Intro. Res. No. 1002-2011 Laid on Table 1/3/2011
Introduced by Legislator Cooper

RESOLUTION NO. 519 -2011, ADOPTING LOCAL LAW NO. 30 -2011, A LOCAL LAW TO PROTECT THE PUBLIC FROM INJURY CAUSED BY ACCUMULATED SNOW OR ICE ON MOVING COMMERCIAL MOTOR VEHICLES

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on January 3, 2011, a proposed local law entitled, "**A LOCAL LAW TO PROTECT THE PUBLIC FROM INJURY CAUSED BY ACCUMULATED SNOW OR ICE ON MOVING COMMERCIAL MOTOR VEHICLES**;" now, therefore be it

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

LOCAL LAW NO. 20 -2011, SUFFOLK COUNTY, NEW YORK

A LOCAL LAW TO PROTECT THE PUBLIC FROM INJURY CAUSED BY ACCUMULATED SNOW OR ICE ON MOVING COMMERCIAL MOTOR VEHICLES

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 winter weather often creates dangerous driving conditions on local roads and highways.

This Legislature also finds and determines that these conditions are exacerbated when motorists fail to remove snow and ice which has accumulated on their vehicle.

This Legislature determines that freezing precipitation can add ten to twenty pounds per foot to the weight of a vehicle, which becomes increasingly significant and dangerous on large vehicles.

This Legislature further finds and determines that large pieces of snow or ice dislodged from moving vehicles creates a serious public safety hazard for nearby pedestrians and vehicles.

This Legislature finds that, in the interest of maintaining public safety accumulated snow and ice from should be cleaned from commercial vehicles prior to their operation on roadways.

Therefore, the purpose of this law is to require that snow and ice accumulations on commercial motor vehicles in Suffolk County be removed from prior to driving.

Section 2. Requirements.

Any registered owner of a commercial motor vehicle shall be responsible for and have an affirmative duty to make all reasonable efforts to remove as much snow and ice

accumulation as possible from their vehicle prior to its operation on a street or highway in Suffolk County. This shall include removal of accumulation from the hood, windows, roof and trunk of the vehicle.

Section 3. Exemptions.

A) These requirements shall not apply to any motor vehicle that is operated during a snow or ice storm which began and continued for the duration of the motor vehicle's operation or to any motor vehicle while it is parked.

B) These requirements shall not apply to school buses, transit buses or paratransit buses.

Section 4. Penalties.

A. Failure to remove snow or ice accumulation from a commercial motor vehicle prior to operation shall constitute a violation and the owner of such vehicle shall be subject to a fine not to exceed one hundred fifty dollars ($150.00).

B. When a commercial motor vehicle is in violation of this law and snow or ice is dislodged from the vehicle, resulting in personal injury or property damage to another, the owner of the commercial motor vehicle shall be guilty of a violation and subject to a fine no less than five hundred dollars ($500.00) or greater than one thousand five hundred dollars ($1,500.00) per offense.

C. Any penalties assessed under this law shall be paid by the owner of the commercial vehicle and said owner shall be prohibited from requiring the vehicle operator to pay such penalties or any additional fines in association with the violation of this law.

D. All penalties collected pursuant to this law shall go the County of Suffolk and be deposited into the General Fund.

Section 5. Applicability.

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

Section 6. Reverse Preemption.

This law shall be null and void on the day that Statewide legislation goes into effect, incorporating either the same or substantially similar provisions as are contained in this law, or in the event that a pertinent State or Federal administrative agency issues and promulgates regulations preempting such action by the County of Suffolk. The County Legislature may determine via mere resolution whether or not identical or substantially similar statewide legislation or pertinent preempting State or Federal regulations have been enacted for the purpose of triggering the provisions of this section.

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 on the sixtieth (60th) day immediately following its filing in the Office of the Secretary of State.

DATED: June 21, 2011

APPROVED BY:

County Executive of Suffolk County

Date: JUL 1 5 2011

After a public hearing duly held on July 6, 2011
Filed with the Secretary of State on September 13, 2011

SUFFOLK COUNTY
County Legislature
RIVERHEAD, NY

This is to Certify That I, TIM LAUBE, Clerk of the County Legislature 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 June 21, 2011 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.

Tim Laube

Clerk of the Legislature

Intro. Res. 1002 Res. No. 519 June 21, 2011

Motion:
Romaine, Schneiderman, Browning, Muratore, Anker
Eddington, Montano, Cilmi, Lindsay, Viloria-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Co-Sponsors:
Romaine, Schneiderman, Browning, Muratore, Anker
Eddington, Montano, Cilmi, Lindsay, Viloria-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Second:
Romaine, Schneiderman, Browning, Muratore, Anker
Eddington, Montano, Cilmi, Lindsay, Viloria-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	Thomas MURATORE		✓			
6	Sarah S. ANKER	✓				
7	Jack EDDINGTON	✓				
9	Ricardo MONTANO	✓				
10	Thomas CILMI		✓			
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	13	5			

MOTION

X 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 X FAILED ___
No Motion ___ No Second ___

RESOLUTION DECLARED

X ADOPTED
___ NOT ADOPTED

Roll Call ___ Voice Vote X

Tim Laube
Tim Laube, Clerk of the Legislature

COUNTY OF SUFFOLK

OFFICE OF THE COUNTY EXECUTIVE

Steve Levy
COUNTY EXECUTIVE

July 15, 2011

Presiding Officer William J. Lindsay and
Members of the Suffolk County Legislature
William H. Rogers Legislative Building
725 Veterans Memorial Highway
Smithtown, New York 11787

RE: Resolution 519-2011

Dear Presiding Officer Lindsay and Members of the Legislature:

I am returning Resolution #519- 2011, **A Local Law to Protect the Public From Injury Caused by Accumulated Snow or Ice on Moving Commercial Motor Vehicles,** signed with a letter of explanation.

I have never been a fan of legislation that seeks to build on what many have referred to as being the "nanny state." For instance, bills telling our residents what types of foods they can eat take the concept of government intervention way too far.

I have heard some try to equate this legislation to that type of scenario. I do not concur that there is a proper analogy. Is this bill legislating common sense? Of course it is. We all know it is important to remove snow and ice from our vehicles, not only to improve our own visibility, but because the material may fly off of the car while on the highway directly into another driver's windshield.

Despite the fact that it is common sense to actually clean our cars of ice and snow, far too many of us fail to adequately do so. The problem is especially acute when dealing with commercial trucks. Some of these larger rigs will accumulate pounds of snow and ice on the top of their trailers, only to have it randomly fly off as it melts. If the snow and ice melt off in the parking lot, that's one thing. If a chunk of it flies off the top of a truck, however, and shatters the windshield of a nearby motorist, that is a completely different matter.

LOCATION:
H. LEE DENNISON BUILDING, 12th FLOOR
100 VETERANS MEMORIAL HIGHWAY

MAILING ADDRESS:
P.O. BOX 6100
HAUPPAUGE, NY 11788-0099

OFFICE (631) 853-4000
FAX (631) 853-4818

I do not believe that it is the intent of this legislation to derive revenue or to create a new "division of snow police" to enforce the law. It is, however, a measure that will raise consciousness of this issue and make business owners think twice before allowing their vehicles to be driven on our major thoroughfares without having taken proper precautions to remove snow and ice, which can indeed be very dangerous in certain circumstances.

I am therefore signing this resolution into law.

Sincerely,

Steve Levy
County Executive of Suffolk County