

**RESOLUTION NO. 249 -2010, ADOPTING LOCAL LAW  
NO. 14 -2010, A LOCAL LAW TO ADDRESS THE PENALTIES  
FOR UNSAFE HELICOPTER OPERATION IN SUFFOLK  
COUNTY**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a meeting held on February 2, 2010, a proposed local law entitled, "**A LOCAL LAW TO ADDRESS THE PENALTIES FOR UNSAFE HELICOPTER OPERATION IN SUFFOLK COUNTY**"; now, therefore be it

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

**LOCAL LAW NO. 14 -2010, SUFFOLK COUNTY, NEW YORK**

**A LOCAL LAW TO ADDRESS THE PENALTIES FOR UNSAFE  
HELICOPTER OPERATION IN SUFFOLK COUNTY**

**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 this Legislature enacted Local Law No. 23-2009 to ensure the safe operation of helicopters flying over Suffolk County.

This Legislature also finds and determines that concerns have been raised regarding the criminal penalty for violating Local Law No. 23-2009, which includes up to one year in prison per offense.

This Legislature further finds and determines that very few violations of the SUFFOLK COUNTY CODE are subject to a criminal penalty of up to one year in prison.

This Legislature finds that a civil penalty would be a more appropriate way to punish violations of the helicopter law.

Therefore, the purpose of this law is to amend Chapter 212 of the SUFFOLK COUNTY CODE to remove the criminal penalties and establish a civil penalty for violations of Suffolk County's helicopter safety regulations.

**Section 2. Amendments.**

Chapter 212 of the SUFFOLK COUNTY CODE is hereby amended to read as follows:

**Chapter 212. AIRCRAFT.**

**Article I. Helicopters.**

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### §212-5. Penalties for Offenses

Any person who violates the provisions of this article shall be [guilty of an unclassified misdemeanor, punishable by a fine of up to \$1,000 and/or one year in prison per offense] subject to a civil penalty in an amount not to exceed \$1,000 for each violation, to be recovered by Suffolk County in a civil action.

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### **Section 3. Applicability.**

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

### **Section 4. 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 5. 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 6. Effective Date.**

This law shall take effect immediately upon its filing in the Office of the Secretary of State.

[ ] Brackets denote deletion of existing language  
\_\_\_ Underlining denotes addition of new language

DATED: March 23, 2010

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: April 13, 2010

After a public hearing duly held on April 6, 2010  
Filed with the Secretary of State on April 28, 2010