

**RESOLUTION NO. 516 -2013, ADOPTING LOCAL LAW  
NO. 32 -2013, A LOCAL LAW ESTABLISHING REGISTRATION  
REQUIREMENTS FOR POOL MAINTENANCE BUSINESSES  
OPERATING IN SUFFOLK COUNTY**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a meeting held on April 23, 2013, a proposed local law entitled, "**A LOCAL LAW ESTABLISHING REGISTRATION REQUIREMENTS FOR POOL MAINTENANCE BUSINESSES OPERATING IN SUFFOLK COUNTY**"; now, therefore be it

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

**LOCAL LAW NO. 32 -2013, SUFFOLK COUNTY, NEW YORK**

**A LOCAL LAW ESTABLISHING REGISTRATION REQUIREMENTS  
FOR POOL MAINTENANCE BUSINESSES OPERATING IN  
SUFFOLK COUNTY**

**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 residents throughout Suffolk County own swimming pools and spas for their enjoyment in warm weather months.

This Legislature also finds that many Suffolk County residents use pool maintenance companies to maintain, repair and otherwise service their pools and spas.

This Legislature determines that the maintenance of swimming pools and spas frequently involves the use of chemicals which, if used incorrectly, may be dangerous.

This Legislature further finds that pool maintenance companies operating in Suffolk County should register with the County and demonstrate adequate knowledge of pool maintenance in order to ensure that services are provided safely.

Therefore, the purpose of this law is to establish a registry for pool maintenance businesses operating in Suffolk County and establish minimum certification requirements.

**Section 2. Definitions.**

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

"Commissioner" shall mean the Commissioner of the Department of Labor, Licensing & Consumer Affairs.

"Department" shall mean the Department of Labor, Licensing & Consumer Affairs.

“Person” shall mean any natural person, individual, corporation, unincorporated association, proprietorship, firm, partnership, joint venture, joint-stock association, or other entity or business organization or any kind.

“Pool Maintenance Business” shall mean any person who engages in the service, repair or maintenance of swimming pools and spas for compensation.

**Section 3. Registration Required; qualifications.**

- A. Any person who operates a pool maintenance business in the County of Suffolk shall obtain a certificate of registration with the Department.
- B. Any person applying for a certificate of registration with the County as a pool maintenance business shall provide the Department with proof that they obtained the Association of Pool and Spa Professionals’ Certified Maintenance Specialist Certification or other equivalent certification program approved by the Commissioner.

**Section 4. Terms of Registration; renewal; fees.**

- A. Each application for, or renewal of, a certification of registration shall be accompanied by a fee of \$100.
- B. The certification of registration, upon approval of the Department, shall be valid for a period of two(2) years.
- C. Applications for renewal of a certificate of registration shall be accompanied by proof that the person applying currently has a valid certification as a Certified Maintenance Specialist or an equivalent certification.

**Section 5. Fines; suspension or revocation of registration; hearing.**

- A. The Commissioner shall have the power to impose a civil fine not to exceed \$500 upon a registrant, to suspend or revoke a registration or to deny any application for the renewal of a registration for any one or more of the following causes:
  - 1. Fraud, deceit, misrepresentation or bribery in securing a registration certificate.
  - 2. The making of any false statement in an application of a registration certificate.
  - 3. Violation of any provision of this article, any other appropriate law or any rule or regulated promulgated thereunder.
  - 4. Fraud, deceit, or misrepresentation in providing services.
- B. No registration shall be suspended or revoked, nor any fine imposed until after a hearing has first been held before the Commissioner upon seven (7) business days’ notice. Such notice shall be served either personally or by certified mail, return receipt requested, to the last known address of the registrant and shall state the date and place of the hearing as well as enumerate the grounds constituting the allegations against such registrant. The registrant may be represented by counsel and may produce witnesses in his or her own behalf. A verbatim recording of the hearing shall be taken and preserved. For purposes of such hearing, the Commissioner may administer oaths to take testimony, subpoena witnesses and compel the production of books, paper, records or other documents deemed pertinent to the subject of the hearing.

**Section 6. Penalties for failure to register.**

Any person who operates a pool maintenance business without obtaining a registration certificate therefor or who shall continue to operate said business after having had his or her registration suspended or revoked shall be guilty of an unclassified misdemeanor, subject upon conviction to a fine of not more than \$5,000 or imprisonment for not more than one (1) year, or both. Each such violation shall constitute a separate offense.

**Section 7. Applicability.**

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

**Section 8. 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 9. 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 10. Effective Date.**

This law shall take effect one (1) year subsequent to filing of this law in the Office of the Secretary of State.

DATED: June 18, 2013

APPROVED BY:

/s/ Steven Bellone  
County Executive of Suffolk County

Date: July 17, 2013  
After a public hearing duly held on June 19, 2013  
Filed with the Secretary of State on August 8, 2013