

STRICKEN AS OF 9/2/2010
AMENDED COPY AS OF 4/28/2010

Intro. Res. No. 1231-2010

Laid on Table 3/2/2010

Introduced by Legislators Romaine and Muratore

**RESOLUTION NO. -2010, ADOPTING LOCAL LAW
NO. -2010, A LOCAL LAW REQUIRING OWNERS OF
PRIVATE RESIDENTIAL COMMUNITIES TO ENSURE
EMERGENCY ACCESS TO ROADS AFTER SNOWFALL**

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 REQUIRING OWNERS OF PRIVATE RESIDENTIAL COMMUNITIES TO ENSURE EMERGENCY ACCESS TO ROADS AFTER SNOWFALL** "; 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 REQUIRING OWNERS OF PRIVATE
RESIDENTIAL COMMUNITIES TO ENSURE EMERGENCY
ACCESS TO ROADS AFTER SNOWFALL**

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 Long Island experiences snow storms regularly throughout the winter.

This Legislature also finds and determines that, in order to ensure the safety of Suffolk County residents, streets and roads must be cleared after snow storms.

This Legislature further finds and determines that local governments are responsible for clearing the streets that they maintain, but are not required to plow roads in private residential communities.

This Legislature finds that some private residential communities take an exceedingly long time to remove snow from their roads.

This Legislature determines that when private roads remain unplowed, emergency response vehicles may not be able to use them, leaving residents of private communities in significant danger if they need emergency medical or fire services.

This Legislature also finds that all roads, both publicly and privately maintained, must be cleared promptly following snow storms so that emergency responders can access homes, buildings and fire hydrants if necessary.

Therefore, the purpose of this law is to require that the owners of private residential communities remove snow accumulation in excess of four inches from their streets and roads.

Section 2. Definitions.

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

“OWNER” shall mean the person(s) and/or corporation(s) that holds a possessory interest in a parcel of real property on which a private residential community is built or the person(s) or corporation(s) hired for the purpose of providing day-to-day management of a private residential community.

“PRIVATE RESIDENTIAL COMMUNITY” shall mean a residential community containing apartments, condominiums, townhouses, co-operative housing, and one- or two-family homes that is responsible for the maintenance of its own roads and is comprised of at least ten housing units.

Section 3. Requirements.

The owners of private residential communities in Suffolk County must clear snow accumulations in excess of four inches from the community’s roadways to allow emergency vehicles access to their residents’ homes and privately maintained fire hydrants.

Section 4. Penalties.

Owners of private residential communities who violate this law shall be subject to a civil penalty not to exceed \$1,000 per violation. Each day such a violation continues shall constitute a separate and distinct violation.

Section 5. Enforcement.

- A. This law shall be enforced by the Department of Fire, Rescue and Emergency Services. The Commissioner of the Department of Fire, Rescue and Emergency Services shall be authorized to impose the civil penalties prescribed in this law after an alleged violator is given an opportunity to be heard at a hearing upon sufficient notice.
- B. The Department of Fire, Rescue and Emergency Services shall promulgate such rules and regulations as it deems necessary and appropriate for the implementation and enforcement of any provision of this law.

Section 6. Applicability.

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

Section 7. 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 8. 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 9. 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: