

**CALENDAR**

**for**

**REGULAR MEETING OF THE COUNCIL**

**of the**

**CITY OF LONG BEACH**

**held**

**OCTOBER 18, 2016**

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**PUBLIC HEARING:** Resolution Granting Waiver of Off-Street Parking Requirements Re: Premises 58 West Park Avenue, (street floor), Long Beach, New York.

Re: Retail Store and Wine Bar

**PUBLIC HEARING:** Ordinance to Amend the Code of Ordinances of the City of Long Beach Re: Carryout Bags.

**PUBLIC HEARING:** Ordinance to Amend the Code of Ordinances of the City of Long Beach Re: Plumbing.

1. Resolution Granting Waiver of Off-Street Parking Requirements Re: Premises 58 West Park Avenue, (street floor), Long Beach, New York.  
Re: Retail Store and Wine Bar
2. Ordinance to Amend the Code of Ordinances of the City of Long Beach Re: Carryout Bags.

Legislative Memo: The intent of this ordinance is to promote the use of reusable bags over carryout bags, in order to reduce the negative environmental and economic impacts associated with carryout bags. It is our finding that imposing a bag fee on the customer can create a shift in consumer behavior toward the use of reusable bags and significantly reduce the amount of carryout bags within our City.

3. Ordinance to Amend the Code of Ordinances of the City of Long Beach Re: Plumbing.

Legislative Memo: In 1979 the City amended the Code of Ordinances to allow reciprocal agreements for licensed plumbers with other towns, cities and villages located within Nassau County. In the months following Superstorm Sandy, the demand for plumbers in Long Beach was tremendous due to saltwater intrusion in homes and businesses throughout the City. That demand was also evident in so many other areas across Long Island hit hard by the storm. This amendment shall allow reciprocal agreements to be entered into with other towns, cities and villages within

Nassau and Suffolk. This affords residents the ability to hire from a greater pool of licensed plumbers without resorting to unlicensed and/or inadequately supervised plumbers, and conversely allowing Long Beach licensed plumbers to work in such other entities.

4. Resolution Authorizing the City Manager to Enter into a Contract for the Replacement of the Roof at the MLK Center with the Lowest Responsible Bidder.

Legislative Memo: The roof on the Martin Luther King Jr. Center has outlived its useful life and is in need of replacement. Funding is available in the Capital Improvement Plan.

October 18, 2016

Item No. 1  
Resolution No.

The following Resolution was moved by  
and seconded by :

Resolution Granting Waiver of Off-Street Parking Requirements  
Re: Premises 58 West Park Avenue, (street floor), Long Beach, New York.

WHEREAS, there has been presented to this Council an application pursuant to Section 9-112(18)(c) of Appendix A (Zoning Law) of the Long Beach Code of Ordinances, for waiver of off-street parking requirements for the premises located at 58 West Park Avenue (street floor), Long Beach, New York (Section 59, Block 84, Lot 11), between National and Edwards Boulevards, having frontage of 20 feet, on behalf of the owner 58 WPA LLC, 107 Northern Boulevard, Staten Island, New York 10301 to be used as a Retail Store and Wine Bar;

WHEREAS, a Public Hearing was held on this date;

NOW, THEREFORE, after due deliberation, be it

RESOLVED, by the City Council of the City of Long Beach, New York, that the application of the owner 58 WPA LLC, 107 Northern Boulevard, Staten Island, New York 10301 for exemption with respect to the requirements for off-street parking at premises 58 West Park Avenue (street floor), having frontage of 20 feet, be and the same hereby is granted, only and during the time that such premises shall be used a Retail Store and Wine Bar.

The following Ordinance was moved by  
and seconded by :

**ORDINANCE TO AMEND THE CODE OF ORDINANCES  
OF THE CITY OF LONG BEACH RE: CARRYOUT BAGS.**

BE IT ENACTED, by the City Council of the City of Long Beach, New York, as follows:

Sec.1. Chapter 14, Article VII, entitled “Television Sales and Services” of the Code of Ordinances of the City of Long Beach, shall be repealed, rescinded and revoked, as this Article was codified in 1957 and is no longer germane and applicable, and shall be replaced with a new Article VII entitled “Carryout Bags”, to be added to Chapter 14, to read as follows:

“Chapter 14. LICENSES AND BUSINESS REGULATIONS.

**Article VII. Carryout Bags.**

**Sec. 14-133. Legislative Intent**

This Article is enacted to promote the use of reusable bags over carryout bags, in order to reduce the negative environmental and economic impacts associated with carryout bags. Most carryout bags made from either plastic, paper or other materials do not readily decompose and contribute to problematic litter because of their lightweight, allowing them to be blown onto sidewalks, into trees, into the ocean and onto the beach, as well as into the streets blocking storm drains. The City finds that imposing a bag fee on the customer can create a shift in consumer behavior toward the use of reusable bags and significantly reduce the amount of carryout bags within our City.

**Sec. 14-134. Definitions.**

As used in this Article, the following terms shall be defined as follows:

*Business Establishment* shall mean any business required to be licensed pursuant to Section 14-15 of this Chapter that provides carryout bags to its customers.

*Carryout Bag* shall mean a bag provided by a business establishment to a customer typically at the point of sale for the purpose of transporting purchases.

*Exempt Bag* shall mean any of the following: (i) a bag without handles that is used to carry produce, meats, loose baked goods, loose dry goods, dry cleaning, newspaper delivery bags, liquor store sales, flowers or other non-prepackaged food items to the point of sale within a store or market, or to prevent such items from coming in direct contact with other purchased items or (ii) a bag provided by a doctor, pharmacist or veterinarian to carry prescription drugs.

*Reusable Carryout Bag* shall mean a carryout bag with handles that is specifically designed and manufactured for multiple reuse and is either (i) made of cloth or other machine washable fabric or (ii) made of durable plastic that is at least 2.25 mils thick and is specifically designed and manufactured for multiple reuse.

**Sec. 14-135. Fee and Fee Exemptions.**

(a) **Fee:** Business establishments shall charge a fee of not less than five (5) cents for each carryout bag provided to any person. City run facilities, City sponsored events and any event held on City property shall also charge a fee of not less than five (5) cents for each carryout bag provided to any person.

No business establishment shall charge this fee for an exempt bag. All monies collected shall be retained by the business establishment.

**(b) Fee Exemptions:**

(1) All business establishments that provide carryout bags to customers shall provide said bags free of charge for items purchased by any person using the New York State Supplemental Nutrition Assistance Program (SNAP) or New York State Special Supplemental Nutrition Program for Women, Infants and Children (WIC), as full or partial payment.

(2) No business establishment shall charge a fee or prevent a customer from using a bag of any kind that they have brought for the purposes of carrying goods from such business establishment.

**Sec. 14.136. Regulations.**

(a) All business establishments shall post signs at or near points of sale located in such establishments to notify customers of the provisions of this Article.

**Sec. 14-137. Penalties for offenses.**

(a) A fine may be imposed upon any business establishment that has provided a carryout bag to a customer in violation of this Article, as follows:

- (1) A fine not exceeding one hundred dollars (\$100.00) for a first violation;
- (2) A fine not exceeding two hundred dollars (\$200.00) for a second violation;
- (3) A fine not exceeding two hundred fifty dollars (\$250.00) for a third violation and subsequent violations.

(b) In the event of a continuing violation, each day such offense continues shall constitute a separate additional violation.”

Sec. 2. This Ordinance shall take effect April 22, 2017 (Earth Day).

October 18, 2016

Item No. 3  
Ordinance No.

The following Ordinance was moved by  
and seconded by :

ORDINANCE TO AMEND THE CODE OF ORDINANCES  
OF THE CITY OF LONG BEACH RE: PLUMBING.

BE IT ENACTED, by the City Council of the City of Long Beach, New York, as  
follows:

Sec.1. Chapter 21, Article I, Section 21-3.2 of the Code of Ordinances of the City  
of Long Beach, as heretofore amended, shall be and the same is hereby added to and amended to  
read as follows:

**“Sec. 21-3.2. Reciprocal agreements with other municipalities.**

Anything contained in this chapter to the contrary notwithstanding, the city  
manager may enter into a reciprocal agreement with any other town, city or incorporated  
village in the County of Nassau **and/or in the County of Suffolk**, which agreement shall  
provide that any person who holds a valid license to conduct the trade or business of an  
employing or master plumber issued by such other municipality, after having passed an  
examination given by the examining board of plumbers of such other municipality, shall be  
deemed to be competent to conduct that business in the City of Long Beach, New York, and  
shall not be required to take such examination given by the examining board of plumbers of the  
City of Long Beach, New York, as a prerequisite to conducting that business in the City  
of Long Beach, New York, but he must comply with and shall be subject to and bound by  
all other provisions and requirements of this chapter, and by all rules and regulations  
adopted pursuant thereto, and he must have a valid certificate of competency issued by  
the examining board of plumbers of the City of Long Beach, New York. Such agreement  
must provide that such other municipality shall extend to any person who holds a valid  
master plumber's license issued by the City of Long Beach, after having passed an  
examination given by the examining board of plumbers of the City of Long Beach,  
reciprocal and equal rights and privileges in such other municipality.”

Sec. 2. This Ordinance shall take effect immediately.

October 18, 2016

Item No. 4  
Resolution No.

The following Resolution was moved by  
and seconded by :

Resolution Authorizing the City Manager to Enter into a  
Contract for the Replacement of the Roof at the MLK Center  
with the Lowest Responsible Bidder.

WHEREAS, after due advertisement therefore, two bids were received in  
the Office of the Commissioner of Public Works on October 6, 2016 for the removal and  
complete replacement of the existing roof at the MLK Center, located on Riverside Boulevard, in  
accordance with plans and specifications on file in the Department of Public Works; and

WHEREAS, More Consulting Corporation, 19 Dock Drive, Yaphank, New York  
11980 was the lowest responsible bidder at a cost of \$83,000.00;

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York that the  
City Manager be and he hereby authorized to enter into a contract with More Consulting  
Corporation, 19 Dock Drive, Yaphank, New York 11980 for the removal and complete  
replacement of the existing roof at the MLK Center, located on Riverside Boulevard, in  
accordance with plans and specifications on file in the Office of the Commissioner of Public  
Works, at a cost of \$83,000.00. Funds are available in Account No. H1017.52135 (MLK  
Center).