

**RESOLUTION NO. 314 -2011, ADOPTING LOCAL LAW  
NO. 24 -2011, A LOCAL LAW TO STRENGTHEN THE  
COUNTY'S CRACK HOUSE LAW**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a regular meeting held on March 8, 2011, a proposed local law entitled, "**A LOCAL LAW TO STRENGTHEN THE COUNTY'S CRACK HOUSE LAW**," and said local law in final form is the same as when presented and introduced; now, therefore be it

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

**LOCAL LAW NO. 24 -2011, SUFFOLK COUNTY, NEW YORK**

**A LOCAL LAW TO STRENGTHEN THE COUNTY'S CRACK HOUSE LAW**

**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 the County of Suffolk enacted Local Law No. 2-1989 (Suffolk County Code Chapter 270, Article II) to eradicate crack houses and other serious public nuisances, which significantly diminish the quality of the communities and neighborhoods located in and across the County of Suffolk.

This Legislature further finds that Local Law No. 2-1989 was previously amended by Local Law No. 25-2010 to establish a three year framework to make enforcement more efficient, and also to increase interdepartmental communication regarding crack houses and public nuisances, and has operated effectively to that end.

This Legislature further finds that the adoption of this Amendment to Local Law No. 2-1989 would extend certain timeframes within the law so that the county agencies and departments dealing with the issues presented by drugs in our communities have more time to conduct unhampered investigations and to bring actions or special proceedings, which would ultimately result in more effectively combating the problem of crack houses, drugs and other public nuisances confronting our communities.

Therefore, the purpose of this law is to provide for enhanced timeframes to allow police investigations to remain unhampered, as well as enhanced timeframes to bring Crack House Lawsuits post-conviction and to increase the penalties recovered by these lawsuits.

**Section 2. Amendments.**

Chapter 270 of the SUFFOLK COUNTY CODE is hereby amended to read as follows:

**Chapter 270  
Drug Paraphernalia and Premises**

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## Article II

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### § 270-7. Definitions.

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

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PROHIBITED CONDUCT – the following:

- A. Any conduct or occurrence that is in violation of the following articles or sections of the New York State Penal Law:

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(8) Section [110.70] 170.71 (illegal possession of a vehicle identification number plate).

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### § 270-8. Suffolk County governmental determinations.

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- A. The Suffolk County Police Department must report to the Department the address of any home at which an arrest for prohibited conduct has occurred within [30] 90 days [of its occurrence] of the arrest, or within 90 days of the cessation of any ongoing investigations or police matters which could be hampered in any way by the forwarding of such information outside of the police department.

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- D. The Department shall send notices to the owners and mortgage holders of affected real property no later than [30] 60 days after the Department receives notification from the Suffolk County Police Department or a town or village police department that prohibited conduct has occurred thereon. The Department shall file a copy of all notices it issues with the Clerk of the County Legislature no later than 30 days after their issuance.

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### § 270-9. Remedies and enforcement.

- A. Subject to the limitation period set forth in subsection (B) of this section 270-9, [T] the Department is authorized to bring and maintain a civil action or special proceeding in the name of the County in a court of competent jurisdiction for necessary relief, including but not limited to temporary, preliminary and/or permanent equitable remedies, which may include orders to make improvements and/or alterations to a premises; eviction of tenants; ejection of occupants; imposition of civil penalties; and the recovery of the costs of the action, including but not limited to investigative costs, litigation expenses and reasonable attorney's fees, or for such other remedies as may be necessary to prevent or enjoin any public nuisance from existing at any building, residence, premises or place within the County of Suffolk. These remedies may be sought singly or in combination with each other in a court of competent jurisdiction. The owner, lessor, lessee of a building, residence, premises or place where a public nuisance is being conducted, maintained or

permitted shall be named as defendants or respondents in the action or special proceeding. The existence of an adequate remedy at law shall not prevent the granting of temporary or permanent relief pursuant to this Article. The enforcement of all remedies obtained pursuant to this Article shall be carried out by the Department, the Suffolk County Police Department and/or the Suffolk County Sheriff and/or any town or village Police Department in the County of Suffolk. Any town or village government which formally enacts a resolution of authorization may assign personnel, manpower or other town or village resources to the County of Suffolk on a voluntary basis without compensation for joint action with the County of Suffolk in carrying out and enforcing the provisions of this Article. Any such joint action shall be coordinated, supervised and controlled by the County of Suffolk.

- B. Any civil action or proceeding referred to in subdivision (A) of this section may be brought by the Department within 3 years of the date of a conviction of any prohibited conduct in the building, residence, premises or place where a public nuisance is being conducted, maintained or permitted. Nothing in this subsection (B) shall be construed as a prohibition on the Department from bringing any civil action or special proceeding authorized by subsection (A) of this section 270-9 prior to the conviction of a person accused of such prohibited conduct.

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#### **§ 270-10. Permanent Injunction.**

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- G. Penalty. If upon order or judgment in an action or special proceeding under this Article a finding is made that the defendant(s) has intentionally conducted, maintained or permitted a public nuisance defined in this Article, a civil penalty, to be included in the judgment, may be awarded in an amount not to exceed [\$1,000 for each day it is found that the defendant or respondent intentionally conducted, maintained or permitted prohibited conduct to exist at the building, residence, premises or place] \$2,500 for each arrest for prohibited conduct in the building, residence, premises or place where a public nuisance is being conducted, maintained or permitted.

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#### **§ 270-19. Action or proceeding for ejectment or eviction.**

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- D. A court granting an eviction or ejectment pursuant to this section may, in addition to any other order provided by law, make an order imposing and requiring the payment by the defendant or respondent of a civil penalty not exceeding [\$1,000 for each day (after first notice has been given ) that the public nuisance was allowed to continue] \$2,500 for each arrest for prohibited conduct in the building, residence, premises or place where a public nuisance is being conducted, maintained or permitted and may also order the payment of the costs to the County in investigating, bringing and maintaining the action, and the recovery of reasonable attorneys' fees by the County. In any such case, multiple defendants or respondents shall be jointly and severally liable for any payment so ordered and the amounts of such payments shall constitute a lien upon the subject

building, residence, premises or place. Any penalties or fees shall be payable to Suffolk County and shall become a part of the general fund of the County.

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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 effect, 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 judgment or order shall be rendered.

**Section 5. SEQRA Determination.**

This Legislature, being the State Environment 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) 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.

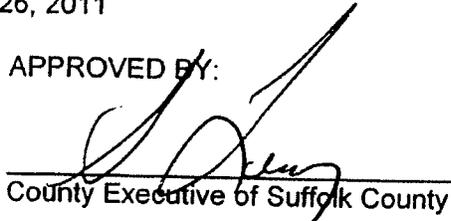
**Section 6. Effective Date.**

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

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

DATED: April 26, 2011

APPROVED BY:

  
County Executive of Suffolk County

Date:

**MAY 18 2011**

After a public hearing duly held on May 9, 2011  
Filed with the Secretary of State on May 31, 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 April 26, 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.

1121

Res. No.

314

April 26, 2011

**Motion:**

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

**Co-Sponsors:**

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

**Second:**

Romaine, Schneiderman, Browning, Muratore, Anker  
Eddington, Montano, Cilmi, Lindsay, Vilorio-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		16	2			

MOTION
<input checked="" type="checkbox"/> Approve
Table: _____
<input type="checkbox"/> Send To Committee
<input type="checkbox"/> Table Subject To Call
<input type="checkbox"/> Lay On The Table
<input type="checkbox"/> Discharge
<input type="checkbox"/> Take Out of Order
<input type="checkbox"/> Reconsider
<input type="checkbox"/> Waive Rule _____
<input type="checkbox"/> Override Veto
<input type="checkbox"/> Close
<input type="checkbox"/> Recess
APPROVED <input checked="" type="checkbox"/> FAILED _____
No Motion _____ No Second _____

RESOLUTION DECLARED
<input checked="" type="checkbox"/> ADOPTED
<input type="checkbox"/> NOT ADOPTED

*Tim Laube*

Tim Laube, Clerk of the Legislature

Roll Call \_\_\_\_\_ Voice Vote