

Intro. Res. No. 1395-2012
Introduced by Presiding Officer Lindsay

Laid on Table 4/24/2012

**RESOLUTION NO. 458 -2012, ADOPTING LOCAL LAW
NO. 39-2012, A LOCAL LAW TO CLARIFY COAL TAR SEALER
PROHIBITION**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on April 24, 2012, a proposed local law entitled, "**A LOCAL LAW TO CLARIFY COAL TAR SEALER PROHIBITION**;" now, therefore be it

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

LOCAL LAW NO. 39 -2012, SUFFOLK COUNTY, NEW YORK

A LOCAL LAW TO CLARIFY COAL TAR SEALER PROHIBITION

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. 27-2011, codified at Chapter 765 of the SUFFOLK COUNTY CODE, to ban the use and sale of coal tar sealers within Suffolk County.

This Legislature further finds that in enacting Local Law No. 27-2011, the County Legislature did not intend to ban the manufacture of coal tar sealers or the sale of this product to persons or entities outside the boundaries of Suffolk County.

This Legislature determines that Local Law No. 27-2011 needs to be amended so the law's language is consistent with its legislative intent.

Therefore, the purpose of this law is to amend Chapter 765 of the SUFFOLK COUNTY CODE to expressly exempt the manufacture of coal tar and its sale outside Suffolk County from the law's provisions.

Section 2. Amendments.

Chapter 765 of the SUFFOLK COUNTY CODE is hereby amended as follows:

**CHAPTER 765
STREETS AND SIDEWALKS**

Article I. Use of Coal Tar Sealers

* * * *

§ 765-4. Exemptions.

- A. This law shall not apply to any person who is conducting bona fide research on the effects of coal tar sealer products or PAHs on the environment with the written consent of the Commissioner.
- B. This law shall apply only to the sale and use of coal tar sealers and shall not affect the use of alternative-based sealers or other alternatives that do not contain PAHs in the County of Suffolk.
- C. This law shall not apply to the manufacture of coal tar sealers within the County of Suffolk or the sale of coal tar sealers to persons outside the boundaries of Suffolk County.

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 filing in the Office of the Secretary of State.

___ Underlining denotes addition of new language

DATED: June 5, 2012

APPROVED BY:



County Executive of Suffolk County

Date: 6-28-2012

After a public hearing duly held on June 20, 2012
Filed with the Secretary of State on August 1, 2012

Intro. Res. 1395

Res. No. 458

June 5, 2012

Motion:
 Romaine, Schneiderman, Browning, Muratore, Anker
 Calarco, Montano, Cilmi, Lindsay, Hahn, Barraga,
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Spencer

Co-Sponsors:
 Romaine, Schneiderman, Browning, Muratore, Anker
 Calarco, Montano, Cilmi, Lindsay, Hahn, Barraga,
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Spencer

Second:
 Romaine, Schneiderman, Browning, Muratore, Anker
 Calarco, Montano, Cilmi, Lindsay, Hahn, Barraga,
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Spencer

LD	Legislator	Yes	No	Abs	NP	R
1	Edward P. ROMAINE					
2	Jay H. SCHNEIDERMAN					
3	Kate M. BROWNING					
4	Thomas MURATORE					
5	Kara HAHN		/			
6	Sarah S. ANKER					
7	Rob CALARCO					
9	Ricardo MONTANO					
10	Thomas CILMI					
11	Thomas F. BARRAGA					
12	John M. KENNEDY, JR.					
13	Lynne C. NOWICK					
15	DuWayne GREGORY					
16	Steven H. STERN					
17	Lou D'AMARO					
18	William SPENCER					
14	Wayne R. HORSLEY, D.P.O.					
8	William J. LINDSAY, P.O.			/		
	Totals	16	1	-	1	-

MOTION

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 FAILED _____

No Motion _____ No Second _____

RESOLUTION DECLARED

ADOPTED

___ NOT ADOPTED

Tim Laube

Tim Laube, Clerk of the Legislature

Roll Call _____ Voice Vote