

Submitted by the County Executive and Introduced By

LOCAL LAW NO. 17-2012

A LOCAL LAW TO AMEND THE NASSAU COUNTY ADMINISTRATIVE CODE
IN RELATION TO LICENSING DRYCLEANERS AND LAUNDROMATS

Passed by the Nassau County Legislature on November 19, 2012
Voting: ayes: 10 nays: 9 abstained: 0

Became a law on November 27, 2012 with the approval of the Deputy County Executive
acting on behalf of County Executive

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

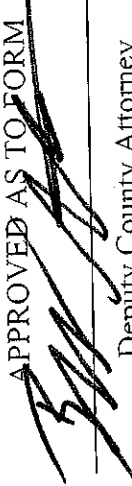
Section 1. A new title is hereby added to chapter twenty-one of the Nassau County

Administrative Code as follows:

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

APPROVED AS TO FORM

Deputy County Attorney

21-30.16	Penalties
21-30.17	Severability

§ 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 of \$500 in the form of a certified check or postal money order payable to the County of Nassau for a two-year license.

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. Licensee's may request additional licenses to operate additional locations from the Commissioner for a fee of one-hundred dollars per location."

§ 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 in the amount of five hundred dollars (\$500.00) 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.

§ 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 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 fee of one hundred dollars (\$100).

§ 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 $\frac{1}{2}$ 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.

§ 21-30.17. 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.

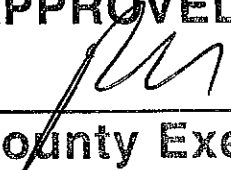
Section 2. The numbering of this Title and the sections thereunder may be altered to ensure numerical consistency with the rest of the Administrative Code without the necessity for a

vote to be taken by the County Legislature or by the members of any Standing Committee of said Legislature if this local law is passed by the affirmative vote of a majority of said Legislature.

Section 3. 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 ordinance is a "Type II" Action within the meaning of Section 617.5(c)(20) and (27) of 6 N.Y.C.R.R., and, accordingly, is of a class of actions which do not have a significant effect on the environment; and no further review is required.

Section 5. This local law shall take January 1, 2013.

APPROVED



County Executive

DATE NOV 27 2012