

WITHDRAWN AS OF 6/10/2010

Intro. Res. No. 1102-2010

Laid on Table 2/2/2010

Introduced by Legislators Eddington, Romaine and Schneiderman

**RESOLUTION NO. -2010, ADOPTING LOCAL LAW
NO. -2010, A LOCAL LAW TO ENSURE THE TIMELY
REMOVAL OF DAMAGED UTILITY POLES ON COUNTY-
OWNED ROADWAYS**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on , 2010, a proposed local law entitled, "**A LOCAL LAW TO ENSURE THE TIMELY REMOVAL OF DAMAGED UTILITY POLES ON COUNTY-OWNED ROADWAYS**"; now, therefore be it

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

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

**A LOCAL LAW TO ENSURE THE TIMELY REMOVAL OF DAMAGED UTILITY
POLES ON COUNTY-OWNED ROADWAYS**

**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 utility companies are frequently required to replace damaged utility poles.

This Legislature also finds that this process often involves the installation of a new pole directly next to or in close proximity to the damaged pole, a practice known in the industry as a "double wood".

This Legislature further determines that double woods should be in place only temporarily to allow the various utility companies a reasonable amount of time to move their equipment to the new pole.

This Legislature determines that, increasingly, double woods are being left in place for long periods of time, sometimes for several years.

This Legislature also finds and determines that double woods have proliferated to the point where there are now hundreds, if not thousands, of aesthetically unpleasant damaged poles lining the County's roadways.

This Legislature determines that in addition to being eyesores, damaged poles left standing for unreasonably long periods of time pose a serious threat to the safety of Suffolk County residents.

Therefore, the purpose of this law is to incorporate into the Department of Public Works' utility pole permitting process a requirement that damaged poles be removed in a timely

manner and to authorize penalties against utilities when they fail to comply with this permit requirement.

Section 2. Definitions.

As used in this law, the following term shall have the meaning indicated:

“DOUBLE WOOD” shall mean a new utility pole that is attached, or placed in close proximity, to a damaged utility pole.

Section 3. Permit Requirements.

The Suffolk County Department of Public Works shall include in all permits for the installation of utility poles on County roadways the following provisions:

1. The permittee shall have ninety (90) days to remove a damaged pole following the installation of a new pole.
2. If a damaged pole remains as part of a double wood after the ninety (90) day period has expired, the Suffolk County Department of Public Works shall notify the permittee that the damaged pole must be removed within sixty (60) days of receipt of the notice or a penalty will be imposed.
3. If a damaged pole remains as part of a double wood sixty (60) days after the County’s notification, the permittee shall be assessed a penalty of two hundred fifty dollars (\$250.00) for each day the damaged pole is left standing.

Section 4. Authority to Impose Penalties.

The Commissioner of the Department of Public Works is hereby authorized and empowered to impose the penalties described in Section 3 of this law for the violation of permit terms related to the removal of damaged poles.

Section 5. Applicability.

This law shall apply to all utility pole permits issued by the Department of Public Works on or after the effective date of this law.

Section 6. 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 7. 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 8. Effective Date.

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

DATED:

APPROVED BY:

County Executive of Suffolk County

Date: