

RESOLUTION NO. 720 -2009, ADOPTING LOCAL LAW NO. 30 -2009, A LOCAL LAW REQUIRING RETAILERS OF SWIMMING POOLS TO POST SIGNS REGARDING STATE POOL ALARM REQUIREMENTS

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on June 23, 2009, a proposed local law entitled, " **A LOCAL LAW REQUIRING RETAILERS OF SWIMMING POOLS TO POST SIGNS REGARDING STATE POOL ALARM REQUIREMENTS** "; now, therefore be it

RESOLVED, that said local law be enacted in form as follows:

LOCAL LAW NO. 30 -2009, SUFFOLK COUNTY, NEW YORK

A LOCAL LAW REQUIRING RETAILERS OF SWIMMING POOLS TO POST SIGNS REGARDING STATE POOL ALARM REQUIREMENTS

BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF SUFFOLK, as follows:

Section 1. Legislative Intent.

This Legislature hereby finds and determines that during the summer months, many Suffolk County families open up pools to enjoy during the warm weather.

This Legislature also finds and determines that pools may be a danger for children, who may accidentally fall into the water and be seriously injured or killed without the knowledge of parents or other caretakers.

This Legislature further finds and determines that the New York State Executive Law §387(14) and the New York Code, Rules and Regulations (19 NYCRR §1228.2) require that all swimming pools constructed or substantially modified after December 14, 2006 and which have a capacity to be filled to at least twenty-four (24) inches in depth must have a pool alarm.

This Legislature finds that a pool alarm is a device that is capable of detecting a child entering the water and gives an audible alarm both poolside and at a nearby location on the property on which the pool is located when it detects such activity.

This Legislature determines that in recent years, large inflatable pools have become popular during the summer months in Suffolk County.

This Legislature also finds that many of these pools reach depths of forty-two (42) inches or more, which subjects them to the State laws and regulations requiring pool alarms.

This Legislature further finds that many Suffolk County residents purchase inflatable pools without the knowledge that they must install these alarms.

This Legislature also determines that Suffolk County wants to ensure that its residents are aware of pool safety laws so that our County can have a safe, enjoyable summer season this year and in years to come.

Therefore, the purpose of this law is to require swimming pool retailers to post signs stating that pool alarms are required for all pools over twenty-four (24) inches in depth.

Section 2. Definitions.

As used in this law, the following terms shall have the meanings indicated:

“COMMISSIONER” shall mean the Commissioner of the Suffolk County Department of Consumer Affairs.

“RETAIL STORE” shall mean any outlet, store, shop, mercantile establishment or other place of business engaged in the retail sale of goods or merchandise directly to consumers.

“SWIMMING POOL” shall mean any structure, basin, chamber or tank which is intended for swimming, diving, recreational bathing or wading and which contains, is designed to contain, or is capable of containing water more than twenty-four (24) inches deep at any point. This includes in-ground pools, above-ground and on-ground pools; indoor pools; hot tubs; spas; and fixed in place wading pools.

Section 3. Requirements.

All retail stores in the County of Suffolk that sell or offer for sale swimming pools shall post a sign in the manner and form prescribed by the Commissioner notifying customers that all swimming pools must have pool alarms pursuant to NEW YORK STATE EXECUTIVE LAW §378(14) and the NEW YORK CODES, RULES AND REGULATIONS (19 NYCRR §1228.2).

Section 4. Enforcement.

This law shall be enforced by the Suffolk County Department of Consumer Affairs.

Section 5. Rules and Regulations.

- A) The Commissioner is hereby authorized and empowered to promulgate rules and regulations necessary to enforce this law.
- B) The Department of Consumer Affairs is hereby authorized and empowered to establish the dimensions, lettering and wording of the signs required under Section 3 of this law.

Section 6. Penalties.

Any violation of this law shall be punishable by a civil fine of five hundred dollars (\$500.00) for the first violation, with subsequent violations punishable by a civil fine of one thousand dollars (\$1,000.00).

Section 7. Applicability.

This law shall apply to all actions occurring on or after the effective date of this law.

Section 8. 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.

Section 9. SEQRA Determination.

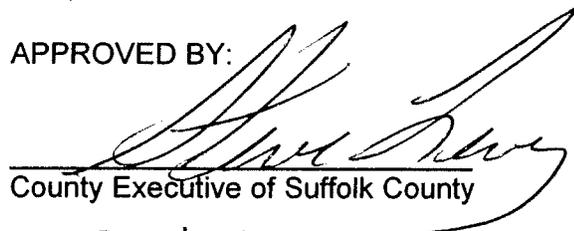
This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning 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 Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

Section 10. Effective Date.

This law shall take effect one hundred twenty (120) days immediately subsequent to filing in the Office of the Secretary of State.

DATED: August 18, 2009

APPROVED BY:


County Executive of Suffolk County

Date: 9-1-2009

After a public hearing duly held on September 1, 2009
Filed with the Secretary of State on September 15, 2009

SUFFOLK COUNTY
County Legislature
RIVERHEAD, NY



This is to Certify That I, TIM LAUBE, Clerk of the of the County of Suffolk, have compared the foregoing copy of resolution with the original resolution now on file in this office, and which was duly adopted by the County Legislature of said County, on August 18, 2009, and signed by the County Executive on September 1, 2009, after a public hearing duly held on September 1, 2009 and filed with the Secretary of State on September 15, 2009 and that the same is a true and correct transcript of said resolution and of the whole thereof.

In Witness Whereof, I have hereunto set my hand and the official Seal of the County Legislature of the County of Suffolk on

Tim Laube

Clerk of the County Legislature

Intro. Res. 1604 Res. No. 720

August 18, 2009

Motion:
 Romaine, Schneiderman, Browning, Beedenbender, Losquadro
 Eddington, Montano, Alden, Lindsay, Viloría-Fisher, Barraga,
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Co-Sponsors:
 Romaine, Schneiderman, Browning, Beedenbender, Losquadro
 Eddington, Montano, Alden, Lindsay, Viloría-Fisher, Barraga,
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Second:
 Romaine, Schneiderman, Browning, Beedenbender, Losquadro
 Eddington, Montano, Alden, Lindsay, Viloría-Fisher, Barraga,
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

LD	Legislator	Yes	No	Abs	NP	R
1	Edward P. ROMAINE					
2	Jay H. SCHNEIDERMAN					
3	Kate M. BROWNING					
4	Brian BEEDENBENDER					
6	Daniel P. LOSQUADRO					
7	Jack EDDINGTON					
9	Ricardo MONTANO					
10	Cameron ALDEN					
11	Thomas F. BARRAGA					
12	John M. KENNEDY, JR.					
13	Lynne C. NOWICK					
14	Wayne R. HORSLEY					
15	DuWayne GREGORY					
16	Steven H. STERN					
17	Lou D'AMARO					
18	Jon COOPER					
5	Vivian VILORIA-FISHER, D.P.O.					
8	William J. LINDSAY, P.O.					
	Totals	17				

MOTION

Approve

___ Table: _____

___ Send To Committee

___ Table Subject To Call

___ Lay On The Table

___ Discharge

___ Take Out of Order

___ Reconsider

___ Waive Rule

___ Override Veto

___ Close

___ Recess

APPROVED FAILED ___

No Motion ___ No Second ___

RESOLUTION DECLARED

ADOPTED

___ NOT ADOPTED

Tim Laube
 Tim Laube, Clerk of the Legislature

Roll Call ___ Voice Vote