imprisonment. The continuation of an offense shall constitute a separate and distinct violation hereunder for each day the offense is continued;

2. In addition to the penalties provided above, any offense against the provisions of this Title shall subject the person committing the offense to a civil penalty in the amount of five hundred dollars ($500.00) for each day that the offense shall continue, collectible by and in the name of the County of Nassau.

§ 21-29.15. **Injunctive relief.**

The County Attorney or the District Attorney may commence an action in a court of competent jurisdiction to enjoin any violation of this chapter or any rule or regulation promulgated hereunder.

§ 21-29.16. **Severability**

If any clause, sentence, paragraph or part of this Title shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy and in which such judgment shall have been rendered.

§ 21-29.17. **Applicability.**

The requirement of section 21-29.10 of this title regarding the maintenance of records of transactions in an electronically searchable database shall apply one year after the effective date of this title.
(Title D-20 added by Local Law 15-2012, in effect January 1, 2013).

Title D-21
DRYCLEANERS AND LAUNDROMATS

Section	21-30.1	Legislative intent
	21-30.2	Definitions
	21-30.3	License required, Display, Signs and labeling
	21-30.4	Regulations
	21-30.5	Application for license; fee; bond
	21-30.6	Issuance of License
	21-30.7	Expiration and Renewal of License
	21-30.8	Denial or Revocation of License; Appeals
	21-30.9	Non-Transferability of License
	21-30.10	Duties of Laundry Operator
	21-30.11	Scales
	21-30.12	Schedule of Rates
	21-30.13	Advertising
	21-30.14	Refund Policy
	21-30.15	Bond
	21-30.16	Penalties

§ 21-30.1. **Legislative intent.**

This Legislature finds and determines that there are significant health, safety and consumer concerns involving the operation of drycleaners and laundromats in the County of Nassau. Therefore, the purpose of this chapter is to require additional record-keeping requirements for all dry cleaners, laundromats and entities operating as such, and to establish significant penalties for the violation of the provisions enacted hereunder.

§ 21-30.2. **Definitions.**

For purposes of this title:

"Laundry" means:

(1) A building or structure, or any part thereof, which is used for the purpose of washing, drying, starching, pressing, drycleaning, laundering for the general public, wearing apparel, household linens, or other washable fabrics or a place used or maintained for the storage, collection or delivery of such articles; or

(2) Any private laundry maintained or operated in connection with any hotel, restaurant or public institution, whether for the tenants, customers or inmates of the same or otherwise, except, the Nassau University Medical Center and its affiliates, any hospital, correctional center, or charitable institution where no charge is made for laundry services.

(3) Any place, whether self-service or otherwise maintained for the general public for the purpose of washing clothing apparel, or other fabrics, whether by automatic or coin operated laundry machinery.

"Laundry operator" means any person operating any laundry as defined herein.

“Commissioner” means the Nassau County Commissioner of Consumer Affairs or his or her designated agent.

§ 21-30.3. **License required.**

1. No person shall, within the County of Nassau, operate a laundry either separately or in conjunction with some other business, without first having obtained a license in accordance with and subject to the provisions of this Title.

2. Such license shall be displayed in a conspicuous place at the designated place of business of the licensee.

3. Such license shall not in any way supplant the licensing and display requirements of any applicable Federal or State laws.

§ 21-30.4. **Regulations.**

The commissioner shall make such regulations as deemed necessary for the proper implementation and enforcement of this title.

§ 21-30.5. **Application for License; Fee; Bond; Insurance**

1. Applications for laundry operator licenses shall be made to the Commissioner of Consumer Affairs. The application shall contain the following information:

a. Name and description of the applicant’s business enterprise. Individuals using their own name or a trade name must present a certified copy of the business certificate on file in the Nassau County

Clerk's Office. A partnership conducting business must submit a certified copy of the partnership certificate on file in the Nassau County Clerk's Office. A corporation must furnish a copy of the Secretary of State's Filing receipt. A Corporation operating under an assumed name (or "DBA") must submit an Assumed Name Certificate that has been filed with New York State authorizing the use of that name in Nassau County. All corporations must furnish the original and current corporate structure naming all principals, officers, directors and stockholders including all minutes showing changes made to the corporate structure.
b. All applicants must submit acceptable evidence of identity. This proof must be a state issued Department of Motor Vehicles Driver License or Non-Driver Identification Card of the owner or owners of the business.

c. The applicant's legal address and address of all places of business within Nassau County and the address of a designated agent for service of process.

d. The name and address of the owner or owners of the business premises and the nature of the right of occupancy of the applicant to use said premises and a copy of lease or deed of the business premises.

e. A description of the nature of the business to be conducted and/or being conducted by the applicant in Nassau County.

f. A statement that the applicant is at least 18 years of age.

g. A statement as to whether or not the applicant has, within the past 10 years, been convicted of a crime or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed therefore and such other facts or evidence as is deemed necessary to establish that the applicant is a person fit and capable of properly conducting the activity or business for which the license is sought.

h. Two photographs of the applicant, taken not more than 60 days prior to the date of application, which clearly depict the head and shoulders of the applicant and which shall be 2 inches wide by 2 inches tall.

2. Every application for a laundry operator's license shall be accompanied by a non-refundable application fee which shall be set by ordinance in the form of a certified check or postal money order payable to the County of Nassau for a two-year license.
(Amended by Local Law No. 9-2016, in effect January 2, 2017.)

3. All applicants must furnish certificates of public liability and property damage insurance in the amount of one hundred thousand dollars ($100,000)

per person, three hundred thousand dollars ($300,000) per occurrence, bodily injury and fifty thousand dollars ($50,000) each occurrence and aggregate, property damage.

4. No applicant for a license or license renewal shall have any un-negotiated judgments, liens, tax warrants or unpaid child support orders.

5. Every license issued hereunder shall be valid for the operation of one laundry. Licensees may request additional licenses to operate additional locations from the Commissioner for a fee to be set by ordinance.
(Amended by Local Law No. 9-2016, in effect January 2, 2017.)

§ 21-30.6 **Issuance of License**

1. Upon receipt of the license application, fee and bonds required of the applicant, the Commissioner shall review the application and, if appropriate, issue a license to the applicant.

2. The Commissioner shall keep a record of all licenses issued, suspended and/or revoked, as well as any other matters herein described.

§ 21-30.7. **Expiration and Renewal of License**

Every license shall expire two years after its issuance. Every license may be renewed upon payment of the required renewal fee which shall be set by ordinance and filing renewal application with the Commissioner no earlier than 30 days, and no later than 15 days before the license is due to expire, certifying that no changes have occurred with respect to any of the facts or information required or supplied on the original application, or, if there have been any changes, the applicant shall furnish the facts and information relating to such changes and shall comply with the requirements of this law.
(Amended by Local Law No. 9-2016, in effect January 2, 2017.)

§ 21-30.8. **Denial or Revocation of License; Appeals**

1. A license may be denied, suspended, or revoked when the applicant or licensee, or any of its principals, officers, or directors, or any of its stockholders owning more than 5% of its outstanding stock of the corporation has been convicted of a crime which, in the judgment of the Commissioner, has a direct relationship to such person's fitness or ability to perform any of the activities for which a license is required under this Title, or has been convicted of any other crime which, in accordance with Article 23a of the Correction Law, would provide a justification for the Commissioner to refuse to issue or renew, or to suspend or revoke, such license.

2. A license may be denied, suspended, or revoked when the applicant or licensee, or any of its principals, officers or directors, or any of its stockholders owning more than 5% of its outstanding corporate stock has omitted or misrepresented the facts or circumstances underlying any information contained in the license application.

3. A license may be denied or revoked when a person has been found by a court of any state to have practiced civil fraud, deceit, misrepresentation in conjunction with a laundry business or other business.

4. The initial determination to deny, suspend, or revoke a license under this subsection shall be made in writing by the Commissioner.

5. Within 60 calendar days of the initial determination to deny or revoke a license under paragraphs 1 through 4 above, an aggrieved applicant or licensee may request a formal hearing. Such request shall be addressed via certified mail to the Commissioner of Consumer Affairs. Within a reasonable time thereafter, the Commissioner shall appoint an independent hearing officer with the authority to compel the attendance of witnesses, administer oaths, take the testimony of any person under oath and in connection therewith require the production of any evidence relating to any matters affecting the determination. The applicant shall be advised of the hearing date and his/her right to be represented by counsel at said hearing. The hearing officer shall render his/her Decision and Recommendation to the Commissioner within 30 calendar days of the hearing. The Commissioner will notify the applicant/licensee within a reasonable time thereafter of his/her Final Determination with respect to the disposition of his license/application for license.

§ 21-30.9**. Non-Transferability of License**

No license shall be assignable or transferrable except as hereinafter provided. A license to conduct business issued to an individual may be assigned or transferred for the remainder of the license period to a partnership or corporation if such individual is a member of such partnership or a stockholder of such corporation owning not less than twenty five per cent of the outstanding stock at the time of such assignment or transfer. A license issued to a partnership may be assigned or transferred for the remainder of the license period to any one member of such partnership provided he obtains the consent of all of the other members of such partnership. The application for such transfer or assignment must be accompanied by proof satisfactory to the Commissioner that the requirements herein provided have been complied with. No assignment or transfer shall become effective unless and until the endorsement of the transfer or assignment has been made on the face of the license by the Commissioner and such license, so endorsed, has been returned

to the assignee or the transferee. All such endorsements shall be made upon payment of a fee to be set by ordinance.
(Amended by Local Law No. 9-2016, in effect January 2, 2017.)

§ 21-30.10. **Duties of laundry operator.**

Every laundry operator shall comply with the provisions of this title and regulations promulgated by the commissioner setting forth requirements for estimates and any other rules and regulations promulgated to implement and enforce this title.

§ 21-30.11. **Scales**

1. It shall be unlawful to cause, allow, or approve of the blockage, obstruction or concealment from the view of the consumer any scale, machine, weighing device, or part thereof, used to weigh or calculate the value of laundry services. Only devices approved for use in trade by the New York State Department of Agriculture and Markets shall be lawful.

2. No weighing or measuring device shall be used for determining the weight, quantity or price within Nassau County without first notifying the Office of Consumer Affairs, of its intended use. This is to include new, used, repaired devices or devices which have been moved from the location where they were originally tested and sealed, either within or outside of the County of Nassau.

§ 21-30.12. **Schedule of rates.**

Every laundry operator shall, upon obtaining a license, file with the commissioner schedules showing the rates and charges for the storage and handling of property in the laundry, and such schedules shall be kept in convenient form and be open at all times during business hours to public inspection at the laundry or laundries and the office of the commissioner. Prior to accepting any clothing or fabrics for cleaning, the schedule of all rates and charges must be presented conspicuously in the retail location or to the individual presenting the clothing or fabrics for cleaning. Any rate or charge not included on such document may not be collected at a later date.

§ 21-30.13**. Advertising.**

1. All advertising shall be deemed misleading when some material fact connected with the service offered is rendered obscure because of the smallness or style of type in which such advertisement, statement or information appears, or because of insufficient background contrast, obscuring designs or crowding with other written, printed or graphic matter.

2. Where a minimum weight for a particular laundry service is required, and a specific charge is demanded for each pound beyond such minimum, the charge for said minimum weight should first be clearly indicated. The price per pound in excess of such required minimum weight, and any and all qualifying words or phrases must be clear, conspicuous and legible, and must be at least ½ as large as the principal figure describing the charge for the required minimum weight. In all cases, however, the statement for weight, price or qualifications thereof must be legible, distinct and in such terms and language as to render it clearly and distinctly understood by the average consumer.

§ 21-30.14. **Refund Policy.**

The licensee of an automatic or coin-operated laundry is required to refund to the laundry patron any money lost by the patron by reason of defective or inoperable machines on the premises. When a machine on the premises is defective or inoperable, the licensee shall place a sign on said machine indicating that the machine is out of order.

§ 21-30.15. **Bond.**

Each laundry operator shall file before receipt of a laundry license and maintain with the commissioner a surety bond in the sum of ten thousand dollars executed by the laundry operator as principal, and a surety company authorized to do business in this County as surety, payable to the County of Nassau and conditioned upon the laundry operator's compliance with the provisions of this title and any regulations duly promulgated and upon the further conditions that the licensee will pay to the County any fine, penalty or other obligation within thirty days of its imposition and faithfully account in the manner required by law to the owners of all goods, wares, or other property that the laundry operator receives, handles, stores or otherwise deals in as a laundry operator. The commissioner may increase the amount of the bond required of laundry operators.

§ 21-30.16**. Penalties.**

1. Notwithstanding any provisions to the contrary contained in this Title, the Nassau County Charter, the Nassau County Administrative Code or any other local law, a failure to comply with any of the provisions of this Title shall constitute a violation and shall be punishable by a fine not exceeding five thousand ($5,000.00) dollars, or imprisonment for a period not exceeding fifteen (15) days, or by both such fine and imprisonment. The continuation of an offense shall constitute a separate and distinct violation hereunder for each day the offense is continued.

2. In addition to the penalties provided above, any offense against the provisions

of this Title shall subject the person committing the offense to a civil penalty in the amount of five hundred dollars ($500.00) for each day that the offense shall continue, collectible by and in the name of the County of Nassau.
(Title D-21 added by Local Law 17-2012, in effect January 1, 2013)

Title D-22

Environmental Hazard Remediation Providers

Section	21-31.0	Definitions
	21-31.1	License Required, Display
	21-31.2	Types of License
	21-31.3	Application of Environmental Hazard Remediation Provider License; Fee; Insurance
	21-31.4	Application for Environmental Hazard Remediation Technician License; Fee
	21-31.5	Issuance of License
	21-31.6	Expiration and Renewal of License
	21-31.7	Denial or Revocation of License; Appeals
	21-31.8	Non-Transferability of License
	21-31.9	Restrictions
	21-31.10	Reports to the Commissioner
	21-31.11	Regulations
	21-31.12	Disclaimer of Liability
	21-31.13	Penalties for Offenses
	21-31.14	Discretion of the County Executive to Modify or Suspend
	21-31.15	Severability

§21-31.0. **Definitions**

1. Unless the context specifically indicates otherwise, the meaning and terms used in this Title shall be as follows:
    a. “Commissioner” means the Nassau County Commissioner of Consumer Affairs or his or her designee.

    b. “Environmental contractor” means any person who, or legal entity that, contracts with an owner or an owner’s agent to inspect a suspected environmental hazard or to implement any measure or measures that result in the remediation of an environmental hazard in a building. Such term shall not refer to an employee or agent of said environmental contractor that inspects or remediates environmental hazards on behalf of his or her employer.

    c. “Environmental hazard(s)” means any condition that

constitutes an indoor air quality violation as defined by any United States statute or regulation, any New York State Law or regulation, any local law or any regulation promulgated by the Commissioner, and which hazard was cause by fire, flood, storm, chemical spills, dust, sewage, mold, pathogens or other biological contaminants and not cause by the presence of asbestos or lead.

d. "Environmental hazard assessment process" shall include; (i) the sampling of physical evidence from a building where a suspected environmental hazard exist which sampling shall be taken in accordance with any applicable United States statutes and regulation; New York State Law or regulation; local law or regulation of the Commissioner, which he or she might, from time to time, issue; or any generally accepted standard within the industry and analyzed by a laboratory accredited or certified by any government agency, university, or industry group; (ii) a written, thorough, investigative evaluation of the alleged environmental hazard site, which shall be made after a thorough investigation of the building's history and detailed inspection of the environmental hazard site; (iii) a written explanation which either supports a finding that there is an environmental hazard or that there is not an environmental hazard based upon standards adopted by United States statutes and regulation, New York State Law or regulation; local law or regulation of the Commissioner, which he or she might, from time to time , issue or any generally accepted standard within the industry; (iv) a written proposal of a remediation plan, specify the chemicals and methodology to be used, which shall be specific to the environmental hazard site; and (v) an itemized estimate of the cost of any environmental hazard remediation pursuant to the plan. Any person providing an environmental hazard remediation plan shall have affirmative duty to specify the least costly method or methods available for the remediating of any environmental hazard. Any person conducting and environmental hazard assessment shall provide to the owner of the building an itemized estimate of the cost of the process prior to conducting the assessment. The owner of the building shall be under no obligation to utilize the service of the person that conducted an environmental hazard assessment for any subsequent

environmental hazard remediation. An environmental hazard assessment may be abridged, simplified or dispensed with, at the discretion of the owner of a building which contains five or less dwellings. Any writing produced by or through the environmental hazard assessment process shall be the property of the owner of the building for which the environmental hazard assessment was conducted.

e. "Environmental hazard remediation" means the removal, cleaning, sanitizing, treatment and/or other preventive actions to eliminate any and all environmental hazards, including lead and asbestos present at the environmental hazard site pursuant to any environmental hazard remediation plan by or under the direct personal supervision of a license environmental hazard remediation technician. No environmental hazard remediation activity may violate any United States Statute or regulation, any New York State Law or regulation, the Nassau County Fire Prevention Ordinance, or any town or village local law, ordinance or regulation.

f. "Environmental hazard site" means a commercial building, office building, store, factory, warehouse, hotel, restaurant or multiple or single family dwelling within the boundaries of Nassau County but not under the owner ship and/or control of the County of Nassau or any other municipality, New York State or the United State where a determination has been made pursuant to an environmental hazard assessment that an environmental hazard exists.

g. "Licensee" means a person, company or corporation permitted to perform environmental hazard assessment or environmental hazard remediation by this Title.

h. "Owner" means any homeowner, multiple dwelling owner, tenant, building owner, or any other person who is legally authorized to order, contract for, or purchase the services of a Licensee.

i. "Person" means any individual, firm partnership, association or corporation.

j. "Principal(s)" means an individual owner of an environmental contractor, if the environmental contractor is a sole proprietorship, the general partners if the environmental contractor is a partnership, and the officers, directors, and stockholders holding more than 5% of the outstanding stock if the environmental contractor is a corporation.

§ 21-31.1. **License Required, Display**

1. No person shall, within the County of Nassau, establish, engage in or carry on, directly or indirectly, environmental hazard assessment or remediation, either separately or in conjunction with some other business, without first having obtained a license or licenses in accordance with and subject to the provisions of this Title.

2. Such licenses shall be displayed in a conspicuous place at the designated place of business of the licensee or his or her employer. A copy of such licenses shall be prominently displayed outside any environmental hazard site where remediation is or will be performed or any site where an environmental hazard assessment is occurring or has occurred. On site copies of licenses shall remain in place for thirty days after work is completed.

3. Such license shall not in any way supplant the licensing and display requirements of any applicable United States or New York laws and regulations.

§ 21-31.2. **Types of Licenses**

1. An environmental hazard remediation provider license shall be issued to environmental contractors. All environmental hazard remediation providers, or at least a principal thereof, shall also hold an environmental hazard remediation technician license. An environmental hazard remediation provider may employ unlicensed workers or contractors as long as those unlicensed works or contractors are under the direct supervision of a licensed environmental hazard remediation technician.

2. An environmental hazard remediation technician license shall be issued to an environmental hazard remediation provider or their principals and any person employed by, seeking employment by or under contract to a remediation provider for the purpose of environmental hazard assessment and environmental hazard remediation. An environmental hazard remediation

technician may directly supervise no more than ten (10) unlicensed employees or contractors performing a remediation.

§ 21-31.3. **Application for Environmental Hazard Remediation Provider License; Fee; Insurance**

1. Applications for environmental hazard remediation provider licenses shall be made to the Commissioner. The application shall contain the following information:

a. Name and description of the applicant's business enterprise. Individuals using their own name or a trade name must present a certified copy of the business certificate on file in the Nassau County Clerk's Office. A partnership conducting business must submit a certified copy of the partnership certificate on file in the Nassau County Clerk's Office. A corporation must furnish a copy of the Secretary of State's Filing receipt. A corporation operating under an assumed name (or "DBA") must submit an Assumed Name Certificate that has been filed with New York State authorizing the use of that name in Nassau County. All corporations must furnish the original and current corporate structure naming all principals, officers, directors and stockholders including all minutes showing changes made to the corporate structure.

b. All applicants must maintain a bona fide establishment at a definite location within the State of New York. Any non-domestic corporation must submit a Certificate of Authority to do business in New York State.

c. All applicants or principals must submit acceptable evidence of identity. This proof must be a state issued Department of Motor Vehicles Driver License or Non-Driver Identification Card of the owner or owners of the business.

d. The applicant's legal address, email address and land – line telephone number and the addresses of all places of business within Nassau County and the address of a designated agent for service of process.

e. The name and address of the owner or owners of the business premises and the nature of the right of occupancy of the applicant to use said premises and a copy of lease or deed of the business premises.

f. A description of the nature of the all business to be conducted and/or being conducted by the applicant in Nassau County.

g. A statement that all principals are at least 18 years of age.

h. A statement as to whether or not the applicant or any principal has, within the past 10 years, been convicted of a crime or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed therefore and such other facts or evidence as is deemed necessary to establish that the applicant is a person fit and capable of properly conducting the activity or business for which the license is sought.

i. Two photographs of the applicant or the principals, taken not more than 60 days prior to the date of application, which clearly depict the head and shoulders of the applicant and which shall be 2 inches wide by 2 inches tall.

j. All applicants or principals for a license will submit to fingerprinting of the individual owner, if the applicant is a sole proprietorship, the general partners if the applicant is a partnership, and the officers, directors, and stockholders holding more than 5% of the outstanding stock if the applicant is a corporation. All individuals fingerprinted in connection with an application for a license shall be subject to a review of their criminal history record by the Commissioner. All fingerprints and any applicable fees must be submitted in the form and manner as prescribed by Division of Criminal Justice Services ("DCJS"). Any decision regarding a prospective applicant's fitness for a license based upon a conviction contained in the criminal history background information obtained from the DCJS of any individual fingerprinted pursuant to this section must be made upon consideration of New York State Correction Law Sections 701-703-b and Sections 751-753.

2. Every application for a remediation provider license shall be accompanied by a non- refundable application fee which shall be set by ordinance in the form of a certified check or postal money order payable to the County of Nassau for a two-year license.
(Amended by Local Law No. 9-2016, in effect January 2, 2017.)

3. All applicants must furnish certificates of public liability and property damage insurance in the amount of one hundred thousand dollars ($100,000) per person, three hundred thousand dollars ($300,000) per occurrence, bodily injury and fifty thousand dollars ($50,000) each occurrence and aggregate, property damage.

4. No applicant for a license or license renewal or its principal shall have any un-negotiated judgments, liens, tax warrants or unpaid child support orders.

5. Every license issued hereunder shall be valid for the operation of one establishment. Licensees may request additional licenses to operate additional

establishments from the Commissioner for a fee which shall be set by ordinance.
(Amended by Local Law No. 9-2016, in effect January 2, 2017.)

§ 21-31.4. **Application for Environmental Hazard Remediation Technician License; Fee**

1. Applications for environmental hazard remediation technician licenses shall be made to the Commissioner. The application shall contain the following information, unless such information has been submitted in an environmental hazard remediation provider application:

a. Name, legal address and email address of applicant.

b. All applicants must submit acceptable evidence of identity. This proof must be a state issued Department of Motor Vehicles Driver License or Non-Driver Identification Card of the applicant or the owner or owners of the applicant.

c. A statement that the applicant is at least 18 years of age.

d. A statement as to whether or not the applicant has, within the past 10 years, been convicted of a crime or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed therefore and such other facts or evidence as is deemed necessary to establish that the applicant is a person fit and capable of properly conducting the activity or business for which the license is sought.

e. Two photographs of the applicant, taken not more than 60 days prior to the date of application, which clearly depict the head and shoulders of the applicant and which shall be 2 inches wide by 2 inches tall.

f. All applicants for an environmental hazard remediation technician licenses will submit to fingerprinting of the individual owner, if the applicant is a sole proprietorship, the general partners if the applicant is a partnership, and the officers, principals, directors, and stockholders holding more than 5% of the outstanding stock if the applicant is a corporation. All individuals fingerprinted in connection with an application for a license shall be subject to a review of their criminal history record by the Commissioner, or his/her designee. All fingerprints and any applicable fees must be submitted in the form and manner as prescribed by Division of Criminal Justice Services (“DCJS”). Any decision regarding a prospective applicant’s fitness for a license based upon a conviction contained in the criminal history background information obtained from the DCJS of any individual fingerprinted

pursuant to this section must be made upon consideration of New York State Correction Law Sections 701-703-b and Sections 751-753.

g. Proof by an individual or the principal of a business applicant of the following course work offered through any educational provider accredited by the United States, by any state or municipality or any industry group or labor union or the Commissioner: OSHA Safety Standards for Construction or General Industry (minimum 10-hour course); NYS Asbestos Handler (minimum 32 hours); EPA Lead Worker (minimum 16 hours) (Lead RRP shall not be sufficient); Hazardous Waste Operations (HAZWOPER) (minimum 40 hours); Microbial Remediation (minimum 24 hours); Water Damage Restoration (minimum 20 hours) or IICRC WRT Certification; Fire Damage Restoration (minimum 16 hours) or IICRC FSRT Certification; PCB Awareness (minimum 4 hours); and Bloodborne Pathogens (minimum 4 hours); Infection Control Risk Assessment (minimum 4 hours).

h. Proof by an individual or the principal of a business applicant of valid lead and asbestos abatement licenses.

h. Until January 1, 2020, the Commissioner may accept proof of actual experience in environmental hazard remediation and evidence of enrollment in any of the course work indicated in this Title in lieu of actual course work.

2. Every application for an environmental hazard remediation technician license shall be accompanied by a non-refundable application fee which shall be set by ordinance in the form of a certified check or postal money order payable to the County of Nassau for a two- year license.
(Amended by Local Law No. 9-2016, in effect January 2, 2017.)

3. No applicant for a license or license renewal or principal of an applicant shall have any un-negotiated judgments, liens, tax warrants or unpaid child support orders.

§ 21-31.5. **Issuance of License**

1. Upon receipt of the appropriate license application, fee and bonds required of the applicant, the Commissioner shall review the application and, if appropriate, issue a license to the applicant.

2. The Commissioner shall keep a record of all licenses issued, suspended and/or revoked, as well as any other matters herein described.

§ 21-31.6. **Expiration and Renewal of License**

Every license shall expire two years after its issuance. Every license may be renewed upon payment of the required renewal for an environmental hazard remediation provider license or for an environmental hazard technician license and filing a renewal application with the Commissioner no earlier than 30 clays, and not later than 15 days before the license is due to expire, certifying that no changes have occurred with respect to any of the facts or information required or supplied on the original application, or, if there have been any changes, the applicant shall furnish the facts and information relating to such changes and shall comply with the requirements of this law. The renewal fee for the environmental hazard remediation provider license and the environmental hazard technician license shall be set by ordinance.
(Amended by Local Law No. 9-2016, in effect January 2, 2017.)

§ 21-31.7. **Denial or Revocation of License; Appeals**

1. A license may be denied, suspended, or revoked when the applicant or licensee, or any of its principals, officers, or directors, or any of its stockholders owning more than 5% of its outstanding stock of the corporation has been convicted of a crime which, in the judgment of the Commissioner, has a direct relationship to such person's fitness or ability to perform any of the activities for which a license is required under this Title, or has been convicted of any other crime which, in accordance with Article 23a of the Correction Law, would provide a justification for the Commissioner to refuse to issue or renew, or to suspend or revoke, such license.

2. A license may be denied, suspended, or revoked when the applicant or licensee, or any of its principals, officers or directors, or any of its stockholders owning more than 5% of its outstanding corporate stock has omitted or misrepresented the facts or circumstances underlying any information contained in the license application or colluded in the fixing of prices for environmental hazard assessment and remediation services.

3. A license may be denied or revoked when a person has been found by a court of any state to have practiced civil fraud, deceit, misrepresentation in conjunction with a secondhand dealer business or other business.

4. The initial determination to deny, suspend, or revoke a license under this subsection shall be made in writing by the Commissioner.

5. Within 60 calendar days of the initial determination to deny or revoke a license under paragraphs 1 through 4 above, an aggrieved applicant or licensee may request a formal hearing. Such request shall be addressed via certified mail to the Commissioner. Within a reasonable time thereafter, the Commissioner shall appoint an independent hearing officer with the authority

to compel the attendance of witnesses, administer oaths, take the testimony of any person under oath and in connection therewith require the production of any evidence relating to any matters affecting the determination. The applicant shall be advised of the hearing date and his/her right to be represented by counsel at said hearing. The hearing officer shall render his/her Decision and Recommendation to the Commissioner within 30 calendar days of the hearing. The Commissioner will notify the applicant/licensee within a reasonable time thereafter of his/her Final Determination with respect to the disposition of his license/application for license.

§ 21-31.8. **Non-Transferability of License**

No license shall be assignable or transferrable except as hereinafter provided. A license to conduct business issued to an individual may be assigned or transferred for the remainder of the license period to a partnership or corporation if such individual is a member of such partnership or a stockholder of such corporation owning not less than twenty five per cent of the outstanding stock at the time of such assignment or transfer. A license issued to a partnership may be assigned or transferred for the remainder of the license period to any one member of such partnership provided he obtains the consent of all of the other members of such partnership. The application for such transfer or assignment must be accompanied by proof satisfactory to the Commissioner that the requirements herein provided have been complied with. No assignment or transfer shall become effective unless and until the endorsement of the transfer or assignment has been made on the face of the license by the Commissioner and such license, so endorsed, has been returned to the assignee or the transferee. All such endorsements shall be made upon payment of a fee to be set by ordinance.
(Amended by Local Law No. 9-2016, in effect January 2, 2017.)

§ 21-31.9. **Restrictions**

1. It shall be unlawful to use or cause to be used the title “Registered Professional Remediation Enterprise” or any other title in a manner as to convey the impression that an unlicensed individual, corporation, partnership or other business entity, or any person it employs, is licensed as an environmental hazard remediation provider.

2. No licensee pursuant to this Title shall collude with any person to fix prices for services provided pursuant to their license.

3. No licensee pursuant to this Title shall interfere with the right of any owner of any building that is not an environmental hazard site as defined in this Title from employing any contractor otherwise licensed by the Commissioner to do

home improvements, repairs or services from preforming any remediation activity.

4. No licensee pursuant to this Title shall interfere with the right of any owner to remediate an environmental hazard by demolition or partial demolition.

§ 21-31.10. **Reports to the Commissioner**

Every environmental hazard remediation provider shall immediately notify the Commissioner of any unreported environmental hazard site, any unlicensed environmental hazard remediation and its performance of an environmental hazard assessment or an environmental hazard remediation. A copy of all writings generated in connection with the environmental hazard assessment shall be filed with the Commissioner within thirty (30) days of the assessments completion.

§ 21-31.11. **Regulations.**

The Commissioner shall make such regulations as deemed necessary for the proper implementation and enforcement of this title.

§ 21-31.12. **Disclaimer of Liability**

This Article shall not create any liability on the part of the County of Nassau, its officers, agents, or employees, or any police officer for any act or damage caused as a result from reliance on this Article or any administrative decision lawfully made there under.

§ 21-31.13. **Penalties for offenses**

1. Notwithstanding any provisions to the contrary contained in this Chapter, the Nassau County Charter, the Nassau County Administrative Code or any other local law, a failure to comply with any of the provisions of this Title shall constitute a Class A Misdemeanor and shall be punishable by a fine not exceeding five thousand ($5,000.00) dollars, or imprisonment for a period not more than one year, or by both such fine and imprisonment. The continuation of an offense shall constitute a separate and distinct violation hereunder for each day the offense is continued.

2. In addition to the penalties provided above, any offense against the provisions of this Title shall subject the person committing the offense to a civil penalty in the amount of One Thousand dollars ($1000.00) for each day that the offense shall continue, collectible by and in the name of the County of Nassau.

§ 21-31.14. **Discretion of the County Executive Suspend or Modify**

The County Executive shall have discretion, by executive order, to temporally suspend or modify the applicability of any portion of Title within any federally declared disaster area within Nassau County. Any suspension or modification of this Title shall not absolve any person from any penalties levied pursuant to this Title prior to the suspension or modified.

§ 21-31.15**. Severability**

If any clause, sentence, paragraph or part of this Title shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy and in which such judgment shall have been rendered.
(Added by Local Law No. 13-2014, in effect September 25, 2014)

Title D-23[116]
HEALTH CLUB OPERATORS

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§ 21-32.1. **Definitions.**

1. “Contract for services.” As used in this title, a contract for services means a contract for consumer services for instruction, training or assistance in bodybuilding, exercising, weight reducing, figure development, the martial arts to include, judo, karate and self-defense, or any similar course of physical training to be provided for the future use by a consumer of the facilities providing the foregoing instruction, training or assistance; or for membership in any group, Club, association or organization for any of the above purposes; except however, that a contract for services shall not mean or include:

(a) Membership in any group, Club, association or organization which provides any of the foregoing services and which is organized pursuant to the provisions of the not-for-profit corporation law; or

(b) Boarding accommodations; or

[116] Title was designated “Title D-24” in Local Law. Title was renumbered “Title D-23” pursuant to the authority granted in that Local Law in order to insure numerical consistency of sections.

(c) Travel arrangements contracted for less than one year in advance; or
(d) Contracts which incorporate warranties of services or repair given in conjunction with appliances or other goods, where the sale of goods is the primary object of the contract; or
(e) Services by a college or university chartered by the university of the state of New York, a secondary school, an elementary school, a nursery school or kindergarten; and
(f) Contracts for services to provide instruction, training or assistance to acquire a vocation or skill conducted in a training school or by home study.
(g) Contracts for programs which provide instruction for improving tennis skills, and are of eight weeks duration or less where the full fee does not exceed two hundred fifty dollars.
(h) Contracts relating solely to the seasonal use of tennis facilities.
2. “Health Club” as used in this title means any person, firm, corporation, partnership, unincorporated association, or other business enterprise offering instruction, training or assistance or the facilities for the preservation, maintenance, encouragement or development of physical fitness or well being. Such term shall include but shall not be limited to health spas, sports, tennis, racquet ball, platform tennis and Health Clubs, figure salons, health studios, gymnasiums, weight control studios, martial arts and self-defense schools or any other similar course of physical training.
3. “Secretary” as used in this title shall mean the secretary of state.
4. “Seller” as used in this title means any person, firm, corporation, partnership, unincorporated association or other business enterprise which operates or intends to operate a Health Club.
5. “Buyer” as used in this title means any individual who enters into a contract for services with a Health Club.
6. “Cardiopulmonary resuscitation” or “CPR” as used in this title means measures, as specified in regulations promulgated by the commissioner of health, to restore function or support ventilation in the event of a cardiac or respiratory arrest. Cardiopulmonary resuscitation shall not include measures to improve ventilation and cardiac functions in the absence of an arrest.
7. “Automated external defibrillator” or “AED” as used in this title means a medical device approved by the federal food and drug administration that (a) is capable of recognizing the presence or absence in a patient of ventricular fibrillation and rapid ventricular tachycardia; (b) is capable of determining, without intervention by an operator, whether defibrillation should be performed on the patient; (c) upon determining that defibrillation should be performed, automatically charges and requests delivery of an electrical impulse to the patient's heart; and (d) upon action by an operator, delivers an appropriate electrical impulse to the patient's heart to perform defibrillation.

§21-32.2 **Escrow Required.** All moneys received by a seller pursuant to a contract for services for use by a buyer of a Health Club prior to the full operation of such Health Club shall be placed in escrow.

1. Such funds shall be kept and maintained in an account separate and apart from any account maintained by or for the seller's personal use or for use in the construction or operation of the Health Club or for the payment or benefit of employees of the seller.
2. The escrow account shall be established in a bank or trust company doing business in this state.
3. The escrow account shall provide that the purpose of the account is to protect the consumer in the event that the seller fails to complete substantially and to open the facility within one year following establishment of the account. Any buyer who has advanced moneys on deposit in the escrow account may maintain a representative action pursuant to the provisions of the civil practice law and rules to close the account and to release such moneys pro-rata to all buyers similarly situated if such Health Club facility has not been substantially completed and opened within one year of establishment of the account or if the buyer has not had the full use of another similar facility during this period.
4. Within three business days of a request therefor, a monthly statement of the escrow account is to be furnished to consumers who have advanced funds or obligation until such account is no longer required by this Title.
5. The escrow account shall provide that funds deposited therein may be withdrawn by the seller upon the completion of the proposed construction in the following manner: (i) one-third of the funds may be distributed to the seller upon completion of one-half of the proposed construction; (ii) not more than two-thirds of the funds which have been deposited in escrow may be released upon the completion of three-fourths of the proposed construction; (iii) the escrow agent may accept as evidence of partial completion certification of any architect or engineer licensed pursuant to the provisions of the education law that the proposed construction has been completed in accordance with the plans and specifications.
6. The escrow account shall be released by the escrow agent to the seller not more than thirty days following full operation of the facility and certification of completion from any architect or engineer licensed pursuant to the provisions of the education law.
7. In lieu of the escrow provisions required by this section, the Health Club may furnish information as required by the secretary, executed under penalty of perjury by an officer or owner of the Health Club which reasonably demonstrates financial responsibility that will enable the Health Club to satisfy the possible claims against the escrow required by this section. In the event the Health Club is controlled by, under common control, or controls another corporation and the other corporation agrees in writing to satisfy the claims against the escrow required by this section, then the financial responsibility of the other corporation shall be considered in determining the applicability of this section. In determining whether the Health Club has the requisite financial responsibility the secretary may consider the operating and business history and reputation of the Health Club and its management within and without the state as well as the operating and business history and reputation of any

business controlled by, under common control with, or controlling the Health Club.

§21-32.3 **Bond, Letter of Credit or Certificate of Deposit Required**
1. Every Health Club, except as provided in subdivision ten of this section, before it enters into any contract for services for use by a buyer of a Health Club, shall file and at all times maintain with the secretary, in form, amount as prescribed herein and substance satisfactory to him:
(a) A bond with a corporate surety, from a company authorized to do business in this state; or
(b) An irrevocable letter of credit or a certificate of deposit from a New York state or federally chartered bank, trust company, savings bank or savings and loan association qualified to do business in New York state and insured by the federal deposit insurance corporation.
2. The principal sum of the bond, letter of credit, or certificate of deposit shall be;
(a) Fifty thousand dollars if the Health Club sells contracts for services for a term not greater than twelve months; or
(b) Seventy-five thousand dollars if the Health Club sells contracts for services for a term more than twelve months and up to twenty-four months; or
(c) One hundred fifty thousand dollars if the Health Club sells contracts for services for a term more than twenty-four months and up to thirty-six months.
3. For Health Clubs with three or more locations, or for multiple franchises of a common franchisor, the following amounts shall be added to the sum required in subdivision two of this section for the bond, letter of credit, or certificate of deposit:
(a) For three to four locations an additional fifty thousand dollars,
(b) For five to six locations an additional one hundred thousand dollars,
(c) For seven to nine locations an additional one hundred fifty thousand dollars,
(d) For ten or more locations an additional two hundred thousand dollars.
4. The bond, letter of credit or certificate of deposit shall be payable in favor of the people of the state of New York for the benefit of any buyer injured in the event that the seller goes out of business prior to the expiration of the buyer's contract for services, or otherwise fails to provide a refund to the buyer after cancellation of the buyer's contract for services as provided for in section 21-32.5 of this Administrative Code.
5. The aggregate liability of the surety upon the bond or the banking organization upon the letter of credit or certificate of deposit to all persons for all breaches of the conditions of the bond shall in no event exceed the amount of the bond, letter of credit or certificate of deposit.
6. The bond, letter of credit or certificate of deposit filed and maintained pursuant to this section shall not be cancelled, revoked, or terminated except after notice to, and with the consent of, the secretary at least forty-five days in advance of such cancellation, revocation, or termination.

7. Any person claiming against the bond, letter of credit or certificate of deposit may bring and maintain an action against the seller and the surety or bank, trust company, savings bank or savings and loan association.
8. For the purposes of this section, a Health Club shall be considered to be a new Health Club subject to the requirements of a bond, letter of credit or certificate of deposit as provided herein, at the time the Health Club changes ownership, or, in the case of corporate ownership, at the time thirty percent or more of the stock changes or has changed ownership. A change in ownership of a Health Club shall not release, cancel or terminate liability under this section under any bond, letter of credit or certificate of deposit filed for a Health Club as to any buyer who purchases a Health Club contract while such bond, letter of credit or certificate of deposit is in effect unless the transferee, purchaser, successor, or assignee of such Health Club obtains a bond, letter of credit or certificate of deposit under this section for the benefit of such buyer.
9. No contract for services shall be enforceable against the buyer if the seller has failed to comply with any requirements of this section.
10. Health Clubs shall be excluded from the requirement to file a bond, letter of credit, or certificate of deposit if all payments for which the buyer is obligated including, but not limited to down payments, initiation fees, enrollment fees, membership fees or any other direct payments to the Health Club do not exceed one hundred fifty dollars. A Health Club shall also be excluded from the requirement to file a bond, letter of credit or certificate of deposit, if it offers its buyers a monthly dues payment option for each dues payment plan it offers to customers, provided that: (a) both the annual and the monthly membership options are disclosed to customers prior to entering into any membership contract; (b) that the monthly dues, including any initiation fee or other charge, do not exceed one hundred fifty dollars; (c) that the paid in full fee is not discounted by more than ten percent of the sum of the initiation fee and the monthly dues payments; and (d) that the term of either option be no more than twelve months and that the membership contract not contain an automatic renewal provision. Additionally, any Health Club which owns five or more acres of real property which is used directly for the purpose for which the Club is formed, and any Health Club the use of which is exclusively restricted to residents of a homeowners' association, cooperative or condominium and which is owned by and operated on the premises of such homeowners' association, cooperative or condominium, shall be excluded from the requirement to file a bond, letter of credit or certificate of deposit.
11. (a) Every Health Club shall post, in at least two conspicuous areas within the Club, including, if applicable, an entrance area where buyers are required to register, a sign no smaller than nine inches by fourteen inches that sets forth the following notice clearly and conspicuously:
IMPORTANT NOTICE FOR HEALTH CLUB MEMBERS
New York State law requires certain Health Clubs to have a bond or other form of financial security to protect members in the event the Club closes.
This Club (insert whichever term is applicable)

has posted the financial security required by law.
or
is exempt from this requirement.
YOU MAY ASK A REPRESENTATIVE OF THE CLUB FOR PROOF OF THE CLUB's COMPLIANCE WITH THIS LAW. YOU MAY ALSO OBTAIN THIS INFORMATION FROM THE NEW YORK STATE DEPARTMENT OF STATE, DIVISION OF LICENSING SERVICES, 162 WASHINGTON AVENUE, ALBANY, N.Y. 12231.
(b) Health Clubs that operate at two or more locations shall post notices in compliance with paragraph (a) of this subdivision at each such location.
12. The notice required by subdivision eleven of this section shall be incorporated into any contract for services executed by a Health Club in at least ten point bold type.
13. Every contract for services which offers the consumer the option to pay in installments shall contain the following notice, written in at least ten point bold type and placed directly above the space reserved for the signature of the buyer:
THIS NOTICE PROVIDES IMPORTANT INFORMATION ABOUT YOUR PAYMENT OPTIONS
You may make payments on an installment basis or in a single payment. Paying the full amount may be less expensive, but may involve financial risks to you. Read this notice carefully before making a decision.
New York State law requires certain Health Clubs to post a bond or other financial security to protect members in the event the Club closes. This Club is exempt from this requirement since it gives members the option of paying on an installment basis, therefore it need not post a bond or other form of financial security.
In deciding whether to make your payments on an installment basis, you should be aware that if the Club closes, although the Club will remain legally liable for a refund, you may risk losing your money if the Club is unable to meet its financial obligations to members.

§21-32.4 **Contract Restrictions**
1. No contract for services shall require payment by the person receiving service or the use of the facilities of a total amount in excess of three thousand six hundred dollars per annum, provided, however, that this subdivision shall not apply to contracts relating solely to the use of tennis, platform tennis or racquet ball facilities.
2. No contract for services shall provide for a term longer than thirty-six months. No contract for services shall require payments or financing by the buyer over a period in excess of thirty-seven months from the date the contract is entered into, nor shall the term of any such contract be measured by or be for the life of the buyer. Provided, however, that the services to be rendered to the buyer under the contract may extend over a period not to exceed three years from the date the contract is entered into with the right to renew, at the

option of the buyer for a like period. The buyer may have thirty days after the expiration to renew the contract. The installment payments shall be in substantially equal amounts exclusive of the down payment and shall be required to be made at substantially equal intervals, not to exceed one month.
3. No contract for services may contain any provisions whereby the buyer agrees not to assert against the seller or any assignee or transferee of the Health Club services contract any claim or defense arising out of the Health Club services contract.
4. No contract for services may require the buyer to execute a promissory note or series of promissory notes which, when negotiated, cuts off as to third parties a defense which the buyer may have against the seller.
5. No contract may be assigned by one Health Club to another Health Club not located on the same premises without written consent of the buyer.

§ 21-32.5 **Right of Cancellation of Contracts for Services**
1. Every contract for services at a planned Health Club or a Health Club under construction shall, at the option of the buyer, be voidable in the event that the Health Club and the services to be provided pursuant to such contract are not available within one year from the date the contract is executed by the buyer.
2. Every contract for services shall provide that such contract may be cancelled within three business days after the date of receipt by the buyer of a copy of the written contract. Notice of cancellation shall be delivered by certified or registered United States mail at the address specified in the contract. Such contract shall contain the following written notice in at least ten point bold type: CONSUMERS RIGHT TO CANCELLATION. YOU MAY CANCEL THIS CONTRACT WITHOUT ANY PENALTY OR FURTHER OBLIGATION WITHIN THREE (3) DAYS FROM THIS DATE ..... Notice of cancellation shall be in writing subscribed by the buyer and mailed by registered or certified United States mail to the seller at the address specified in such form. Such notice shall be accompanied by the contract forms, membership cards and any other documents or evidence of membership previously delivered to the buyer. All moneys paid pursuant to such contract shall be refunded within fifteen business days of receipt of such notice of cancellation. If the buyer has executed any credit or loan agreement to pay for all or part of Health Club services, any such negotiable instrument executed by the buyer shall also be returned within fifteen days.
3. Every contract for services shall provide that after such three day period for cancellation as provided in subdivision two of this section, the buyer's estate may cancel a contract for services if the buyer dies. The buyer may also cancel after three days if the buyer becomes significantly physically disabled for a period in excess of six months, or moves his residence to a location more than twenty-five miles from a Health Club operated by the seller, or after the services are no longer available or substantially available as provided in the contract because of the seller's permanent discontinuance of operation or substantial change in operation. Nothing contained herein shall restrict or

prohibit the seller from offering or providing in such contract additional or broader reasons for cancellation. The seller may require reasonable evidence for a cancellation pursuant to this subdivision. Such contract shall contain the following notice captioned in at least ten point bold type:
ADDITIONAL RIGHTS TO CANCELLATION:
You may also cancel this contract for any of the following reasons:
If upon a doctor's order, you cannot physically receive the services because of significant physical disability for a period in excess of six months.
If you die, your estate shall be relieved of any further obligation for payment under the contract not then due and owing.
If you move your residence more than twenty-five miles from any Health Club operated by seller.
If the services cease to be offered as stated in the contract.
All moneys paid pursuant to such contract cancelled for the reasons contained in this subdivision shall be refunded within fifteen days of receipt of such notice of cancellation; provided however that the seller may retain the expenses incurred and the portion of the total price representing the services used or completed, and further provided that the seller may demand the reasonable cost of goods and services which the buyer has consumed or wishes to retain after cancellation of the contract. In no instance shall the seller demand more than the full contract price from the buyer. If the buyer has executed any credit or loan agreement to pay for all or part of Health Club services, any such negotiable instrument executed by the buyer shall also be returned within fifteen days.

§21-32.6 **Assignment of Contracts for Services**
1. No assignee who takes a note or other obligation as consideration for a contract containing the disclosure requirements of 21-32.5 of this Administrative Code shall fail to honor the consumer's right of cancellation as provided in this Title.
2. No creditor holding a note or other obligation, to which a consumer has obligated himself in order to purchase a contract shall fail to honor the consumer's right of cancellation under this Title if:
(a) the creditor is a person related to the seller of services; or
(b) the seller prepares documents used in connection with the loan; or
(c) the creditor supplies forms to the seller used by the consumer in obtaining the loan; or
(d) the creditor makes twenty or more loans in any calendar year, the proceeds of which are used in transactions with the same seller or with a person related to the same seller; or
(e) the consumer is referred to the creditor by the seller; or
(f) the creditor, directly or indirectly, pays the seller any consideration whether or not it is in connection with the particular transactions; or
(g) the creditor participated in or was connected with the sale.
3. No assignee of a contract shall fail to give notice of the assignment to the

consumer. A notice of assignment shall be in writing addressed to the consumer at the address shown on the contract and shall identify the contract.

§21-32.7 **Deceptive Acts Prohibited**. It is hereby declared to be an unfair and deceptive trade practice and unlawful for a seller to:
1. Misrepresent directly or indirectly in its advertising, promotional materials, or in any manner the size, location, facilities or equipment of its studio, or place of business or the number or qualifications of its personnel;
2. Use or refer to fictional organization divisions or position titles or make any representation which has the tendency or capacity to mislead or deceive consumers as to the size or importance of the business, its divisions, or personnel, or in any other material respect;
3. Misrepresent directly or indirectly the size, importance, location, facilities, or equipment of the business through use of photographs, illustrations, or any other depictions in catalogs, advertisements, or other promotional materials;
4. Misrepresent the location or locations at which its services will be offered;
5. Misrepresent the nature of its courses, training devices, methods or equipment or the number, qualifications, training, or experience of its personnel, whether by means of endorsements or otherwise;
6. Misrepresent the nature and extent of any personal services, guidance, assistance, or other attention the business will provide for consumers;
7. Designate or refer to his sales representation using terms that misrepresent in any other manner, the titles, qualifications, training, experience or status of his salesmen, agents, employees, or other representatives; and
8. Misrepresent in any manner by the seller or his assignee the buyer's right to cancel under this Title.

§21-32.8 **Contracts Void and Unenforceable.**
1. Any contract for services which does not comply with the applicable provisions of this Title shall be void and unenforceable as contrary to public policy.
2. Any waiver by the buyer of the provisions of this Title shall be deemed void and unenforceable by the seller as contrary to public policy.

§21-32.9 **Automated External Defibrillator Requirements**
1. Every Health Club as defined under paragraph b of subdivision one of section 3000-d of the Public Health Law whose membership is five hundred persons or more shall have on the premises at least one automated external defibrillator and shall have in attendance, at all times during staffed business hours, at least one individual performing employment or individual acting as an authorized volunteer who holds a valid certification of completion of a course in the study of the operation of AEDs and a valid certification of the completion of a course in the training of cardiopulmonary resuscitation provided by a nationally recognized organization or association.
2. Health Clubs and staff pursuant to subdivision one of this section shall be

deemed a “public access defibrillation provider” as defined in paragraph (c) of subdivision one of section 3000-b of the Public Health Law and shall be subject to the requirements and limitation of such section.
3. Pursuant to sections 3000-a and 3000-b of the Public Health Law, any public access defibrillation provider, or any employee or other agent of the provider who, in accordance with the provisions of this section, voluntarily and without expectation of monetary compensation renders emergency medical or first aid treatment using an AED which has been made available pursuant to this section, to a person who is unconscious, ill or injured, shall be liable only pursuant to section 3000-a of the Public Health Law.

§ 21-32.10 **Private Right of Action**
1. Any buyer damaged by a violation of this Title may bring an action for recovery of damages. Judgment may be entered in an amount not to exceed three times the actual damages plus reasonable attorney fees.
2. Nothing in this Title shall be construed so as to nullify or impair any right or rights which a buyer may have against a seller at common law, by statute, or otherwise.

§ 21-32.11 **Violations.**
1. Any seller or his assignees who violate any provision of this Title, or who shall counsel, aid or abet such violation shall be liable for a civil fine of not more than twenty-five hundred dollars for each violation. The provisions of this Title are not exclusive and do not relieve the seller or his assignees or the contracts subject to this Title from compliance with all other applicable provisions of law.
2. In addition to the provisions of subdivision one of this section, any seller or his assignees who violate section 21-32.3 of this Administrative Code shall be guilty of a misdemeanor.

§ 21-32.12. **Supplemental definitions.** In sections 21-32.13 through 22-32.21 the following definitions shall apply:

a. “Commissioner” means the Nassau County Commissioner of Consumer Affairs or the Commissioner’s designated agent.
b. “Applicant” shall include all natural persons who are sole proprietors, partners in the business, corporate officers and anyone owning more than ten percent of the stock of an applicant or licensee corporation.

§ 21-32.13. **License required.**
1. After January 1, 2017, no person shall, within the County of Nassau, operate a Health Club either separately or in conjunction with some other business, without first having obtained a license in accordance with and subject to the provisions of this Title.

2. Such license shall be displayed in a conspicuous place at the designated place of business of the licensee.

3. Such license shall not in any way supplant the licensing and display requirements of any applicable Federal, State, other County, Town, Village or City laws or regulation.

§ 21-32.14 **Application for License; Fee**

1. Applications for Health Club operator licenses shall be made to the Commissioner. The application shall contain the following information:

a. Name and description of the applicant's business enterprise. Natural persons using their own name or a trade name must present a certified copy of the business certificate on file in the Nassau County Clerk's Office. A partnership conducting business must submit a certified copy of the partnership certificate on file in the Nassau County Clerk's Office. A corporation must furnish a copy of the Secretary of State's Filing receipt. A Corporation operating under an assumed name (or "DBA") must submit an Assumed Name Certificate that has been filed with New York State authorizing the use of that name in Nassau County. All corporations must furnish the original and current corporate structure naming all principals, officers, directors and stockholders including all minutes showing changes made to the corporate structure.

b. All applicants or the natural person submitting the application, must submit acceptable evidence of identity. This proof must be a state issued Department of Motor Vehicles Driver License or Non-Driver Identification Card. Only persons 18 years old or older may submit proof of identity.

c. The applicant's legal home address and address of all places of business within Nassau County and the address of a designated agent for service of process. In the cases of a corporation, the names and home addresses of all officers, directors and shareholder owning ten percent of corporate stock.

d. The name and address of the owner or owners of the location at which the Health Club is to operate and the nature of the right of occupancy of the applicant to use said premises and a copy of lease or deed for that premises.

e. A description of the nature of the business to be conducted and/or being conducted by the applicant in Nassau County, including but not limited to a description of all services to be or offered by the Health Club and the equipment and facilities available.

f. A statement as to whether or not the applicant has been convicted of a crime or violation of any municipal ordinance, the nature of the offense

and the punishment or penalty assessed therefore and such other facts or evidence as is deemed necessary by the Commissioner to establish that the applicant is a person fit and capable of properly conducting the activity or business for which the license is sought.

g. Two photographs of the applicant or the president or principals of the applicant, taken not more than sixty (60) days prior to the date of application, which clearly depict the head and shoulders of the applicant and which shall be 2 inches wide by 2 inches tall.

h. Copies of such certificates, permits, diplomas, licenses or similar documentation regarding the qualification of the applicant or the applicant's employees to render the services offered by the Health Club.

2. Every application for a Health Club operator's license shall be accompanied by a non-refundable application fee. The amount of the fee shall be set by ordinance.

3. No applicant for a license or license renewal shall have any un-negotiated judgments, liens, tax warrants or unpaid child support orders.

4. Every license issued hereunder shall be valid for the operation of one location. Licensees may request additional licenses to operate additional locations from the Commissioner upon the payment of a fee, the amount of which shall be set by ordinance. Each separate corporation and/or DBA must apply for its own license.

§ 21-32.15**. Issuance of License**

1. Upon receipt of the license application, fee and bonds required of the applicant, the Commissioner shall review the application and, if appropriate, issue a license to the applicant.

2. The Commissioner shall keep a record of all licenses issued, suspended and/or revoked, as well as any other matters herein described.

§ 21-32.16. **Expiration and Renewal of License.** Every license shall expire two years after its issuance. Every license may be renewed upon payment of the required renewal fee and filing a renewal application with the Commissioner no earlier than thirty (30) days before expiration. The applicant shall certify that no changes have occurred with respect to any of the facts or information required or supplied on the original application, or, if there have been any changes, the applicant shall furnish the facts and information relating to such changes and shall comply with the requirements of this law. The amount of the renewal fee shall be set by ordinance. Failure to make

application for renewal within fifteen days after the expiration of a license shall subject the licensee to a penalty which shall be paid prior to the issuance of the renewal. The amount of this fee shall be set be ordinance.

§ 21-32.17 **Powers of the Commissioner.** In addition to the powers and duties elsewhere prescribed in this Title, the Commissioner shall have power:

1. To examine into the qualifications and fitness of applicants for licenses under this title;

2. To keep records of all licenses issued, suspended or revoked;

3. To adopt such rules and regulations not inconsistent with the provisions of this title as may be necessary with respect to the form and content of applications for licenses, the receipt thereof, the investigation and examination of applicants and their qualifications, and the other matters incidental or appropriate to his powers and duties as prescribed by this title and for the proper administration and enforcement of the provisions of this title, and to amend or repeal any of such rules and regulations:

4. In the event that an applicant has outstanding examinations, hearings, investigations, complaints or proceedings with the Office of Consumer Affairs, the Commissioner shall be authorized, after review, to issue a temporary license. Said temporary-license shall be for a period and under conditions to be determined by the Commissioner. Said temporary license shall have no effect upon the merits of the outstanding matters of the applicant pending in the Office of Consumer Affairs.

5. The Commissioner or Commissioner's designee shall be authorized to suspend the license of any person pending payment of such fine, penalty or pending compliance with any order of the Commissioner or the Office of Consumer Affairs or with any other lawful order of the office.

6. The Commissioner or the Office of Consumer Affairs may arrange for the redress of injuries or damage caused by any violation of this article and may otherwise provide for compliance with the provisions and purposes of this article.

§ 21-32.18 **Refusal, suspension and revocation of license; grounds** A Health Club license may be refused, suspended or revoked by the Commissioner for anyone or more of the following causes:

1. Fraud, misrepresentation or bribery in securing a license.

2. The making of any false statement as to a material matter in any

application for a license.

3. The person or the management personnel of the licensee are untrustworthy or not of good character.

4. The willful manipulation of assets or accounts by the licensee.

5. Failure to display the license as provided in this title.

6. Failure to resolve a valid complaint registered in the Office of Consumer Affairs.

7. Violation of any provision of this title, or of any rule or regulation adopted hereunder.

8. A licensee who has had a license suspended and/or revoked in another jurisdiction shall report said suspension or revocation to the Office of Consumer Affairs within ten (10) days of said action. Upon receipt of notification, the Commissioner, or his designee, may order a hearing to determine the continued validity of the licensee's ability to operate in Nassau County. Any failure on the part of a licensee to report another jurisdiction's actions, shall be deemed a willful failure to report and will result in the immediate suspension and/or revocation of the licensee's license in Nassau County.

9. A license may be denied, suspended, or revoked when the applicant or licensee, or any of its principals, officers, or directors, or any of its stockholders owning more than 10 percent of its outstanding stock of the corporation has been convicted of a crime which, in the judgment of the Commissioner, has a direct relationship to such person's fitness or ability to perform any of the activities for which a license is required under this Title, or has been convicted of any other crime which, in accordance with Article 23-a of the Correction Law, would provide a justification for the Commissioner to refuse to issue or renew, or to suspend or revoke, such license.

10. A license may be denied, suspended, or revoked when the applicant or licensee, or any of its principals, officers or directors, or any of its stockholders owning more than ten percent of its outstanding corporate stock has omitted or misrepresented the facts or circumstances underlying any information contained in the license or renewal application.

11. A license may be denied, suspended or revoked when a person has been found by a court of any state to have practiced civil fraud, deceit, misrepresentation in conjunction with a Health Club business or other business.

§ 21-32.19. **Denial, Suspension or Revocation of License; Appeals**

1. The initial determination to deny, suspend, or revoke a license under this Title shall be made in writing by the Commissioner.

2. Within sixty (60) calendar days of the initial determination to deny or revoke a license under this Title, an aggrieved applicant or licensee may request a formal hearing. Such request shall be addressed via certified mail to the Commissioner of Consumer Affairs. Within a reasonable time thereafter, the Commissioner shall appoint a hearing officer with the authority to compel the attendance of witnesses, administer oaths, take the testimony of any person under oath and in connection therewith require the production of any evidence relating to any matters affecting the determination. The applicant shall be advised of the hearing date and the right to be represented by counsel at said hearing. The hearing officer shall render a Decision and Recommendation to the Commissioner within thirty (30) calendar days of the hearing. The Commissioner will notify the applicant/licensee within a reasonable time thereafter of the Final Determination with respect to the disposition of the license/application for license.

§ 21-32.20. **Penalties for offenses**

1. Notwithstanding any provisions to the contrary contained in this Chapter, the Nassau County Charter, the Nassau County Administrative Code or any other local law, a failure to comply with any of the provisions of this Title shall constitute a violation and shall be punishable by a fine not exceeding five thousand dollars ($5,000), or imprisonment for a period not exceeding fifteen (15) days, or by both such fine and imprisonment. The continuation of an offense shall constitute a separate and distinct violation hereunder for each day the offense is continued. Each such violation shall be deemed a separate offense.

2. In addition to the penalties provided by paragraph 1 of this section and those provided by sections 21-10.2 of this code, any person who violates any of the provisions of this Title shall be liable for a civil penalty of not more than five thousand dollars ($5,000) for each such violation.

3. In addition to the penalties provided by paragraphs 1 and 2 of this section and those provided by sections 21-10.2 of this code, any person who uses a false or invalid license number, or falsely states or implies that he or she is licensed, under this title, in any advertisements or in dealings with consumers whether oral or written, shall be subject to a penalty for a deceptive trade practice, in accordance with the provisions of section 21-10.2 of this code.

4. The County Attorney may bring an action in the name of the County to restrain or prevent any violation of this subdivision or any continuance of any such violation.

§ 21-32.21 **Imposition of penalties.**

1. No penalty shall be imposed under this Title until after a hearing before an officer or employee of the Commissioner designated for such purpose by the Commissioner upon notice to the licensee of at least ten (10) days. The notice shall be served by registered or certified mail and shall state the date and place of hearing and set forth the ground or grounds constituting the charges against the licensee. If the licensee fails to attend the hearing, the Commissioner shall impose the proper penalty within the Commissioner's discretion under section 21-33.6. The licensee shall be heard in his defense either in person or by counsel and may offer evidence on his behalf. The person conducting the hearing shall make a written report of that person's findings and a recommendation to the Commissioner for decision. The Commissioner shall review such findings and the recommendation and, after due deliberation, shall issue an order accepting, modifying or rejecting such recommendation. For the purpose of this title, the Commissioner or any officer or employee of the department designated by him may administer oaths, take testimony, subpoena witnesses and compel the production of books, papers, records and documents deemed pertinent to the subject of the investigation.

2. In addition to the penalties provided above, any offense against the provisions of this Title shall subject the person committing the offense to a further penalty in the amount of one thousand dollars ($1000) for each day that the offense shall continue, collectible by and in the name of the County of Nassau.

3. A fine may imposed after a hearing before an officer or employee of the Commissioner designated for such purpose by the Commissioner upon notice to the licensee of at least ten (10) days except as otherwise provided in this section. The notice shall be served by registered or certified mail and shall state the date and place of hearing and set forth the ground or grounds constituting the charges against the licensee, and if the licensee fails to attend such hearing, the Commissioner shall revoke the license of said licensee. The licensee shall be heard in his defense either in person or by counsel and may offer evidence on his behalf. For the purpose of this title, the Commissioner or, any officer or employee of the department designated by him may administer oaths, take testimony, subpoena witnesses and compel the production of books, papers, records and documents deemed pertinent to the subject of investigation.

4. Any fine or civil penalty authorized by this section may be waived or

compromised by the Commissioner or the Commissioner's designated representative.

§ 21-32.21. **Non-Transferability of License.** No license shall be assignable or transferable except as hereinafter provided. A license to conduct business issued to an individual may be assigned or transferred for the remainder of the license period to a partnership or corporation if such individual is a member of such partnership or a stockholder of such corporation owning not less than twenty-five (25) percent of the outstanding stock at the time of such assignment or transfer. A license issued to a partnership may be assigned or transferred for the remainder of the license period to any one member of such partnership provided he obtains the consent of all of the other members of such partnership. The application of such transfer or assignment must be accompanied by proof satisfactory to the Commissioner that there has been compliance with the requirements specified herein. No assignment or transfer shall become effective unless and until the endorsement of the transfer or assignment has been made on the face of the license by the Commissioner and such license, so endorsed, has been returned to the assignee or transferee. All such endorsements shall be made upon a payment of a fee the amount of which shall be set by ordinance.
(Title added by Local Law No. 12-2016, in effect January 2, 2017.)

Title D-24[117]

PET GROOMING BUSINESSES

Section	21-33.0	Definitions
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	21-33.9	Applicability

§ 21-33.0. **Definitions**

1. Unless the context specifically indicates otherwise, the meaning of terms used in this Title shall be as follows:

a. "Apprentice" means a person who is engaged in learning and acquiring

[117] Title was designated "Title D-23" in Local Law. Title was renumbered "Title D-24" pursuant to the authority granted in that Local Law in order to insure numerical consistency of sections.

knowledge of pet grooming or styling under the direction and supervision of a pet groomer.
b. "Box Dryer" means a piece of equipment that is attached to, or near, a cage or enclosure for the purpose of drying or aiding in the drying of a pet contained in a cage or enclosure, and which is capable of functioning without a person manually holding a dryer.
c. "Cage or Crate" means a safe and humane container for the keeping and/or housing of pets in a facility.
d. "Commissioner" means the Nassau County Commissioner of Consumer Affairs or the Commissioner's designated agent.
e. "Incident" means when the skin of any pet or person is broken or a pet has an allergic reaction during the course of a grooming session.
f. "Office" means the Nassau County Office of Consumer Affairs.
g. "Owner" shall include all natural persons who are sole proprietors, partners in the business, corporate officers and anyone owning more than ten percent of the stock of an applicant or licensee corporation.
h. "Pet" means any dog, cat or other animal accepted for grooming or styling.
i. "Pet Groomer" means any individual who grooms, clips, trims, styles, bathes or dries a pet for financial remuneration.
j. "Pet Grooming Business" means any person, corporation, firm or proprietorship or other entity or business organization that engages in a business that provides pet grooming or styling services. This shall include businesses that provide their services at a commercial building, from a mobile unit, from the business owner's home, or are provided at a customer's home, grounds or business using equipment provided by a pet groomer.
k."Pet Friendly" means any product, chemical, tool or piece of equipment which is accepted as safe for use on pets.
l. "Pet Restraint" means any tool or piece of equipment used or attached to a grooming arm, tub or other facility, fixture or equipment to hold a pet safely under control.

§ 21-33.1. **Pet Grooming Business License Required**
1. No pet grooming business shall operate within the County of Nassau unless it has a license issued by the Office in accordance with the provisions of this Title. The initial application fee for license of a pet grooming business and the biennial renewal shall be set by ordinance by the Nassau County Legislature.

2. Each applicant for a license must provide the following information and appropriate supporting documentation to the Office:
a. The name of the pet grooming business
b. The principal address and the names of all owners of the business
c. Proof of identity of the owner or owners and that the owner or owners are over the age of 18 years

d. The home address of the owner or owners
e. The address of all places of business within Nassau County and the name and address of a designated agent for service of process
f. Documents demonstrating that the owner or manager of the Pet Grooming Business has either:
    i. Received training in the field of pet grooming for at least one hundred and fifty (150) hours, either as an apprentice or from a school or institution that provides instruction in pet grooming. If the training received was from a school or institution, copies of any certificates, permits, diplomas, licenses or similar documentation must be included in the application for License; or
    ii Continually operated a business providing pet grooming services or has been employed as a pet groomer for a period of at least one (1) year.
g. The name and address of the owner or owners of the business premises and the nature of the right of occupancy of the applicant to use said premises and a copy of lease or deed of the business premises.
h. A statement as to whether the licensee has been convicted of a crime or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed therefore and such other facts or evidence as is deemed necessary to establish that the licensee is a person fit and capable of properly conducting the activity or business for which License is sought.
i. Documents providing proof of professional and general liability and property damage in the amount of one hundred thousand dollars ($100,000) per person, three hundred thousand dollars ($300,000) per occurrence, bodily injury and fifty thousand ($50,000) each occurrence and aggregate, property damage.

3. No applicants for licensing or license renewal shall have any un-negotiated judgments, liens, tax warrants or unpaid child support orders.

4. The Office shall provide each pet grooming business which has complied with the licensing requirements a license which shall have a License number and expiration date.

5. Pet grooming businesses shall display their license in a conspicuous place at the designated place of business.

6. Such license shall not in any way supplant the licensing and display requirements of any applicable Federal, State, other County, Town, Village or City laws or regulation.

§ 21-33.2**. Pet Groomer License**

1. No natural person shall provide services as a pet groomer in Nassau County

unless they are licensed with the Office in accordance with the provisions of this Title. The initial application fee for licensing as a pet groomer and the biennial renewal fee shall be set by ordinance by the Nassau County Legislature. Licensees who are owners of licensed pet grooming businesses shall be exempt from the pet groomer fee. Licensees must be at least eighteen (18) years of age.

2. Each applicant must provide the following information and appropriate documentation to the Office:

a. Proof of identity of the applicant and that the applicant is over the age of 18 years.

b. Documents demonstrating that the registrant has either:

i. Received training in the field of pet grooming for at least one hundred and fifty (150) hours, either as an apprentice or from a school or institution that provides instruction in pet grooming. If the training received was from a school or institution, copies of any certificates, permits, diplomas, licenses or similar documentation must be included in the application for License; or

ii. Continually operated a business providing pet grooming services or has been employed as a pet groomer for a period of at least one (1) year.

c. A statement as to whether the licensee has been convicted of a crime or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed therefore and such other facts or evidence as is deemed necessary to establish that the registrant is a person fit and capable of properly conducting the activity or business for which License is sought.

3. No applicants for licensing or license renewal shall have any un-negotiated judgments, liens, tax warrants or unpaid child support orders.

4. The Office shall provide each pet groomer who has complied with the licensing requirements a license and an identification card, which shall have a license number and expiration date.

5. Natural persons who are employed by only one pet grooming business shall be exempt from the individual pet groomer license requirements set forth in this Title.

6. Such license shall not in any way supplant the licensing and display requirements of any applicable Federal, State, other County, Town, Village or City laws or regulation.

§ 21-33.3**. Health and Safety Standards**

1. Pet grooming businesses shall provide temporary housing for pets that is in good repair, safe, secure, and stable. Pets must be able to sit, stand, and turn around comfortably in any crate or enclosure. All pet housing shall be sufficiently ventilated and climate controlled for the health and safety of the pets.

2. Pet grooming business and groomers must offer fresh water to any pet confined more than four (4) hours.

3. No pets shall be left unsupervised while on a grooming table or in the bathing areas.

4. Bathing areas used by grooming businesses should be in safe, operational condition with non-slip flooring for pets and pet groomers. Water temperature should be set appropriately to prevent injury to pets.

5. All equipment, tools and products used by pet grooming businesses shall be in good working condition. All pet restraints used shall be both secure and pet friendly. Pet grooming businesses and pet groomers shall only use products and/or chemicals in the grooming and styling of pets that are pet friendly. Any topical pesticide used on a pet shall be approved by the New York State Department of Environmental Conservation.

6. Pets in box dryers shall be attended to by at least one person in the room at all times.

7. The facilities used by pet grooming businesses shall be clean, neat, and orderly, with enclosures and work spaces cleaned between uses by different animals. Facilities shall have appropriate ventilation and first aid kits available for pets and personnel.

8. All facilitates used by pet grooming businesses shall have emergency procedures to assure the health and safety of pets in the event of an emergency situation. This includes, but is not limited to, the name and contact information of a local emergency veterinarian to be used by pet groomers or pet owners in the event of a pet's medical emergency.

9. Pet grooming businesses shall keep and maintain records of all clients and their respective pets, including, but not limited to: the name of the pet, the name, address and phone number of the pet's owner; any known allergies of the pet; the services provided; and the dates of services rendered. Incident reports shall be created in the event of an incident occurring with a pet. Incident reports shall be retained for at least six (6) years from the date of service.

10. Apprentices working in a pet grooming business must be under the supervision of a registered pet groomer.

§ 21-33.4**. Regulations.**

The Commissioner is hereby authorized and empowered to issue and promulgate such rules and regulations as he or she may deem necessary for the implementation and enforcement of this Title.

§ 21-33.5**. Penalties for offenses**

1. Notwithstanding any provisions to the contrary contained in this Chapter, the Nassau County Charter, the Nassau County Administrative Code or any other local law, a failure to comply with any of the provisions of this Title shall constitute a violation and shall be punishable by a fine not exceeding five thousand dollars ($5,000), or imprisonment for a period not exceeding fifteen (15) days, or by both such fine and imprisonment. The continuation of an offense shall constitute a separate and distinct violation hereunder for each day the offense is continued. Each such violation shall be deemed a separate offense.

2. In addition to the penalties provided by paragraph 1 of this section and those provided by sections 21-10.2 of this code, any person who violates any of the provisions of this Title shall be liable for a civil penalty of not more than five thousand dollars ($5,000) for each such violation.

3. In addition to the penalties provided by paragraphs 1 and 2 of this section and those provided by sections 21-10.2 of this code, any person who uses a false or invalid license number, or falsely states or implies that he or she is licensed, under this title, in any advertisements or in dealings with consumers whether oral or written, shall be subject to a penalty for a deceptive trade practice, in accordance with the provisions of section 21-10.2 of this code.

4. The County Attorney may bring an action in the name of the County to restrain or prevent any violation of this subdivision or any continuance of any such violation.

§ 21-33.6 **Imposition of penalties.**

1. No penalty shall be imposed under section 21-33.6 of this Title until after a hearing before an officer or employee of the Commissioner designated for such purpose by the Commissioner upon notice to the licensee of at least ten (10) days. The notice shall be served by registered or certified mail and shall state the date and place of hearing and set forth the ground or grounds constituting the charges against the licensee. If the licensee fails to attend the hearing, the Commissioner shall impose the proper penalty within the Commissioner's discretion under section 21-33.6. The licensee shall be heard

in his defense either in person or by counsel and may offer evidence on his behalf. The person conducting the hearing shall make a written report of that person's findings and a recommendation to the Commissioner for decision. The Commissioner shall review such findings and the recommendation and, after due deliberation, shall issue an order accepting, modifying or rejecting such recommendation. For the purpose of this title, the Commissioner or any officer or employee of the department designated by him may administer oaths, take testimony, subpoena witnesses and compel the production of books, papers, records and documents deemed pertinent to the subject of the investigation.

2. In addition to the penalties provided above, any offense against the provisions of this Title shall subject the person committing the offense to a further penalty in the amount of one thousand dollars ($1000) for each day that the offense shall continue, collectible by and in the name of the County of Nassau.

3. A fine may imposed after a hearing before an officer or employee of the Commissioner designated for such purpose by the Commissioner upon notice to the licensee of at least ten (10) days except as otherwise provided in this section. The notice shall be served by registered or certified mail and shall state the date and place of hearing and set forth the ground or grounds constituting the charges against the licensee, and if the licensee fails to attend such hearing, the Commissioner shall revoke the license of said licensee. The licensee shall be heard in his defense either in person or by counsel and may offer evidence on his behalf. For the purpose of this title, the Commissioner or, any officer or employee of the department designated by him may administer oaths, take testimony, subpoena witnesses and compel the production of books, papers, records and documents deemed pertinent to the subject of investigation.

4. Any fine or civil penalty authorized by this section may be waived or compromised by the Commissioner or the Commissioner's designated representative.

§ 21-33.7**. Denial or Revocation of License; Appeals**

1. The Commissioner is hereby empowered to revoke, suspend or deny licenses to any pet grooming business or pet groomer which fails to file all required information, files falsified information or is found responsible for more than three (3) violations during any license period of two (2) years. Any pet grooming business or pet groomer whose license is revoked or denied may reapply after a period of two (2) years.

2. A license may be denied, suspended, or revoked when an applicant for a

license or licensee, or any of its principals, officers, or directors, or any of its stockholders owning more than ten percent of its outstanding stock of the corporation has been convicted of a crime which, in the judgment of the Commissioner, has a direct relationship to such person's fitness or ability to perform any of the activities for which a license is required under this Title, or has been convicted of any other crime which, in accordance with Article 23-a of the Correction Law, would provide a justification for the Commissioner to refuse to issue or renew, or to suspend or revoke, such license.

3. A license may be denied, suspended, or revoked when the licensee, or any of its principals, officers or directors, or any of its stockholders owning more than ten percent of its outstanding corporate stock has omitted or misrepresented the facts or circumstances underlying any information contained in the license application.

4. A license may be denied, suspended or revoked when a person has been found by a court of any state to have practiced civil fraud, deceit, misrepresentation in conjunction with a pet grooming business or other business.

5. The initial determination to deny, suspend, or revoke a license under this subsection shall be made in writing by the Commissioner.

6. Within sixty (60) calendar days of the initial determination to deny or revoke a license under paragraphs 1 through 4 above, an aggrieved applicant or licensee may request a formal hearing. Such request shall be addressed via certified mail to the Commissioner of Consumer Affairs. Within a reasonable time thereafter, the Commissioner shall appoint an independent hearing officer with the authority to compel the attendance of witnesses, administer oaths, take the testimony of any person under oath and in connection therewith require the production of any evidence relating to any matters affecting the determination. The applicant/licensee shall be advised of the hearing date and his/her right to be represented by counsel at said hearing. The hearing officer shall render his/her Decision and Recommendation to the Commissioner within thirty (30) calendar days of the hearing. The Commissioner will notify the applicant/licensee within a reasonable time thereafter of his/her Final Determination with respect to the disposition of his license/application for license.

§ 21-33.8. **Non-Transferability of License**
No license shall be assignable or transferable except as hereinafter provided. A license to conduct business issued to an individual may be assigned or transferred for the remainder of the license period to a partnership or corporation if such individual is a member of such partnership or a stockholder of such corporation owning not less than twenty-five (25) percent of the

outstanding stock at the time of such assignment or transfer. A license issued to a partnership may be assigned or transferred for the remainder of the license period to any one member of such partnership provided he obtains the consent of all of the other members of such partnership. The application of such transfer or assignment must be accompanied by proof satisfactory to the Commissioner that the requirements herein provided have been complied with. No assignment or transfer shall become effective unless and until the endorsement of the transfer or assignment has been made on the face of the license by the Commissioner and such license, so endorsed, has been returned to the assignee or transferee. All such endorsements shall be made upon payment of a fee to be set by ordinance.

§ 21-33.9. **Applicability**
This Title shall apply to all pet grooming business operating within Nassau County on or after January 1, 2017.
(Title added by Local Law No. 12-2016, in effect January 2, 2017.)

Title D-25

FOR-HIRE VEHICLES

§ 21-19.0 **Definitions.**

(a) "For-hire vehicle" shall mean a taxicab, limousine or private livery vehicle carrying passengers for hire. It shall not mean a vehicle in strict compliance with Article 44-B of the Vehicle and Traffic Law.

(b) "Limousine" shall mean a chauffeured for-hire vehicle seating not fewer than seven nor more than fourteen persons, including the driver, used solely for hire in connection with funerals, weddings, proms, social events, sports and similar functions on a prior agreement, fixed-rate basis.

(c) "Private Livery Vehicle" shall mean a for-hire vehicle seating five or six persons, including the driver, operating only by prior arrangement.

(d) "Taxicab" shall mean a for-hire vehicle, other than a private livery vehicle, having a seating capacity of not more than eight persons, including the driver.

(e) "Transportation Network Company" or "TNC" vehicle is defined at Vehicle and Traffic Law section 1691.

§ 21-19.1 **Regulation of for-hire vehicles.** The Commissioner of Consumer Affairs shall

(a) register, license and regulate for-hire vehicles as authorized by statute, local law or ordinance;

(b) issue licenses as authorized by Vehicle and Traffic Law section 498, General Municipal Law section 181, and other laws;

(c) prevent the unlicensed and/or unregistered operation of for-hire vehicles within the County; and

(d) monitor and enforce Transportation Network Company's strict compliance with Vehicle and Traffic Law Article 44-B.
(Added by Local Law No. 5-2018, in effect April 2, 2018.)

Title E
Nassau County Traffic Safety Board

§ 21-50.0 **Board. Established.** There is hereby established the Nassau County Traffic Safety Board to be composed of thirty members interested in traffic safety and traffic problems appointed by the County Executive subject to confirmation by the Board of Supervisors.
(Amended by Local Law No. 8-1972, in effect June 14, 1972; amended by Local Law No. 10-1986, in effect August 11, 1986.)

2. Each member shall be a resident and qualified elector of the County. At least one but no more than three members shall be a resident or residents of each city of the County and the balance of members shall be appointed from the County at large.

3. The term of office of each member shall be three years, except that the members first appointed shall be appointed as follows: five for a term of one year, five for a term of two years and five for a term of three years. Upon the expiration of the term of office of any member, his successor shall be appointed to membership for a term of three years.

4. Members shall receive no compensation for services but shall be entitled to reasonable and necessary expenses, incurred in the performance of their duties within the appropriation made for that purpose.

§ 21-50.1 **Organization and reports by the Board.** The Traffic Safety Board shall:

1. Meet and organize within fifteen days after its members are appointed.

2. Elect annually a Chairman, a First Vice-Chairman, two Vice-Chairmen and a Secretary from its members.

3. Adopt rules for the conduct of its business.

4. Within the limits of the appropriations made therefor by the Board of Supervisors, authorize the employment of such personnel as may be necessary to properly perform the functions and carry out the objectives of this title.

5. Appoint an executive secretary who shall be the executive and administrative officer *of* the Board.

6. Render annually to the Board of Supervisors, and from time to time as required, a verified account of all moneys received and expended by it or under its direction and an account of its proceedings and of other pertinent matters in such form and manner as may be required by such board.
(Subd. 2 of Section 21-50.1 amended by Local Law No. 10-1986, in effect August 11, 1986.)

§ 21-50.2 **Functions of the Board.** The Board is authorized:

1. To promote and encourage street and highway traffic safety.

2. To formulate countywide highway safety programs and coordinate efforts of interested parties and agencies engaged in traffic safety education.

3. To cooperate with local officials within the County in the formulation and execution of traffic safety programs and activities.

4. To study traffic conditions on streets and highways within the County, study and analyze reports of accidents and causes thereof, and recommend to the appropriate legislative bodies, departments or commissions, such changes in rules, orders, regulations and existing law as the Board may deem advisable.

5. To conduct meetings within the County whenever and wherever the Board shall deem it advisable and to invite to such meetings parties and agencies, public and private, interested in traffic regulation, control and safety education.

6. To promote safety education for drivers and pedestrians.

7. To obtain and assemble motor vehicle accident data, and to analyze, study and consolidate such data for educational and informational purposes.

§ 21-50.3 **Executive Secretary of Board.** The Executive Secretary of the Board shall:

1. Subject to the supervision and control of the Board perform the functions necessary to property and efficiently carry out the provisions and purposes to this title.

2. Be a citizen of the United States.

3. Receive such salary and expenses as the Board of Supervisors may fix and properly account for such expenses.

4. Furnish an official undertaking in an amount and in such form and with such sureties as shall be approved by the Board of Supervisors.
(Title E added by Local Law No. 13-1967, in effect September 7, 1967.)

Title F
Environmental Management Council

§ 21-60.0 **Legislative intent and declaration of policy.** The management and conservation of our environment is essential to the health and well-being of the people of the County. Land densities resulting from spectacular population growth, technological and mechanical advances causing emission of air contaminating pollutants, aircraft noise problems, and societal demands in general are but some of the factors endangering and adversely affecting our ecological balance. It is in the best interests of the County of Nassau to engage in a program of responsible action designed to maintain, conserve, and improve its own natural and man-created environmental resources for the protection *of* our present and future citizens. This may best be accomplished by establishing a County Environmental Management Council which shall work in concert, under the theory *of* partnership government, with the cities, towns and villages of the County so that a unified governmental effort may be instituted concerning the complete spectrum of environmental resources throughout the County and for development of a total program of preservation, conservation and improvement of our ecological integrity.

§ 21-60.1 **Council established.** There is hereby established a county council to be known as the Nassau County Environmental Management Council, hereinafter called the Council.

§ 21-60.2 **Membership.**

(a.)

i. The Council shall consist of the members appointed by the County Executive or otherwise designated as provided in this section. The County Executive shall appoint nine (9) members, subject to confirmation by the Board of Supervisors, who shall be persons other than members of city and town commissions for conservation of the environment residing within the County of Nassau and who are interested in the improvement and preservation of environmental quality. Of these members so appointed, at least one, but not more than four, shall be between the ages of sixteen and twenty-one.

ii. In addition to the nine (9) members appointed by the County Executive, as provided for in sub-paragraph i of this subdivision, one member from each commission for conservation of the environment that has been established by the governing bodies of the cities and towns within the County of Nassau shall serve on the Council. The governing body or appointing authority, as the case may be, of the city or town shall designate the member from its commission who shall be a Council member.

iii. The Commissioner of Health, the Executive Director of the Planning Commission, the Commissioner of Public works, the County Attorney, the Commissioner of Consumer Affairs and the Commissioner of Recreation, Parks and Support Services shall be ex officio members of the Council.
(Section 21-60.2 (a)(iii), amended by Local Law No 7-1971; amended by Local Law No. 7-1974, in effect July 2, 1974; amended by Local Law No. 43-2000, in effect January 1, 2001.)

(b.) The County Executive shall designate one of the appointive members as chairman of the Council. The Board of Supervisors may appropriate sufficient sums to meet the expenses of such council. The Council may employ such personnel as it deems necessary to carry out its work, within the appropriations therefor. The County Executive, upon the request of the Council may from time to time, and for designated purposes, assign or detail public employees to perform work for the Council.

§ 21-60.3 **Term of office.** The term of office of the appointive members shall be two years. The terms of members appointed from city and town commissions for conservation of the environment shall be concurrent with their terms on such city or town commissions not to exceed a period of two years. Vacancies on the Council shall be filled in the same manner as the original appointment except that a vacancy occurring through circumstances other than by expiration of term of office shall be filled only for the remainder of the unexpired term. However, of the nine (9) members first appointed by the

County Executive to the Council five shall be appointed for a term of one year and four shall be appointed for a term of two years.

§ 21-60.4 **Powers and duties.** The Council shall have the following powers and duties:

1. Advise the County Executive and the Board of Supervisors on matters affecting the use and conservation of the natural man-created conditions relating to the environment of the County and, in the case of man's activities and developments, with regard to threats posed to environmental quality.

2. Seek to enlist the cooperation and assistance of all local governments and municipal entities within the County, including public authorities, commissions and other public entities in the development and promotion of programs on an inter-municipal cooperation basis designed to institute and coordinate sound methods of planning and conserving the environmental quality of the entire county.

3. To engage in studies, surveys, investigations and to consult with public or private agencies in the development of programs.

4. To maintain a liaison with the Nassau-Suffolk County Planning Agency, Metropolitan Regional Planning Association, water resource agencies or organizations and other public agencies in efforts to encourage area development of desirable environmental conditions.

5. Prepare and distribute books, maps, charts, pamphlets, and other literature on matters of environmental concern consistent with the purposes of this title.

6. Keep records and indexes of all open areas of the County, natural and scenic resources and features and recommend, from time to time, to the Board of Supervisors and the County Executive such areas or features having natural beauty and esthetic value which should be considered for public dedication or ownership.

7. To cooperate and coordinate with all county departments and agencies having jurisdiction in matters relating to the environmental quality of the County.

8. To prepare a County environmental plan and to issue an annual environmental status report.
(Subd. 8 added by Local Law No. 7-1971, in effect September 13, 1971.)

§ 21-60.5 **Compensation and expenses.** Unless otherwise provided by recommendation of the County Executive and ordinance of the Board of Supervisors, the members of the Council shall receive no compensation for their services but shall be reimbursed for their expenses actually and necessarily incurred in the performance of their duties hereunder.
(Title F added by Local Law No. 5-1971, in effect July 1, 1971.)

Title G

(REPEALED by Local Law 7-1982.)

Title H
Advisory Council for Senior Citizen Affairs

§ 21-80.0 **Council established.** There is hereby established an Advisory Council for Senior Citizen Affairs consisting of at least fifteen but not more than twenty representatives who shall be residents of the County and appointed by the County Executive, subject to confirmation by the Board of Supervisors. At least one-half of the members *of* the Council shall be actual consumers of services under the area agency on aging for Nassau County plan. One member shall be designated as chairman by the County Executive. Each member shall be appointed for a term of three years provided, however, that of the members first appointed one-third shall be appointed for one year, one-third for two years and the remainder for three years. Vacancies on the Council shall be filled for the unexpired term in the same manner as original appointments. Members shall receive no compensation for services but shall be entitled to reasonable and necessary expenses incurred in the performance *of* their duties within the appropriation made for that purpose. The Council shall assist and advise the director on programs for senior citizens.
(Added by Local Law No. 7-1972, amended by Local Law No. 6-1974, in effect May 7, 1974.)

Title I
Nassau County Water Resources Board

§ 21.90.0[118] **Legislative intent and declaration of policy.** The County Legislature recognizes that the protection of Nassau County's precious groundwater resources is of critical importance to health and wellbeing of its residents deems it in the best interest of the County of Nassau to establish the Nassau County Water Resources Board. The objective of this board is to review and consider potential and existing threats to the quantity and quality of Nassau County's groundwater resources, monitor the actions and proposals of local and neighboring groundwater suppliers that may potentially impact

[118] So numbered in Local Law No. 10-20014.

Nassau County's sole source aquifer, and act as a liaison between the County, New York State Department of Environmental Conservation, the United Stated Environmental Protection Agency, The United States Geological Survey, Long Island Commission on Aquifer Protection, regional suppliers outside Nassau County, all existing water systems within the County, and any other agency or organization the Board determines is necessary to carry out its duties.
(Amended by Local Law No. 10-2014, in effect July 18, 2014)

§ 21-90.1 **Board established.** There is hereby established a county board to be known as the Nassau County Water Resources Board, hereinafter called the Board.

§ 21-90.2 **Membership.**

a.

i. The Board shall consist of at least five and not more than nine members appointed by the County Executive subject to confirmation by the County Legislature. Such members shall serve at the pleasure of the County Executive. As far as may be practicable, the members shall be citizens possessing outstanding qualifications in the various disciplines associated with public water supply and related fields, including but not limited to hydrology, geology, hydrogeology, public sanitation, public health, engineering, academia with a specialization in the study of groundwater issues, environmental protection and advocacy, environmental law, or employment with a public water provider
(Amended by Local Law No. 10-2014, in effect July 18, 2014)

ii. The Commissioner of Public Works, the Commissioner of Health and the County Attorney, or their designees shall be ex officio members of the Board and shall possess the same voting privileges as the member designated in paragraph i of this subdivision. The presiding Officer and Minority Leader of the Nassau County Legislature shall each appoint one non-voting member.
(Amended by Local Law No. 10-2014, in effect July 18, 2014)

b. The County Executive shall designate one of the appointive members as chairman of the Board. The County Legislature may appropriate sufficient sums to meet the expenses of the Board. The Board shall employ such personnel as may be provided by ordinance. The County Executive, on his or her own initiative or upon the request of the Board may, from time to time, and for designated purposes, assign or detail public employees to perform work for the Board and may enter into contracts on behalf of the Board.
(Amended by Local Law No. 10-2014, in effect July 18, 2014)

c The Board shall meet at least quarterly throughout the calendar year. Notice of meetings shall be provided, and such meetings shall be open to the public in compliance with the provisions of the Public Officers Law. Minutes of the meetings shall be kept and meetings agendas and minutes shall be provide to all members of the Board.
(Amended by Local Law No. 10-2014, in effect July 18, 2014)

§ 21-90.3 **Powers and duties.** The Board shall have the following powers and duties:

1. to review and consider potential imminent, short-term and long term threats, as well as existing threats, to the quantity and quality of Nassau County's groundwater resources.
(Amended by Local Law No. 10-2014, in effect July 18, 2014)

2. To monitor the actions and proposals of neighboring groundwater suppliers determined by the Water Resources Board to potentially threaten Nassau County's water supply.
(Amended by Local Law No. 10-2014, in effect July 18, 2014)

3. For proposals and actions of neighboring and local groundwater suppliers determined by the Water Resources Board to be a potential threat to Nassau County's water supply, to oversee such suppliers' responsibilities pursuant to the State Environmental Quality Review Act and any permit issued by the New York State Department of Environmental Conservation so as to ensure that any actions taken by such suppliers do not have an adverse impact on Nassau County's water supply.
(Amended by Local Law No. 10-2014, in effect July 18, 2014)

4. To act as a liaison between the County, New York State Department of Environmental Conservation, the United States Environmental Protection Agency, the United States Geological Survey, Long Island Commission on Aquifer Protection, regional suppliers outside Nassau County, all existing water systems within the County, and any other agency or organization the Board determines is necessary to carry out its duties.
(Amended by Local Law No. 10-2014, in effect July 18, 2014)

5. To authorize the preparation or collection of research and data, and to consider such other reports, studies and survey as may be pertinent to the duties of the Board.
(Amended by Local Law No. 10-2014, in effect July 18, 2014)

6. To report to the County Executive and the County Legislature from time to time to make such recommendation as the Board deems appropriate

concerning the matters authorized for its study and action or to recommend actions, including legal activity the County may undertake to protect against adverse impacts to the quantity and quality of Nassau County's water supply.
(Added by Local Law No. 10-2014, in effect July 18, 2014)

7. To submit an annual report to the County Executive and County Legislature on or before February first of each year for the preceding calendar year.
(Added by Local Law No. 10-2014, in effect July 18, 2014).

§ 21-90.4 **Compensation and expenses.** Unless otherwise provided by ordinance of the County Legislature, the members of the Board shall receive no compensation for their services but shall be reimbursed for their expenses actually and necessarily incurred in the performance of their duties hereunder.
(Title I added by Local Law No. 12-1974, in effect October 28, 1974. Amended by Local Law No. 10-2014, in effect July 18, 2014)

Title J
Nassau County Cultural Development Board

(Repealed by Local Law No. 43-2000, in effect December 28, 2000.)

Title K
Nassau County Public Utility Agency

§ 21-110.0 **Legislative intent and declaration of policy.** The Board of Supervisors of the County of Nassau does hereby find and determine that there may be inexpensive sources of electric power available in the near future to the County of Nassau from the Power Authority of the State of New York and/or other New York State Agencies, other municipal corporations or other public corporations and that there is a need for the Board of Supervisors of the County of Nassau to authorize the establishment of a Public Utility Service on behalf of eligible electric consumers In Nassau County so as to pass on a cost savings to those consumers.

§ 21-110.1 **Agency Established.** There is hereby established a County agency to be known as the Nassau County Public Utility agency, hereinafter referred to as agency.

§ 21-110.2 **Membership.** The agency shall consist of nine members consisting of the County Executive or his designee who shall be the Chair, a Deputy County Executive, and the County Attorney, each of whom shall serve

by virtue of their office and for the term of their office, three members who shall be appointed by the County Executive and three members who shall be appointed by the County Legislature. All members so appointed shall serve at the pleasure of their respective appointing authority. A quorum of six members shall be required for any action of the Agency and such action shall require the affirmative vote of a majority of the members of the Agency.
(Added by Local Law No. 23-1984; amended by Local Law No. 15-2003, in effect October 28, 2003.)

§ 21-110.3 **Powers and duties**. The Agency shall have the following powers and duties:

1. To act on behalf of the County of Nassau as a public utility service as such term is defined in section three hundred sixty of the General Municipal Law, which authorizes such public utility service to establish, construct, lease, purchase, own, acquire, use and/or operate facilities within or without the territorial limits of Nassau County for the purpose of furnishing to itself or for compensation to its inhabitants any service similar to that furnished by any public utility company specified in article four of the Public Service Law.

2. To enter into agreements to purchase all available power from the Power Authority of the State of New York, the State of New York or any New York State Agency, any other municipal corporation or other public corporation or any other available source at such price as may be negotiated by them and such other entity not to exceed, however, the price thereof allowable by law.

3. To enter into agreements to lease or otherwise contract to use the electric transmission distribution system of the Long Island Lighting Company, hereinafter referred to as LILCO, and of any other utilities as are necessary to deliver such electric service. The amount to be paid under such an arrangement shall not exceed the cost incurred by LILCO or such other utility for transmitting the power purchased from the Power Authority of the State of New York or such other entity through the systems of such utilities, the costs of leasing such incidental connecting facilities and metering devices as may be required and related administrative costs. Any such arrangement shall contain assurances that such power purchased by Nassau County shall be distributed to any eligible consumers of electricity in Nassau County desiring such power subject to the rules and regulations of LlLCO relating to the extension of its system to consumers desiring electric service.

4. To enter Into agreements to sell the power it purchases from the Power Authority of the State of New York, or any other entity as authorized

hereby, to the eligible consumers of electricity in Nassau County at a price not to exceed the cost of such eclectic power, the system leasing, operating, administrative and transmission costs relating to such power, including the cost of utilizing LILCO's billing and collection systems and the administrative costs that may be Incurred by Nassau County In the purchase and sale of such power but In no case shall the price to title consumer provide for a profit to Nassau County.

§ 21-110.4 **Rates and Agency Costs.** Nassau County's rates will be fixed in tariff proceedings before the Public Service Commission in which both Nassau County and LILCO will participate. It is estimated that the rates as fixed by the Public Service Commission for the electric service to be furnished to eligible consumers will be sufficient to reimburse the agency for all of its costs in furnishing such electric service and that accordingly, the operation of this public utility service will be at no net cost to the agency.

§ 21-110.5 **Eminent Domain.** Nothing contained in this title shall be construed as a limitation on the power of the County of Nassau to exercise the right of eminent domain in connection with the acquisition of the plant, transmission or distribution sources of LlLCO or any other utility as may be authorized by subsequent legislation and subject to a subsequent mandatory referendum of the voters of Nassau County.

§ 21-110.6 **Compensation and Expenses.** Unless otherwise provided by ordinance of the Board of Supervisors, the members of the agency shall receive no compensation for their services but shall be reimbursed for their expenses actually and necessarily incurred in the performance of their duties hereunder.
(Added by Local Law No. 23-1984, in effect November 5, 1984.)

Title L
Nassau County Department of Probation

§ 21-120.0 **Petty Cash Fund.** The Board of Supervisors may authorize the County Treasurer to furnish the Department of Probation with a petty cash fund, in such amount as the Board of Supervisors may specify by resolution. Expenditures from this fund shall be covered by itemized vouchers or claims in the name of the fund verified by the oath of the director of probation. Upon audit of such vouchers or claims and by means of a warrant drawn on the County treasurer signed by the Comptroller, the treasurer shall reimburse such petty cash fund the same amount audited and allowed.

As approved by the director of probation, such fund shall be used for advancing the expenses that might be incurred by members of the department in the course of their assigned duties, except that expenses authorized by 77-b of the General Municipal Law also need the approval of the County Executive.

(Added by Local Law No. 7-1988, in effect June 16, 1988.)

Title M
Nassau County Recycling Board

§ 21-130.0 **Legislative intent and declaration of policy.** One of the issues facing the County of Nassau today is solid waste management. The recycling of discarded material is one way to significantly reduce the waste stream thereby mitigating the problem of solid waste disposal. In order to develop, assist, coordinate and encourage recycling at all levels of municipal government, the Nassau County Recycling Board is hereby established.

§ 21.130.1 **Recycling Board established.** There is hereby established a county board to be known as the Nassau County Recycling Board and hereafter known as the Board.

§ 21-130.2 **Membership.**

1.

(a) The Board shall consist of nine members, including a chairperson each of whom shall be appointed by the County Executive subject to confirmation by the Board of Supervisors. The presiding supervisor of the town of Hempstead, the Supervisors of the towns of North Hempstead and Oyster Bay and the supervisors of the cities of Long Beach and Glen Cove shall each recommend one person to the County Executive for appointment. The remaining four members of the Board shall be appointed by the County Executive subject to the confirmation of the Board of Supervisors. As far as may be practicable, the members of the Board shall possess outstanding qualifications in the various disciplines associated with solid waste management or environmental preservation.

(b) All members of the Board shall be Nassau County residents.

(c) All members shall be voting members.

(d) The term of office of each member shall be three years, except that the members first appointed shall be appointed as follows: three for a term of one year; three for a term of two years and three for a term of three years. Upon the expiration of the term of office of any member, his successor shall be appointed for a term of three years.

2. The County Executive shall designate, subject to confirmation by the

Board of Supervisors, one of the appointive members as chairman of the Board.

3. Members shall serve without compensation. The Board of Supervisors may appropriate sufficient sums to meet the expenses of the Board. The Board shall employ such personnel as may be provided by ordinance. The County Executive, upon the request of the Board may, from time to time, and for designated purposes, assign or detail public employees to perform work for the Board.

§ 21-130.3 **Powers and duties.** The Board shall have the following powers and duties:

1. Promote and encourage the development of recycling markets.

2. Promote education and research on recycling.

3. Coordinate recycling programs with other municipalities.

4. Report to the County Executive and the Board of Supervisors from time to time and make such recommendations concerning recycling as the Board deems appropriate.

5. Promote the establishment of required recycling programs and facilities.

6. Recommend county policies and procedures related to recycling and solid waste management.

7. Perform analyses of and maintain current information on recycling costs, marketability and methods.

8. Provide recycling Information and assistance to other municipalities.

9. Develop recycling programs to be directly undertaken by Nassau County.

10. Direct the work of the Nassau County Recycling Coordinator.

§ 21-130.4 **Establishment of the position of Recycling Coordinator.**

(a) The County Executive shall appoint a Recycling Coordinator, which appointment shall be subject to confirmation by the Board of Supervisors. The Recycling Coordinator shall serve at the pleasure of the County Executive. The Recycling Coordinator shall receive compensation as fixed by ordinance. The Board of Supervisors may authorize by

ordinance the employment of such personnel as is appropriate to assist the Recycling Coordinator.

§ 21-130.5 **Powers and duties of the Recycling Coordinator.** The Recycling Coordinator shall have the following powers and duties.

1. Develop and implement programs to, wherever practicable, recycle county waste products and enable the County to purchase items made from recycled materials.

2. Develop and implement programs for the dissemination of information and public education regarding all aspects of recycling.

3. Develop and encourage recycling markets in and for Nassau County.

4. Coordinate Nassau County recycling programs with the recycling and solid waste management programs of other municipalities in the region.

5. Prepare recycling proposals and grant applications.

6. Supervise collection of data and research on the composition of waste streams and their suitability for recycling.

7. Develop and promote economic incentives to encourage recycling.

8. Evaluate technology relating to recycling programs.

9. Assist local municipalities in the implementation of recycling programs.

10. Coordinate and promote the establishment of facilities and programs for recycling by private industry and local municipalities.

§ 21-130.6 **Separability.** If any part of or provision of this local law or the application thereof to any person or circumstances be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision of or application directly involved in the controversy in which such judgment shall be rendered and shall not affect or impair the validity of the remainder of this local law, or the application thereof to other persons or circumstances.
(Title M added by Local Law No. 2-1989, in effect June 5, 1989.)

CHAPTER XXII
GENERAL PROVISIONS

Title A. In General

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[119] The Code of Ethics may be found in the Nassau County Charter at section 2218.)

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Title A
In General

§ 22-1.0 **Definition.** As used in this code, unless otherwise expressly stated or unless the context or subject matter otherwise requires:

1. The term "charter" means the County Government Law of the County of Nassau.

2. The term "county" means the County of Nassau.

3. The term "Board of Supervisors" means the Board of Supervisors of the County of Nassau.

4. The term "administrative code" or "code" means the Nassau County Administrative Code.

5. The term "municipal corporation" means any town, village or city in the County of Nassau.

6. The term "district" means any special or school district In the County of Nassau.

7. The term "superintendent of public works" means the state superintendent of public works.

8. The term "Commissioner of Public Works" means the Commissioner of Public Works of the County of Nassau.

9. The term "agency" means any department, bureau, or office of the County of Nassau.

10. The term "person" means a natural person, copartnership, firm, company, association, joint-stock association, corporation or other like

organization.

11. The term "real property" includes real estate, lands, tenements and heriditaments, corporeal or incorporeal.

§ 22-2.0 **Powers of heads of agencies over subordinates.** The heads of all agencies, except as otherwise provided by law, shall have power to appoint and remove, subject to the provisions of article thirteen of the charter, all chiefs of bureaus and all other officers, employees and subordinates in their respective departments, bureaus or offices, and to assign to them their duties.

§ 22-2.1 **Personal liability of heads of agencies.** No head of any agency shall be liable to respond in damages to the County or to any other person for any act or omission of any employee of the County employed within the agency of which he is such head. Any lawful claims which but for this section would be claims against such heads of an agency shall be lawful claims against the County and shall be deemed to be the liability of the County. Nothing contained herein, however, shall be deemed to relieve the head of any agency of liability to the County or to any other person for his own act or omission to act, nor be deemed to impose any new liability upon the County for any act or omission of such head of agency to which the County was not lawfully subject prior to the taking effect of this act.
(Added by L. 1940 Ch. 734 § 1, in effect April 25, 1940.)

§ 22-2.2 **Facsimile signatures.**

a. When the head or executive officer of any county department, institution, office or agency is required to execute or approve any paper or document, he shall do so by affixing his name thereto in his own handwriting, or by causing such name, or the name of his duly authorized deputy, to be affixed in such deputy's handwriting. Copies of any such paper or document may be executed or approved by means of a facsimile of such signature.

b. A facsimile signature may be employed for the execution or approval of original papers or documents on written authorization of the County Executive. Such authorization shall state the specific classes or types of documents or papers which are the subject of the authorization and bear an imprint of the facsimile to be used. Any such authorization shall remain in effect until rescinded in writing by the County Executive. All such authorizations or revocations snail be filed with the clerk of the Board of Supervisors.

c. Whenever duplicate originals of any paper or document are prepared, the term "original", as used in this section, shall mean the ribbon copy, and

the term "copy" shall be deemed to include duplicate originals.
(Added by Local Law No. 2-1952, in effect October 6, 1952.)

§ 22-2.3 **Attendance of officers and employees at conference, conventions and schools.** Any county officer or employee may attend a conference or convention of municipal officers or employees or a school for the betterment of municipal government, whether the same be official or unofficial when authorized in writing by the County Executive. When so authorized, such officer or employee shall be reimbursed by the County for his actual and necessary expenses of travel, meals and lodging.
(Added by Local Law No. 3-1953, in effect July 13, 1953.)

§ 22-2.4 **Fiduciary bonds.** The County shall obtain the following fiduciary bonds:

a. A bond in the amount of one hundred thousand dollars, indemnifying the County against losses caused by failure of a county employee to faithfully perform his duties or to property account for monies or property received or in his control by virtue of his position or employment. The one hundred thousand dollar coverage under the bond shall apply separately to each employee where more than one employee is involved in any loss whether by collusion or otherwise. Payment of a loss or losses shall not reduce the liability of the surety for other or additional losses sustained during the term of the bond. The bond shall include all personnel of the County, except officers and employees who are required by law to furnish an individual bond or undertaking to qualify for office and the personnel covered by the bond required in subdivision b hereof.

b. A bond in the amount of one hundred thousand dollars, indemnifying the County against losses caused by the failure of any employee In the Department of Police or of any county employee whose primary duty is the operation of automotive equipment, to properly account for monies or property received or in his control by virtue of his position or employment. The one hundred thousand dollar coverage under the bond shall apply separately to each employee where more than one employee is involved in any loss whether by collusion or otherwise. Payment of a loss or losses shall not reduce the liability of the surety for other or additional losses sustained during the term of the bond.

c. The County Executive shall procure and renew the bonds required by this section on a three year basis and premiums shall be a county charge.
(Added by Local Law No. 11-1964, in effect December 30, 1964.)

§ 22-2.5 **Individual official undertakings.** Unless otherwise provided by

law, wherever an officer or employee of the County is required to file an individual official undertaking such undertaking shall be procured on a three year basis in the amount of one hundred thousand dollars, except that the official undertaking of the treasurer shall be in the amount of two hundred fifty thousand dollars, and the official undertaking of the County Clerk shall be in the amount of three hundred twenty-five thousand dollars, and all premiums thereon shall be a county charge.
(Added by Local Law No. 17-1965, in effect January 1, 1966; amended by Local Law No. 2-1978, in effect February 6, 1978.)

§ 22.2.6 **Notary public commissions.** The County Executive may, for the convenience of the County, designate certain named county officers and employees to apply for notary public commissions and each such designation shall be filed in the office of the clerk of the Board of Supervisors. The necessary fees therefore shall be paid from county funds. No fee shall be charged or collected by such officer or employee for any notarial act performed by him.
Added by Local Law No. 7-1967, in effect May 22, 1967.)

§ 22-2.7 **Group automobile insurance payroll deduction.** Where a group automobile Insurance plan has been authorized by the provisions of an agreement between the County of Nassau, and a recognized or certified employee organization of the County, the Comptroller is hereby authorized to deduct from the wage or salary of any municipal officer or employee once each month, or upon such other periodic basis as the Comptroller may determine, such amounts for the payment of group automobile premiums as such officer or employee may specify in a writing filed with the Comptroller and to transmit such amounts so deducted to the insuring company. Any such written authorization may be withdrawn by such officer or, employee at any time upon filing written notice of such withdrawal with the Comptroller.
(Added by Local Law No. 3-1972, In effect March, 1972.)

§ 22-2.8 **Defense and indemnification of County officers and employees.**

1. As used in this section, unless the context otherwise requires the terms "County officer" and "County employee" shall mean any person holding a position by election, appointment or employment in the service of the County, whether or not compensated, or a volunteer expressly authorized to participate in a county sponsored volunteer program, but shall not include an independent contractor. For the purposes of this law the terms "County Officer" and "County Employee" shall include members of all boards and commissions of the County, the members of the Board of trustees of Nassau Community College, the members of the Nassau County Industrial Development Agency, the members of the Nassau County Local Development Corporation, the members and directors of the Nassau County Tobacco Settlement Corporation, and the employees

and directors of the Nassau County Land Bank Corporation. The terms County Officer and County employee shall also include a former employee member or director, his estate or judicially appointed personal representative.
(Amended by Local Law No. 15-1999, in effect October 20, 1999; amended by Local Law No. 4-2017, in effect April 26, 2017.)

2. (a) Upon compliance by the employee with the provisions of subdivision four of this section, the County shall provide for the defense of the employee in any civil action or proceeding in any state or federal court arising out of any alleged act or omission which occurred or is alleged in the complaint to have occurred while the employee was acting within the scope of his public employment or duties, or which is brought to enforce a provision of section nineteen hundred eighty-one or nineteen hundred eighty-three of title forty-two of the United States code. This duty to provide for a defense shall not arise where such civil action or proceeding is brought by or on behalf of the County.

(b) Subject to the conditions set forth in paragraph (a) of this subdivision, the employee shall be entitled to be represented by the County Attorney, provided, however, that the employee shall be entitled to representation by private counsel of his choice in any civil judicial proceeding whenever the County Attorney determines based upon his investigation and review of the facts and circumstances of the case that representation by the County Attorney would be inappropriate, or whenever a court of competent jurisdiction, upon appropriate motion or by a special proceeding, determines that a conflict of interest exists and that the employee is entitled to be represented by private counsel of his choice. The County Attorney shall notify the employee in writing of such determination that the employee is entitled to be represented by private counsel. The County Attorney may require, as a condition to payment of the fees and expenses of such representation, that appropriate groups of such employees be represented by the same counsel. If the employee or group of employees is entitled to representation by private counsel under the provisions of this section, the County Attorney shall so certify to the Comptroller. Reasonable attorneys' fees and litigation expenses shall be paid by the County to such private counsel from time to time during the pendency of the civil action or proceeding subject to certification that the employee is entitled to representation under the terms and conditions of this section by the head of the department, commission, division, office or agency in which such employee is employed and upon the audit and warrant of the Comptroller. Any dispute with respect to representation of multiple employees by a single counselor, the amount of litigation expenses or the reasonableness of attorneys' fees shall be resolved by

the court upon motion or by way of a special proceeding.

(c) Where the employee delivers process and a request for a defense to the County Attorney as required by subdivision four of this section, the County Attorney shall take the necessary steps including the retention of private counsel under the terms and conditions provided in paragraph (b) of subdivision two of this section on behalf of the employee to avoid entry of a default judgment pending resolution of any question pertaining to the obligation to provide for a defense.

3. (a) The County shall indemnify and save harmless its employees in the amount of any judgment including punitive or exemplary damages obtained against such employees in any state or federal court, or in the amount of any settlement of a claim for lawful damages provided that the act or omission from which such judgment or settlement arose, occurred while the employee was acting within the scope of his public employment or duties; the determination of an act within the scope of public employment shall be determined by a majority vote of a panel consisting of one member appointed by the Nassau County Legislature, one member appointed by the County Executive and the Commissioner of Shared Services for the County of Nassau. The Deputy Commissioner of Shared Services, or other officer, responsible for personnel matters, shall be an alternate member of the panel and shall act for the Commissioner should the Commissioner be unavoidably absent.
(Amended by Local Law No. 10-1991, in effect October 7, 1991; amended by Local Law No. 6-2018, in effect April 2, 2018.)

(b) An employee represented by private counsel shall cause to be submitted to the head of the department, commission, division, office or agency in which he is employed any proposed settlement which may be subject to indemnification by the County and if not inconsistent with the provisions of this section such head of the department, commission, division, office or agency in which he is employed shall certify such settlement, and submit such settlement and certification to the County Attorney. The County Attorney shall review such proposed settlement as to form and amount, and shall give his approval if in his judgment the settlement is in the best interest of the County. Nothing in this subdivision shall be construed to authorize the County to indemnify or save harmless an employee with respect to a settlement not so reviewed and approved by the County Attorney.

(c) Upon entry of a final judgment against the employee, or upon the settlement of the claim, the employee shall cause to be served a copy

of such judgment or settlement, personally or by certified or registered mail within thirty days of the date of entry or settlement, upon the head of the department, commission, division, office or agency in which he is employed; and if not inconsistent with the provisions of this section, such judgment or settlement shall be certified for payment by such head of the department, commission, division, office or agency. If the County Attorney concurs in such certification, the judgment or settlement shall be paid upon the audit and warrant of the Comptroller.

4. The duty to defend or indemnify and save harmless prescribed by this section shall be conditioned upon (i) delivery to the County Attorney by the employee of the original or a copy of any summons, complaint, process, notice, demand or pleading within five days after he is served with such document, and (ii) the full cooperation of the employee in the defense of such action or proceeding and in defense of any action or proceeding against the County based upon the same act or omission, and in the prosecution of any appeal. Such delivery shall be deemed a request by the employee that the County provide for his defense pursuant to this section.

5. The benefits of this section shall inure only to employees as defined herein and shall not enlarge or diminish the rights of any other party nor shall any provision of this section be construed to affect, alter or repeal any provision of the Workers Compensation Law.

6. This section shall not in any way affect the obligation of any claimant to give notice to the County under section 50-e of the General Municipal Law or any other provision of law.

7. The provisions of this section shall not be construed to impair, alter, limit or modify the nights and obligations of any insurer under any policy of insurance.

8. The provisions of this section shall apply to all actions and proceedings pending upon the effective date thereof or thereafter instituted.

9. Except as otherwise specifically provided in this section, the provisions of this section shall not be construed in any way to impair, alter, limit, modify, abrogate or restrict any immunity available to or conferred upon any unit, entity, officer or employee of the County or any other level of government, or any right to defense and/or indemnification provided for any governmental officer or employee by, in accordance with, or by reason of, any other provisions of state, county or federal statutory or common law.

10. If any provisions of this section or the application thereof to any person or circumstance be held unconstitutional or invalid in whole or In part by any court of competent jurisdiction, such holding of unconstitutionality or invalidity shall in no way affect or impair any other provision of this section or the application of any such provision to any other person or circumstance.
(Amended by Local Law No. 2-1980, in effect April 30, 1980.)

§ 22-3.0 **Rules and regulations.** Each head of an agency, except as otherwise provided by law, may make rules and regulations for the conduct of his office or department.

§ 22-3.1 **Destruction of books, accounts and papers.** The head of any agency shall have the right and power to destroy such books, accounts, letters, maps, charts, papers or other writings which have been retained in his office over six years, upon consent of the Commissioner of Education of the State of New York and when specifically authorized so to do by ordinance of the Board of Supervisors.
(Amended by L. 1949 Ch. 247, in effect March 22, 1949.)

§ 22-4.0 **Official oaths.** Every officer of the County shall take and file an oath of office before he shall be entitled to enter upon the discharge of his official duties.

§ 22-4.1 **County agencies relieved from payment of fees to county and town officers.**

a. It shall be unlawful for any salaried officer of the County or of the towns within the County or of the supreme court held in and for Nassau County or of the surrogate's court of Nassau County or of the County court of Nassau County or of the district court of Nassau County or for any public officer who is required by law to deposit fees collected in his office in the County treasury, to receive from the head of any agency, any fee for levy, service or return of executions or other mandate or order or for entering, filing, docketing, registering, recording or issuing any paper, record, mandate, precept or document required by law to be filed in or issued out of his office.

b. Every such officer must upon application therefor, furnish to the head of any agency, a certified or photostatic copy, extract or transcript of any paper, record, mandate, precept or document on file in his office, or of the return upon an execution, mandate, or order without receiving therefore the fee prescribed by law.
(Added by L. 1940 Ch. 220 §, in effect March 21, 1940.)

§ 22-4.2 **Code of Ethics[120].**

(Repealed by Local Law No. 4-2007, in effect April 16, 2007.)

§ 22-4.3 **Financial Disclosure.**

1. DEFINITIONS. As used in this section:

(a) The term "county" shall mean Nassau County.

(b) The term "elected official" or “elective office” shall mean an elected official or an elective office of the County and shall include the members of the County Legislature.
(Amended by Local Law No.5-2014, in effect May 21, 2014.)

(c) The term "officer or employee" shall mean:

(1) the heads (other than elected officials) of any department, agency, board or commission of the County and their deputies and assistants;

(2) the officers and employees of such County departments, agencies, boards or commissions who hold policy-making positions, as annually determined by the Board of Ethics and set forth in a list that shall be filed with the Clerk of the Legislature on or about February 15th of each year and as ratified or modified by the County Legislature in the manner set forth in section 22-4.3(4)(c) of this act.
(Amended by Local Law No.5-2014, in effect May 21, 2014.)

(d) The term "reporting individual" shall mean the person required by this section to file an Annual Financial Disclosure Statement.

(e) The term "spouse" shall mean the husband or wife of the reporting individual unless living separate and apart from the reporting individual with the intention of terminating the marriage or providing for permanent separation or unless separated pursuant to: (i) a judicial order, decree or judgment, or (ii) a legally binding separation agreement.

(f) The term “political party official" shall mean any chairman of a county, city, town or village committee elected pursuant to the election law or designated by the rules of a county, city, town or village political committee as the "County Leader" or "Chairman of the Executive Committee," city leader, town leader, village leader or by whatever title designated, pursuant to the

[120] The current Code of Ethics may be found in the Nassau County Charter at section 2218.

rules of such county, city, town or village committee or, in actual practice, possesses or performs the principal political executive and administrative functions of said county, city, town or village committee or has the power of general management over the affairs of such county, city, town or village committee or the power to exercise the powers of the chairman of such county, city, town or village committee in accordance with the rules of such county, city, town or village committee.

(g) The term "relative" shall mean the spouse, child, stepchild, stepparent, or any person who is a direct descendant of the grandparents of the reporting individual or of the reporting individual's spouse.

(h) The term "unemancipated child" shall mean any son, daughter, stepson or stepdaughter under the age of 18, unmarried and living in the household of the reporting individual.

(i) The term "ministerial matter" shall mean an administrative act carried out in a prescribed manner not allowing for substantial personal discretion.

2. FINANCIAL DISCLOSURE STATEMENT REQUIREMENTS.

(a) Every elected official, officer, or employee, political official, and every candidate for county elected official, in office or employ on or after February 15th of any year, including, but not limited to, those set forth in subdivision 4 of this section, shall file an Annual Statement of Financial Disclosure containing such information and in such form as is set forth in subdivision 3 of this section. Such statement shall be filed on or before the fifteenth day of May with respect to the preceding calendar year, except that:
(Amended by Local Law No.5-2014, in effect May 21, 2014.)

(1) A person who is subject to the reporting requirements of this subdivision and who has timely filed with the Internal Revenue Service an application for automatic extension of time in which to file his or her individual income tax return for the immediately preceding calendar or fiscal year shall be required to file such financial disclosure statement on or before May fifteenth but may, without being subjected to any civil penalty on account of a deficient statement, indicate with respect to any item of the disclosure statement that information with respect thereto is lacking but will be supplied in a supplementary statement of financial disclosure which shall be filed on or before the seventh day after the expiration of the period of such automatic extension of time within which to file such individual income tax return, provided that failure to file or to timely file such supplementary statement of financial disclosure or the filing of an incomplete or deficient supplementary statement of financial disclosure shall be subject to the notice and penalty provisions of this section respecting annual statements of financial disclosure

as if such supplementary statement were an annual statement;

(2) A person who is required to file an annual financial disclosure statement with the Board of Ethics and who is granted an additional period of time within which to file such statement due to justifiable cause or undue hardship, in accordance with required rules and regulations on this subject, shall file such statement within the additional period of time granted;

(3) Candidates for county elective office who file designating petitions for nomination at a primary election, shall file a financial disclosure statement fourteen days after the last day allowed by law for the filing of designating petitions naming said candidates for the next succeeding primary election;
(Amended by Local Law No. 5-2014, in effect May 21, 2014)

(4) Candidates for independent nomination for county elective office who have not been designated by a party to receive a nomination, shall file a financial disclosure statement within fourteen days after the last day allowed by law for the filing of individual nominating petitions naming said candidates as candidates for county elected official, including elected official on the Board of Supervisors, in the next succeeding general or special election; and
(Amended by Local Law No. 5-2014, in effect May 21, 2014)

(5) Candidates for county elective office, who receive the nomination of a party for a special election shall file a financial disclosure statement within fourteen days after the date of the meeting of the party committee at which they are nominated.
(Amended by Local Law No. 5-2014, in effect May 21, 2014)

(b) As used in this subdivision, the terms "party", “committee" (when used in conjunction with the term "party"), "designation", "primary", “primary election", "nomination", "independent nomination", "ballot" and "uncontested office" shall have the same meanings as those contained in section 1-104 of the election law.

(c) Each financial disclosure statement shall be filed with the Nassau County Board of Ethics, the repository for such statements.

(d) The Nassau County Board of Ethics shall obtain from the Nassau County Board of Elections lists of all candidates for county elective office and from such lists, shall determine and publish lists of those candidates who have not, within ten days after the required date for filing a financial disclosure statement, filed the statement required by this subdivision.

(e) Both political party officials and any person required to file a financial disclosure statement who commences employment after May fifteenth of any year shall file such statement within thirty days after commencing employment

or of taking the position of political party official, as the case may be.

(f) A person who is subject to the filing requirements of both subdivision two of section seventy-three-a of the public officers law and of this subdivision may satisfy the requirements of this subdivision by filing, with the Nassau County Board of Ethics on or before the filing deadline provided in section seventy-three-a of said law, a copy of the financial disclosure statement filed pursuant to said section seventy-three-a notwithstanding the filing deadline otherwise imposed by this subdivision.

(g) A person who is subject to the filing of annual financial disclosure statements for more than one political subdivision within Nassau County may satisfy the requirements of this subdivision by filing only one annual financial disclosure statement with the Nassau County Board of Ethics or if such political subdivision crosses one or more county boundary lines, then such single filing may be made for any of the counties in which one of such political subdivisions is located provided, however, that the Nassau County Board of Ethics is notified of the name of the County of such compliance by the person who is subjected to the filing requirements of this subdivision, within the time limit for filing specified in this subdivision.

(h) A county elected official who is simultaneously a candidate for the same, or any other, county elective office, shall satisfy the filing deadline requirements of this subdivision by complying only with the deadline applicable to one who holds such county elected office.

(i) A candidate whose name will appear on both a party designating petition and on an Independent nominating petition for the same office or who will be listed on the election ballot for the same office more than once shall satisfy the filing deadline requirements of this subdivision by complying with the earliest applicable deadline only.

3. The annual statement of financial disclosure shall contained the information and shall be in the form set forth below:

ANNUAL STATEMENT OF FINANCIAL DISCLOSURE FOR
THE COUNTY OF NASSAU
FOR THE YEAR _____

1. NAME AND ADDRESS

Last Name | Middle Initial | First Name

Title

Department or Agency

Department or Agency Address | Telephone Number

Residence Address | Telephone Number

2. SPOUSE AND DEPENDENT CHILDREN

Spouse | Child/Age

Child/Age | Child/Age

NOTE: FOR QUESTIONS 3 TO 6, DO NOT REPORT EXACT DOLLAR AMOUNTS. INSTEAD, REPORT CATEGORIES OF AMOUNTS, USING THE FOLLOWING:

CATEGORY A: UNDER $5,000
CATEGORY B: $5,000 TO UNDER $20,000
CATEGORY C: $20,000 TO UNDER $60,000
CATEGORY D: $60,000 TO UNDER $100,000
CATEGORY E: $100,000 TO UNDER $250,000
CATEGORY F: OVER $250,000

3. FINANCIAL INTERESTS

a. *Business Positions.* List any office, trusteeship, directorship, partnership, or other position in any business, association, proprietary, or not-for-profit organization held by you or your spouse or dependent

children, if any, during the reporting year* and indicate whether these businesses have dealings with the County of Nassau in any manner.

Name of Family Member	Position	Organization	County Department or Agency and Nature of Involvement

b. *Outside Employment.* Describe any outside occupation employment, trade, business or profession providing more than $2,500 during the reporting year for you or your spouse or dependent children, if any, and indicate whether such activities are regulated by any state or local agency.

Name of Family Member	Position	Name, Address, and Description of Organization	State or Local Agency	Category of Amount

c. *Future Employment.* Describe any contract, promise, or other agreement between you and anyone else with respect to your employment after leaving your County office or position.

* The "reporting year," as used throughout this form, means the calendar year, from January 1 to December 31, preceding the year in which this report is required to be filed.

d. *Past Employment.* Identify the source and nature of any income you have received in excess of $2,500 during the reporting year from any prior employer, including deferred income, contributions to a pension or retirement fund, profit sharing plan, severance pay, or payments under a buy-out agreement.

Name and Address of Income Source	Description of Income (i.e., pension, deferred, etc.)	Category of Amount

e. *Investments.* Itemize and describe all investments in excess of $5,000 or five percent of the value in any business, corporation, partnership, or other assets, including stocks, bonds, loans, pledged collateral, and other investments, held by, or for, you or your spouse during the reporting year. list the location of all real estate within the County or within five miles thereof, in which you or your spouse have an interest, regardless of its value.

Name of Family Member	Name and Address of Business or Real Estate	Description of Investment	Category of Amount

f. *Trusts.* Identify each interest in excess of $2,500 held by you in a trust or estate or similar beneficial interest, if reasonably ascertainable, except for IRS eligible retirement plans or interests in an estate or trust of, or for, a relative. Do not list any IRS eligible retirement plan or deferred compensation plan.

Name of Family Member	Trustee/Executor	Description of Trust/Estate	Category Of Amount

g. *Other Income.* Identify the source and nature of any other income in excess of $1,000 per year from any source not described above,

including teaching income, lecture fees, honoraria, consultant fees, contractual income, or other income of any nature, received by you or your spouse.

Name of Family Member	Name and Address of Income Source	Nature of Income	Category of Amount

4. GIFTS AND HONORARIA

List the source of all gifts in excess of $1,000 received during the last year by you, your spouse or dependent child, excluding gifts from a relative. The term "gifts" includes gifts of cash, property, personal items, payments to third parties on your behalf, forgiveness of debt, honoraria, and any other payments that are not reportable as income. Do not list campaign contributions.

Name of Family Member	Name and Address of Donor	Category of Amount

5. THIRD-PARTY REIMBURSEMENTS.

Identify and describe the source of any third-party reimbursement for travel related expenditures in excess of $1,000 for any matter that relates to your official duties. The term "reimbursement" includes any travel-related expenses provided by anyone other than the County for speaking engagements, conferences, or fact-finding events that relate to your official duties. Do not list campaign contributions.

Source	Description	Category of Amount

6. DEBTS.

Describe all your debts and those of your spouse in excess of $5,000. Do not include: debts to relatives, debts incurred in the ordinary course of your trade, business or professional practice or that of your spouse; obligations to pay maintenance in a matrimonial action, alimony or child support payments; revolving charge accounts under $5,000; any loans issued in the ordinary course of business by a financial institution to finance education costs, the cost of home purchase or improvements for a primary or secondary residence or purchase of a personally owned motor vehicle, household furniture or appliance.

Name of Family Member	Name and Address of Creditor	Category of Amount

7. INTEREST IN CONTRACT'S.

Describe any interest you, your spouse, or your dependent children have in any contract involving the County or any village, town or municipality located within the County.

Name of Family Member	Contract Description

8. POLITICAL PARTIES.

List any position you held within the past five years as an officer of any political party, political committee, or political organization. The term "political organization" includes any independent body or any organization

that is affiliated with or a subsidiary of a political party.

Signature Date

(Subdivision 3 Amended by Local Law No. 6-2002.)

4. Persons Required to Report.

The Annual Statement of Financial Disclosure, as provided in subdivision 3 of this section, shall be completed and filed with the Nassau County Board of Ethics on or before May 15 of each year, pursuant to rules and regulations to be promulgated by such Board of Ethics, and such Financial Disclosure Statement shall be filed by the following:

(a) County elected officials.

(b) County officers and employees, as defined in section 22-4.3(1)(c) of this act, including members of boards or commissions who received compensation other than reimbursement for expense incurred in the performance of their duties. The Board of Ethics shall determine annually which officers and employees hold policymaking positions and shall file a copy of the final list with the clerk of the County Legislature by February 15. The County Legislature shall adopt a resolution either ratifying or modifying the list of such officers and employees at its next scheduled regular meeting no less than thirty days after such filing by the Board of Ethics, provided that if the Legislature does not adopt such a resolution the list filed by the Board of Ethics shall be deemed ratified. The Board shall base its determination on Board of Ethics' Resolution No. 1-1991 and any subsequent resolution adopted by the board.

(c) Members of boards or commissions who hold policymaking positions, as determined by the Board of Ethics in accordance with the provisions of subdivision (c) above, and who do not receive compensation for their services from the County other than reimbursement for expenses incurred in the performance of their duties; provided, however, that the Board of Ethics may approve for some or all such unpaid positions an adapted disclosure form or forms setting forth such disclosure requirements as the Board determines appropriate, taking into consideration the nature and functions of such positions and the guidelines contained in Resolution No. 1-1991 and any subsequent resolution adopted by the Board.

(d) County Officers and employees who have applied for and received Board of Ethics approval in accordance with §2218(12)(c) of the Charter.

(e)

(1) Any County officers and employees serving in an office or title or classification set forth below by County department, division or agency, which office, title or classification shall include, but not be limited to:

ASSESSMENT
Chief Deputy Assessor
Deputy Assessor
Deputy Director Real Property Tax Services

ASSESSMENT REVIEW
Commissioner
Secretary

BOARD OF ELECTIONS
Assistant to Commissioner
Chief Clerk
Chief Election Officer
Chief Registrar
Commissioner
Counsel to Commissioner
Deputy Chief Election Officer
Deputy Commissioner
Executive Assistant to Commissioner
Executive Secretary
Senior Election Officer
Supervisor of Maps and Canvas

LEGISLATURE
Legislator
Legislative Budget Analyst
Majority Counsel
Staff Director for Finance
Chief of Staff
Deputy Press Secretary
Press Secretary
Staff Counsel for Majority
Executive Director to Minority
Minority Counsel
Administrative Director
Legislative Assistant
Procurement Supervisor to the Legislature
Clerk to the Legislature
Deputy Clerk to the Legislature

CIVIL SERVICE
Assistant Secretary and Chief Examiner
Chair of Civil Service Commission
Civil Service Physician

Commissioner of Civil Service
Secretary and Chief Examiner

COMMUNITY COLLEGE
BOARD OF TRUSTEES
- Chair
- Student Trustee
- Trustee

CABINET MEMBERS
- Member
- President

ADMINISTRATION/OFFICERS
- Assistant to President
- Associate Vice President
- Director of Human Resources
- President

DEPARTMENT CHAIRS
PROMOTION AND TENURE COMMITTEE
- Chair
- Member

CONSUMER AFFAIRS
Assistant to Commissioner of Consumer Affairs
Commissioner of Consumer Affairs
Deputy Commissioner Consumer Affairs

COUNTY ATTORNEY
Chief Deputy County Attorney
Chief Investigator
Chief Real Estate Negotiator
County Attorney
Deputy County Attorney

COUNTY CLERK
Deputy County Clerk

COUNTY COMPTROLLER
Deputy Comptroller

COUNTY EXECUTIVE
Chief Deputy County Executive
Chief of Staff
Counsel to County Executive
Deputy County Executive
Director of Communications

Office Supervisor
Press Secretary
Special Assistant

C.A.S.A.
Director
Deputy Director

COMMISSIONER OF INVESTIGATIONS
Assistant to Commissioner
Commissioner
Deputy Commissioner
Deputy Director
Director of Community Services
Executive Director

MANAGEMENT AND BUDGET
Deputy Director of the Budget
Director of the Budget

HUMAN RESOURCES
Director of Human Resources
Deputy Director
Administrative Director
Directory for Compliance and EEO

PHYSICALLY CHALLENGED
Director

TRAFFIC & PARKING VIOLATIONS AGENCY
Executive Director

VETERANS SERVICE AGENCY
Director of Veterans Service Agency

HUMAN SERVICES
Director
Executive Director, Nassau County Youth Board
Commissioner of Drug and Alcohol Addiction
Deputy Commissioner, Drug and Alcohol Addiction
Deputy Director, Drug Enforcement-Info Clinic
Director Drug Enforcement-Info Clinic
Physician

COUNTY TREASURER

County Treasurer
Deputy County Treasurer

DISTRICT ATTORNEY
Assistant District Attorney
Chief Investigator
Deputy Chief Investigator
Public Information Officer

FIRE MARSHAL
Assistant
Fire Marshal

SHARED SERVICES
Commissioner of Shared Services
Deputy Director of Purchasing

HEALTH ENVIRONMENTAL QUALITY
Deputy Commissioner of Health

LABORATORY RESEARCH
Physician

PERSONAL HEALTH SERVICES
Deputy Commissioner of Health
Deputy Commissioner of Health (Physician)
Resident Physician-Public Health

HOUSING AND COMMUNITY DEVELOPMENT
Assistant Federal and State Aid Coordinator
County Housing Coordinator
Housing Inspector
Deputy
Director of Community Development

HUMAN RIGHTS
Assistant Director Commission on Human Rights
Assistant to Director, Job Development Center
Director, Job Development Center
Executive Director, Commission on Human Relations
Special Assistant-Community Relations
Special Assistant, Research & Development

MEDICAL EXAMINER
Assistant to Chief Medical Examiner

Chief Medical Examiner
Chief Toxicologist
Deputy Chief Medical Examiner
Deputy Chief Medical Examiner for Administration
Deputy Medical Examiner
Deputy Medical Examiner Forensic

MENTAL HEALTH
Commissioner of Mental Health
Deputy Commissioner Community Mental Health Services
Deputy Commissioner of Mental Health

OFFICE OF LABOR
Assistant Director
Assistant to Director
Commissioner
Deputy Commissioner
Director
Director Bureau of Apprenticeship, Training and Special Placements

POLICE
Assistant to Commissioner
Commissioner
Police Surgeon
Public Information Officer

PROBATION
Deputy Director
Director

PUBLIC ADMINISTRATOR
Deputy Public Administrator
Public Administrator

PUBLIC WORKS
ADMINISTRATION
- Assistant Commissioner of Public Works-Water Conservation
- Program
- Assistant to Commissioner
- Assistant to Commissioner Pubic Works Capital Programs
- Assistant to Deputy Commissioner
- Commissioner Public Works
- Director of Planning

COUNTY ROAD MAINTENANCE
- Deputy Commissioner Public Works

SANITATION

- Sewer Maintenance Superintendent
- Superintendent of Buildings
- Superintendent of Sewage Plants

RECREATION AND PARKS
Commissioner
Deputy Commissioner

SENIOR CITIZEN AFFAIRS
Commissioner
Deputy Commissioner

SHERIFF
Assistant Warden
Commissioner of Corrections
Deputy Undersheriff
Sheriff
Undersheriff
Warden

SOCIAL SERVICES
Commissioner
Physician

(2) In addition to the foregoing, any County officers and employees serving in the titles set forth below"

Administrative Officer I
Administrative Officer II
Assistant Director, Children's Shelter
Assistant Director of Data Processing
Assistant Director of Laboratories and Research
Assistant Nursing Home Administrator I
Assistant Parks Maintenance Superintendent
Assistant Secretary and Chief Examiner
Assistant Superintendent of Highway Maintenance
Attorney I
Attorney II
Attorney III
Chief Clerk, Board of Assessors
Chief Investigator
Chief Real Estate Negotiator
Civil Service Physician

Clerical Assistant Assigned to Office of President of Community College
Clerk Steno IV-Secretary to Commissioner Health
Confidential Assistant to Deputy Comptroller
Confidential Assistant to Director of Probation
Coordinator, Senior Citizen Minority Services
Coordinator, Senior Citizen Planning and Research
County Director of Accounting
County Director of Safety
Deputy Director of Probation
Director, Bureau of Building Services
Director, Bureau of Purchase and Contract Administration
Director of Environmental Programs
Director of Bureau of Real Estate & Insurance
Director of Children's Services
Director of Children's Shelter
Director of County Museums
Director of Data Processing
Director of Environmental Construction
Director of Environmental Engineering
Director of Environmental Health Laboratory
Director of Environmental Operations
Director of Family Services
Director of Management Analysis I
Director of Management Analysis II
Director of Medical Social Services
Director of Nursing I
Director of Nursing II
Director of Nursing III
Director of Office Services I
Director of Probation
Director of Protective Services for Children
Director of Public Health and Social Work
Director of Safety and Security Services
Director of Traffic Safety Board
Director of Veteran Service Agency
Director, Traffic Engineering
Executive Assistant
Field Audit Director
Fire Marshal
Intensive Case Manager I
Intensive Case Manager II
Library Director V
Manager of Energy Development and Control
Mental Health Research Director

Mosquito Control Superintendent
Office Services Supervisor, Department of Drug & Alcohol
Parks Maintenance Superintendent
Personnel Services Supervisor, Department of Drug & Alcohol
Personnel Specialist IV
Personnel Specialist V
Personnel Systems Analyst, Probation Dept.
Public Health Administrator II
Public Health Administrator IV
Sanitarian V
Social Services Law Assistant
Special Investigator IV
Superintendent of Building Maintenance
Superintendent of Facilities Planning
Superintendent of Highway Maintenance
Superintendent of Real Estate

(f) Candidates for County Elected Office
(g) Political Party Officials

(Amended by Local Law No. 8.1992, in effect May 4, 1992; subdivision 4 amended by Local Law. 6-2002, in effect June 6, 2002, Amended by Local Law. No. 5-2014, in effect May 21, 2014.)

5. PENALTIES

(a) A reporting individual who files an annual statement of financial disclosure after the date for filing provided in this act or in accordance with the Rules and Regulations of the Nassau County Board of Ethics; or who files an incomplete annual statement of financial disclosure; or who knowingly and/or willfully fails to file a complete annual statement of financial disclosure or who knowingly and willfully with intent to deceive makes a false statement or gives information which such individual knows to be false on such statement of financial disclosure filed pursuant to this law may be assessed a civil penalty in an amount not to exceed ten thousand ($10,000.00) dollars. Assessment of a civil penalty may be made by the Board of Ethics with respect to persons subject to its jurisdiction. The Board of Ethics acting pursuant to the law may impose a civil penalty as aforesaid. Such a violation may also be punishable as a class A misdemeanor regardless of whether a civil penalty is imposed. This section shall not be construed to prohibit or exclude any other remedy, right, or penalty, whether criminal, civil, or administrative, provided by law.
(Amended by Local Law No. 4-1991, in effect May 1, 1991; Local Law No. 15-1991, in effect January 1, 1992: amended by Local Law No. 8-1992, in effect May 4, 1992.)

(b) A civil penalty for false filing may not be imposed hereunder in the event of a category of "value" or "amount" reported upon as required by this law is incorrect unless such reported Information is falsely understated.

(Amended by Local Law No. 4-1991, in effect May 1, 1991.)

(c) The Board of Ethics shall be deemed to be an "agency within the meaning of article three of the state administrative procedure act and shall adopt rules governing the conduct of adjudicatory proceedings and appeals relating to the assessment of the civil penalties herein authorized. Such rules, which shall not be subject to the approval requirements of the state administrative procedure act, shall provide for due process procedural mechanisms substantially similar to those set forth in such article three but such mechanisms need not be identical in terms of scope.

(d) Assessment of a civil penalty shall be final unless modified, suspended, or vacated within thirty days of imposition, and upon becoming final shall be subject to review at the instance of the affected reporting individual in proceeding against the Board of Ethics pursuant to article seventy-eight of the civil practice law and rules.

6. ADDITIONAL POWERS OF THE BOARD OF ETHICS.

The Board of Ethics as governed by section 2218 of the Nassau County Charter shall continue and shall have and exercise such additional powers and duties as are set forth below:

(a) Appoint an executive director, general counsel either by hire or contract, and such other staff as are necessary to carry out its duties under this section, who shall act in accordance with the policies of said board. Said board may delegate authority to the executive director to act in the name of said board between meetings of said board provided such delegation is in writing and the specific powers to be delegated are enumerated.
(Amended by Local Law No. 6-2017, in effect July 11, 2017).

(b) The executive director, general counsel, and support staff shall not be part of the Office of the County Attorney and shall not be supervised by the Office of the County Attorney, however the resources of the Office of the County Attorney shall be available to all Board staff in support of the execution of their duties. The Board, its staff and funding shall be treated as a separate agency for the purposes of presentation and adoption in the annual County operating budget.
(Amended by Local Law No. 6-2017, in effect July 11, 2017).

(c) Adopt, amend, and rescind rules and regulations to govern procedures of said board which shall include, but not be limited to, the procedure whereby a person who is required to file an annual financial disclosure statement with said board may request an additional period of time within which to file such statement due to justifiable cause or undue hardship; such rules or regulations shall provide for a date beyond which, in all cases of justifiable cause or undue hardship, no further extension of time may be granted. Said board may utilize

or modify such rules or regulations or adopt separate rules or regulations for the purposes set forth in paragraph (d) of subdivision one of section eight hundred eleven of the General Municipal Law.

(d) Promulgate guidelines to assist the County Legislature in determining which persons may be deemed to hold policy-making positions for purposes of this section.
(Amended by Local Law. No. 5-2014, in effect May 21, 2014.)

(e) Make available forms of annual statement of financial disclosure required to be filed pursuant to this section.

(f) Review completed financial disclosure statements in accordance with the provisions of this section, provided, however, that said board may delegate all or part of this review function to the executive director who shall be responsible for completing staff review of such statements in a manner consistent with the terms of said board's delegation.

(g) Receive complaints alleging a violation of the provisions of this section or a violation of the criteria for reporting requirements established by this section.

(h) Permit any person required to file a financial disclosure statement to request said board to delete from the copy thereof made available for public inspection one or more items of information, which may be deleted by said board, after denial of a request for deletion made to the Advisory Council on Disclosure as provided in subdivision seven of this section, upon a finding, by a majority of the total number of members of said board without vacancy, that the information which would otherwise be required to be disclosed will have no material bearing on the discharge of the reporting person's official duties. If such request for deletion is denied, said board in its notification of denial, shall inform the person of the right to appeal said board's determination pursuant to its rules governing adjudicatory proceedings and appeals. Said board shall promulgate rules and regulations governing the issuance of written decisions in connection with appeals from the Advisory Council.

(i) Permit any person required to file a financial disclosure statement to request an exemption from any requirement to report one or more items of information which pertain to such person's spouse or unemancipated children which Item or items may be exempted by the Board after denial of a request for exemption made to the Advisory Council, upon a finding, by a majority of the total number of members of said board without vacancy, that the reporting individual's spouse, on such spouse's behalf, or on behalf of an unemancipated child, objects to providing the information necessary to make such disclosure and that the information which would otherwise be required to be reported will

have no material bearing on the discharge of the reporting individual's official duties. If such request for exemption is denied, said board, in its notification of denial, shall inform the person of his or her right to appeal said board's determination pursuant to its rules governing adjudicatory proceedings and appeals. Said board shall promulgate rules and regulations governing the issuance of written decisions in connection with appeals from the Advisory Council.

(j) Permit any person who has not been determined to hold a policy-making position but who is otherwise required to file a financial disclosure statement to request an exemption from such requirement in accordance with rules and regulations governing such exemptions. Such rules and regulations shall provide for exemptions to be granted either on the application of an individual or on behalf of persons who share the same job title or employment classification which said board deems to be comparable for purposes of this section. Such rules and regulations may permit the granting of an exemption, where, in the discretion of said board, the public interest does not require disclosure and the applicant's duties do not involve the negotiation, authorization or approval of:

(1) contracts, leases, franchises, revocable consents, concessions, variances, special permits, or licenses as defined in section seventy-three of the public officers law;

(2) the purchase, sale, rental or lease of real property, goods or services, or a contract therefore;

(3) the obtaining of grants of money or loans; or

(4) the adoption or repeal of any rule or regulation having the force and effect of law.

(k) Act as a repository for or provide by rules and regulations for the filing and retention of completed financial disclosure forms required by this section.

(l) Upon certification of a question by the Advisory Council to said board, as provided in paragraph (k) of subdivision seven of this section, the Board may determine a question common to a class or defined category of persons or items of information required to be disclosed, where determination of the question will prevent undue repetition of requests for exemption or deletion or prevent undue complication in complying with the requirements of such section.

(m) The only records of the Board which shall be available for public inspection are:

(1) The information set forth in an annual statement of financial disclosure filed pursuant to law, except the categories of value or amount

which shall remain confidential, and any other items of information deleted pursuant to paragraph h of this subdivision of this section, as the case may be;

(2) Notices of Delinquency sent under paragraph (q) of this subdivision:

(3) Notices of Reasonable Cause sent under paragraph (r) of this subdivision: and

(4) Notices of Civil Assessments imposed under this section.

(5) Advisory opinions issued to 2218(10)(c) of the Charter that the Board, in its discretion, concludes can be redacted for the purpose of protecting the subject of said opinion from an unwarranted invasion of personal privacy

(6)Any records that the Board is required to make available for public inspection pursuant to Article 6 of the Public Officers Law

(Amended by Local Law No. 5-2014, in effect May 21, 2014.)

(n) No meeting or proceeding of the Board of Ethics shall be open to the public. Expect if expressly provided otherwise by said board or as required by Article 7 of Public Officers Law.

(Amended by Local Law No. 5-2014, in effect May 21, 2014.)

(o) Said board or the executive director and staff of the Board if responsibility therefore has been delegated, shall inspect all financial disclosure statements filed with said board to ascertain whether any person subject to the reporting requirements has failed to file such a statement, has filed a deficient statement or has filed a statement which reveals a possible violation of this section.

(p) If an individual required to file a financial disclosure-statement with the Board of Ethics has failed to file a financial disclosure statement or has filed a deficient statement, said board shall notify the reporting person in writing, state the failure to file or detail the deficiency, provide the person with a fifteen (15) day period to cure the deficiency, and, advise the person of the penalties for failure to comply with the reporting requirements. Such notice shall be confidential. If the person fails to make such filing or fails to cure the deficiency within the specified time period, said board shall send a Notice of Delinquency:

(1) to the reporting individual; and

(2) in the case of an officer or employee, to the appointing authority for such person.

(q) (1) If a reporting individual has filed a statement which reveals a possible violation of this section, or said board receives a sworn complaint alleging such a violation, or if said board determines on its own initiative to investigate a possible violation, said board shall notify the reporting individual in writing, describe the possible or alleged violation of such law, and provide the person with a fifteen (15) day period in which to submit a written response

setting forth information relating to the activities cited as a possible or alleged violation of law. If said board thereafter makes a determination that further inquiry is justified, it shall give the reporting individual a copy of its rules regarding the conduct of adjudicatory proceedings and appeals and the due process procedural mechanisms available to such individual. If said board determines at any stage of the proceeding, that there is no violation or that any potential violation has been rectified, it shall so advise the reporting individual and the complainant, if any. All of the foregoing proceedings shall be confidential;

(2) If the Board determines that there is reasonable cause to believe that a violation has occurred, it shall send a Notice of Reasonable Cause:

(A) to the reporting individual;

(B) to the complainant if any; and

(C) in the case of an officer or employee, to the appointing authority for such person.

(r) A copy of any Notice of Delinquency or Notice of Reasonable Cause sent pursuant to paragraphs (q) and (r) of this subdivision shall be included in the reporting individual's file and be available for public inspection.

(s) Upon written request from any person who is subject to the jurisdiction of the Board of Ethics, said board shall render advisory opinions on the requirements of said provisions. An opinion rendered by the Board, until and unless amended or revoked, shall be binding upon the Board in any subsequent proceeding concerning the person who requested the opinion and who acted in good faith, unless material facts were omitted or misstated by the person in the request for an opinion. Such opinion may also be relied upon by such person and may be introduced and shall be a defense, in any criminal or civil action arising out of this section. Such requests shall be confidential, but the Board may publish such opinions provided that the name of the requesting individual and other identifying details shall not be Included In the publication.

(t) In addition to any other powers and duties specified by law, the Board of Ethics shall have the further power and duty to:

(1) Administer and enforce all the provisions of this section:

(2) Conduct any investigation necessary to carry out the provisions of this section. Pursuant to this power and duty, the Board may administer oaths or affirmations, subpoena witnesses, compel their attendance and require the
(Amended by Local Law 4-2007, signed by the County Executive on April 16, 2007).

production of any books or records which it may deem relevant or material.

7. ADVISORY COUNCIL ON DISCLOSURE

(a) There is established within the Board of Ethics an Advisory Council on Disclosure which shall consist of five members and shall have and exercise the powers and duties set forth in this subdivision, provided that in the absence of such a council, said duties may be performed by the Board of Ethics itself.
(Amended by Local Law No. 5-2014, in effect May 21, 2014.)

(b) The members of said Advisory Council shall be appointed by the County Executive, subject to the confirmation of the County Legislature, all of whom shall reside in the County of Nassau. Of the members appointed, no more than three members shall belong to the same political party and at least two members shall not be public officers or employees, or hold any public office, elected or appointed.
(Amended by Local Law No. 5-2014, in effect May 21, 2014.)

(c) Members of said Advisory Council shall serve for a term concurrent with the term of office of the County Executive.

(d) The members of said Advisory Council shall designate the chairman thereof. The chairman or any three members of said Advisory Council may call a meeting.

(e) Any vacancy occurring on said Advisory Council shall be filled within sixty days of its occurrence, by the County Executive, subject to the confirmation of the County Legislature, in the same manner as the member whose vacancy is being filled was appointed. A person appointed to fill a vacancy occurring other than by expiration of a term of office shall be appointed for the unexpired term of the member succeeded.

(f) Three members of the Advisory Council shall constitute a quorum, and the Advisory Council shall have power to act by majority vote of the total number of members of the Advisory Council without vacancy. Members of said Council may be removed by the County Executive, with the concurrence of the County Legislature, for substantial neglect of duty, gross misconduct in office, inability to discharge the powers or duties of office, inability to discharge the powers or duties of office or violation of this section after written notice and opportunity for reply.
(Amended by Local Law No. 5-2014, in effect May 21, 2014.)

(g) The members of the Advisory Council shall not receive compensation but shall be reimbursed for reasonable expenses incurred in the performance

of their official duties.

(h) The Advisory Council shall:

(1) Permit any person required to file a financial disclosure statement to request the Advisory Council to delete from the copy thereof made available for public inspection one or more items of information which may be deleted upon a finding by a majority of the total number of members of the Advisory Council without vacancy that the information which would otherwise be available for public inspection will have no material bearing on the discharge of the reporting person's official duties. If such request for deletion is denied, the Advisory Council, in its notification of denial, shall inform the person of his or her right to appeal the Advisory Council's determination to the Board of Ethics pursuant to the Board of Ethics' rules governing adjudicatory proceedings and appeals.

(2) Permit any person required to file a financial disclosure statement to request an exemption from any requirement to report one or more items of information which pertain to such person's spouse or unemancipated children which item or items may be exempted upon a finding by a majority of the total number of members of the Advisory Council without vacancy that the reporting individual's spouse, on his or her own behalf or on behalf of an unemancipated child, objects to providing the information necessary to make such disclosure and that the information which would otherwise be required to be reported will have no material bearing on the discharge of the reporting person's official duties. If such request for exemption is denied, the Advisory Council, in its notification of denial, shall inform the person of his or her right to appeal the Advisory Council's determination to the Board of Ethics pursuant to the Board of Ethics' rules governing adjudicatory proceedings and appeals adopted pursuant to subdivision six of this section.

(i) Pending any application for deletion or exemption either to the Advisory Councilor to the Board of Ethics upon appeal of an adverse determination by the Advisory Council, all information which is the subject or a part of the application shall remain confidential. Upon an adverse determination by the Board of Ethics, the reporting individual may request, and upon such request the Board of Ethics shall provide, that any information, which is the subject or part of the application, remain confidential for a period of thirty days following notice of such determination. In the event that the reporting individual resigns his office and holds no other office subject to the jurisdiction of the Board of Ethics, the information shall not be made public and shall be expunged in its entirety.

(j) Notwithstanding the provisions of article seven of the Public Officers Law, no meeting or proceeding, including any such proceeding contemplated

under paragraph (h) or (i) of subdivision six of this section, shall be open to the public, except if expressly provided otherwise by the Advisory Council.

(k) Where the Advisory Council is of the opinion that a determination of a question common to a class or defined category of persons or items of information with respect to requests for deletion or exemption will prevent undue repetition of such requests or undue complication, the Advisory Council may certify the question to the Board of Ethics for resolution and disposition in accordance with paragraph (m) of subdivision six of this section.
(Section 22-4.3 added by Local Law No. 22-1990, in effect January 1, 1991; subd. 7 amended by Local Law 4-2007, signed by the County Executive on April 16, 2007; amended by Local Law No. 5-2014, in effect May 21, 2014.)

22-4.4 **Retaliatory action prohibited**

1. **Legislative intent.** The Legislature finds it desirable to establish procedures regarding the reporting of allegations of improper government action and, in conformity with section seventy-five-b of the New York Civil Service Law (Retaliatory action by public employers) and section seven hundred forty of the New York Labor Law (Retaliatory personnel action by employers; prohibition), to protect employees who make allegations of improper government action.

2. **Definitions.**

   "Improper governmental action" shall mean any action, including fraud, waste and abuse of authority by a County officer or employee, or an agent of such officer or employee, which is undertaken in the performance of such officer's, employee's, or agent's official duties, whether or not such action is within the scope of his or her employment, that is in violation of any federal, state or local law, rule or regulation.

   "Employee" shall mean any person holding a position by appointment or employment in the service of the County whether or not compensated, or a volunteer expressly authorized to participate in a county sponsored volunteer program, but shall not include an independent contractor.

3. Reporting allegations of improper governmental actions.
   (a) An employee who has information about a government action which he or she reasonably believes to be true and reasonably believes constitutes an improper governmental action may disclose such information to a supervisor, a governmental body

as defined in paragraph c of subdivision 1 of section seventy-five-b of the New York Civil Service Law, or a county government official, including, but not limited to, any of the following officials:

the Commissioner of Investigations;
the District Attorney, if the allegation involves criminal acts;
the County Compliance Officer;
the County Board of Ethics;
the Director of Human Resources;
the County Executive or a Deputy County Executive;
a member of the County Legislature;
the Presiding Officer or the Minority Leader of the County Legislature;
the County Attorney;
the Inspector General
the County Comptroller, if the allegation involves misuse of public funds; or the head of the employee's department.

(b) Any county government official receiving such information concerning improper governmental action shall: first, review such information; and second, if such review indicates an apparent improper governmental action, take appropriate corrective measures and where appropriate, refer such information the appropriate investigative authority, including but not limited to the Commissioner of Investigations, the County Compliance Officer, District Attorney, the Comptroller, the Inspector General or any state or federal agency with jurisdiction over the matter.

(c) All reasonable efforts shall be made to protect the anonymity and confidentiality of the employee making the allegations. (Amended by Local Law No. 2-2019)

4. Use of authority or influence prohibited.

(a) A government official may not, directly or indirectly, use or attempt to use his or her official authority or influence to intimidate, threaten, coerce, command, influence or attempt to intimidate, threaten, coerce, command or influence any individual in order to interfere with such individual's right to disclose information relative to improper government action.

(b) Use of official authority or influence shall include:

(i) Promising to confer any benefit (such as compensation,

grant, contract, license or ruling) or effecting or threatening to effect any reprisal (such as deprivation of any compensation, grant, contract, license or ruling); or

(ii) Taking, directing others to take, recommending, processing or approving any personnel action. For the purposes of this section, "personnel action" shall mean those actions set forth in paragraph (d) of subdivision (1) of section seventy-five–b of the New York Civil Service Law.

5. An employee who has been the subject of retaliatory personnel action, including discharge, suspension, demotion or other adverse personnel action, following such employee's disclosure of information concerning improper government action pursuant to this section, may, within one year of such alleged retaliatory action, commence a civil action in a court of competent jurisdiction for the following relief: (a) reinstatement of such employee to the same position he or she held before such adverse personnel action; (b) compensation for lost wages, benefits and other remuneration; and (c) payment by the employer of reasonable costs, disbursements, and attorney's fees.

6. Employer relief. A court, in its discretion, may also order that reasonable attorneys' fees and court costs and disbursements be awarded to an employer if the court determines that an action brought by an employee under this section was without basis in law or in fact.

7. Notification to employees. Information about this provision and section seventy-five-b of the Civil Service Law and section seven hundred forty of the Labor Law shall be provided to all Nassau County employees and shall be included in the informational package provided to employees upon commencement of employment with the County.

8. Other rights not affected. Nothing in this section shall be deemed to diminish or impair the rights of a public employee or employer under any law, rule, regulation or collective bargaining agreement or to mean a limitation on any grievance mechanism or right of appeal and/or judicial review currently enjoyed thereby.
(Added by Local Law No.6-2005)

§ 22-5.0 **Construction.** This code shall be construed liberally.

§ 22-6.0 **Enumeration of power not restrictive.** The enumeration of

specific powers by this code shall not operate to restrict or limit a general grant of power contained in this code or to exclude other powers comprehended in such general grant.

§ 22-7.0 **Method of numbering used herein.** The method of numbering sections of the code by reference to related articles of the charter shall not be construed to limit the application of such sections to the articles of the charter to which such sections refer.

§ 22-8.0. **No revival of laws.**

a. If in this code there shall have been incorporated any provision of law that heretofore shall have been superseded or specifically or impliedly repealed, such incorporation shall not revive such superseded or repealed provision nor shall such incorporation be construed to indicate any legislative determination that such provision had not been theretofore so superseded or repealed.

b. Subdivision a shall not apply to section 19-18.0 of the code.

§ 22-9.0 **No repeal by implication.** It is not intended by this code to repeal by implication any existing provision of law and no law shall be deemed repealed thereby unless expressly provide for herein.

§ 22-10.0 **Effect of local law.** This code shall not operate to deprive the Board of Supervisors of the power to enact local laws in relation to any matter in respect to which such power would otherwise exist, nor shall it limit such power. If this power otherwise exists, any provision of this code may be superseded, supplemented or amended by local law in the same manner and to the same extent as such provisions could be superseded, supplemented or amended had this code not been enacted.

§ 22-11.0 **Judicial notice.** All courts shall take judicial notice of all laws contained in this code and of all rules and regulations adopted pursuant to the charter or the code.

§ 22-12.0 **Effect of this code on existing law.** Insofar as the provisions of this code are the same in terms or in substance and effect as provisions of law in force when this code shall take effect relating to or affecting the County, the provisions of this code are intended to be not a new enactment but a continuation of such provisions of law, and this code shall be so construed and applied.

§ 22-13.0 **Separability.** If any clause, sentence, paragraph, section or part of this code shall be adjudged by any court of competent jurisdiction

to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§ 22-14.0 **Short title.** This code shall be known and may be cited as the "Nassau County Administrative Code."

§ 22-15.0 **The Nassau Community College Security Force** is hereby authorized to Issue appearance tickets for parking offenses on the Nassau Community College campus and for other offenses on the Nassau Community College campus which may be prescribed by ordinance by the Board of Supervisors of the County of Nassau.
(Added by Local Law 1-1980, in effect February 4, 1980; amended by Local Law No. 9-1984, in effect June 11, 1984.)

§ 22-15.1 **[Department of Recreation, Parks And Support Services Security Personnel]**[121] The security personnel of the Department of Recreation, Parks and Support Services are hereby authorized to issue appearance tickets for parking offenses which occur in County installations.
(Added by Local Law No, 3-1980, in effect June 9, 1980: amended by Local Law No. 1-1983, in effect April 25, 1983.; amended by Local Law No. 43-2000, in effect January 1, 2001.)

§ 22-15.2 **Hospital Safety Force-Appearance Tickets.** The Nassau County Health Care Corporation is hereby authorized to issue appearance tickets for parking offenses on the Nassau Health Care Corporation premises.
(Added Local Law No. 1-1985, in effect January 14, 1985; amended by Local Law No. 2-1993, in effect May 10, 1993; amended by Local Law 14-1999, in effect October 4, 1999.)

§ 22-15.3 **[Parking Enforcement Aides]**[122] Parking Enforcement Aides of the Nassau County Police Department are hereby authorized to Issue appearance tickets for parking offenses which occur In Nassau County.
(Added by Local Law No. 7-1990, in effect July 30, 1990.)

§22-15.4 **[Security personnel of the Public Safety Unit]**[123] Security personnel of the Public Safety Unit of the Nassau County Police Department are hereby authorized to issue appearance tickets for parking offenses which occur in Nassau County, violations of Chapter XI-A of the Nassau County Administrative Code, violations of Ordinance No. 265-1970, as amended, and violations of any rules and regulations

[121] Title not in local law. Added to facilitate use.
[122] Title not in local law. Added to facilitate use.
[123] Title not in local law. Added to facilitate use.

promulgated by the Commissioner of the Department of Parks, Recreation, and Museums.
(Added by Local Law No. 13-2010, in effect July 21, 2010.)

§ 22-16.0 **Screening of employees.**

a) Any applicant for employment with the County and any employee who has not heretofore been fingerprinted by the County shall be fingerprinted, in accordance with rules established by the director of human resources if, in the course of county employment, such person will be required to come into unsupervised or regular and substantial contact with minors. For purposes of this section, a minor is any person under eighteen years of age.

b) Fingerprints taken pursuant to this section shall be submitted to DCJS for a criminal history record check. Where the criminal history of a current employee reveals a conviction of a crime, the County may terminate such employee or otherwise remove such employee from any position or duties involving unsupervised or regular and substantial contact with minors, consistent with Article 23-A of the correction law, the civil service law and applicable collective bargaining agreements. Where the criminal history of an applicant reveals a conviction for a crime, such applicant may be denied employment in a position requiring unsupervised or regular and substantial contact with minors, consistent with article 23-A of the correction law.

c) The director of human resources, with the assistance of department heads, shall, within sixty days of the effective date of this local law and on or before July first of every year thereafter, file with the Clerk of the Legislature a list of all positions and titles for which such fingerprinting is required based on a determination that the position or title is likely to require the employee to come into unsupervised or regular and substantial contact with minors. The director may amend the list at any time as new positions or titles are created or upon receipt of new information about a title or position.

d) A fee equaling the fingerprint based background processing fees charged by the New York State Department of Criminal Justice Services (DCJS) and the Federal Bureau of Investigation (FBI), as applicable, shall be charged each applicant for fingerprinting conducted by the Nassau County Civil Service Commission pursuant to this section; provided however that such fee shall not be applicable to current employees required to submit to

fingerprinting and individuals who are not protected by the Nassau County Living Wage Law as set forth in § 3(c) of Title 57 of the Miscellaneous Laws of Nassau County.
(Amended by Local Law No. 11-2011 in effect December 12, 2011).

e) The director of human resources shall notify all applicable current employees and applicants of the fingerprinting requirement. The director of human resources shall develop a form to be provided to all applicants and current employees who will be required to submit to fingerprinting. Such form shall inform the applicants and current employees of the purpose of the fingerprinting requirement, and that the County will review such information pursuant to this section. Such form shall also inform the applicants and current employees of the right and procedure necessary to obtain, review and seek correction of his or her criminal history information and shall provide a space for the current employee or applicant to indicate his or her consent to such request for fingerprints. Within the bounds of applicable law, the County may, in its discretion, deny employment of an applicant, or terminate employment of a current employee who does not consent to the County's fingerprint request.

f) Notwithstanding the foregoing provisions of this section, the director of human resources shall waive the requirement for the taking of fingerprints of current employees in order to obtain criminal history records if such requirement is in contravention of a current labor agreement and the County is unable to reach agreement with the appropriate unions concerning such fingerprinting.

g) Notwithstanding the foregoing provisions of this section, employees may be temporarily assigned to positions involving contact with minors while the results of the criminal history record check are pending, but shall not be permitted to have unsupervised contact with minors during such time.
(Added by Local Law No. 14-2003, in effect July 28, 2003.)

§ 22-17.0 **Screening of personnel of service providers.**

a) To the extent permitted by federal and state law, all contracts with the County of Nassau shall provide as follows: that all current and prospective personnel of the contractor who, in carrying out the contract, will have unsupervised or regular and substantial contact with minors, shall be fingerprinted by the Nassau County police department; that for the purposes of this section, the final determination of whether contact with a minor constitutes

"unsupervised or regular and substantial contact" shall be made by the head of the department charged with administering the contract; that fingerprints taken pursuant to this section shall be submitted to DCJS for a criminal history record check; and that where the criminal history record of any personnel reveals a conviction for a crime, the head of the department charged with administering the contract may direct the provider to remove such personnel from duties involving unsupervised or regular and substantial contact with minors, consistent with article 23-A of the correction law; that within five (5) business days of making any changes that
involve adding or removing personnel who have unsupervised or regular and substantial contact with minors, the contractor shall notify the County department from which it is receiving funding in writing that such addition or removal has occurred, and the basis for such addition or removal; and that failure of the contractor to comply with any of the provisions of this subdivision or a lawful order of a department head to remove personnel from duty pursuant to this subdivision, shall constitute a material breach of the contract. For purposes of this section, "personnel" shall include any owner, employee, volunteer, board member, officer, or other person carrying out services on behalf of the contractor in furtherance of the County contract and "minor" is any person under the age of eighteen.

b) A fee equaling the fingerprint based background processing fees charged by the New York State Department of Criminal Justice Services (DCJS) and the Federal Bureau of Investigation (FBI), as applicable, shall be charged each applicant for fingerprinting conducted by the Nassau County Civil Service Commission pursuant to this section; provided however that such fee shall not be applicable to current employees required to submit to fingerprinting and individuals who are not protected by the Nassau County Living Wage Law as set forth in § 3(c) of Title 57 of the Miscellaneous Laws of Nassau County.
(Amended by Local Law No. 11-2011 in effect December 12, 2011).

c) Notwithstanding the foregoing provisions of this section, the head of the department charged with administering a contract may temporarily approve a contractor's assignment of personnel to positions involving contact with minors while the results of the criminal history record check are pending, but shall not allow such person to have unsupervised contact with minors during such time.
(Added by Local Law No. 14-2003, in effect July 28, 2003.

22-18.0 Legislative Intent.

It is the intent of the Legislature of the County of Nassau to promote the general health, safety and welfare of the residents of the County by requiring all Nassau County employees who provide services directly to the public, including but not limited to corrections personnel, social services and human services staff, emergency medical technicians and emergency management personnel, to undergo training in the provision of mental health first aid. The Legislature finds that unrecognized and untreated mental and emotional disorders may play a role in recurring acts of mass violence such as active shooter incidents in our schools and workplaces. The Legislature further finds that young people and others who display persistently aggressive, anti-social or excessively socially withdrawn or alienated behavior patterns, or who have difficulty coping with social and family pressures, may be suffering from undiagnosed mental illness or emotional distress which can contribute to such violent incidents. Mental health first aid will assist in identifying individuals who can benefit from treatment and support, such as counseling or therapy. The Legislature further finds and determines that the consequences of untreated mental illness have been neglected for too long and that it is imperative that our society and its institutions vastly improve their ability to identify and address mental illness before it may lead to harmful or tragic consequences.

It is the judgment of this Legislature that prompt and effective first aid for mental illness is of equal importance to effective first aid for physical illness and injury and should be a top priority for the County. The Legislature further finds that mental health first aid training is customarily an eight-hour course of instruction which educates participants in the methods of effectively recognizing, identifying, understanding and responding to signs and behavioral manifestations of mental illness and substance abuse disorders. The Legislature recognizes that mandating mental health first aid training for certain County employees, creating training opportunities for employees to instruct others, and offering courses to individuals who frequently interact with young people, will potentially assist in averting tragedies attributable to suicidal, harmful or aggressive behaviors related to mental illness, reduce the stigma of mental health issues, and enable people who are suffering from a mental illness to receive the medical as well as emotional care and support they need.

§22-18.1 Mandatory Mental Health First Aid Training for Certain County Employees.

A. All current full-time and part-time employees of Nassau County who provide services directly to the public, including but not limited to specific corrections personnel, social services and human services staff, emergency medical technicians, and emergency management personnel, shall be required to receive eight hours of mental health first aid training, as specified in § 22.18.2 of this Title.

1. The following are the job titles of covered employees that shall receive mandatory mental health first aid training:

i. Category A - Department of Social Services: Case Supervisor I; Case Supervisor II; Case Supervisor III; Caseworker I – Bi-Lingual Spanish; Caseworker I: Caseworker II; Caseworker III; Chief Social Welfare Examiner Supervisor; Social Welfare Examiner Supervisor I; Social Welfare Examiner Supervisor II, Social Welfare Examiner Supervisor III; Social Welfare Examiner I – Bi-Lingual; Social Welfare Examiner I; Social Welfare Examiner II; Child Support Investigator I – Bi-Lingual; Child Support Investigator I; Child Support Investigator II; Child Support Investigator III; Community Service Assistant; Community Services Representative; Drug Abuse Technician I; Job Developer I; Job Developer II; Psychiatric Social Worker I; Substance Abuse Rehab Counselor I; Director of Children Services; Director Child Support Collection and Enforcement; Director of Employment Programs; Director of Children's Protective Services.

ii. Category B - Department of Human Services: Assistant Director of Specialty Services; Assistant Coordinator, Senior Citizen Services Project; Assistant Director of Drug Treatment Services; Assistant Director of Vocational Services; Deputy Commissioner of Senior Citizen Affairs; Director of Chemical Dependency Services; Director of Drug Treatment Services; Director – Office of the Aging; Licensed Practical Nurse I; Licensed Practical Nurse II; Medical Director, Methadone Maintenance Services; Nurse Practitioner; Physician; Physician Assistant II, Public Health Nurse I; Public Health Nutritionist I; Public Health Nutritionist II; Registered Nurse I, Registered Nurse II; Registered Nurse III; Registered Nurse IV; Registered Nurse V; Substance Abuse Rehabilitation Counselor I; Substance Abuse

Counselor II; Supervisor of Alcoholism Direct Services.

iii. Category C - Public Safety: Director of Juvenile Detention Center; Assistant Director of Juvenile Detention Center; Director of Probation; JDAI Coordinator; LPN F/T; RN P/T; Nurse Practitioner; Probation Officer Trainee; Probation Officer I; Probation Officer II; Probation Supervisor I; Probation Supervisor II; Youth Group Supervisor; Youth Group Worker; Youth Group Worker II; Youth Group Worker Assistant P/T; Youth Group Worker Assistant F/T; Youth Group Worker Assistant II; Youth Group Worker Assistant III;

iv. Category D – County Attorneys: Deputy County Attorney; Assistant County Attorney.

B. All mental health first aid training programs provided by the County shall be designed to include but not be limited to accomplishing the following objectives: recognizing the symptoms of common mental illnesses and substance abuse disorders; de-escalating crisis situations safely; and initiating timely referral to mental health and substance abuse resources available in the community.

C. All full-time and part-time employees of the Nassau County whose job title is listed in section 22.18.1 A(1) hired after the final adoption of this local law who provide services directly to the public, including but not limited to corrections personnel, social services and human services staff, emergency medical technicians, and emergency management personnel shall be required to receive eight hours of mental health first aid training, as specified in section 22.18.2 of this Title within six months from the date of commencement of employment.

D. Not fewer than one-third of the covered employees subject to this law shall be trained in calendar year 2019; one-third shall be trained in calendar year 2020; and one-third shall be trained in calendar year 2021 such that all current employees receive the requisite training on or before the end of calendar year 2021.

§22-18.2 Types of Mandatory Mental Health First Aid Training Provided.

A. There shall be three types of mental health first aid training provided to County employees, based on the nature of the populations primarily served by such employees, as follows:

1. Public Safety Oriented Training: Public Safety Oriented Training mental health first aid training shall be an eight-hour course specially designed to help first responders, corrections officers and other public safety professionals better understand mental illnesses and addictions and provide them with effective response options to de-escalate incidents without compromising safety;
2. Adult Oriented Training: Adult Oriented Training mental health first aid for adults shall be an eight-hour course specifically designed to educate individuals eighteen years and older in effective approaches to assisting adults experiencing a mental health related crisis or problem such as anxiety, depression, psychosis, and addiction; and
3. Youth Oriented Training: Youth Oriented Training mental health first aid training shall be an eight-hour course specifically designed to educate for adults who regularly interact with youth in effective approaches to assisting young people between the ages of twelve and eighteen who may be experiencing a mental health related crisis or problem such as anxiety, depression, psychosis, or addiction.

E. Based on the category of job duties assigned to County employees, the employees shall be required to undergo the following types mental health first aid training:
   1. Category A and Category B direct service providers such as health and human services and social services professionals shall be required to receive training in adult mental health first aid and youth mental health first aid; and
   2. Category C and Category D that includes first responders, corrections officers, deputy county attorneys and other public safety professionals shall be required to receive public safety training.

F. Upon completion of mandatory mental health first aid training, County employees shall be issued a certificate of completion, which shall be effective for a term of three years and sixty-days from the date of issuance.

§22-18.3 Exception to the Mental Health First Aid Training.

A. No training shall be required for any covered employee whose job title is listed in section 22.18.1 A(1) if the covered employee has already been issued a certificate of completion for training that

meets or exceeds the mental health first aid training standards for certification as determined by the Nassau County Department of Health and Human Services or for the type of mental health first aid training required for the category and job title specified in section 22.18.2 of this Title.

B. Notwithstanding the exception in subsection A of this section, the covered employee shall be required to recertify as required in section 22.18.4, unless a different recertification period is required by a training program that meets or exceeds mental health first aid standards as determined by the Nassau County Department of Health and Human Services.

§**22-18.4 Re-certification**.

A. All full-time and part-time covered employees who receive mental health first aid training shall be required to take the online re-certification course no later than sixty days after the expiration of the previous three-year certification.

B. All full-time and part-time covered employees who receive mental health first aid training shall file their training or re-training certificate of completion with the human resources officer of their department or office.

§22-18.5 Training Course.

In order to promote the dissemination of mental health first aid instruction within Nassau County, the County shall utilize grant funding to implement a plan to offer mental health first aid instructor training to school district personnel, provided such training is an allowable cost of the relevant grant award.

§22-18.6 Implementation and Administration

The mental health first aid training program established by this local law shall be implemented and administered by the Nassau County Department of Health and Human Services, which shall have the power to promulgate rules, regulations and guidelines necessary to accomplish the objectives set forth herein no later than sixty days after the effective date of passage of the local law.
(Added by Local Law No. 18-2018, in effect December 20, 2018)

CHAPTER XXII-A
ABATEMENT OF PUBLIC NUISANCES

Section	22A-1.0	Legislative Intent
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§ 22A-1.0 **Legislative Intent.** The Board of Supervisors hereby finds that within Nassau County there has been a proliferation of buildings known as "crack houses," which are used for the sale of controlled substances. The recent expansion of these "crack houses" has brought to the Board's attention that real estate used for improper purposes can have a devastating effect on the surrounding community. This chapter is intended to guard the Nassau County community against real estate being employed for any improper purposes that constitute a public nuisance. These public nuisances exist in both occupied and vacant buildings and on developed and undeveloped land. The public nuisances exist as a result of the operation of certain businesses, establishments and the use of property in flagrant violation of pertinent provisions of the state penal law; health laws: licensing laws: environmental saws; and laws relating to the sale and consumption *of* alcoholic beverages. All of these illegal activities threaten to cause substantial deterioration in the quality of life and community environment, property values, and the public health, safety, and welfare of the residents of this county.

The Board of Supervisors further finds that the existence of "crack houses" and real estate where "crack" is sold in this county, together with other public nuisances, is detrimental to the health, safety, welfare of the

people of the County of Nassau and to the businesses thereof and visitors thereto.

Therefore, the purpose of this law is to create one standardized procedure for securing legal and equitable remedies, without prejudice to the use of procedures available under any other existing and/or subsequently enacted laws: to strengthen existing laws so as to assist the Board of Supervisors, County Executive, District Attorney, County Attorney, County Police Department, and city and village police departments in Nassau County in preventing buildings, residences, premises and real estate within Nassau County from being used in such a way as to constitute a public nuisance.

§ 22A-2.0 **Definitions.**

A. "County Attorney" shall mean the County Attorney of Nassau County and shall include any Deputy County Attorney of Nassau County.

B. "Notice" shall mean the following:

1) “First notice" that prohibited conduct has occurred shall be given to an owner of the affected real estate by means of registered mail, return receipt requested. Where there are multiple owners, said notice shall be sent to at least one of the owners’ addresses as recorded with the Nassau County Clerk. If for any reason the return receipt is not received by the County of Nassau, then the notice requirement shall be fulfilled by: affixing the notice to the door of at least one of the owners’ addresses, as recorded with the Nassau County Clerk; affixing the notice to the door of the affected property; and by mailing said notice to the aforesaid addresses. The notice must contain a statement of the date or dates upon which prohibited conduct took place on the property and a listing of all such prohibited conduct or occurrences and the nature thereof. The notice must inform the owner of his obligation to cause the prohibited conduct to cease and it must advise the owner that upon the further occurrence of any prohibited conduct, action pursuant to this nuisance abatement law will life commenced by the County of Nassau.

2) "Final notice" shall be sent to owner when there is a further occurrence of prohibited conduct within one year of the first notice being given to an owner. The final notice must be sent by the methods authorized for a first notice and must contain the same information as contained in the first notice. In addition, the final notice must inform an owner of the further occurrence

of prohibited conduct and that such owner is required within five (5) days to cause the prohibited conduct to cease and, if necessary, to make an application to a court of appropriate jurisdiction to accomplish the abatement of the prohibited conduct by any and all non-owner occupants. The notice must further state that if an owner does not take such action within five (5) days of the final notice, or does not in good faith diligently pursue any necessary litigation the County of Nassau, pursuant to the provisions of this chapter, will bring necessary proceedings for any remedies set forth in this chapter as though the County were the owner of the premises.

C. "Owner" shall mean the last person, as that term is defined in subdivision F of this section, in whose name the affected real estate appears in the records of the Nassau County Clerk as certified by an abstract company licensed by the State of New York.

D. "Prohibited conduct" shall mean the following:

(1) Any conduct or occurrence that is in violation of one or more of the following articles or sections of the New York State penal law:

Article 220 (Controlled substances);
Article 230 (Prostitution);
Article 225 (Gambling);
Article 221.40, 221.45, 221.50, 221.55 (Criminal sale of marijuana in the fourth degree through first degree); sections 165.45, 165.50, 165.52, 165.54 (Criminal possession of stolen property in the fourth degree through the first degree); section 165.09, 165, 10 (Auto stripping in the second and the first degrees); section 170.65, (Forgery of a vehicle identification number);
Section 170.70 (Illegal possession of a vehicle identification number plate); or

(2) Any conduct either unlawful in itself or unreasonable under all the circumstances that creates or results in the maintaining of a condition which endangers the safety or health of a considerable number of persons or creates or results in the maintenance of any premises or place where persons gather for the purpose of engaging in unlawful conduct.

E. "Public nuisance" shall mean any building, residence, premises or place where an owner thereof has been given first notice that prohibited conduct has occurred therein or thereon and within a

period of one (1) year after said first notice has been given, there is an addition occurrence of any prohibited conduct therein or thereon.

F. "Person" shall mean any natural person, individual, firm, partnership, association, entity or corporation.

§ 22A-3.0 **Nassau County government determination.**

A. Upon the request of: the Office of the District Attorney or the County Police Department by affidavit or affirmation, as is appropriate, detailing the occurrence of prohibited conduct, the County Attorney is authorized to send notice that prohibited conduct has occurred.

B. After first notice has been sent, the office of the District Attorney or the County Police Department shall inform the County Attorney, by affidavit or affirmation, as is appropriate, detailing the recurrence of prohibited conduct at the affected premises. Thereafter, the County Attorney shall send final notice, as provided in section 22A-2.0, to an owner of the affected premises. If no corrective measures are diligently pursued by the owner(s) within the five (5) day time period provided in such final notice, the County Attorney is authorized to bring and maintain a civil action or proceeding in the name of the County of Nassau in any court of appropriate jurisdiction to seek remedies as hereinafter provided in this chapter.

§ 22A-4.0 **Remedies and Enforcement.** The County Attorney is authorized to bring and maintain a civil action or special proceeding in the name of the County in a court of competent jurisdiction for necessary relief including but not limited to temporary, preliminary and/or permanent equitable remedies, which may include orders to make improvements and/or alterations to a premises; eviction of tenants; ejection of occupants; imposition of civil penalties; and the recovery of the costs of the action including but not limited to investigative costs, litigation expenses and reasonable attorneys' fees, or for such other remedies as may be necessary to prevent or enjoin any public nuisance from existing at any building, residence, premises or place within the County of Nassau. These remedies may be sought singly or in combination with each other in a court of competent jurisdiction. The owner, lessor and lessee of a building, residence, premises or place where a public nuisance is being conducted, maintained or permitted shall be named as defendants or respondents in the action or special proceeding. The existence of an adequate remedy at law shall not prevent the granting of temporary or permanent relief pursuant to this chapter. The County

shall not be required to furnish an undertaking in connection with any action or proceeding brought pursuant to this chapter. The County, if it is an unsuccessful party in any action or proceeding brought pursuant to this chapter, shall not be liable to any other party in such action or proceeding for any costs, expenses or disbursements, whether actual or statutory. The enforcement of all remedies obtained pursuant to this chapter shall be carried out by the County Attorney; the County Police Department or any city or village police department in the County; and/or the County Sheriff, and in the case of any criminal prosecution, by the Office of the District Attorney.

§ 22A-5.0 **Permanent Injunction.**

A. **Summons or Notice.** The County Attorney shall name as defendants or respondents the building, residence, premises or place wherein a public nuisance exists because prohibited conduct is being conducted, maintained or permitted, by describing it by block, lot number, street address, and by naming at least one (1) of the owners of some part of or interest in the property.

B. **In Rem Jurisdiction.** In rem jurisdiction shall be complete over a building, residence, premises or place wherein a public nuisance exists because prohibited conduct is being conducted, maintained, or permitted, by affixing the summons or notice to the door of such building, residence, premises or place and by mailing the summons or notice by certified or registered mail, return receipt requested, to at least one of the owners of some part of or interest in the property. Proof of service shall be filed within two (2) days thereafter with the Clerk of the Court designated in the summons or notice. Service shall be complete upon such filing.

C. **Service of Summons or Notice on other Defendant or Respondents.** Defendants or respondents, other than the building, residence, premises or place wherein a public nuisance exists because prohibited conduct is being conducted, maintained or permitted, and any persons in possession of the affected premises, shall be served with a summons or other process as provided by the applicable law of the State of New York.

D. **Notice of Pendency.** With respect to any action or proceeding commenced or to be commenced pursuant to this section, the County Attorney may file a notice of pendency pursuant to the provisions of article sixty-five of the New York civil practice law and rules.

E. **Presumption of Ownership.** The person, as that term is defined in section 22A-2.0 of this chapter, who is recorded in the office of the County Clerk as being the owner of the real estate or premises affected by the action or special proceeding shall be presumed to be the owner thereof.

F. **Presumption of Employment or Agency.** Whenever there is evidence that a person was the manager, operator, supervisor or, in any other way in charge of the premises at the time a public nuisance exists because prohibited conduct is being conducted, maintained, or permitted, such evidence shall be presumptive evidence that he or she was an agent or employee of the owner or lessee of the building, residence, premises or place.

G. **Seizure and Removal.** A judgment awarding a permanent injunction pursuant to this chapter may direct the County Sheriff to seize and remove from the building, residence, premises, or place all personal property used in the creation and maintenance of the public nuisance and shall direct the sale by the County Sheriff of such personal property in the manner provided for the sale of personal property under execution pursuant to the provisions of the New York civil practice law and rules. The net proceeds of any such sale, after deduction of the lawful expenses involved, shall be paid Into the general fund of the County to facilitate the continued enforcement of this chapter.

H. **Closure and Posting.** A judgment awarding a permanent injunction pursuant to this chapter may direct the closing of the building, residence, premises, or place by the County Sheriff, to the extent necessary to abate the nuisance, and shall direct the County Sheriff to post a copy of the judgment and the printed notice of such closing conforming to the requirements of Subdivision D of section 22A-9.0 of this chapter. Mutilation or removal of such a posted judgment or notice while it remains in force, in addition to any other punishment or remedy prescribed by law shall be prosecutable by the office of the District Attorney and punishable, on conviction as a violation by a fine of not more than two hundred fifty dollars ($250.00) or by imprisonment not exceeding fifteen (15) days, or by both such fine and imprisonment, provided such judgment contains therein a notice of such penalty. The closing directed by the judgment shall be for such period as the court may direct but in no event shall the closing be for a period of more than one year from the posting of the judgment provided for in this subdivision. If the owner shall file a bond in an amount equal to the assessed value of the property ordered to be closed or in such other

amount as may be fixed by the court and shall submit proof to the court by a preponderance of the evidence that the nuisance has been abated and will not be reestablished, maintained or permitted for such period of time as the building, residence, premises, or place has been directed to be closed in the judgment, the court may vacate the provisions of the judgment directing the closing of the building, residence, premises or place. Any closing by the Sheriff pursuant to the provisions of this section shall not constitute an act of possession, ownership or control of the closed premises by the sheriff.

I. **Disobedience of Judgment; Criminal Penalties.** Intentional disobedience of any provision of a judgment awarding a permanent injunction pursuant to this law, in addition to any other punishment or remedy, civil or criminal, prescribed by law, shall be prosecutable by the office of the District Attorney and punishable, on conviction, as an unclassified misdemeanor with a fine of not more than five hundred ($500.00), or by imprisonment not exceeding six (6) months, or by both such fine and imprisonment.

J. **Civil Penalties.** If upon an order or judgment in an action or special proceeding under this chapter, the County Attorney shall show by a preponderance of the evidence that the defendant or respondent therein has intentionally conducted, maintained or permitted a public nuisance as defined in this chapter, a civil penalty, to be included in the judgment, may be awarded in an amount not to exceed one thousand dollars ($1,000.00) for each day it is found that the defendant or respondent intentionally conducted, maintained or permitted prohibited conduct to exist at the building, residence, premises or place. Upon recovery, such penalty shall be paid into the general fund of the County. Defendants or respondents shall be jointly and severally liable for such penalty. Any penalty awarded under this subdivision shall be in addition to any other punishment or remedy, civil or criminal, prescribed by law.

K. **Judgment to Constitute a Lien.** A judgment awarding a permanent injunction pursuant to this law shall constitute a lien upon the building, residence, premises, or place named in the complaint in such action, and such lien shall exist from the time of filing a notice of lis pendens in the office of the Clerk of the County wherein the building, residence, premises or place is located.

L. **Costs, Expenses and Disbursements.** A judgment awarding a permanent injunction pursuant to this law may be granted upon

proof by the County Attorney by a preponderance of the evidence. Such judgment shall provide for the costs and disbursements allowed by the New York civil practice law and rules, and in addition, the County shall be entitled, upon proof by a preponderance of the evidence, to its actual costs, expenses, and disbursements in investigating, bringing and maintaining the action. The defendants and/or respondents in such action shall be jointly and severally liable for any such costs, expenses and disbursements.

§ 22A-6.0 **Preliminary Injunction.** Pending a request for any remedy as provided for under this chapter, the County Attorney may apply for and the court may grant, upon a showing by the County Attorney by a preponderance of the evidence, a preliminary injunction enjoining a public nuisance as defined by this chapter and the person or persons engaging in or permitting prohibited conduct from further engaging in or permitting such prohibited conduct. A temporary closing order and/or a temporary restraining order may be granted pending a hearing for a preliminary injunction where it appears by clear and convincing evidence that a public nuisance as defined by this chapter exists because prohibited conduct is being engaged in, conducted, maintained or permitted.

§ 22A-7.0 **Temporary Closing Order.**

A. Generally. If, on a motion for a preliminary injunction pursuant to section 22A-8.0 of this chapter, the County Attorney shall show by clear and convincing evidence that a public nuisance as defined by this chapter exists because prohibited conduct is being conducted, maintained, or permitted, and that the public health, safety, or welfare immediately requires a temporary closing order, as provided in section 22A-9.0 of this chapter, such an order closing part or parts of the building, residence, premises, or place wherein such public nuisance exists may be granted ex parte, pending an order of the court granting or denying the preliminary injunction and until further order of the court. Upon granting a temporary closing order, the court shall direct the holding of a hearing on the application for the preliminary injunction at the earliest possible time.

B. **Service of Temporary Closing Order.** Unless the court orders otherwise, a temporary closing order together with the papers upon which it was based, and a notice of hearing for the preliminary injunction shall be personally served, in the same manner as a summons as provided in the New York civil practice law and rules.

§ 22A-8.0 **Temporary Restraining Order.**

A. **Generally.** If on a motion for a preliminary injunction pursuant to section 22A-6.0 of this chapter, the County Attorney shall show by clear and convincing evidence that a public nuisance within the scope of this law exists because prohibited conduct is being conducted, maintained or permitted, and that the public health, safety or welfare immediately requires a temporary restraining order, such temporary restraining order may be granted ex parte restraining the defendants and all persons from removing or in any manner Interfering with the furniture, fixtures, and movable property used in concluding, maintaining or permitting the public nuisance, pending order of the court granting or denying the preliminary injunction and until further order of the court. Upon granting a temporary restraining order, the court shall direct the holding of a nearing for the preliminary injunction at the earliest possible time.

B. **Service of the Temporary Restraining Order.** Unless the Court orders otherwise, a temporary restraining order and the papers upon which it was based and a notice of hearing for a preliminary injunction shall be personally served in the same manner as a summons as provided in the New York civil practice law and rules.

§ 22A-9.0 **Temporary Closing Order and Temporary Restraining Order; Procedures and Penalties.**

A. **Generally.** If on a motion for a preliminary injunction, the County Attorney shall show by clear and convincing evidence that either/or both a temporary closing order and a temporary restraining order are warranted, the court shall accordingly grant either/or both such orders.

B. **Inventory upon Service of Temporary Closing Orders and Temporary Restraining Orders.** The officers serving a temporary closing order and/or a temporary restraining order shall forthwith make and return to the court an inventory of personal property situated in and used in conducting, maintaining or permitting a public nuisance as defined in this chapter and shall enter upon the building, residence, premises or place for such purpose. Such inventory shall be taken in any manner including, but not limited to photography, which is deemed likely to evidence a true and accurate representation of the personal property subject to such inventory.

C. **Closing of Premises Pursuant to Temporary Closing Order.** The officers serving a temporary closing order shall, upon service of the order, command all persons present in the building, residence, premises, or place to vacate the same forthwith. The building, residence, premises, or place being vacated shall then be securely locked and all keys delivered to the officers serving the order. Those officers shall thereafter deliver the keys to the fee owner, lessor, or lessee at the building, residence, premises, or place involved. If the fee owner, lessor, or lessee is not at the building, residence, premises, or place when the order is being executed, the officers shall securely padlock the premises and retain the keys until the fee owner, lessor, or lessee of the building is ascertained, in which event, the officers shall deliver the keys to such owner, lessor or lessee.

D. **Posting of Temporary Closing Order, and/or Temporary Restraining Order.** Upon service of a temporary closing order and/or a temporary restraining order, the officer shall post a copy thereof in a conspicuous place or upon one or more of the principal doors at entrances of the premises involved. In addition, where a temporary closing order has been granted, the officers shall affix, in a conspicuous place or upon one or more of the principal doors at entrances of such premises, a printed notice that the premises have been closed by court order, which notice shall contain the legend "CLOSED BY COURT ORDER" in block lettering of sufficient size to be observed by anyone intending or likely to enter the premises, the date of the order, the court from which issued, and the name of the office or agency posting the notice. Furthermore, where a temporary restraining order has been granted, the officers shall affix, in the same manner, a notice similar to the notice provided for in relation to a temporary closing order, except that the notice shall contain the legend "REMOVAL OF PROPERTY PROHIBITED BY COURT ORDER" in block lettering of sufficient size to be observed by anyone intending or likely to enter the premises, the date of the order, the court from which issued, and the name of the office or agency posting the notice. Such notice shall also state that certain described activity is prohibited by court order and that removal of property is prohibited by court order. Mutilation or removal of such a posted order or notice while it remains in force, in addition to any other remedy or punishment prescribed by law, shall be prosecutable by the office of the District Attorney and punishable, on conviction, as a violation by a fine of not more than two hundred fifty dollars ($250.00) or by imprisonment not exceeding fifteen (15) days, or by both such fine and imprisonment, provided such order

or notice contains therein a notice of such penalty.

E. **Intentional Disobedience of a Temporary Closing Order, and/or a Temporary Restraining Order.** In addition to any other punishment or remedy, civil or criminal, prescribed by law, the intentional disobedience of a temporary closing and/or temporary restraining order shall be prosecutable by the office of the District Attorney and punishable, on conviction, as an unclassified misdemeanor by a fine of not more than five hundred dollars ($500.00) or imprisonment not exceeding six (6) months, or by both such fine and imprisonment.

§ 22A-10.0 **Temporary Closing and Restraining Orders; Defendants' and Respondents' Remedies.**

A. A temporary closing order or a temporary restraining order shall be vacated, by a motion brought upon notice to the County Attorney, if the defendant or respondent shows by a preponderance of the evidence that the public nuisance as defined by this law has been abated. An order vacating a temporary closing order shall include a provision authorizing agencies of the County to inspect the building, residence, premises, or place which is the subject of an action pursuant to this law, periodically and without notice, during the pendency of the action for the preliminary injunction in order to determine if the public nuisance has resumed. Any defendant or respondent applying to the court for an order vacating a temporary closing order or a temporary restraining order must prove by a preponderance of the evidence that the intended occupants of the premises involved have been advised of and consent to a provision authorizing an agency of the County to inspect without notice as provided herein. Intentional disobedience of an inspection provision of an order vacating a temporary closing order or a temporary restraining order, in addition to any other remedy or punishment prescribed by law, shall be prosecutable by the office *of* the District Attorney and punishable, on conviction, as an unclassified misdemeanor by a fine of not more than five hundred dollars ($500.00) or by imprisonment not exceeding six (6) months, or by both such fine and Imprisonment.

B. A temporary closing order or a temporary restraining order may be vacated by the court, by a motion brought upon notice to the County Attorney, if the defendant or respondent gives an undertaking and the court is satisfied, based on a preponderance of the evidence, that the public health, safety, or general welfare will be protected adequately during the pendency of the action. The

undertaking shall be in an amount equal to the assessed valuation of the building, residence, premises, or place which is the subject of the order, or in such other amount as may be fixed by the court.

§ 22A-11.0 **Vacatur of Preliminary Injunction.** When the defendant or respondent gives an undertaking in an amount fixed by the court, together with costs, disbursements, and the projected actual costs of the prosecution of the action to be determined by the court, upon a motion on notice to the County Attorney, a preliminary injunction may be vacated by the court. The provisions of the New York civil practice law and rules governing undertakings by defendants or respondents shall be applicable to this section.

§ 22A-12.0 **Action or Proceeding for Ejectment or Eviction.**

A. Pursuant to the provisions of this chapter, the County Attorney is authorized to commence and maintain an action or proceeding for the ejectment or eviction of the occupant(s) or tenant(s) at any building, residence, premises or place where a public nuisance exists. A court may grant an order of ejectment or eviction if it is satisfied, based on a preponderance of the evidence, that such relief is warranted.

B. In any action or proceeding for ejectment or eviction, brought by the County Attorney pursuant to this section, at least one of the owners, and any person(s) in possession of the premises involved, shall be named and served as defendants or respondents.

C. Prior to the commencement of an action or proceeding pursuant to this section, the County Attorney shall complete all notice requirements provided for in subdivision 8 of section 22A-2.0. Upon the failure of the owner or landlord of the premises involved to act pursuant to the requirements set forth in the notice provisions of subdivision B of that section, the County Attorney is authorized to commence an action or proceeding in accordance with this chapter and as set forth in said notices.

D. A court granting an eviction or ejectment pursuant to this section may, in addition to any other order or remedy provided by law, make an order imposing and requiring the payment by the defendant or respondent of a civil penalty not exceeding one thousand dollars ($1.000.00) for each day, after first notice has been given, that the public nuisance was allowed to continue and may also order the payment of the costs to the County in investigating, bringing and maintaining the action, and the recovery

of reasonable attorneys' fees by the County. In any such case, multiple defendants or respondents shall be jointly and severally liable for any payment so ordered and the amounts of such payments shall constitute a lien upon the subject building, residence, premises or place. Any penalties or fees shall be payable to Nassau County and shall be paid into the general fund of the County.

E. The commencement of a proceeding under this section shall not be construed to exclude any other remedy or right provided by law.

§ 22A-13.0 **Temporary Receiver.**

A. **Generally.** In any action or special proceeding under this chapter, the court may, upon a motion on notice by the plaintiff or petitioner, appoint a temporary receiver to manage and operate the property during the pendency of the action or proceeding. A temporary receivership shall not continue after final judgment unless specifically so directed by the court. Upon the motion of any party, including the temporary receiver, or on its own initiative, the appointing court may remove a temporary receiver at any time. Any fees due and owing the receiver for services rendered shall be chargeable to the defendant or respondent.

B. **Powers and Duties.** The temporary receiver shall have such powers and duties as the court shall direct, including, but not limited to: collecting and holding all rents due from tenants; leasing or renting all or portions of the building or structure; making or authorizing other persons to make necessary repairs or to maintain the property; hiring security or other personnel necessary to maintain the premises safely; prosecuting or defending suits flowing from his or her management of the property and retaining counsel therefor, and expending funds from the collected rents in furtherance of the foregoing powers.

C. **Oath.** A temporary receiver, before entering upon his or her duties, shall be sworn or shall otherwise affirm to faithfully and fairly discharge the trust committed to such receiver. The oath or affirmation may be administered by any person authorized to take acknowledgments of deeds by the real property law. The oath or affirmation may be waived upon consent of all parties.

D. **Undertaking.** A temporary receiver shall give an undertaking, in an amount to be fixed by the court making the appointment, that such receiver will faithfully discharge his or her duties.

E. **Account.** A temporary receiver shall keep written accounts itemizing receipts and expenditures, and describing the property and naming the depository of receivership funds, which shall be open to inspection by any person having an apparent interest in property. Upon motion of the temporary receiver or of any person having an apparent interest in the property, the Court may require the keeping of particular records or direct or limit inspection or require presentation of a temporary receiver's accounts. Notice of motion for the presentation of a temporary receiver's accounts shall be served upon the sureties on the temporary receivers undertaking as well as upon each party.

§ 22A-14.0 **SEQRA Determination.** The Board of Supervisors, being a state environmental quality review act (SEQRA) lead agency, hereby finds and determines that this law constitutes a type II (two) action pursuant to title 6, section 617.13(d)(21) of the New York code of rules and regulations (NYCRR) and within the meaning of section 8-0109(2) of the New York environmental conservation law as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Board of Supervisors adopts the findings of the Nassau County Planning Commission, acting as agent *for* the Board of Supervisors, that chapter XXII-A in relation to the abatement of public nuisances is a type II (two) action and that no further environmental review or action is required in this matter.

§ 22A-15.0 **Chapter Not Exclusive Remedy.** This chapter shall not be construed to exclude any other remedy or right, civil or criminal, provided by law.

§ 22A-16.0 **Separability.** If any clause, sentence, paragraph, subdivision, section or other 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 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 other 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 judgment shall have been rendered.
(Chapter XXII-A adopted by Local Law No. 7-1989, in effect September 25, 1989.)

TITLE A

RESOURCES TO COMBAT OPIOID ADDICTION

§ **22A-17.0. Legislative Intent.** This Legislature finds and determines that opioid misuse and overdoses are at epidemic levels in New York State, extracting a devastating toll on those suffering from addiction, their families and loved ones. In 2020, fatal drug overdoses increased 34 percent in Nassau Co1mty, claiming the lives of 287 people, with another sixty suspected overdose deaths yet to be confirmed. For many, opioid addiction begins with the misuse of prescription drugs. In 2017, Nassau County commenced an action against manufacturers, distributors, and pharmacies that were involved in the marketing, selling, and/or distributing of prescription opioids in Nassau County (collectively "defendants") for their role in the creation of this deadly opioid epidemic. It is the intent of this law to ensure that the funds received from settlements or verdicts against the defendants of these cases should be dedicated towards providing the financial resources necessary to combat this deadly threat and to provide interventions, education, health care, support and assistance to both addicts and their families.

§ 22A-17.1. Definitions.

A. "Opioid Litigation" shall mean any affirmative action brought by Nassau County against a manufacturer, distributor, or pharmacy that has sold or distributed opioids in Nassau County and alleging that such manufacturer, distributor, or pharmacy's conduct constitutes or has constituted a public nuisance.

§22A-17.2. Allocation, deposit, and authorized disposition of moneys collected by Nassau County pursuant to the settlement or verdict of an Opioid Litigation.

A special revenue fund is hereby established to which all funds collected by the County for the settlement or verdict of an Opioid Litigation shall be deposited.

The use of this special revenue fund will be to fund programs and provide resources in excess of budgeted funds to assist Nassau County's efforts to provideinterventions, recovery services, education, support and assistance to those that suffer from an opioid addiction and to their families.

(Title A added by Local Law No. 14-2021, signed by the County Executive on August 10, 2021).

CHAPTER XXIII
ELECTIONS

CHAPTER XXIV
DISTRICT COURT; ORGANIZATION AND JURISDICTION

Title A
Nassau County Traffic and
Parking Violations Agency

Section 24-1.0 Legislative intent
24-1.1 Nassau County Traffic and Parking Violations Agency established
24-1.2 Traffic Prosecutor selection and oversight
24-1.3 Responsibilities of the District Attorney's Office
24-1.4 Separability

§ 24-1.0 **Legislative Intent.**

(a) Chapter 496 of the Laws of 1990 enables the Board of Supervisors of the County of Nassau to establish a Traffic and Parking Violations Agency. The Board of Supervisors deems it to be in the best interests of the County of Nassau to establish such an agency to assist the Nassau County District Court in the administration and disposition of traffic and parking violations.

(b) Notwithstanding any contrary provisions of section 24-1.1 and subdivision (a) of this section, the Board of Supervisors declares that due to the severe fiscal crisis currently facing the County of Nassau, and until the implementation of the Nassau County Traffic and Parking Violations Agency, but in no event later than December 31, 1992, it is in the best interests of the County and its taxpayers for the Office of the District Attorney to conduct all prosecutions which otherwise could have been conducted by traffic prosecutors pursuant to section 374 of the general municipal law and for the Office of the District Attorney to have the power to collect any fines, penalties or surcharges for any traffic or parking infraction except those described in paragraphs (a) through (f) of subdivision two of section 311 of the general municipal law.
(Amended by Local Law No. 5-1992, in effect April 6, 1992.)

§ 24-1.1 **Nassau County Traffic and Parking Violations Agency established.** Subject to the provisions of section 24-1.0 of this title and article fourteen-B of the General Municipal Law, there shall be a department of the Nassau County government known as the Nassau County Traffic and Parking Violations Agency, which shall operate under the control and direction of the County Executive to assist the Nassau County District Court in the disposition and administration of infractions of traffic and parking laws, ordinances, rules and regulations, and the adjudication of liability of owners for violations of

subdivision (d) of section 1111 of the Vehicle and Traffic Law in accordance with section 1111-b of such law and the liability of owners for violations of subdivision (a) of section 1174 of such law in accordance with section 1174-a of such law, except that said agency shall not have jurisdiction over those matters which are specifically excluded by section 371 (2) of the General Municipal Law.
(Amended by Local Law No. 5-1992. in effect April 16, 1992; amended by L. 2002, Ch. 527; amended by local law 12-2009, signed by the County Executive on June 8, 2009; amended by local law 19-2019, signed by the County Executive on October 23, 2019.)

§ 24-1.2 **Traffic Prosecutor selection and oversight.**

(a) The County Executive shall, subject to the confirmation of the County Legislature, appoint a person to serve as the Executive Director of the Nassau County Traffic and Parking Violations Agency. The Executive Director shall be responsible for the oversight and administration of the agency and shall hire such staff, subject to the appropriations therefor and subject to the provisions of subdivision b of this section governing the qualifications of traffic prosecutors, and shall establish such rules, regulations, procedures and forms as he or she may deem necessary to carry out the functions of the agency, including but not limited to the requirements of subdivision three of section three hundred seventy-one of the General Municipal Law. The Executive Director shall be prohibited from appearing in any capacity in any part of the Nassau County District Court on any matter relating to traffic or parking violations and shall be further prohibited from appearing in any capacity in any other court of administrative tribunal on any matter relating to traffic or parking violations.

(b) The Executive Director of the Nassau County Traffic and Parking Violations Agency shall select and may contract with or hire one or more persons who are attorneys, duly admitted to the practice of law in New York State, for the prosecution of any traffic and parking infraction, except such violations described in paragraphs (a), (b), (c), (d), (e) and (f) of subdivision two of section three hundred seventy-one of the General Municipal Law, to be heard, tried, or otherwise disposed of by the district court of Nassau County. Such persons shall be known as "traffic prosecutors," as that term is defined in section three hundred seventy-a of the General Municipal Law and shall be subject to the provisions of subdivision (a) of section three hundred seventy-four of the General Municipal Law.
(Amended by L. 2002, Ch. 527.)

§ 24-1.3 **Responsibilities of the District Attorney's Office.**

(a) Until the implementation of the Nassau County Traffic and Parking

Violations Agency, but in no event later than December 31, 1992, the Office of the District Attorney shall have the responsibility and all powers necessary to conduct any prosecution which otherwise could have been conducted by a traffic prosecutor pursuant to section 374 of the General Municipal Law.

(b) Until the implementation of the Nassau County Traffic and Parking Violations Agency, but in no event later than December 31, 1992, the Office of the District Attorney shall have the power to collect any fine. penalty or surcharge which could have been collected by a traffic prosecutor pursuant to section 374 of the general municipal law for any traffic or parking infraction except those described in paragraphs (a) through (f) of subdivision two of section 371 of the General Municipal Law.

(c) The provisions of this section shall not in any manner diminish, impede or impair the existing lawful authority of any public officer, agency or unit of government or any duly appointed representative thereof, to collect any fine, penalty or surcharge described in subdivision (b) of this section.
(Amended by Local Law No. 5-1992, in effect April 6, 1992.)

§ 24-1.4 **Separabillty.** If any section or subdivision of this title is held to be wholly or partially invalid by a final decree of a court of competent jurisdiction, to the extent that it is not invalid, this title shall be valid and no other section or subsection shall be deemed invalid.
(Chapter XXIV amended by adding Title A by Local Law No. 1-1991, in effect January 28, 1991.)

CHAPTER XXVI
TRANSITORY PROVISIONS

Title A. Savings Clauses

Section 26-1.0 Pending actions and proceedings.
26-2.0 Acts legalized or validated not affected.
26-3.0 Municipalities outside county not affected.
26-3.5 School district taxes; City of Long Beach.
26-4.0 Existing rights and remedies preserved.

Title B Temporary Provisions

Article 1. Taxes

26-5.0 Collection of taxes.

Article 2. Roads and Parkways

26-6.0 Abandonment of state highways; county roads; resolutions.
26-7.0 Abandonment of county roads to the state; resolutions.

Article 3. Board of Statutory Consolidation and revision

26-8.0 Board of Statutory Consolidation and revision.
26-9.0 Powers and duties.
26-10.0 Transfer of papers.
26-11.0 Reports.
26-12.0 Employees; expenses.
26-13.0 Duration of board.
26-14.0 "Municipal corporations" defined.

Title A
Savings Clauses

§ 26-1.0 **Pending actions and proceedings.** No action or proceeding, civil or criminal, pending at the time when this act shall take effect, brought by or against the County or any agency or officer thereof, shall be affected or abated by the passage of this act or by anything therein contained.

§ 26-2.0 **Acts legalized or validated not affected.** The repeal by this act of any statute legalizing or invalidating any act done or committed shall in no way affect or impair such legalization or validation.

§ 26-3.0 **Municipalities outside county not affected.** Nothing contained in this act shall be construed to affect any existing provision of law relating to any municipality outside the County of Nassau.

§ 26-3.5 **School district taxes; City of Long Beach.** The assessment and collection of taxes in the city school district of the City of Long Beach, as provided by this code, shall not be affected by any contrary provision of a general, special or local law, it being the legislative intent that the Nassau County Administrative Code shall constitute the exclusive law in such matters.
(Added by L. 1958 Ch, 960, § 8, in effect October 1, 1959.)

§ 26-4.0 **Existing rights and remedies preserved.** No existing right or remedy of any character shall be lost or impaired or affected by reason of any provision of this act.

Title B
Temporary Provisions

Article 1 TAXES

§ 26-5.0 **Collection of taxes.**

a. Taxes assessed and levied prior to the fourth day of April, nineteen hundred thirty-four shall be collected in the same manner, subject to the same penalties and be otherwise controlled in all respects, except as hereinafter provided, as before such date.

b. A warrant issued by the Board of Supervisors under the provisions of section seventy-seven-f of chapter five hundred forty-one of the laws of nineteen hundred sixteen as added by chapter six hundred nineteen of the laws of nineteen hundred thirty-two, as amended, prior to such date and which was not returned to the County Treasurer on such date, shall be deemed amended in accordance with the provisions of chapter one hundred sixty-seven of the laws of nineteen hundred thirty-four.

c. Taxes assessed and levied prior to the time chapter six hundred thirty-nine of the laws of nineteen hundred thirty-three took effect shall be collected in the same manner as before the time such act took effect.

Article 2 ROADS AND PARKWAYS

§ 26-6.0 **Abandonment of state highways; county roads; resolutions.**

a. The state Department of Public Works may abandon to the County, for the purposes of future maintenance by the County, the following

highways:

Highway Number	Name of Highway	Oyster Bay	North Hempstead	Hempstead	Total Mile
270	Birch Hill	1.16			1.16
434	Arrandale-Bayview	.....	1.69	.....	1 69
435	South Glenwood-Meeting House	1.84	0.10	.....	1.94
436	Plainview-Hicksville-Woodbury road	1.95	.....	.....	1.95
545	Syossett Cold Spring Harbor	2.62	.....	.....	2.62
547	Willet-East Williston-Westbury Pond	0.15	6.28	.....	6.43
548	Berry Hill, part 1	4.74		.....	
988	New Hyde Par1, Great Neck	.....	0.22	13	3.50
1201	Huntington Town Line-Farmingdale part 2	0.61	.....	.....	0.61
1202	Plainview-Massapequa Turnpike	4.39	.....	.....	4.39
1342	Roslyn-Port Washington	.....	5.24	.....	5.24
1343	Westbury-Hicksvlile	1.32	1.77	.....	3.05
1344	Green Corner-Francis Pond	3.38	.....	.....	3.38
1584	Westbury Hamlet-Union Avenue	.....	0.45	.....	0.45
5051	Little Neck-Old Westbury, part 3	.....	1.96	.....	1.96
5106	Little Neck-Old Westbury, parts 1 and 4	.....	2.46	.....	2.46
5280	Little Neck-Old Westbury, part 2.	.....	1.57	.....	1.57
5505	Wheatley-East Norwich, part 1	2.41	0.52	.....	2.93
		24.34	17.02	13	46.96

b. The state Department of Public Works, in exchange for the highways enumerated in subdivision a, may take over for maintenance the designated parts of the following roads:

Name of Road	Miles
Glen Cove-Massapequa road, Glen Cove city line to Massapequa	16.26
Jericho-Oyster Bay	5.93
Jericho turnpike, Floral Park village to Jericho	8.39
Middle Neck road from North Hempstead turnpike at car barn to county highway No. 1342	3.70
North Hempstead turnpike, city line to county highway No, 898	12.68
Total	46.96

c. The County may abandon to the state Department of Public Works, for the purposes of future maintenance by such department, the parts of roads enumerated in subdivision b of this section. The County, in exchange for such roads, may take over for future maintenance the highways enumerated in subdivision a of this section.

d. The superintendent of the state Department of Public Works shall prepare a resolution carrying out the provisions of this section and shall submit such resolution to the Board of Supervisors. In the event of the approval of such resolution by the Board its approval shall be certified to such superintendent. Upon such certification an official order shall be entered. Certified copies of such order shall be filed with the County Executive, the clerk of the Board of Supervisors, the County Clerk, the County Commissioner of Public Works and the State Comptroller.

§ 26-7.0 **Abandonment of county roads to the state; resolutions.**

a. The County may abandon to the superintendent of the state Department of Public Works who is hereby authorized to take over for future maintenance at the expense of the state the following roads now maintained by the County:

Name of Road	Town	Miles
Farmingdale-Maywood	Oyster Bay	1.23
Nassau boulevard extension.....	North Hempstead	5.80

(from Nassau boulevard at city line to Guinna town road via Power House road)

b. The superintendent of the state Department of Public Works shall prepare resolutions to carry out the provisions of subdivision a and shall submit such resolutions to the Board of Supervisors. If such board approves such resolutions its approval shall be certified to the superintendent of the state Department of Public Works. If the latter approves such resolutions, he shall make an official order and file certified copies of such order with the County Executive, the clerk of the Board of Supervisors, the Commissioner of Public Works of the County and the State Comptroller.

Article 3
Board of Statutory Consolidation and Revision

§ 26-8.0 **Board of Statutory Consolidation and Revision.** The Board of Statutory Consolidation and Revision of Nassau County is continued. Such board shall consist of the County Executive, the County Attorney, the Comptroller, and the Board of Supervisors of the County.

§ 26-9.0 **Powers and duties.** The powers and duties of such board shall include the codification, consolidation, simplification, compilation and revision of the statutes, local laws and ordinances affecting and relating to the County and the municipal corporations therein and the recommendations to the

Legislature, from time to time, of such codification, consolidation, simplification, compilation and revision for enactment. However, nothing herein contained shall be construed to include the codification, consolidation, simplification, compilation and revision of any statutes affecting or relating to the villages or cities in the County so as to transfer functions to or create rights in the County which functions and rights are now possessed by such villages or cities.

§ 26-10.0 **Transfer of papers.** The County Attorney shall transfer to the Board such ledgers, documents, books, reports and all other papers and property in his office that may be of aid and assistance to such board in the performance of its powers and duties.

§ 26-11.0 **Reports.** The Board shall cause a copy of any such legislation that it shall propose for enactment by the Legislature to be filed, from time to time, in the office of the clerk of the Board of Supervisors. It shall report, from time to time, to such Board of Supervisors upon the progress of its work.

§ 26-12.0 **Employment; expenses.**

a. The members of the Board of Statutory Consolidation and Revision shall serve without compensation.

b. The Board of Supervisors and the County Executive are hereby authorized, by contract or otherwise, to employ experts, clerks and assistants to assist the Board of Statutory Consolidation and Revision and fix the salary or compensation of such experts, clerks and assistants.

c. Such Board of Supervisors is hereby further authorized, from time to time, to appropriate and otherwise make available as in the case of county expenses, sums sufficient to pay such salaries or compensation and such other expenses as may be necessarily incurred by such board, which expenses such board is hereby authorized to incur. Such moneys shall be paid out in the same manner as county expenses on the requisition of a person designated for such purpose by the Board.

§ 26-13.0 **Duration of board.** Nothing contained in any law shall be construed to prevent the County Executive, the County Attorney, the Comptroller, and the members of the Board of Supervisors from serving on such board. The Board of Statutory Consolidation and Revision shall expire two years after the seventh day of February, nineteen hundred thirty-nine.

§ 26-14.0 "**Municipal corporations" defined.** As used in this article, the term "municipal corporations", shall mean or include the towns, villages, cities,

and districts contained in the County.

Section 2. **Law repealed.**

a. Of the laws enumerated in the schedule hereto annexed, that portion specified in the last column, is hereby repealed.

b. The term "part relating to Nassau County" when used in the schedule of laws repealed hereto annexed, shall mean and include such part of the provision of law which relates to any agency or area of the County or any municipal corporation or department therein, or any part thereof.

Section 3. **Time of taking effect.** This act shall take effect immediately.

NASSAU COUNTY ADMINISTRATIVE CODE
SCHEDULE OF LAWS REPEALED

Revised Statutes.. .	Part 1, chapter 5, title 1, section 1 open paragraph (4) paragraph 10 of page 100, part relating to Nassau County
Revised Statutes...	Part 1, chapter 11, title 7, section 4, part relating to Nassau County
Revised Statutes...	Part 1, chapter 11, title 7, section 16
Revised Statutes.. .	Part 1, chapter 17, title 2, article 2, section 40, part relating to Nassau County
Revised Statutes...	Part 1, chapter 17, title 2, article 4, section 94, part relating to Nassau County
Revised Statutes...	Part 1, chapter 19, title 2, section 37
Revised Statutes...	Part 1, chapter 20, title 16, sections 7.8.9
Revised Statutes...	Part 3, chapter 1, title 5, section 20

(2)

Laws of	Chapter	Section	
1778.....	39	Preamble § 5, 5	(1st Session)
1780.....	28	All	(3rd Session)
1783.....	54	1	(6th Session)
1784.....	3	All, part relating to Nassau County	(1st Session)
1784.....	5	Preamble § 2, 2, 3, part relating to	(7th Session)

		Nassau County	
1784	6	All, part relating to Nassau County	(1st Session)
1784	29	Preamble, 1-2, part relating to Nassau County	(1st Session)
1784	35	23	(1st Session)
1784	38	All	(7th Session)
1184	58	Preamble, 1, 4-11, preamble §8,18	(7th Session)
1785	16	Preamble, 1-4, preamble § 5, 5, 7	(8th Session)
1785	30	All	(8th Session)
1785	44	Preamble, 106	(8th Session)
1785	46	All, part relating to Nassau County	(8th Session)
1785	55	All	(8th Session)
1785	60	8, 13	(8th Session)
1786	30	Preamble, 1, 3, 4, part relating to Nassau County	(9th Session)
1786	46	Preamble, 1-3	(9th Session)
1787	10	1, 2, 4, 6, part relating to Nassau County	(10th Session)
1181	17	1, 3, 4, 5, part relating to Nassau County	(10th Session)
1788	63	2, 5	(11th Session)
1789	37	All, part relating to Nassau County	(12th Session)
1790	27	2	(13th Session, 2nd meeting)
1791	9	All	(14th Session)
1791	22	Preamble, 1-3, 8, 9, part relating to Nassau County	(14th Session)
1792	29	All	(15th Session)
1792	60	1, 2, preamble §3, 3-7 part relating to Nassau County	(15th Session)
1793	29	All	(16th Session)
1793	53	Preamble 4, 4-6, 14 part relating to Nassau County	(16th Session)
1795	29	All	(18th Session)
1796	20	3	(19th Session)
1796	37	All, part relating to Nassau County	(19th Session)
1797	54	Preamble § 2, 2-5	(20th Session)
1798	83	All	(21st Session)
1799	54	1, 2, part relating to Nassau County	(22nd Session)
1801	191	5, 6; 2, part relating to Nassau County	(24th Session)
1801	106	All, part relating to Nassau County	(24th Session)
1801	110	9, part relating to Nassau County	(24th Session)
1801	123	2, 4; 1, part relating to Nassau County	(24th Session)
1804	93	4	
1808	93	All	
1808	105	All	

1808..... 124 ..... All
1809..... 148 1-3
1810..... 119 ..... Preamble, 1, preamble § 2.2-8
1812..... 37..... All
1812..... 154 ..... 1, part relating to Nassau County
1813..... 77..... All
R.L. 1813..... 39..... 2, par, 3
R.L. 1813..... 86..... 45-58, part relating to Nassau County
1814..... 70..... All
1815..... 87..... 1
1815..... 183 ..... All
1816..... 176 ..... All
1817..... 52..... All, part relating to Nassau County
1817..... 65..... All
1817..... 188 ..... All
1818..... 20..... All
1818..... 59..... Preamble § 5,5
1818..... 252 ..... All
1820..... 133 ..... All
1821..... 193 ..... All
1822..... 54..... All
1822..... 249 ..... 3, 4
1825..... 22..... All
1825..... 80 ..... All
1827..... 61 ..... All
1828..... 219 ..... All, part relating to Nassau County
1829..... 133 ..... All
1829..... 233 ..... All
1829..... 255 ..... All
1830..... 88 ..... All
1831..... 151 ..... All
1833..... 219 ..... All
1833..... 113 ..... All
1833..... 258 ..... All
1834..... 73 ..... All
1835..... 201 ..... All
1835..... 218 ..... All
1836..... 5 ..... All
1836..... 9 ..... All
1836..... 496 ..... All
1837..... 288 ..... All
1838..... 106 ..... All
1839..... 173 ..... All
1839..... 217 3
1840..... 41 ..... All
1840..... 77 ..... All
1840..... 120 ..... All
1840..... 182 ..... All

1840	367	All
1841	26	All
1842	54	All
1844	109	All
1845	55	All
1845	201	All
1845	352	1-9, part relating to Nassau County
1847	10	All
1848	168	All
1848	191	All
1848	202	All
1848	343	All
1850	43	All
1851	414	All
1851	415	All, part relating to Nassau County
1852	35	All
1852	110	All
1852	328	All
1853	83	All
1854	34	2, part relating to Nassau County
1854	254	
1854	343	All
1857	261	AII
1857	726	All
1858	156	All
1858	176	All
1859	127	All
1859	246	All
1860	110	All
1860	350	All
1860	422	All
1861	146	All
1861	286	All, part relating to Nassau County
1862	413	All
1864	274	All, part relating to Nassau County
1864	310	All
1864	514	All
1865	6	All, part relating to Nassau County
1865	335	All
1865	629	All
1865	642	All
1866	42	All
1866	81	All
1866	282	All
1866	556	All
1866	749	All
1867	368	All
1867	538	All

1867..... 682..... All
1868..... 591..... All
1868..... 765..... All
1868..... 785..... 14
1868..... 864..... All
1869..... 275..... All
1869..... 282 ..... All
1869..... 283 ..... All
1869..... 567 ..... All
1869..... 573 ..... All
1869..... 909 ..... 1, 9, 12, 17, 21, 22, 23
1870..... 166 ..... All
1870..... 213 ..... All
1870..... 259 ..... All
1871 ..... 37 ..... All
1871..... 98 ..... All
1871..... 166 ..... All
1871..... 192 ..... All
1871..... 556 ..... All
1811..... 716 ..... All
1871..... 721 ..... 1.28
1872..... 101 ..... All
1872..... 280 ..... All
1872..... 361 ..... All
1872..... 389 ..... All
1872..... 390 ..... All
1872..... 433 ..... 6.7
1872..... 574 ..... All
1872..... 633 ..... All
1872..... 804 ..... All
1873..... 82 ..... All
1873..... 435 2
1873..... 515 ..... 7, part relating to Nassau County
1873..... 801 ..... All
1874..... 95 ..... All
1874..... 118 ..... All
1874..... 341 ..... All
1874..... 409 ..... All
1874..... 511 1
1875..... 74 ..... All
1875..... 105 ..... All
1875..... 123 ..... All
1875..... 222 ..... All
1815..... 236 ..... All
1815..... 257 ..... All
1875..... 458 ..... All
1875..... 556 ..... All
1875..... 588 ..... All

1875.....	604	Title, 1.6.8
1876.....	81	All
1876.....	220	All
1876.....	234	All
1876.....	420	All
1877.....	3	All
1877.....	268	All
1877.....	401	1, 2, part relating to Nassau County
1878.....	51	AII
1878.....	220	All
1879.....	103	All
1879.....	324	All
1879.....	402	All
1879.....	534	1.4.25.26
1880.....	93	All
1880.....	234	All
1880.....	463	1.2.3.4.6
1880.....	531	3
1881.....	430	All
1881.....	695	3, part relating to Nassau County
1883.....	126	All, part relating to Nassau County
1883.....	140	All
1883.....	249	All
1883.....	417	All
1884.....	29	All
1884.....	317	All
1885.....	68	All
1885.....	237	All
1885.....	414	All
1885.....	485	All
1886.....	194	1
1886.....	630	All
1887.....	135	All
1888.....	501	All
1888.....	542	All
1889.....	539	All
1890.....	16	All
1890.....	136	All
1890.....	311	1, 2, 4, part relating to Nassau County
1890.....	533	All
1890.....	569	150
1891.....	368	All
1892.....	488	135, 160-164, 166-172.174.185.196
1893.....	547	All
1893.....	548	All
1893.....	629	All
1893.....	633	All

1893.....	637	All
1894.....	98	All
1894.....	114	3;1, 2, 4, part relating to Nassau County
1894.....	210	All
1895.....	34	All, part relating to Nassau County
1895.....	306	All
1895.....	365	All
1895.....	559	42, 71
1895.....	974	5, 6
1896.....	144	All
1896.....	193	All, part relating to Nassau County
1896.....	426	All
1896.....	469	All
1896.....	975	All
1897.....	62	All
1897.....	64	All
1897.....	151	All
1897.....	353	All, part relating to Nassau County
1898.....	92	All
1898.....	118	All, part relating to Nassau County
1898.....	132	All
1898.....	146	All
1898.....	149	All
1898.....	449	All
1898.....	457	All
1898.....	462	All
1898.....	588	1-5, 9-19
1899.....	4	All
1899.....	10	All
1899.....	54	All
1899.....	60	All
1899.....	135	All
1899.....	163	All
1899.....	187	All
1899.....	231	All
1899.....	432	All
1899.....	483	All
1899.....	658	All
1900.....	20	100-106, 108-112, 114, 119, 130, 160
1900.....	38	All
1900.....	178	All
1900.....	186	All
1900.....	286	All
1900.....	532	All
1900.....	605	All
1900.....	610	All

1901.....	19	All
1901.....	91	1, part amending L. 1900 Ch. 20, § 103, 105, 108, § 2
1901.....	148	All
1901.....	177	All
1901.....	209	1.3
1901.....	337	2.3
1902.....	320	All
1903.....	14	All
1903.....	155	All
1903.....	256	3
1903.....	315	All
1903.....	324	All
1903.....	492	All
1904.....	124	All
1904.....	198	All
1904.....	329	All
1904.....	381	All
1904.....	586	All
1904.....	588	2
1905.....	337	All
1906.....	62	All
1906.....	294	1.2.4, part relating to Nassau County
1907.....	687	All
1908.....	130	76, 86, 149, 167-170, 170a, 171-178, 180-182, 202, 208, 209
1908.....	471	1, part amending L, 1908 Ch, 130, §74
1908.....	501	All
1909.....	584	All
1910.....	564	All
1911.....	254	2: 1,3, part relating to Nassau County
1911.....	598	All
1913.....	473	All
1915.....	331	All
1915.....	365	All
1915.....	432	All
1916.....	153	All
1916.....	408	All, part relating to Nassau County
1916.....	541	All
1916.....	54	All
1917.....	79	All
1917.....	297	All
1917.....	790	All
1918.....	221	All
1918.....	295	All
1919.....	154	All

1920.....	123	All
1920.....	223	All
1920.....	779	All
1921.....	189	All
1921.....	265	All
1921.....	400	1, 3: 2, 4, part relating to Nassau County
1921.....	487	All, part relating to Nassau County
1922.....	76	All
1922.....	93	All
1922.....	196	All, part relating to Nassau County
1922.....	244	All
1922.....	497	All
1922.....	528	All
1922.....	561	All
1922.....	611	All
1923.....	362	All
1923.....	473	All
1923.....	479	All
1923.....	862	All
1923.....	863	All
1924.....	291	All
1924.....	431	2: 1,3-5, part relating to Nassau County
1924.....	470	All
1925.....	104	All
1925.....	442	All
1925.....	443	All
1925.....	448	All
1925.....	449	All
1925.....	451	All
1925.....	452	All
1925.....	504	All
1925.....	546	
1925.....	687	All
1926.....	3	All
1926.....	181	All
1926.....	271	All
1926.....	384	All
1926.....	576	All
1926.....	595	Title, 6.7
1926.....	609	All
1927.....	94	All
1927.....	115	1; 2, part amending L. 1926 Ch. 595, § 6
1927.....	133	All
1927.....	167	All
1927.....	168	All

1927.....	190	All, part relating to Nassau County	
1927.....	281	All	
1927.....	376	All	
1927.....	377	All	
1927.....	529	All	
1928.....	82	All, part relating to Nassau County	
1928.....	108	2	
1928.....	201	1 (2d sentence of Subdivision 36 of § 12, of county law), part relating to Nassau County	
1928.....	248	All	
1928.....	249	All	
1928.....	513	All	
1928.....	514	All	
1928.....	541	All	
1928.....	576	All	
1928.....	686	All	
1929.....	536	1, 2	
1929.....	565	11, 92	
1929.....	586	All, part relating to Nassau County	
1929.....	587	All	
1930	56	All	
1930	63	All	
1930	70	All	
1930	158	All	
1930	210	All	
1930	253	All, part relating to Nassau County	
1930	336	All, part relating to Nassau County	
1930	848	All	
1931	172	All, part relating to Nassau County	
1931	278	All	
1931	342	All	
1931	391	All, part relating to Nassau County	
1931	401	All, part relating to Nassau County	
1931	544	All, part relating to Nassau County	
1932	146	All	
1932	447	All	
1932	448	All, part relating to Nassau County	
1932	477	All	
1932	619	All	
1933	165	All	
1933	242	All	
1933	566	All, part relating to Nassau County	
1933	639	All	
1933	728	All	
1934	167	All	
1934	345	All	
1934	499	All, part relating to Nassau County	
1934	553	All	All

1934	554	All
1934	629	All
1934	887	All
1935	938	All
1936	30	All, part relating to Nassau County
1936	31	All, part relating to Nassau County
1936	42	All, part relating to Nassau County
1936	160	All
1936	161	All
1936	162	1-9, 11-14
1936	673	All
1936	677	All
1936	726	All
1936	803	All
1937	640	All
1937	802	All
1937	803	All
1938	79	All
1938	167	All, part relating to Nassau County
1938	344	All
1938	704	All
1939	5	All