

COUNTY OF SUFFOLK



OFFICE OF THE COUNTY EXECUTIVE

Steve Levy  
COUNTY EXECUTIVE

October 15, 2008

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 745-08, ADOPTING LOCAL LAW NO. -2008, A LOCAL LAW  
TO REQUIRE THE LICENSING OF SIGN HANGERS IN SUFFOLK COUNTY

Dear Presiding Officer Lindsay and Members of the Legislature:

I am returning herein Resolution No. 745-08; "Adopting Local Law No. -2008, A local law to require the licensing of sign hangers in Suffolk County" vetoed in its entirety. This legislation calls for persons who erect and hang certain signs in Suffolk County to be licensed by the Office of Consumer Affairs.

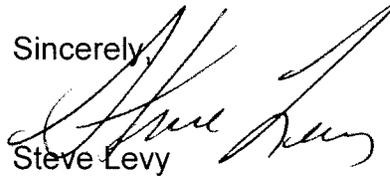
Resolution No. 745-08 establishes a Sign Hanging Licensing Board made up of five (5) members that will determine the fitness of applicants for a sign hanging license and would investigate and report on all proposed suspensions or revocations of licenses.

The concern I raise is not only about the unnecessarily added red tape placed on individual business owners, but also the additional fees this bill would charge small businesses by requiring them to renew their license at \$200.00 per annum.

Finally, I have not seen any evidence that we have a problem with the manner in which signs are presently installed. Why create this unnecessary cost and administrative burden on our businesses?

For this and the other reasons enumerated above, I strongly urge the legislature to sustain my veto of this resolution.

Sincerely,



Steve Levy

County Executive of Suffolk County

SL:srt

cc: All Suffolk County Legislators  
Tim Laube, Clerk of the Legislature  
Christine Malafi, Esq., Suffolk County Attorney  
Lynne A. Bizzarro, Esq., Chief Deputy County Attorney  
James A. Morgo, Chief Deputy County Executive  
Frederick B. Pollert, Deputy County Executive for Finance and Management  
Jeffrey W. Szabo, Deputy County Executive and Chief of Staff  
Ben Zwirn, Deputy County Executive  
Connie Corso, Budget Director  
Dan Aug, Director of Communications  
Mark Smith, Deputy Director of Communications

Intro. Res. 1657 Res. No. 745

September 16, 2008

**Motion:**

Romaine, Schneiderman, Browning, Beedenbender, Losquadro  
 Eddington, Montano, Alden, Lindsay, Viloría-Fisher, Barraga,  
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

**Co-Sponsors:**

Romaine, Schneiderman, Browning, Beedenbender, Losquadro  
 Eddington, Montano, Alden, Lindsay, Viloría-Fisher, Barraga,  
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

**Second:**

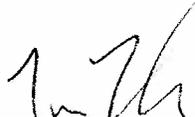
Romaine, Schneiderman, Browning, Beedenbender, Losquadro  
~~Eddington~~, Montano, Alden, Lindsay, Viloría-Fisher, Barraga,  
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

LD	Legislator	Yes	No	Abs	NP	R
1	Edward P. ROMAINE		/			
2	Jay H. SCHNEIDERMAN					
3	Kate M. BROWNING					
4	Brian BEEDENBENDER					
6	Daniel P. LOSQUADRO					
7	Jack EDDINGTON					
9	Ricardo MONTANO			/		
10	Cameron ALDEN	/				
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.	✓				
<b>Totals</b>		15	2	-	1	-

MOTION
<input checked="" type="checkbox"/> 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 <input checked="" type="checkbox"/> FAILED _____
No Motion _____ No Second _____

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

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

  
 \_\_\_\_\_  
 Tim Laube, Clerk of the Legislature

**RESOLUTION NO. 745 -2008, ADOPTING LOCAL LAW  
NO. -2008, A LOCAL LAW TO REQUIRE THE LICENSING  
OF SIGN HANGERS IN SUFFOLK COUNTY**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a meeting held on August 5, 2008, a proposed local law entitled, "**A LOCAL LAW TO REQUIRE THE LICENSING OF SIGN HANGERS IN SUFFOLK COUNTY**;" now, therefore be it

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

**LOCAL LAW NO. -2008, SUFFOLK COUNTY, NEW YORK**

**A LOCAL LAW TO REQUIRE THE LICENSING OF SIGN HANGERS  
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 persons who erect and hang signs are presently not required to be licensed in the County of Suffolk.

This Legislature also finds that persons installing signs should possess certain qualifications including the ability to read plans and specifications relating to sign construction and hanging, including supports and framework, and should possess knowledge of the problems and practices of sign construction.

This Legislature also determines that sign hangers should be aware of the risks involved in their profession and capable of taking the precautions necessary to protect workers and the general public.

This Legislature also finds that the absence of minimum qualification standards for sign hangers compromises public safety and increases the risk of personal injury and property damage.

Therefore, the purpose of this local law is to require that persons erecting signs in Suffolk County be licensed by the Office of Consumer Affairs to protect and promote the public health and safety.

**Section 2. Amendments.**

Chapter 345 of the SUFFOLK COUNTY CODE is hereby amended by the addition of a new Article X, which shall read as follows:

**ARTICLE X**

## SIGN HANGERS

### § 345-114. Definitions.

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

- A. "DISPLAY SIGN" -- a sign, sign screen, billboard or advertising device of any kind that exceeds 75 square feet in area or 25 pounds in weight.
- B. "SIGN HANGING" -- installing, building, erecting, hanging, suspending, hoisting, lowering, attaching, or removing any kind of display sign on, upon or from any structure or any exterior walls or roof of any structure.
- C. "STRUCTURE" -- any stationary combination of materials built or erected including, but not limited to, a building, bridge, framework, billboard, railroad trestle, awning or other object that has been put together from different parts.

### § 345-115. License Required.

It is unlawful for any person to engage in any business as a sign hanging contractor without obtaining a license therefor from the Office in accordance with and subject to the provisions of this Article and Article I of this Chapter.

### § 345-116. Licensing Board.

- A. Board. The County Executive, with the approval of the legislative body, shall appoint a five member Sign Hanging Licensing Board to serve for a three year term. Said Board shall determine the fitness of applicants for a sign hanging license and shall investigate and report on all proposed suspensions or revocations of licenses as hereinafter provided. Said Board shall be composed of individuals having a personal knowledge and interest in sign hanging, such as representatives of labor, management, trade or professional associations, and appropriate representatives of government. A Licensing Director shall be appointed by the Director and shall serve as secretary of the Board. The Director shall serve as a nonvoting ex-officio member of such Board.
- B. For the initial appointment only, three members of the Board shall be appointed for three-year terms, one member for a two-year term, and one member for a one-year term. All appointments thereafter shall be for a three year term.
- C. Compensation. Each member of the Board shall be compensated at the rate of \$100 for each official meeting attended of said Board but not more than \$1,500 in any calendar year.
- D. Powers and duties. The Licensing Board shall have the following powers and duties:
  - 1. To hold meetings at regular times and places for the efficient discharge of the responsibilities and duties of the Board.

2. To make rules for the conduct of its meetings and to keep a minute book of its proceedings, including a record of its examinations and other official actions.
3. To examine the qualifications and fitness of applicants applying for licenses under this article.
4. To develop oral, written and/or practical examinations in order to judge the qualifications of an applicant.
5. To authorize the Director to issue a Sign Hanging License.
6. To conduct meetings and, after a hearing at which all interested parties are afforded a sufficient opportunity to be heard, submit recommendations to the Director relating to the suspension or revocation of a Sign Hanging License for cause.
7. To keep records of licenses issued, suspended or revoked and to make such records available for public inspection.
8. To prepare a manual of rules and regulations for the conduct of examinations and to furnish copies thereof to persons desiring same.
9. To formulate and recommend to the Director a code of rules for adoption or amendment governing sign hanging, including the materials, workmanship and manner of executing such work. Before making such recommendation, the Board shall confer and meet with the representatives of the sign hanging industry and hold a hearing on the proposed rules. Reasonable prior notice of the time and place of such hearing shall be given by publication in the official newspapers of the County.
10. To formulate and recommend to the Director, for adoption or amendment, rules and standards for the issuance, suspension and revocation of licenses, including the conditions for the issuance of same, the type of examination required, the terms and fees and the conditions upon the circumstances under which the same may be revoked or suspended.

**§345-117. Fees.**

- A.) An application fee of \$200 shall accompany each application for a sign hanging license.
- B.) The fee for a sign hanging license or renewal thereof shall be \$200 per annum.

**§345-118. Temporary license pending issuance of permanent license.**

- A.) The Office shall issue a temporary license to any applicant for a sign hanging license if the Office has not, within 30 days after receipt of the application for such license, approved or disapproved the application.
- B.) The temporary license shall be for a period of 90 days. If within such ninety-day period, the Office shall have failed to approve or disapprove the application, the Office shall then issue a regular license to the applicant. If the application is approved during the term of the temporary license, the Office shall issue a regular license to the applicant.
- C.) The fee for a temporary license shall be \$50 per annum. The fee for a regular license issued to replace a temporary license shall be \$150 for the first full year.
- D.) A regular license issued pursuant to the provisions of Subsection B shall expire on the last day of the 24<sup>th</sup> month following the issuance of the temporary license.

**§345-119. Exempted Operations.**

No license shall be required of an employee who performs labor or services for a licensed sign hanging contractor for wages or salary.

**Section 3. Applicability.**

This law shall apply to 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 ninety (90) days immediately subsequent to filing in the Office of the Secretary of State.

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

DATED: September 16, 2008

APPROVED BY:

**VETOED**  
\_\_\_\_\_  
County Executive of Suffolk County

Date: **OCT 15 2008**

**AFFIDAVIT OF PUBLICATION**

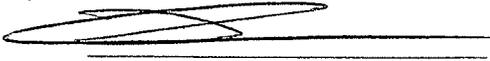
State of New York }  
County of Suffolk } ss:

Phillip L. Sciarillo, of Woodbury, in Nassau County, is the  
Publisher of the

Smithtown Messenger      \_\_\_\_\_ Ronkonkoma Review  
\_\_\_\_\_ Brookhaven Review      \_\_\_\_\_ Medford News

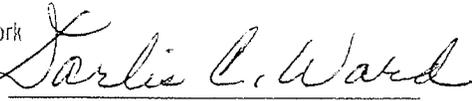
a weekly newspaper published at Smithtown, Town of Smith-  
town, County of Suffolk, State of New York, and annexed is a  
printed copy, that has been regularly published in said newspaper  
once in each week for \_\_\_\_\_ / \_\_\_\_\_ week(s), dates of  
insertion being the following:

September 25, 2008.



Sworn to before me this 25<sup>th</sup>  
day of September, 2008

Darlis C. Ward  
NOTARY PUBLIC, State of New York  
No. 4856446, Suffolk County  
Term Expires April 14, 2010



NOTARY PUBLIC

**PUBLIC NOTICE**

NOTICE IS HEREBY  
GIVEN that the Suffolk  
County Legislature has  
passed Introductory Resolu-  
tion No. 1657-2008 and pre-  
sented to me for approval  
Local Law No. \_\_\_\_\_-2008, A Lo-  
cal Law to Require the Li-  
censing of Sign Hangers in  
Suffolk County which law  
would require the licensing  
of sign hanging contractors  
and create a Sign Hanging  
Licensing Board to deter-  
mine the fitness of appli-  
cants for sign hanging li-  
censes and to investigate  
and report on all proposed  
suspensions or revocations of  
licenses. The County Execu-  
tive will appoint the five  
member board with the ap-  
proval of the County Legisla-  
ture.

NOTICE IS FURTHER  
GIVEN that the County Ex-  
ecutive will hold a public  
hearing on the aforesaid Lo-  
cal Law at 9:30 a.m., prevail-  
ing time, on September 30,  
2008 in the H. Lee Dennison  
Building, 11<sup>th</sup> Floor Confer-  
ence Room, 100 Veterans  
Memorial Highway, Hauppau-  
ge, New York, at which  
time all interested persons  
will be heard.

DATED: Hauppauge  
New York

STEVE LEVY  
Suffolk County Executive  
9/25/968

## **LEGAL NOTICE**

NOTICE IS HEREBY GIVEN that the Suffolk County Legislature has passed Introductory Resolution No. 1657-2008 and presented to me for approval Local Law No. -2008, A Local Law to Require the Licensing of Sign Hangers in Suffolk County which law would require the licensing of sign hanging contractors and create a Sign Hanging Licensing Board to determine the fitness of applicants for sign hanging licenses and to investigate and report on all proposed suspensions or revocations of licenses. The County Executive will appoint the five member board with the approval of the County Legislature.

NOTICE IS FURTHER GIVEN that the County Executive will hold a public hearing on the aforesaid Local Law at 9:30 a.m., prevailing time, on September 30, 2008 in the H. Lee Dennison Building , 11<sup>th</sup> Floor Conference Room, 100 Veterans Memorial Highway, Hauppauge, New York, at which time all interested persons will be heard.

STEVE LEVY  
Suffolk County Executive

DATED: Hauppauge, New York

