

CALENDAR
for
REGULAR MEETING OF THE COUNCIL
of the
CITY OF LONG BEACH
held
FEBRUARY 21, 2023

PUBLIC HEARING: Resolution Authorizing the Filing of an Application with the County of Nassau for the Purpose of Undertaking a Community Development Program, Under Title I of the Housing and Community Development Act of 1974, as Amended, for Inclusion in the City's Community Development Program for 2023-2024 (49th Year).

PUBLIC HEARING: Ordinance to Amend the Code of Ordinances of the City of Long Beach Re: Special Events, Offenses-Miscellaneous and Parks and Recreation.

PUBLIC HEARING: Ordinance to Amend the Code of Ordinances of the City of Long Beach Re: Ocean Beach Park.

PUBLIC HEARING: Resolution Granting Waiver of Off-Street Parking Granting Waiver of Off-Street Parking Requirements for Premises:
Re: 776 West Beech Street (street floor), Long Beach, New York.

1. Resolution Authorizing the Filing of an Application with the County of Nassau for the Purpose of Undertaking a Community Development Program, Under Title I of the Housing and Community Development Act of 1974, as Amended, for Inclusion in the City's Community Development Program for 2023-2024 (49th Year).
2. Ordinance to Amend the Code of Ordinances of the City of Long Beach Re: Special Events, Offenses-Miscellaneous and Parks and Recreation.
3. Ordinance to Amend the Code of Ordinances of the City of Long Beach Re: Ocean Beach Park.
4. Resolution Granting Waiver of Off-Street Parking Granting Waiver of Off-Street Parking Requirements for Premises:
Re: 776 West Beech Street (street floor), Long Beach, New York.
5. Resolution Authorizing Budget Amendments to the Water Fund Budget for the 2022-2023 Fiscal Year.

6. Resolution Authorizing the Acting City Manager to Purchase Bunker Gear for the Long Beach Fire Department Under New York State Contract.
7. Resolution Authorizing the Acting City Manager to Purchase a New Ambulance for the City's Fire Department Under a Nassau County Contract.
8. Resolution Authorizing the Approval of a List of Eligible Volunteer Firefighters for 2022 Length of Service Award Program (LOSAP) Service Credit.
9. Resolution Authorizing the Acting City Manager to Purchase Three (3) 2023 Chevrolet Tahoe Sport Utility Vehicles; One (1) 2023 Ford Transit 250 Cargo RWD Low Roof Van; Two (2) 2021 Chevrolet Silverado MD 6500 4WD Crew Cab Dump Trucks; Two (2) 2022 Chevrolet Silverado 2500 HD 4WD Crew Cab 159" Work Trucks; and Two (2) 2022 Chevrolet Silverado 2500 HD 4WD Regular Cab 142" Work Trucks for Various City Departments.
10. Resolution Authorizing Publication for Hearing of an Ordinance to Amend the Code of Ordinances of the City of Long Beach Re: Motor Vehicles and Traffic.
11. Approval of Minutes of Prior Meeting of February 7, 2023.

February 21, 2023

Item No. 1
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing the Filing of an Application with the County of Nassau for the Purpose of Undertaking a Community Development Program, Under Title I of the Housing and Community Development Act of 1974, as Amended, and Title II of the National Affordable Housing Act of 1990, as Amended, for Inclusion in the City's Community Development Program for 2023-2024 (49th Year).

WHEREAS, the Secretary of the U.S. Department of Housing and Urban Development is authorized to make grants to states and other units of general local government to help finance Community Development and Housing Programs; and

WHEREAS, the U.S. Department of Housing and Urban Development requires various assurances that the City will comply in all respects with State and Federal Laws, Rules and Regulations; and

WHEREAS, a Public Hearing was held before the City Council on the 21st day of February, 2023 at which time all persons and representatives of organizations with significant social, economic and environmental interests were given an adequate opportunity to publicly present their views on and propose activities for said program;

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York that the Acting City Manager be and is hereby authorized to execute and file an application on behalf of the City of Long Beach with the County of Nassau for the purpose of undertaking a Community Development and Housing Program for the 2023-2024 Program (49th Year); and be it further

RESOLVED, that the Acting City Manager be and is hereby authorized to furnish such additional information as may be required in connection with the application, to execute appropriate assurances, to comply in all respects with the State and Federal Laws, Rules and Regulations.

The following Ordinance was moved by
and seconded by :

ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF LONG BEACH RE: SPECIAL EVENTS,
OFFENSES-MISCELLANEOUS AND PARKS AND RECREATION.

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

Sec.1. Chapter 14, Article XV of the Code of Ordinances of the City of Long
Beach, as heretofore amended, shall be and the same is hereby repealed, revoked and rescinded,
and the following Article XV is hereby adopted and enacted in place and stead of said Article, to
read as follows:

“ARTICLE XV. SPECIAL EVENTS

Sec. 14-310. Legislative intent.

**The intent and purpose of this Article is to establish a process for permitting the use
of City property, streets, facilities or services and to establish reasonable regulations
governing the time, place and manner for the holding of certain activities defined as
“special events”.**

**It is the intent of the City to regulate special events; to provide a coordinated
process for applicants in regard to the granting or denial of a special event permit; to
protect the rights and interests of the residents of the City; and to recoup any costs borne
by the City during the special event, to include, but not be limited to: the use of personnel,
consultants, equipment and supplies, sanitation (litter and debris clean-up) and utilities.**

Sec. 14-311. Definitions.

**As used in this article the following words and phrases shall have the meanings
assigned:**

***Amusement ride.* Any kind of machine, apparatus or device which is designed or
used to propel, project or move a person through the air, along the ground or otherwise,
and shall include a carousel, Ferris wheel, gravity steeplechase, scenic railway, parachute
jump and other similar machinery and rides customarily associated with amusements or
carnivals.**

***Athletic event.* An organized competitive or recreational event in which a group of
people collectively engage in a sport or comparable activity on any City street or other City
property.**

***Building.* A structure wholly or partially enclosed within exterior or party walls,
containing a roof and a single standalone foundation, affording shelter to persons, animals
or property.**

Charitable or religious event or activity. Any special event conducted by a charitable or nonprofit organization which is either duly registered or exempt from registration with the Board of Social Welfare of the State of New York in accordance with the provisions of the Social Welfare Law, or by a religious corporation or property owned or leased by it for its own charitable fund-raising purposes and utilizing its own members as operating personnel and conducted in compliance with all rules and regulations of the State of New York, or any subdivision thereof, and the applicable provisions of this article. Proof of 501c(3) status is required with submission of an application.

City. The land area located within the boundary of the City of Long Beach under the jurisdiction of the Long Beach City Council.

City Clerk. The City Clerk of the City of Long Beach, and/or his or her designee.

Festival. A thematic, organized celebration, performance, exhibition or competition occurring upon public or private property, or a combination of private and public property, as a result of a private non-governmental event organizer, during which commerce may occur, for a defined period of time, advertised and promoted inside or outside the City, that will, in the determination of the City, have an impact on City resources, due to the anticipated amount of people attending.

Parade. Any march, race, presentation, ceremony, pageant or procession of any persons and conveyances of any sort moving upon any public street, sidewalk or the boardwalk, which is inconsistent with normal traffic regulations.

Person. Any individual, firm, partnership, corporation, association, company or organization of any kind.

Special event. Any athletic event, entertainment event, filming event, demonstration (political or otherwise) or other organized event, whether held for profit, nonprofit, or charitable purposes, that involves the use of streets, sidewalks, parks or other City property in a way that is inconsistent with normal or usual traffic, pedestrian, park or similar laws, rules, regulations or controls. A special event has a specific start and stop date. Examples of special events include, but are not limited to: concerts, parades, circuses, fairs, festivals, filming, automobile or motorcycle shows, beach parties over 100 people, community events, marathons and running events, bicycle races or tours, as well as participant and/or spectator sports, such as volleyball, surfing, boat races, beach polo, beach soccer, beach tennis, football, basketball, baseball and hockey games.

Special event permit. A permit or instrument granted or issued by the City Clerk and/or his or her designee pursuant to the provisions of this article.

Temporary structure. Structures built or erected for shelter, shade or enclosure of persons, animals, or property of any kind, including but not limited to tents.

Sec. 14-312. Permit required.

It shall be unlawful for any person, corporation, partnership, association or other entity, public or private, to conduct a special event in the City, except those events

conducted or sponsored by the City, unless there is compliance with the following provisions:

(a) Amusement rides may be permitted in any special event, including a charitable or religious event or activity, only upon compliance with the following:

- (1) Amusement rides shall not exceed six (6) per acre of vacant land.**
- (2) All rides must be set up in a manner to allow adequate access, both ingress and egress, for police, fire and EMS personnel for public safety concerns.**
- (3) Compliance with the applicable provisions of the New York State Labor Law and Industrial Board, and any other applicable county, state and federal laws, rules and/or regulations.**
- (4) Compliance with the applicable provisions of the City's Code of Ordinances.**
- (5) Any time, place and manner restrictions set forth in the relevant permit, including but not limited to any restrictions relating to duration.**

(b) Notwithstanding Section 9-112 of the Code of Ordinances, the City Clerk may issue a permit allowing for the temporary placement of tents in parking lots during Special Events, considering the impact (if any) said tent(s) may or will have on public safety, and other quality of life concerns. Issuance of such permits is subject to and conditioned upon:

- (1) the Building Commissioner's separate determination that the proposed tent(s) is/are fully compliant with all applicable New York State, Nassau County and/or City of Long Beach laws, rules and regulations; and**
- (2) Tents larger than 200 square feet require a permit from the Nassau County Fire Marshall, pursuant to Nassau County Fire Prevention Ordinance Section 14.8.1; and**
- (3) any time, place and manner restrictions that are set forth in the relevant permit, including but not limited to any restrictions relating to duration.**

Sec. 14-313. Permit application procedures.

(a) All requests for special event permits shall be made on a special event permit application form prescribed by the City and shall include the following information:

- 1. Type and description of the special event;**
- 2. Name of the organizer and the organizer's contact person, and such contact person's address and telephone number;**
- 3. A certification that the applicant will be jointly and severally liable for any City fees or costs that may be imposed for the event;**
- 4. Services requested from the City, such as (for example) police, fire, sanitation, public services, water, stage, sound system, bandwagon, bleachers, commercial vehicles, parking, tables, or beach admission;**
- 5. Proposed date(s) of the special event, together with beginning and ending times;**
- 6. Proposed location(s);**

7. **Estimated numbers of event staff, security personnel, participants, spectators, structures and/or vehicles;**
8. **Proposed use of any alcoholic beverages during or in the conduct of the event (see Subsection e below);**
9. **Proof of a special event permit application with the Nassau County Department of Health if the proposed special event includes food service and/or public gathering(s) for a period greater than 24 hours or if attendance is expected to exceed 5,000 persons;**
10. **Insurance and surety bond information;**
11. **Notarized Signature of applicant.**

(b) Submission Time: Applicants must submit a completed application to the City forty-five (45) days prior to the event in order to allow adequate time for review.

(c) Notwithstanding anything contained in this Article, any application for a filming event may be submitted to the City two (2) weeks before the filming event is scheduled to occur.

(d) Application Fee: Each initial application for a special event permit shall be accompanied by a processing fee of one hundred dollars (\$100). Payment of the processing fee does *not* guarantee a Final Permit. The processing fee is strictly for entering an application into the permit process for further review. This fee is non-refundable.

(e) Application for Use of Alcohol: Whenever an applicant wishes to sell or serve alcohol at a Special Event, an additional application for a separate Special Event Permit for the use of alcohol shall be submitted to the City Clerk, along with an additional application fee of five hundred (\$500) dollars. The City Clerk shall then determine whether the character, size and location of the proposed event is consonant with the public safety, health, character, and general welfare of the surrounding neighborhood. Such permit, if issued, is subject to and conditioned upon the applicant's written agreement to comply with the terms of such permit, and provide such additional insurance, and defense and/or indemnification protections that may be necessary to safeguard the City's interests. Sales and service of alcohol at Special Events is strictly prohibited absent such permit. All Special Event Permits issued by the City which allow for the use of alcohol are conditioned upon compliance with all City, Nassau County and New York State Liquor Authority laws, rules, regulations and/or requirements, with failure to adhere to said requirements being grounds to revoke said Special Event Permit.

(f) The City Manager shall promulgate rules concerning the issuance, denial, cancellation and revocation of special events permits, and may amend same from time to time.

Sec. 14-314. Issuance of a special event permit does not obligate City services.

Issuance of a special event permit does not obligate or require the City to provide or contribute services, equipment or personnel in support of an event. Consistent with applicable law, the City Manager may, in his/her sole discretion, provide or contribute City services, equipment, or personnel, contingent upon whatever terms and conditions the City Manager deems just.

Sec. 14-315. Consideration of approval and reasons for denial of a special event permit.

No applicant will be given less favorable treatment as to time, manner or place on account of any message or viewpoint that may be conveyed at an event, or on account of identity or associational relationships of the applicant.

The City Clerk and/or his or her designee, shall deny a special event permit to an applicant who has not:

- 1) Provided complete responses on the City's application;**
- 2) Provided all ancillary documentation as requested on the City's application;**
- 3) Demonstrated an ability or willingness to conduct an event pursuant to the terms and conditions of this Article;**
- 4) Not complied with any term of this Article, or with any condition of a special event permit previously issued to the applicant; and**

A permit may also be denied when:

- 5) The event, as proposed, will violate public health or safety laws, and/or pose an unreasonable burden on public health or safety;**
- 6) The event fails to conform to the requirements of law;**
- 7) The event or events create an unreasonable demand on City staff and services or pose an unreasonable burden upon the City, or its residents;**
- 8) The applicant failed to provide sufficient evidence of insurance coverage; or**
- 9) The applicant is in arrears or has defaulted on any payment obligation to the City.**

The City Clerk and/or his or her designee, shall maintain a written record stating the reason or reasons for denying the issuance of a special event permit to an applicant.

Sec. 14-316. Insurance required to conduct a Special Event; hold harmless.

The event organizer must possess or obtain comprehensive general liability insurance to protect the City against loss from liability imposed by law for damages on account of bodily injury or property damage. Such insurance shall name the City of Long Beach as the certificate holder and additional named insured. Defense, indemnification, and hold harmless provisions may also be required, in the discretion of the City. Insurance coverage must be maintained for the duration of the event in accordance with the following conditions:

- (a) For all Special Events:
the City requires general liability insurance (CGL), or GGL with excess umbrella coverage, or special event insurance, in amounts not less than \$1,000,000 per person and \$1,000,000 per occurrence with an excess liability umbrella policy with a single limit of \$5,000,000. A certificate of insurance must accompany all special events, and all certificates of insurance applicable to special events must explicitly name and state City of Long Beach as an additional insured.**

Sec. 14-317. Cost recovery for special events.

Cost recovery is a method by which the City can recover costs expended. Cost recovery is established to reimburse the City for departmental services they provide before, during and after a special event, or in any way related to special events, and to ensure that residents are not unduly financially burdened by special events.

The process involves providing an estimate of the costs to the applicant and suggested changes that may lower projected costs. The City shall require payment of a reasonable estimate of costs, in full, before a permit will be issued.

The City shall charge for the actual cost of the salaries of City personnel, including but not limited to, policing, fire safety, emergency medical services, clean-up or other facility or event support, consultant costs, and for the use of City equipment and other non-personnel expenses related to the event(s). A final accounting document will be generated that will contain the actual costs and could result in a zero balance, refund or invoice.

Shortly after the conclusion of an event, the City Comptroller will prepare an official accounting of services provided for the event. The City Comptroller will distribute to the permit holder the final accounting document within forty-five (45) days of the event, and an invoice for additional funds should that be necessary, in the case of additional costs incurred during the event, which shall be payable to the City no later than thirty (30) days following the date of invoice. In the event that the permit holder is owed a refund, the City shall make said payment within sixty (60) days of the event.

Sometimes an event incurs additional costs because of issues including, but not limited to, changes made during the event planning phase, problems encountered during the event or extra services deemed necessary to maintain health and safety by City officials. While some costs can be projected and submitted to the applicant early, others may be charged due to an emergent need. The applicant is responsible for any cost recovery associated with emergent issues that arise from any part of the activity, including but not limited to property damaged by attendees. Such additional costs shall be itemized and distributed to the permit holder within thirty (30) days of the event, and may be:

- (i) invoiced and made payable to the City within thirty (30) day of the date of invoice;**
- (ii) used by the City as an offset against any refund(s) owed to the permit holder; or**
- (iii) any combination of the above.**

Sec. 14-318. Closing hour.

No special event shall be operated beyond or after 11:00 p.m. That notwithstanding, the City Clerk and/or his or her designee, may set forth earlier closing hours in the permit, which shall be binding and enforceable on the permit holder.

Sec. 14-319. Dismantling or removal of equipment.

No equipment used in connection with a special event shall be dismantled or removed after 11:30 p.m.

Sec. 14-320. Noise.

The provisions of Chapter 16 of the Long Beach Code of Ordinances, entitled "Noise," shall be applicable to every special event, including charitable and religious events and activities.

Sec. 14-321. Penalties for offenses.

(a) Any person who violates any provision of this article shall be guilty of a violation punishable by a fine not less than the minimum issuance fee of a special events permit and not more than the costs incurred as a result of said special event, plus one thousand (\$1,000) dollars, or imprisonment for a period not exceeding fifteen (15) days, or by both such fine and imprisonment, for each such offense.

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

(c) In addition to the foregoing penalties, the license or licenses issued for the special event shall be subject to revocation by the issuing city official or officials.”

Sec.2. Chapter 17, Section 17-2(g) of the Code of Ordinances of the City of Long Beach, as heretofore amended, shall be and the same is hereby amended and added to, to read as follows:

“Chapter 17. Offenses-Miscellaneous

Sec. 17-2. Possession and consumption of alcoholic beverages in public places.

...

(g) *Permits for special events. Refer to Chapter 14, Article XV, Section 14-313(e).*”

Sec.3. Chapter 18, Article II, Division 2, Section 18-35 of the Code of Ordinances of the City of Long Beach, as heretofore amended, shall be and the same is hereby amended and added to, to read as follows:

“Sec. 18-35. Organized picnics and outings.

No organized picnics, outings, **gatherings or parties of one hundred (100) people or more** shall be conducted in the Ocean Beach Park unless a special **event** permit therefor is issued by the **City Clerk and/or his or her designee**, upon payment to the **City Clerk** of the following sums:

(a) A nonrefundable permit fee of **one hundred dollars (\$100.00)**.

(b) A deposit of **one hundred dollars (\$100.00)**, refundable upon written certification of the superintendent of the Ocean Beach Park that the area involved has been left in clean, orderly and sanitary condition.

(c) A nonrefundable permit fee of five hundred dollars (\$500) for an organized picnic, outing, gathering or party applicants that wish to sell, serve and/or use alcohol in any capacity, and shall be subject to the requirements set forth in Chapter 14, Article XV, Section 14-313(e) of the Code of Ordinances of the City of Long Beach.”

February 21, 2023

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Item No. 2
Ordinance No.

Sec. 4. This Ordinance shall take effect immediately.

The following Ordinance was moved by
and seconded by :

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

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

Sec.1. Effective immediately, Chapter 18, Article II, Division 1, Section
18-19 of the Code of Ordinances of the City of Long Beach, as heretofore amended, shall be and
the same is hereby amended, to read as follows:

“Sec. 18-19. Food and beverage sales and service.

(a) Any restaurant, luncheonette, **stand** or **other business** situated adjacent to the north boundary
of the Ocean Beach Park (*i.e., facing the boardwalk*) may be permitted to have an opening
facing the park upon the payment of the charges provided in this section. The opening shall be
used exclusively for the sale of food and/or nonalcoholic beverages to persons using the park,
and shall not at any time be used for entrance to or exit from the park or the waters adjacent
thereto. The charge for such an opening shall be **five hundred** dollars (\$500.00) per season,
payable on or before the first day of July in each year. **This charge shall not apply to any
person, firm or corporation who is a lessee or licensee of City property on or immediately
adjacent to the boundaries of the Ocean Beach Park.**

(b) No person, firm or corporation **operating such business** shall place or cause to be placed any
table or chair anywhere on the boardwalk, other than the benches placed thereon by the City,
**without the express written permission of the City, nor without City Council approval. In
the case of a person, firm or corporation with a valid lease or license of City property on or
adjacent to the boundaries of the Ocean Beach Park, such permission shall be set forth in
the respective lease or license. For all other persons, firms or corporations with property
situated adjacent to the north boundary of the Ocean Beach Park, such permission shall be
set forth in a separate license or agreement. Notwithstanding any written permissions
granted herein, all permitted tables and/or chairs under this Section shall be removed from
November 15th through March 15th, unless otherwise specifically outlined in the respective
lease, license, or agreement.**

(c) Whenever soft drinks are served at authorized stands or concessions in the Ocean Beach
Park, the vendor shall furnish paper cups and is prohibited from providing to any person bottles,
containers or receptacles made of glass.

(d) Any establishment dispensing food or beverages in the Ocean Beach Park or abutting upon
the park or the Boardwalk shall be required to post a notice clearly indicating the price of
merchandise sold therein, in a conspicuous place clearly legible and visible to customers making
purchases.

(e) Any **person, firm or corporation** violating this **section** shall be subject to the penalties
provided for in **Section 18-104.**”

Sec.2. Effective December 31, 2025, Chapter 18, Article II, Division 1, Section 18-19 (b) the Code of Ordinances of the City of Long Beach, as heretofore amended, shall be and the same is hereby repealed, revoked and rescinded with all other Articles in said Chapter remaining in full force and effect, and the following is hereby adopted and enacted in the place and stead of said Chapter 18, Article II, Division 1, Section 18-19 (b) to read as follows:

“Sec. 18-19. Food and beverage sales and service.

.....

(b) No person, firm or corporation operating such business shall place or cause to be placed any table or chair anywhere on the boardwalk, other than the benches placed thereon by the City, without the express written permission of the City, nor without City Council approval. The Commissioner of Parks and Recreation shall promulgate rules concerning the placement of tables, chairs and/or benches on the boardwalk, and may amend same from time to time, with the authorization of the City Council. Permitted persons, firms or corporations under this Section may place tables, chairs and/or benches on the boardwalk in accordance with the promulgated rules and at the discretion of the City. Application shall be made to the Commissioner of Parks and Recreation, who shall approve or deny same, and any appeals shall be made to the City Manager.”

February 21, 2023

Item No. 4
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Granting Waiver of Off-Street Parking Requirements
Re: Premises 776 West Beech Street (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 776 West Beech Street (street floor), Long Beach, New York (Section 59, Block 06, Lot 235), between New York Avenue and Grand Boulevard, having frontage of less than 20 feet, on behalf of the owner Arcadia Management LLC, 772 West Beech Street, Long Beach, New York 11561 to be used as a Bakery;

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 owner Arcadia Management LLC, 772 West Beech Street, Long Beach, New York 11561 for exemption with respect to the requirements for off-street parking at premises 776 West Beech Street (street floor), having frontage of less than 20 feet, be and the same hereby is granted, only and during the time that such premises shall be used as a Bakery.

February 21, 2023

Item No. 5
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing Budget Amendments to the
Water Fund Budget for the 2022-2023 Fiscal Year.

WHEREAS, the City of Long Beach received a request from the Town of Hempstead to open our water interconnect to the Town of Hempstead due to a concern of depleted water tanks in Lido Beach and Point Lookout; and

WHEREAS, the City responded and directed City personnel to open up the connecting valve to their tanks in Lido Beach from July 1, 2022 through July 23, 2022; and

WHEREAS, the City received reimbursement from Town of Hempstead in the amount of \$80,664.15; and

WHEREAS, a budget amendment is required to cover the costs associated with this emergency for water usage and personnel costs for the Water Purification Plant and Water Transmission Department;

BE IT RESOLVED, by the City Council of the City of Long Beach, New York, that the following amendments to the Water Fund Budget for the 2022-2023 Fiscal Year are hereby authorized:

WATER FUND
2022-2023 Fiscal Year

Increase Estimated Revenues:	F10510	\$80,664.15	
F0027.42770	Unclassified Revenue		\$80,664.15
Increase Appropriations:	F20960	\$80,664.15	
F8330.51103	Water Purification (Overtime)		\$40,332.07
F8340.51103	Water Transmission (Overtime)		\$20,166.04
F8340.51102	Water Transmission (Temporary Salaries)		\$20,166.04

February 21, 2023

Item No. 6
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing the Acting City Manager to Purchase
Bunker Gear for the Long Beach Fire Department Under
New York State Contract.

WHEREAS, pursuant to State of New York Office of General Services Contract #PC67939, municipalities of the State are given the opportunity to purchase Fire Department bunker gear from designated dealers at favorable prices; and

WHEREAS, bunker gear is necessary safety equipment used to protect members of the Long Beach Fire Department when fighting fires or encountering other types of hazardous environments; and

WHEREAS, the Fire Department needs to replace bunker gear that has outlived its useful life and is in need of eighteen (18) bunker gear sets, inclusive of jackets, pants and boots; and

WHEREAS, Hi Tech Fire and Safety, Inc., 158 Allen Blvd., Farmingdale, New York 11735 is an awarded vendor under New York State OGS Contract #PC67939, affording the City favorable rates at a cost of \$3,199.40 per set, for a total cost of \$57,589.20;

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York that the Acting City Manager be and is hereby authorized to purchase eighteen (18) bunker gear sets, specifically a jacket, pants and boots, at a cost of \$3,199.40 per set, for a total cost of \$57,589.20 from Hi Tech Fire and Safety, Inc., 158 Allen Blvd., Farmingdale, New York 11735 as per New York State OGS Contract #PC67939. Funds are available in the amount of \$35,883.00 in Account No. S9928.54513 (PF&I 48th Yr. – Fire Station Upgrades) made available through a Community Development Block Grant and in the amount of \$21,706.20 in Account No. A3410.54502 (Fire Protection-Safety Equipment).

February 21, 2023

Item No. 7
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing the Acting City Manager to Purchase a New
Ambulance for the City's Fire Department Under a Nassau County Contract.

WHEREAS, the City Council previously authorized the City Manager to purchase a PL Custom Classic TI D5500 4x4 Custom Classic Type 1 ambulance, with specified options, at a cost of \$329,929, for the City's Fire Department through Sourcewell Service Cooperative, Contract #1022118, from Hendrickson Fire Rescue Equipment, 140 Hoffman Lane, Islandia, New York 11749, with funds made available in fiscal year 2023 in Account No. A3410.54509 (Fire Protection-Equipment Leases) pursuant to Resolution No. 41/22; and

WHEREAS, the City's Fire Department desires to purchase a 2022 Ford E-450 Gas Demers 164" Type 3 Ambulance, with specified options, at a cost of \$312,284.18 for the City's Fire Department through Nassau County Contract #BPNC21000142, from L.I. Proliner, Inc., 18 Peconic Avenue, Medford, New York 11763, in lieu of the previously authorized PL Custom Classic TI D5500 4x4 Custom Classic Type 1 ambulance, with specified options, pursuant to Resolution No. 41/22, to effectuate cost savings as well as more prompt ambulance delivery and availability;

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York that the Acting City Manager be and is hereby authorized to purchase a 2022 Ford E-450 Gas Demers 164" Type 3 Ambulance, with specified options, at a cost of \$312,284.18 for the City's Fire Department through Nassau County Contract #BPNC21000142, from L.I. Proliner, Inc., 18 Peconic Avenue, Medford, New York 11763, in lieu of the previously authorized PL Custom Classic TI D5500 4x4 Custom Classic Type 1 ambulance, with specified options, pursuant to Resolution No. 41/22. Funds in the amount \$200,000.00 are available in the account H1023.52167 Capital Projects Account "Fire Department Ambulance", the remaining balance of \$112,284.18 is available in Account No. A3410.54509 (Fire Protection-Equipment Leases).

The following Resolution was moved by
and seconded by :

Resolution Authorizing the Approval of a List of Eligible
Volunteer Firefighters for 2022 Length of Service Award
Program (LOSAP) Service Credit.

WHEREAS, the City Council of the City of Long Beach passed Resolution No. 291/93 on December 7, 1993, approving the establishment of a Service Award Program for the Volunteer Fire Department pursuant to Section 216 of the General Municipal Law, subject to public referendum; and

WHEREAS, a public referendum was held on February 8, 1994 by which the electorate of the City of Long Beach approved the establishment of the aforesaid Service Award Program; and

WHEREAS, pursuant to New York State General Municipal Law, Article 11-A, Section 217, one year of firefighting service must be credited under a service award program for each calendar year in which an active volunteer firefighter accumulates at least 50 points; and

WHEREAS, the LOSAP point system must include activities that are specified in the General Municipal Law, such as participation in department responses, training, drills, standbys, meetings and miscellaneous activities as defined in the law; and

WHEREAS, the following members of the Long Beach Volunteer Fire Department earned at least 50 points in 2022:

- | | | |
|----------------------|------------------------|--------------------|
| Babich, Marc | Bailey, Tristan | Bernstein, Jeremy |
| Biordi, Nicholas | Brecciano, Michael | Brucker, Michael |
| Burkard, Robert | Cuevas, Elizabeth | Davis, Jeffrey |
| DelPrete, Robert | DiBari, Eileen | DiBari, Krystin |
| DiGiacomo, Richard | DeFanco, Joseph | DelPrete, Robert |
| DiBari, Eileen | DiBari, Krystin | DiGiacomo, Richard |
| Ellmer, Raymond | Field, Joseph | Foley, Connor |
| Gibaldi, Christopher | Glazer, Andrew | Glazer, Scott |
| Gomez, Xavier | Gopie, Haresh | Grunther, Zach |
| Guerrisi, Matthew | Harris, Terrance | Herbert, George |
| Hocheiser, Brian | Horowitz, Ralph | Jacobi, James |
| Kelly, James | Kemins, Scott | King, Danielle |
| Krzeminski, Alex | Lent, Connor | Leonard, Patrick |
| Llewellyn, Craig | Llobell, Paul | Lovrich, Romano |
| Maiello, Anthony | Maldonado, Gavin | Malone, Paul |
| Marino, John | Mastracchio, Salvatore | Mazziotti, Chris |
| McLoughlin, Austin | Miah, Mohammad | Miller, Joseph |
| Nicpon, Francis | Norton, Ross | Oleynik, Sergey |

Pennolino, Carla
Potter, Devon
Quinnie, Devon
Rozycki, Stanley
Salinas, Patricia
Shatri, Blerim
Tuccillo, Robert
Waine, Steven
Wisnieski, Nema

Perez, Robert
Powers, Brian
Ray, Deon
Rubin, Charles
Schwimmer, Joshua
Tuccillo, Joseph
Vargas, Luis
Walpole, Francis
Woolfe, David

Phelan, Bruce
Prophett, Herman
Ray, Hadrick
Russo, Ryan
Seiden, Paul
Tuccillo, Ralph
Wagner, David
Winakor, Mathew
Zucker, Erik

NOW, THEREFORE, be it

RESOLVED, that the City Council of the City of Long Beach, New York hereby approves, pursuant to the requirements of the Service Award Program (LOSAP), the above list of individuals submitted and certified by the Commissioner of the Long Beach Fire Department, for participation in the 2022 Service Award Program (LOSAP).

The following Resolution was moved by
and seconded by :

Resolution Authorizing the Acting City Manager to Purchase Three (3) 2023 Chevrolet Tahoe Sport Utility Vehicles; One (1) 2023 Ford Transit 250 Cargo RWD Low Roof Van; Two (2) 2021 Chevrolet Silverado MD 6500 4WD Crew Cab Dump Trucks; Two (2) 2022 Chevrolet Silverado 2500 HD 4WD Crew Cab 159” Work Trucks; and Two (2) 2022 Chevrolet Silverado 2500 HD 4WD Regular Cab 142” Work Trucks for Various City Departments.

WHEREAS, various City departments desire to purchase new vehicles to bring the City’s fleet closer to the number that it should maintain; and

WHEREAS, Commander Fleet Corp., 1385 Akron Street, Copiague, New York 11726, on behalf of the Whitmoyer Auto Group, is an awarded vendor through New York State Office of General Services Contract #PC69160, for the purchase of the three (3) 2023 Chevrolet Tahoe Sport Utility Vehicles at the cost of \$55,263.00 each and the one (1) 2023 Ford Transit-250 Cargo RWD Low Roof Van the cost of \$49,986.00; and

WHEREAS, after due advertisement therefore, one bid was received in the Office of the City Purchasing Agent on Thursday, October 13, 2022 at 11:00 a.m. from Commander Fleet Corp., 1385 Akron Street, Copiague, New York 11726, on behalf of Northshore Chevrolet of Smithtown for the purchase of two (2) 2021 Chevrolet Silverado MD 6500 4WD Crew Cab Dump Trucks at the cost of \$105,944.00 each; two (2) 2022 Chevrolet Silverado 2500 HD 4WD Crew Cab 159” Work Truck at the cost of \$64,494.00 each; and two (2) 2022 Chevrolet Silverado 2500 HD 4WD Regular Cab 142” Work Truck at the cost of \$55,494.00 each; and

WHEREAS, it is in the City’s best financial interest to obtain financing for said vehicles from Community Leasing Partners, Manhattan, KS 66502, based on the financing quotes provided to the City on February 13, 2023, with an option to buy the ten (10) vehicles at the end of the lease term for the sum of one (\$1.00) dollar each; and

WHEREAS, the quotes the City received from Community Leasing Partners, Manhattan, KS 66502, include:

<u>Vehicle(s)</u>	<u>Total Cost(s)</u>	<u>Lease Terms & Yearly Payment(s)</u>	<u>Interest Rate:</u>
One (1) Ford Transit Van	\$49,986.00	5 years; \$11,180.75 yearly	5.68%
Three (3) Chevy Tahoe SUVs	\$165,789.00	5 years; \$37,083.24 yearly	5.68%
Two (2) Chevy Dump Trucks	\$211,888.00	5 years; \$47,394.54 yearly	5.68%
Two (2) Chevy Silverados (White)	\$128,988.00	5 years; \$28,851.69 yearly	5.68%
Two (2) Chevy Silverados (Red)	\$110,988.00	5 years; \$24,825.50 yearly	5.68%

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York that the

Acting City Manager be and is hereby authorized to purchase three (3) 2023 Chevrolet Tahoe Sport Utility Vehicles at the cost of \$55,263.00 each and the one (1) 2023 Ford Transit-250 Cargo RWD Low Roof Van the cost of \$49,986.00 from Commander Fleet Corp., 1385 Akron Street, Copiague, New York 11726, on behalf of the Whitmoyer Auto Group, is an awarded vendor through New York State Office of General Services Contract #PC69160 and two (2) 2021 Chevrolet Silverado MD 6500 4WD Crew Cab Dump Trucks at the cost of \$105,944.00 each; two (2) 2022 Chevrolet Silverado 2500 HD 4WD Crew Cab 159” Work Truck at the cost of \$64,494.00 each; and two (2) 2022 Chevrolet Silverado 2500 HD 4WD Regular Cab 142” Work Truck at the cost of \$55,494.00 each, from Commander Fleet Corp., 1385 Akron Street, Copiague, New York 11726, on behalf of Northshore Chevrolet of Smithtown. Funds in the amount of \$39,251.00 are available in A8160.54509 (Sanitation Equipment Leases) and funds in the amount of \$23,697 are available in Account No. A8170.54509 (Highway Equipment Leases), and funds in the amount of \$11,181.00 are available in F8330.54509 (Water Purification Leases) and funds in the amount of \$48,516.00 will be available in Account No. F8340.54509 (Water Distribution Equipment Leases); funds in the amount of \$11,181 will be available in F8330.54509 (Water Purification Equipment Leases); funds in the amount of \$12,361.00 will be available in A1490.54509 (Public Works Equipment Leases); and funds in the amount of \$12,361.00 will be available in A1671.54509 (Central Administration Equipment Leases) after the following transfer of funds is approved:

<u>Budget Code</u>	<u>Description</u>	<u>Transfer From:</u>	<u>Transfer To:</u>
F8340.54442	Water Distribution Equipment Rentals	\$18,516.00	
F8340.54509	Water Distribution Equipment Leases		\$18,516.00
A1490.54440	Public Works Contracted Services	\$2,393.00	
A1490.54509	Public Works Equipment Leases		\$2,393.00
A1990.54406	Contingency	\$10,393.00	
A1671.54509	Central Administration Equipment Leases		\$10,393.00

RESOLVED, that the City Comptroller be and is hereby authorized to obtain financing from Community Leasing Partners, Manhattan, KS 66502, based on the financing quotes provided to the City on February 13, 2023, with an option to buy the ten (10) vehicles at the end of the lease term for the sum of one (\$1.00) dollar each.

February 21, 2023

Item No. 10
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing Publication for Hearing of an
Ordinance to Amend the Code of Ordinances of the City
of Long Beach Re: Motor Vehicles and Traffic.

WHEREAS, there has been presented to this Council the following proposed
Ordinance:

“ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE
CITY OF LONG BEACH RE: MOTOR VEHICLES AND TRAFFIC.”
(See Ordinance Attached)

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York, that the
City Clerk shall cause to be published in the official newspaper of the City of Long Beach the
title, and a summary or the full text of said Ordinance; and be it further

RESOLVED, that said Ordinance shall be on the calendar for public hearing at a
meeting of the City Council to be held at City Hall, 1 West Chester Street, Long Beach, New
York, on March 7, 2023 at 7:00 p.m. on that day.

ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE
CITY OF LONG BEACH RE: MOTOR VEHICLES AND TRAFFIC.

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

Section 1. Chapter 15 of the Code of Ordinances of the City of Long Beach, as heretofore amended, shall be and the same is hereby amended to add a new Article VII, Sections 15-215, 15-216, 15-217, 15-218, 15-219, 15-220, 15-221, 15-222, 15-223, and 15-224 to said Chapter with the rest of the Chapter remaining in full force and effect, to read as follows:

“ARTICLE VII. SCHOOL BUS PHOTO VIOLATION MONITORING SYSTEM

Sec. 15-215. Legislative Intent.

It is the intent of this ordinance is to discourage motor vehicle operators from unlawfully passing stopped school buses in order to increase safety for school children travelling on school buses within the City of Long Beach. The City shall impose monetary liability on the owners of vehicles that fail to stop for a school bus displaying a red visual signal and stop-arm, in compliance with §1174 of the New York State Vehicle and Traffic Law when passing a school bus marked and equipped as provided in Subdivisions 20 and 21-c of §375 of the New York State Vehicle and Traffic Law.

Sec. 15-216. Authority.

This ordinance is enacted in accordance with §1174-a of the New York State Vehicle and Traffic Law.

Section 15-217. Program.

A device that is capable of operating independently of an enforcement officer which is installed to work in conjunction with a school bus stop-arm and which automatically produces two or more photographs, two or more microphotographs, a videotape or other recorded images of a vehicle at the time it is used or operated in violation of Subdivision (a) of §1174 of the New York Vehicle and Traffic Law.

- A. There is hereby established, pursuant to § 1174-a of the New York State Vehicle and Traffic Law, a demonstration program imposing monetary liability on owners of vehicles for failure of the operators thereof to comply with § 1174 of the New York State Vehicle and Traffic Law when meeting a school bus marked and equipped as provided in Subdivisions 20 and 21-c of § 375 of the New York State Vehicle and Traffic Law in the City of Long Beach.**
- B. To carry out the demonstration program, the City is authorized to enter into an agreement with the Long Beach City school district for the installation, maintenance, and use of school bus photo violation monitoring systems as well as proper handling and custody of data received by the school bus cameras, subject to**

the provisions of § 1174-a of the New York Vehicle and Traffic Law. Once the school district has entered into an agreement with the City, cameras shall be installed on school buses owned or operated by that school district or privately owned and operated for compensation under a contract with such school district.

C. Cost of program and reports relating thereto.

(1) The total cost to the school district of the installation, maintenance and use of school bus photo violation monitoring systems pursuant to an agreement authorized by this ordinance shall be borne entirely by the City.

(2) The school district shall provide any report required of the district, pursuant to § 1174-a of the Vehicle and Traffic Law, to the State or any official thereof.

(3) To the extent that the City shall be required to issue any report to the state or any official thereof as a result of the adoption of this article and/or § 1174-a of the Vehicle and Traffic Law, the City shall cause the same to be prepared pursuant to this article or applicable state law.

D. Pursuant to § 1174-a (a)(3)(i) of the Vehicle and Traffic Law, any school district participating in the demonstration program shall be prohibited from accessing any photographs, microphotographs, videotapes, other recorded images and data from school bus photo violation monitoring systems but shall provide, pursuant to the agreement with the City, as provided in this article, for the proper handling and custody of such photographs, microphotographs, videotapes, other recorded images and data produced by such systems, and for the forwarding of such photographs, microphotographs, videotapes, other recorded images and data to the City for the purpose of determining whether a motor vehicle was operated in violation of Subdivision (a) of § 1174 of the New York Vehicle and Traffic Law and imposing monetary liability on the owner of such motor vehicle therefor.

E. The agreement between the City and the school district shall provide that photographs, microphotographs, videotapes, other recorded images and data produced by school bus photo violation monitoring systems shall be destroyed (a) 90 days after the date of the alleged imposition of liability if a notice of liability is not issued for such alleged imposition of liability pursuant to this article or (b) upon final disposition of a notice of liability issued pursuant to this article.

F. The City shall adopt and enforce measures to protect the privacy of drivers, passengers, pedestrians and cyclists whose identity and identifying information may be captured by a school bus photo monitoring device. Such measures shall include:

(1) Utilization of necessary technologies to ensure, to the extent practicable, that photographs produced by such school photo violation monitoring systems shall not include images that identify the driver, the passengers, the contents of the vehicle, pedestrians and cyclists; provided, however, that no notice of liability issued pursuant to this section shall be dismissed solely because a photograph or photographs allow for the identification of the contents of a vehicle, provided that

the City has made a reasonable effort to comply with the provisions of this subsection;

- (2) A prohibition of the use or dissemination of vehicles' license plate information and other information and images captured by school bus photo violation monitoring systems except: (a) as required to establish liability under this section or collect payment of penalties; (b) as required by court order; or (c) as otherwise required by law;
- (3) Oversight procedures to ensure compliance with the privacy protection measures required herein.

G. The City shall also undertake the installation of signage in conformance with standards established in the Manual of Uniform Traffic Control Devices. Such signage shall be installed at each roadway entrance of the jurisdictional boundaries of the City giving notice that school bus photo violation monitoring systems are used to enforce restrictions on vehicles violating § 1174 of the New York Vehicle and Traffic Law. For the purposes of this subsection, the term "roadway" shall not include state expressway routes or state interstate routes but shall include controlled-access highway exit ramps that enter the boundaries of the City.

Sec. 15-218. Penalties for offenses.

An owner liable for a violation of Subdivision (a) of § 1174 of the New York Vehicle and Traffic Law pursuant to this article shall be liable for monetary penalties in accordance with the following schedule of fines and penalties:

- A. \$250 for a first violation;
- B. \$275 for a second violation committed within 18 months of the first violation;
- C. \$300 for a third violation or subsequent violation all of which were committed within 18 months from the first violation;
- D. An additional penalty of \$25 for each violation for the failure to respond to a notice of liability within the prescribed time period;
- E. An imposition of liability under this article shall not be deemed a conviction and shall not be made part of the operating record of the person upon whom such liability is imposed nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage.

Sec. 15-219. Notice of liability.

- A. A notice of liability shall be sent as provided by state law by first-class mail to each person alleged to be liable as an owner for a violation of Subdivision (a) of § 1174 of the New York Vehicle and Traffic Law. Personal delivery on the owner shall not be required. A manual or automatic record of mailing prepared in the ordinary course of business shall be prima facie evidence of the facts contained therein. To the extent that state law does not preclude the City from causing such mailing to be made, the City shall undertake or cause to be undertaken such mailing.

- B. A notice of liability shall contain the name and address of the person alleged to be liable as an owner for a violation of Subdivision (a) of § 1174 of the New York Vehicle and Traffic Law, the registration number of the vehicle involved in such violation, the location where such violation took place, the date and time of such violation and the identification number of the camera which recorded the violation or other document locator number.**
- C. (i) A notice of liability shall contain information advising the person charged of the manner and the time in which he or she may contest the liability alleged in the notice. Such notice of liability shall also contain a warning to advise the persons charged that failure to contest in the manner and time provided shall be deemed an admission of liability and that a default judgment may be entered thereon.**
- (ii) The notice of liability may contain such other information as the entity causing such notice of liability to be mailed deems appropriate to communicate the law, the adjudicatory process if the addressee of the notice wishes to contest the notice of liability.**

Sec. 15-220. Owner liability.

- A. The owner of a vehicle shall be liable for a penalty imposed pursuant to this article if such vehicle was used or operated with the permission of the owner, express or implied, in violation of Subdivision (a) of § 1174 of the New York Vehicle and Traffic Law and such violation is evidenced by information obtained from a school bus photo violation monitoring system; provided, however, that no owner of a vehicle shall be liable for a penalty imposed pursuant to this article where the operator of such vehicle has been convicted of the underlying violation of Subdivision (a) of § 1174 of the New York State Vehicle and Traffic Law. For purpose of (i) this section; and (ii) this article, there shall be a presumption that such vehicle was used and operated with the consent of the owner at the time it was used and operated in violation of Subdivision (a) of § 1174 of the New York Vehicle and Traffic Law.**
- B. If the owner receives a notice of liability pursuant to this article for any time period during which the vehicle was reported to the police as having been stolen, it shall be a valid defense to an allegation of liability for a violation of Subdivision (a) of § 1174 of the New York Vehicle and Traffic Law pursuant to this article that the vehicle had been reported to the police as stolen prior to the time the violation occurred and had not been recovered by such time. For purposes of asserting the defense provided by this subsection, it shall be sufficient that a certified copy of the police report on the stolen vehicle be sent or delivered to a court of competent jurisdiction or parking violations bureau having jurisdiction where any contested notice of liability would otherwise be determined.**
- C. An owner who is a lessor of a vehicle to which a notice of liability was issued pursuant to this article shall not be liable for the violation of Subdivision (a) of § 1174 of the New York Vehicle and Traffic Law, provided that he or she complies with the provisions of § 1174-a of the New York Vehicle and Traffic Law and otherwise sends to the Court of competent jurisdiction, or other adjudicatory bureau or agency of**

competent jurisdiction, a copy of the rental, lease or other such contract document covering such vehicle on the date of the violation, with the name and address of the lessee clearly legible, within 37 days after receiving notice from the agency or entity which caused such notice of liability to be issued, together with the information contained in the original notice of liability. Failure to send such information within thirty-seven-day time period shall render the owner liable for the penalty prescribed by this article. Where the lessor complies with the provisions of this subsection, the lessee of such vehicle for purposes of this section, shall be deemed to be the owner of such vehicle on the date of such violation for the purposes of this section, shall be subject to liability for the violation of Subdivision (a) of § 1174 of the New York Vehicle and Traffic Law pursuant to this article and shall be sent a notice of liability pursuant to Section 15-219 of this article.

- D. A certificate, sworn to or affirmed by a technician employed by the City, or a facsimile thereof, upon inspection of photographs, microphotographs, videotapes, other recorded images produced by a school bus photo violation monitoring system, shall be prima facie evidence of the facts contained therein. Any photographs, microphotographs, videotapes, other recorded images evidencing such a violation shall be available for inspection in any proceeding to adjudicate the liability for such violation.
- E. It shall be a defense to any prosecution for or allegation of a violation of Subdivision (a) of § 1174 of the New York Vehicle and Traffic Law pursuant to this article that such school bus stop-arms were malfunctioning at the time of the alleged violation.

Sec. 15-221. Adjudication of liability.

Liability pursuant to the demonstration program established hereunder shall be imposed upon owners by the Court of competent jurisdiction in the City of Long Beach or in another manner pursuant to the New York State Vehicle and Traffic Law.

Sec. 15-222. Action for indemnification.

If the owner held liable for a violation of Subdivision (a) of § 1174 of the New York Vehicle and Traffic Law pursuant to this article was not the operator of the vehicle at the time of the violation, the owner may maintain an action for indemnification against the operator.

Sec. 15-223. Reporting requirements.

- A. The City shall develop and cause to be submitted an annual report on the results of the use of a school bus photo violation monitoring system to the Governor, the temporary president of the Senate and the speaker of the Assembly on or before June 1 of each year in which the demonstration program is operable. Such report shall include any information required by § 1174-a(m) of the New York Vehicle and Traffic Law to be included as a result of the enactment of this article.

B. Pursuant to the requirements of § 1174-a of the New York State Vehicle and Traffic Law, courts, bureaus, and agencies conducting adjudications as a result of this article shall report at least annually to the City on the quality of the adjudication process and its results including the total number of hearings scheduled, rescheduled, and held; the total number of persons scheduled for such hearings; the total number of cases where fines were paid on or before the hearing date; and the total number of default judgments entered.

Sec. 15-224. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this article 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 article, 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 2. This Ordinance shall take effect immediately.