

**TOWN OF NORTH HEMPSTEAD
LOCAL LAW NO. OF 2016**

**A LOCAL LAW AMENDING CHAPTER 23 OF THE TOWN CODE
ENTITLED "GOVERNMENTAL DEPARTMENTS"**

BE IT ENACTED by the Town Board of the Town of North Hempstead, as follows:

Section 1. Legislative Intent.

The Board finds that it is in the best interest of the Town of North Hempstead to make amendments to Chapter 23 of the Town Code entitled "Governmental Departments" in order to establish the Division of Security as a division in the Department of Parks and Recreation, and to authorize such division to provide security and protection to Town facilities.

Section 2.

Chapter 23, Article VI, of the Town Code is hereby amended as follows:

Article VI. Department of Parks and Recreation

§ 23-6. (Reserved)

§ 23-6.1. Definitions.

[Amended 12-29-1989 by L.L. No. 10-1989]

A. Whenever used in this local law, words used in the singular include the plural and vice versa.

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

[1]COMMISSIONER

The Commissioner of the Department of Parks and Recreation, as chief executive officer of said Department.

DEPARTMENT

The Town of North Hempstead Department of Parks and Recreation, a major function of Town government.

DEPUTY COMMISSIONERS

The Deputy Commissioners of the Town of North Hempstead Department of Parks and Recreation, who shall generally act for and in place of the Commissioner.

[Amended 10-2-2012 by L.L. No. 13-2012[2]]

[1]

Editor's Note: The former definition of "Assistant to the Commissioner," which immediately preceded this definition, was repealed 7-15-2014 by L.L. No. 10-2014.

[2]

Editor's Note: The former definition of "Deputy Commissioner in Charge of Gardens," which immediately followed, was repealed 10-2-2012 by L.L. No. 13-2012.

§ 23-6.2. Department established; Commissioner.

A. Commissioner. There shall be in the Town of North Hempstead a Department of Parks and Recreation. The principal executive officer and administrative head of such Department shall be the Commissioner, who shall be appointed by the Town Board for a term fixed by law at such salary as may from time to time be fixed by said Town Board. The Commissioner shall be appointed on the basis of his administrative experience and qualifications for the duties of such office and such additional standards as may be required by the Town Board. The Commissioner shall be the head of the Department, with the power and authority to appoint and remove officers and employees under his jurisdiction in accordance with Civil Service Law and other applicable laws. The Commissioner may appoint three exempt Deputies, who may act generally for the Commissioner in the absence of the Commissioner.

[Amended 10-2-2012 by L.L. No. 13-2012; 7-15-2014 by L.L. No. 10-2014]

B. Before entering upon the duties of his office, the Commissioner shall execute and file with the Town Clerk an official undertaking, if the same be required by the Town Board, in such sum as prescribed by the Town Board and in such form as approved by the Town Attorney.

§ 23-6.3. Powers of Commissioner; departmental organization.

[Amended 3-25-1986 by L.L. No. 4-1986; 12-29-1989 by L.L. No. 10-1989]

A. The Commissioner shall have such powers as shall be necessary for the proper administration of the Department consistent with applicable provisions of law.

B. Until such time as the same may be either amended or modified, the Department shall be divided into the following divisions:

[Amended 2-10-1998 by L.L. No. 4-1998; 10-22-2002 by L.L. No. 15-2002]

(1) Division of Parks.

(2) Division of Recreation.

(3) [1](Reserved)

[1] Editor's Note: Former Subsection B(3), Division of Harbor Master and Marine Enforcement, was repealed 6-8-2010 by L.L. No. 6-2010. This local law also redesignated former Subsection B(4) and (5) as Subsection B(3) and (4), respectively.

(4) Division of Botanic Garden.

(5) Division of Security.

§ 23-6.4. General powers and duties.

[Amended 3-25-1986 by L.L. No. 4-1986; 12-29-1989 by L.L. No. 10-1989]

A. The powers and duties of such divisions therein shall be under the administration, direction and control of the Commissioner of the Department of Parks and Recreation, and each of said divisions shall be supervised by a division head, who shall be designated as Manager.

B. The Commissioner may, with the approval of the Town Board, establish, consolidate or abolish any divisions now existing or hereafter created in said Department and establish, consolidate or abolish any bureau now existing or hereafter created in any such division.

C. The powers and duties of the divisions shall be as follows:
[Amended 2-10-1998 by L.L. No. 4-1998]

(1) Division of Parks. It shall administer, manage and supervise parks, beaches and pools and carry on the planning, coordination, development and arrangement of programs and projects relating thereto for and on behalf of the residents of the Town of North Hempstead, on its own initiative or in cooperation with other municipalities and private citizens, associations and organizations; and maintain and provide for the custody, care and control of the facilities of this division, including buildings and motor vehicles.

(2) Division of Recreation. It shall administer, manage and supervise the planning, coordination, development and arrangement of recreation programs and projects for and on behalf of the residents of the Town of North Hempstead, on its own initiative or in cooperation with other municipalities and private citizens, associations and organizations and, further, shall administer, manage and supervise programs, plans and projects in the communities of the Town of North Hempstead, which aid, assist and service the special needs of the youth, the aged and the handicapped.

(3) [1](Reserved)

[1] Editor's Note: Former Subsection C(3), which listed the general powers and duties of the Division of Harbor Master and Marine Enforcement, was repealed 6-8-2010 by L.L. No. 6-2010. This local law also redesignated former Subsection C(4) and (5) as Subsection C(3) and (4), respectively.

(4) Division of Botanic Gardens. It shall administer, manage and supervise all botanic gardens and bird sanctuaries and other gardens and carry on the planning, coordination, development and arrangement of programs and projects relating thereto for and on behalf of the residents of the Town of North Hempstead, on its own initiative or in cooperation with other municipalities, private citizens, associations, schools and organizations; and maintain and provide for the custody, care and control of the facilities of this division, including buildings, grounds and motor vehicles.

(5) The Division of Security. It shall (a) patrol, secure and protect all Town facilities, including, but not limited to, Town parks, buildings, highway yards and other realty of the Town of North Hempstead, and the performance of other duties as may be deemed necessary by the Town Board or the Commissioner of the Department; (b) enforce parking and Town Code ordinances and regulations in all Town facilities in the unincorporated areas of North Hempstead; (c) undertake occasional patrols of the unincorporated parts of

North Hempstead, at any hour of the day, in order to investigate complaints and deter illicit activities, such as, but not limited to, vandalism and illegal dumping on public or private property; and (d) respond to emergencies in coordination with other law enforcement and municipal authorities, including, but not limited to, other Town personnel and the Nassau County Police Department.

D. The Commissioner, acting by and through any of said existing or hereafter-named divisions, shall be empowered to perform such other duties and functions that are prescribed to be performed by him in any law, ordinance or resolution of the Town Board or lawful directive of the Supervisor. However, the Commissioner may delegate any of his powers to or direct any of his duties to be performed by a Deputy Commissioner or head of a division.

§ 23-6.5. Special costs and expenses.

All costs and expenses incurred by the Department or its officers or employees on behalf of a special improvement district or special Town project shall be charged against such district or project and paid from the funds duly appropriated for the purpose of such district or project.

§ 23-6.6. Powers of Supervisor.

Nothing herein contained shall be construed to delegate or transfer any power of the Town Supervisor contained in §§ 29, 52 and 125 of the Town Law of the State of New York, or any other powers which may be lawfully exercised by said Supervisor.

§ 23-6.7. Fees.

The Commissioner may establish, subject to Town Board approval, a schedule of fees to be collected by him for services rendered in connection with the work of his Department and for which he deems it necessary to charge and to collect a fee therefor.

§ 23-6.8. Severability.

If any section, provision or part thereof in this local law shall be adjudged invalid or unconstitutional by a court of competent jurisdiction, then such adjudication shall not affect the validity of the local law as a whole, or any section, provision or part thereof not so adjudged invalid or unconstitutional.

§ 23-6.9. When effective.

This local law shall be effective immediately upon filing with the Secretary of State.

Section 3.

Chapter 23, Article XI, of the Town Code is hereby amended as follows:

Article XI. Department of Public Safety

§ 23-11. (Reserved)

§ 23-11.1. Definitions.

A. Whenever used in this article, words used in the singular include the plural and vice versa, and pronouns used in the masculine gender also include the feminine.

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

COMMISSIONER

The duly qualified and appointed Commissioner of the Department of Public Safety.

§ 23-11.2. Department established; Commissioner.

A. There is hereby established in the Town of North Hempstead a Department of Public Safety.

B. The chief executive officer and administrative head of such Department shall be the Commissioner, who shall be appointed by the Town Board for the term fixed by law and at such salary as may be fixed by the Town Board. The Commissioner shall be appointed on the basis of his administrative and practical experience and education, as well as such additional standards as may be required by law or the Town Board. The Commissioner shall be the head of the Department with power and authority to appoint and remove officers and employees under his jurisdiction in accordance with Civil Service Law and other applicable laws. He may appoint one Deputy, who may act generally for the Commissioner in the absence of the Commissioner, and one Assistant.

[Amended 9-1-1998 by L.L. No. 15-1998]

C. Before entering upon the duties of office, the Commissioner shall execute and file with the Town Clerk an official undertaking, if the same is required by the Town Board, in such sum as is prescribed by the Town Board and in such form as is approved by the Town Attorney.

§ 23-11.3. Departmental organization.

[Added 2-10-1998 by L.L. No. 4-1998; amended 10-22-2002 by L.L. No. 15-2002]

The Department of Public Safety shall comprise the following Divisions:

A. Division of Parking Enforcement.

B. Division of Code Enforcement.

C. Division of the Animal Shelter.

D. Division of Harbor and Marine Enforcement.
[Added 6-8-2010 by L.L. No. 6-2010]

~~[E. Division of Security.]~~
[Added 1-24-2012 by L.L. No. 1-2012]

§ 23-11.4. Powers and duties.

[Added 2-10-1998 by L.L. No. 4-1998; amended 8-29-2000 by L.L. No. 11-2000; 10-22-2002 by L.L. No. 15-2002]

A. The Division of Parking Enforcement shall:

- (1) Enforce parking ordinances and regulations in all Town facilities and in parking fields, shopping centers, streets, and public parking districts in the unincorporated areas of North Hempstead.
- (2) Undertake occasional patrols of the unincorporated parts of North Hempstead, at any hour of the day, in order to investigate complaints and deter illicit activities, such as, but not limited to, vandalism and illegal dumping on public or private property.
- (3) Respond to emergencies in coordination with other law enforcement and municipal authorities, including, but not limited to, other Town personnel and the Nassau County Police Department.

B. The Division of the Animal Shelter shall have the power, duty and responsibility to administer and do any and all things necessary to maintain the facilities and provide the services to the animal shelter.

C. Except as otherwise provided by law, ordinance or regulation, the Division of Code Enforcement shall be responsible for the administration and enforcement of all Town laws, ordinances and regulations.

- (1) The division shall, on complaint or other information, investigate and make all inspections necessary and proper to carry out its duties.
- (2) All code enforcement personnel properly trained and assigned to the division shall be given the authority to issue appearance tickets under § 4-2 of the North Hempstead Code.
- (3) All personnel within the division shall work directly with the Office of the Town Attorney on all legal and administrative matters pertaining to the investigation and prosecution of offenses and to the issuance of any appearance tickets and accusatory instruments.
- (4) Complaint procedures.
 - (a) The Town Board, by resolution, shall adopt procedures for the handling of complaints from the public concerning possible violations of the Town Code. Prior to the adoption of those complaint procedures, the Town Board must solicit the input of the Commissioner.

(b) After the initial adoption of the complaint procedures by the Town Board, the Commissioner may propose to the Town Board, in writing, recommended changes to those procedures, and the Town Board, on its own, or based upon the recommendations of the Commissioner, may amend, revise, correct or change the complaint procedures as circumstances or evidence may warrant, but all procedural changes must include consultation with the Commissioner.

D. The Division of Harbor and Marine Enforcement shall:

[Added 6-8-2010 by L.L. No. 6-2010]

(1) Administer, manage and supervise the operation, management and control of the personnel, equipment and facilities of the Harbor Patrol of the Town of North Hempstead;

(2) Administer, manage and supervise the placement and regulation of moorings in Town waters;

(3) Implement the enforcement functions in Chapters 42 and 69 and implement generally the functions of the Commissioner in Chapters 42 and 69.

[Amended 4-3-2012 by L.L. No. 6-2012]

~~[E. The Division of Security shall:~~

~~[Added 1-24-2012 by L.L. No. 1-2012]~~

~~(1) Patrol, secure and protect all Town facilities, including, but not limited to, Town parks, buildings, highway yards and other realty of the Town of North Hempstead, and the performance of other duties as may be deemed necessary by the Town Board or the Commissioner of the Department.~~

~~(2) Enforce parking and Town Code ordinances and regulations in all Town facilities in the unincorporated areas of North Hempstead.~~

~~(3) Undertake occasional patrols of the unincorporated parts of North Hempstead, at any hour of the day, in order to investigate complaints and deter illicit activities, such as, but not limited to, vandalism and illegal dumping on public or private property.~~

~~(4) Respond to emergencies in coordination with other law enforcement and municipal authorities, including, but not limited to, other Town personnel and the Nassau County Police Department.]~~

§ 23-11.5. Special costs and expenses.

All costs and expenses incurred by the Department or its officers or employees on behalf of a special improvement district or special Town project shall be charged against such district or project and paid from the funds duly appropriated for the purpose of such district or project.

§ 23-11.6. Powers of Supervisor.

Nothing herein contained shall be construed to delegate or transfer any power of the Town Supervisor contained in §§ 29, 52 and 125 of the Town Law of the State of New York or any other powers which may be lawfully exercised by said Supervisor.

§ 23-11.7. Fees.

The Commissioner may establish, subject to Town Board approval, a schedule of fees to be collected by him for services rendered in connection with the work of his Department and for which he deems it necessary to charge and collect a fee therefor.

§ 23-11.8. Severability.

If any section, provision or part thereof in this chapter shall be adjudged invalid or unconstitutional by a court of competent jurisdiction, then such adjudication shall not affect the validity of the chapter as a whole or any section, provision or part thereof not so adjudged invalid or unconstitutional.

Section 4.

This Local Law shall take effect on January 1, 2017.