

Submitted by the County Executive and Introduced by

LOCAL LAW NO. 20-2010

A LOCAL LAW TO AMEND THE ADMINISTRATIVE CODE OF NASSAU COUNTY WITH RESPECT TO THE IMMOBILIZATION AND REMOVAL OF ILLEGALLY PARKED AND SCOFFLAW VEHICLES

APPROVED AS TO FORM



Deputy County Attorney

Passed by the Nassau County Legislature on October 29, 2010
Voting: Ayes: 17, Nays: 2, Abstained: 0
Became a law on November 3, 2010 with the approval of the
County Executive.

BE IT ENACTED by the Nassau County Legislature as follows:

Section 1. Section 8-120.1 of the Administrative Code of Nassau County, as added by Local Law 25-2001, is amended by designating the existing unenumerated opening paragraph as subsection (a) and adding a new subsection (b) to read as follows:

(b) The Legislature further finds that it is necessary for the County of Nassau to increase its efforts regarding the enforcement of its Red Light Camera Law, Title 72 of the Miscellaneous Laws of Nassau County. There are currently 1,135 motor vehicle owners against which there are at least three (3) notices of liability for Red Light Camera

violations returnable to the Nassau County Traffic and Parking Violations Agency that have been issued and are delinquent. This figure demonstrates the consistent and ongoing disregard of the Red Light Camera Law and the need for a stronger deterrent. Immobilizing and removing such scofflaw vehicles will provide the necessary deterrent. Additionally, removal of scofflaw vehicles facilitates traffic and public safety in Nassau County. The removal of scofflaw vehicles will bring within the ambit of the law owners who have demonstrated their consistent defiance of the County's Red Light Camera Law.

§2. The sixth unenumerated paragraphs of section 8-120.1 of the Administrative Code of Nassau County, as added by Local Law 25-2001, is hereby amended to read as follows:

"Scofflaw vehicle" shall for purposes of this title mean a vehicle, 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 there are three (3) or more tickets, warrants, summonses or fines for parking violations or three (3) or more notices of liability issued pursuant to section 5 of Title 72 of the Miscellaneous Law Nassau County for violations of subdivision d of section 1111 of the vehicle and traffic law, which are returnable to the Nassau County Traffic and Parking Violations Agency, have been issued and are delinquent.

§ 3. Subsection e of section 8-120.2 of the Administrative Code of Nassau County, as added by Local Law 25-2001, is hereby amended to read as follows:

(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 entities.

§ 4. Subsections a and b of section 8-120.5 of the Administrative Code of Nassau County, as added by Local Law 25-2001, is hereby amended to read as follows:

(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 scofflaw vehicle removal program.

(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.

§5. Severability. If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

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

§ 7. This local law shall take effect immediately.

APPROVED



County Executive

DATE 11/3/2010