

CALENDAR
for
REGULAR MEETING OF THE COUNCIL
of the
CITY OF LONG BEACH
held
AUGUST 20, 2024

PUBLIC HEARING: Local Law Correcting Local Law V/24: Amending the Charter of the City of Long Beach Re: City Officers; Their General Powers and Duties.

PUBLIC HEARING: Amendatory Bond Ordinance of the City of Long Beach, New York, Amending and Restating Bond Ordinance Adopted April 4, 2023.

PUBLIC HEARING: Ordinance to Amend the Code of Ordinances of the City of Long Beach Re: Building Code and Appendix A Zoning.

PUBLIC HEARING: Local Law Amending the Charter of the City of Long Beach Re: Apportionment of City Assessment and City Taxes.

1. Local Law Correcting Local Law V/24: Amending the Charter of the City of Long Beach Re: City Officers; Their General Powers and Duties.
2. Amendatory Bond Ordinance of the City of Long Beach, New York, Amending and Restating Bond Ordinance Adopted April 4, 2023.
3. Ordinance to Amend the Code of Ordinances of the City of Long Beach Re: Building Code and Appendix A Zoning.
4. Local Law Amending the Charter of the City of Long Beach Re: Apportionment of City Assessment and City Taxes.
5. Resolution Setting Fees for Certificates and Memorandums of Apportionment.
6. Resolution Authorizing Settlement of Certiorari Proceedings.
7. Resolution Authorizing the City Manager to Purchase Calcium Hypochlorite Chlorine Tablets for the Water Purification Control Plant.
8. Resolution Authorizing the City Manager to Purchase Fire Department System Support Software from the Sole Source Provider.

9. Resolution Authorizing the City Manager to Purchase Personal Safety Systems for the Fire Department.
10. Resolution Declaring Temporary Moratorium on Acceptance and/or Granting of Subdivisions in the City of Long Beach.
11. Resolution to Cancel the Regular Council Meeting Scheduled for September 17, 2024.
12. Resolution Authorizing Publication for Hearing of an Ordinance to Amend the Code of Ordinances of the City of Long Beach Re: Emergency Ambulance Services.
13. Resolution Authorizing Publication for Hearing of an Ordinance to Amend the Code of Ordinances of the City of Long Beach Re: Building Code, Housing and Property Rehabilitation and Conservation Code and Appendix A Zoning.
14. Approval of Minutes of Prior Meeting of August 6, 2024.

August 20, 2024

Item No. 1
Local Law No.

The following Local Law was moved by
and seconded by :

Introductory No. 383
Introduced by:

CITY OF LONG BEACH

CHAPTER VI

LAWS OF 2024

A LOCAL LAW

CORRECTING LOCAL LAW V/24:
AMENDING THE CHARTER OF THE CITY OF LONG
BEACH RE: CITY OFFICERS; THEIR GENERAL POWERS AND DUTIES.

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

Sec. 2. Article 3, Section 27 of the Charter of the City of Long Beach, New York as set forth in Chapter 635 of the Laws of 1922, as heretofore amended, shall be and the same is hereby amended to read as follows:

“Sec. 27. City comptroller.

The office of city comptroller is hereby created as an appointive office in the City of Long Beach. The city comptroller shall be the chief fiscal officer of the city.

1. *Duties:* It shall be the duty of the city comptroller:

...

- e. **To prepare and submit to the council monthly statements of the financial condition of the city, annual reports to the state comptroller and such other reports as may be required by the city manager or the council. In order that such reports may be promptly prepared and submitted it shall be the duty of all officials and employees to keep all records current and to submit to the city comptroller all statements, bank balances, bank reconciliations and summaries kept by them daily, weekly or monthly, as required by him/her to properly prepare his/her reports.**
- f. **To act as treasurer, with all powers, duties, functions and responsibilities of the treasurer of the city, effective August 1, 2024. Any and all references to the city treasurer in the Charter and Code of Ordinances of the City of Long Beach shall be construed to mean the City Comptroller acting as treasurer of the city on and after August 1, 2024.**
- g. **To perform such other duties pertaining to the financial records of the city as may be directed by the council, the city manager or by any law or by any fiscal officer of**

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the state authorized so to do by law.

...

Sec. 3. This Local Law shall take effect immediately upon being filed in the Office of the New York Secretary of State.

The following Ordinance was moved by
and seconded by :

AMENDATORY BOND ORDINANCE OF THE CITY OF LONG BEACH, NEW YORK, AMENDING AN AMENDED AND RESTATED BOND ORDINANCE ADOPTED APRIL 4, 2023 WHICH AMENDED AND RESTATED A BOND ORDINANCE ADOPTED MAY 17, 2022, AUTHORIZING FINANCING FOR THE COSTS OF THE CONSTRUCTION AND RECONSTRUCTION OF IMPROVEMENTS TO THE CITY'S LONG BEACH WATER POLLUTION CONTROL PLANT AND SOUTH SHORE RECLAMATION FACILITY, STATING THE ESTIMATED TOTAL COST THEREOF IS \$169,252,981, APPROPRIATING SAID AMOUNT THEREFOR, AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$165,759,695 BONDS OF SAID CITY TO FINANCE SAID APPROPRIATION, AND FURTHER. AUTHORIZING ANY AMOUNTS RECEIVED FROM THE UNITED STATES OF AMERICA AND/OR THE STATE OF NEW YORK TO BE EXPENDED TOWARDS THE COST OF SUCH PROJECT, OR REDEMPTION OF ANY NOTES AND BONDS ISSUED THEREFOR OR TO BE BUDGETED AS AN OFFSET TO THE TAXES FOR PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID BONDS AND ANY NOTES ISSUED IN ANTICIPATION THEREOF.

WHEREAS, the City of Long Beach (the "City") owns and operates the Long Beach Water Pollution Control Plant (the "LBWPCP") and the County of Nassau (the "County") owns and operates the South Shore Water Reclamation Facility (the "SSWRF", and together with the LBWPCP, "Facilities"); and

WHEREAS, on October 29, 2012, Superstorm Sandy did substantial damage to the Facilities and their collection systems, and as such, the Facilities require major construction and reconstruction improvements (the "Project"); and

WHEREAS, to address the financing and implementation of such improvements, on July 25, 2019, the City and the County entered into an Intermunicipal Agreement in order to further describe the Project, the City's financing thereof and the transfer of the Project to the County upon its completion; and

WHEREAS, the City has received certain grants to finance a portion of the Project from the United States of America and the State of New York, including, but not limited to, monies from the Federal Emergency Management Agency ("FEMA") and the New York Office of Resilient Homes and Communities (formerly the Governor's Office of Storm Recovery ("GOSR")); and

WHEREAS, to finance a portion of the Project in anticipation of such grants, the City has utilized the New York State Environmental Facilities Corporation by issuing bonds and/or bond anticipation notes through its State Revolving Fund Program; and

WHEREAS, in the Amended and Restated Bond Ordinance, adopted on April 4, 2023 (the "Amended and Restated Bond Ordinance"), authorizing the financing of the Project, the ordinance provided that any bonds and/or bond anticipation notes approved thereunder shall only be issued upon the receipt by the City of certain assurances, subject to the City's satisfaction, that FEMA or

GOSR grants will be paid to the City to reimburse any bonds or bond anticipation notes issued in connection with the Project; and

WHEREAS, the City has now learned that a portion of the costs of the Project, in the amount of \$5,000,000, will not be paid by FEMA or GOSR and, as a result, the City will need to finance such portion of the costs of the Project through the issuance of bonds or bond anticipation notes which will not be subject to reimbursement by FEMA or GOSR;

NOW THEREFORE,

BE IT ENACTED BY THE COUNCIL OF THE CITY OF LONG BEACH, NASSAU COUNTY, NEW YORK, (by the favorable vote of not less than two-thirds of all the members of said Council) TO AMEND THE AMENDED AND RESTATED BOND ORDINANCE IN ITS ENTIRETY, TO READ AS FOLLOWS:

Section 1. Section 1 of the Amended and Restated Bond Ordinance is hereby amended to read as follows:

“The City is hereby authorized to finance the cost of the Project, as further described in the documents between the City, FEMA and GOSR, the EFC documents and as set forth in the IMA The total estimated maximum cost of said Project, including preliminary costs and costs incidental thereto and to the financing thereof, is \$169,252,981 and said amount is hereby appropriated therefor. The plan of financing includes (i) the issuance of not to exceed \$165,759,695 bonds of the City (including \$5,000,000 in bonds or bond anticipation notes which will not be reimbursed by FEMA or GOSR grants) to finance said appropriation and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and any notes issued in anticipation thereof and the interest thereon as the same shall become due and payable, subject to the conditions set forth above, (ii) certain United States of America and State of New York grants, including but not limited to FEMA and GOSR funds, and (iii) any other sources as further provided for in the IMA. Any amounts received by the City from the United States of America and/or the State of New York are hereby authorized to be expended towards the cost of the Project or the redemption of any notes and bonds issued therefor, or to be budgeted as an offset to the taxes for the repayment of the principal of and interest on said notes and bonds.”

Section 2. Sections 2 through 9, inclusive, of the Amended and Restated Bond Ordinance are hereby ratified, approved and confirmed as not being affected by this Amendatory Bond Ordinance, but otherwise as amended, and as being in full force and effect from and after April 4, 2023, the terms of which are incorporated herein by reference and made applicable hereto except as aforesaid.

The following Ordinance was moved by
and seconded by :

ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF LONG BEACH RE: BUILDING CODE
AND APPENDIX A ZONING.

Sec.1. Chapter 7, Article I, Section 7-1 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; and Appendix A Zoning, Section 9-104, as heretofore amended, shall be and the same is hereby amended to read as follows; and Appendix A Zoning, Section 9-106.1, as heretofore amended, shall be and the same is hereby amended to read as follows; and Appendix A Zoning, as heretofore amended, shall be and the same is hereby amended to add a new Section 9-106.6, to read as follows:

“Sec. 7-1. Definitions.

...

Toilet room: An enclosed space containing a minimum of one (1) water closet and one (1) lavatory; it may also contain additional plumbing fixtures serving similar purposes. See the definition of "bathroom."

***Transient rental property:* Shall mean any building or structure or part thereof, including but not limited to a dwelling unit or portion thereof, a detached garage, dock, shed, pool, off-street parking, cabana, athletic or recreational court, or other outdoor accessory structure or yard area occupied or used by persons other than the owner, an immediate family member of the owner or invited guests of the owner and for which rent or other consideration is received by the owner, directly or indirectly, in exchange for occupation or use for a period of less than twenty-eight (28) days. Transient rental properties shall not include properties exclusively used for nonresidential commercial purposes, or any legally operating hotel as defined in Section 14-223 of the Code of Ordinances of the City of Long Beach.**

Unoccupied hazard: Shall mean any building or structure or part thereof situated within one (1) or more residential zoning districts, or within one thousand (1,000) feet of any residential zoning work district, which remains unoccupied for a period of more than six (6) months with its doors, windows or other openings broken, removed, boarded or sealed up, or any building under construction upon which little or no construction work has been performed for a period of more than six (6) months.

...

Sec. 9-104. Definitions.

(a) In addition to the definitions set forth in the state building construction code, the following terms shall, for the purposes of this appendix, have the meanings ascribed to them as follows:

...

Toilet room: An enclosed space containing a minimum of one (1) water closet and one (1) lavatory; it may also contain additional plumbing fixtures serving similar purposes. See the definition of "bathroom."

***Transient rental property:* Shall mean any building, structure, premises or part thereof, including but not limited to a dwelling unit or portion thereof, a detached garage, dock, shed, pool, off-street parking, cabana, athletic or recreational court, or other outdoor accessory structure or yard area occupied or used by persons other than the owner, an immediate family member of the owner or invited guests of the owner and for which rent or other consideration is received by the owner, directly or indirectly, in exchange for occupation or use for a period of less than twenty-eight (28) days. Transient rental properties shall not include properties exclusively used for nonresidential commercial purposes, or any legally operating hotel as defined in Section 14-223 of the Code of Ordinances of the City of Long Beach.**

Unoccupied hazard: Shall mean any building or structure or part thereof situated within one (1) or more residential zoning districts, or within one thousand (1,000) feet of any residential zoning work district, which remains unoccupied for a period of more than six (6) months with its doors, windows or other openings broken, removed, boarded or sealed up, or any building under construction upon which little or no construction work has been performed for a period of more than six (6) months.

...

Sec. 9-106.1. General provisions for all districts.

The following regulations shall apply to all districts:

...

- (9) No transient rental property shall be permitted, except for legally operating hotels as defined in Section 14-223 of the Code of Ordinances of the City of Long Beach.**

...

Sec. 9-106.6. Transient Rental Properties.

- (a) The City Council of the City of Long Beach finds that the effects of transient rental properties, other than hotels, in the City of Long Beach, pose a threat to the health, safety, and well-being of the residents of the City of Long Beach.**
- (b) No dwelling unit, whether single-family, multi-dwelling or mixed residential use, shall be used or occupied as a transient rental property.**
- (c) Every individual day of rental is considered a separate offense for the purposes of this section.**
- (d) (1) The presence of the following shall create a presumption that a dwelling unit is being used as a transient rental property:**
 - (a) The dwelling unit, or any room therein, or any part thereof, is offered for lease on a short-term rental website or any online medium, for a period of less than twenty-eight (28) days.**
 - (b) The dwelling is offered for lease in any other medium for a period of less than twenty-eight (28) days.**

- (2) The foregoing presumption may be rebutted by evidence presented that the dwelling unit is not a transient rental property.**
- (e) The print, electronic, or internet advertisement of a transient rental property is prohibited.**
- (f) (1) Any person, association, firm or corporation that violates this section, and/or any property found in violation of this section, regardless of continuity of ownership, shall be guilty of a violation punishable as follows:**

 - (a) upon conviction of a first offense, by a fine of not more than two thousand five hundred dollars (\$2,500.00), or by imprisonment for a period not to exceed fifteen (15) days, or both;**
 - (b) upon conviction of a second offense, committed within seven years of the first offense, by a fine of not less than two thousand five hundred dollars (\$2,500.00) and not more than seven thousand five hundred dollars (\$7,500.00), or by imprisonment for a period not to exceed fifteen (15) days, or both;**
 - (c) upon conviction of a third offense, committed within seven years of a second offense, by a fine of not less than seven thousand five hundred dollars (\$7,500.00) and not more than fifteen thousand dollars (\$15,000.00), or by imprisonment for a period not to exceed fifteen (15) days, or both;**
 - (d) upon conviction of a fourth or subsequent offense, committed within seven years of a third offense, by a fine of not less than fifteen thousand dollars (\$15,000.00) and not more than thirty thousand dollars (\$30,000.00), or by imprisonment for a period not to exceed fifteen (15) days, or both.”**

Sec. 2. This Ordinance shall take effect immediately.

August 20, 2024

Item No. 4
Local Law No.

The following Local Law was moved by
and seconded by :

Introductory No. 384
Introduced by:

CITY OF LONG BEACH

CHAPTER VII

LAWS OF 2024

A LOCAL LAW

AMENDING THE CHARTER OF THE CITY
OF LONG BEACH RE: APPORTIONMENT OF CITY ASSESSMENT
AND CITY TAXES.

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

Section 1. Article 6, Section 104-h of the Charter of the City of Long Beach,
New York as set forth in Chapter 635 of the Laws of 1922, as heretofore amended, shall be and
the same is hereby added to Article 6 to read as follows:

“Sec. 104-h. Apportionment of City Assessment and City Taxes.

**Apportionments of assessment and taxes shall be done in conformance with §932 of
the Real Property Tax Law.”**

Sec. 2. This Local Law shall take effect immediately upon being filed in the
Office of the New York Secretary of State.

August 20, 2024

Item No. 5
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Setting Fees for Certificates and
Memorandums of Apportionment.

BE IT RESOLVED, by the City Council of the City of Long Beach, New York,
that the fee schedule for Certificates of Apportionment for specified types of real property in the
City of Long Beach shall be as follows:

Commercial & Industrial: \$100 per unit;

Condominiums: \$100 per unit;

Homeowners Associations: \$100 per unit;

Residential Developments: \$100 per unit;

One and/or Two-Family Homes: \$25 per house; and be it further

RESOLVED, by the City Council of the City of Long Beach, New York, that the
fee schedule for Memorandums of Apportionment/Pro-Rata Shares for specified types of real
property in the City of Long Beach shall be as follows:

Commercial & Industrial: \$100 per unit;

Condominiums: \$100 per unit;

Homeowners Associations: \$100 per unit;

Residential Developments: \$100 per unit;

One and/or Two-Family Homes: \$25 per house.

August 20, 2024

Item No. 6
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing Settlement of Certiorari Proceedings.

WHEREAS, Park Avenue Extended Care LLC, represented by Forchelli Deegan Terrana, LLP, 333 Earle Ovington Blvd, Suite 1010, Uniondale, New York 11553, has commenced an action in the Supreme Court of New York, Nassau County against the City of Long Beach to compel a reduction in the assessed valuation of the property known as Section 59, Block 69, Lot(s) 31-45 and Section 59, Block 68, Lots 43-45 on the Land and Tax Map of the County of Nassau, and also known as 425 National Blvd, Long Beach, New York for the fiscal years of 2018/19 through 2024/25; and

WHEREAS, the Tax Assessor and Corporation Counsel for the City of Long Beach have reviewed petitioner's legal papers, the income and expenses for the subject property and after extensive negotiation has agreed to settle the certiorari proceedings for a refund of \$400,000, to be made in lump sum, in two installments of \$200,000, with the first installment being paid in fiscal year 2024/25 and the second installment being paid in fiscal year 2025/26, and a reduction of the assessed valuation from \$800,000 to \$600,000 on condition that no grievance and/or petition be filed for the tax years 2025/26, 2026/27 and 2027/28 and all taxes are paid current and to date; and

WHEREAS, the Board of Assessors of the City of Long Beach has determined that the settlement, without further litigation, is in the best interests of the City of Long Beach;

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York that the Corporation Counsel be and he hereby is authorized and directed to enter into a stipulation with Park Avenue Extended Care LLC settling the certiorari proceedings covering fiscal years 2018/19 through 2024/25 for a refund of \$400,000, to be made in lump sum, with the first installment being paid in fiscal year 2024/25 and the second installment being paid in fiscal year 2025/26, and a reduction of the assessed valuation from \$800,000 to \$600,000 on condition that no grievance and/or petition be filed for the tax years 2025/26, 2026/27 and 2027/28. Funds are available in Account No. A1930.54403 (Judgments and Claims) for fiscal year 2024/25 and funds will be available in a future year budget.

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Item No. 7
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing the City Manager to Purchase
Calcium Hypochlorite Chlorine Tablets for the Water
Purification Control Plant.

WHEREAS, the City's Division of Water Purification is responsible for providing
and maintaining the City's drinking water; and

WHEREAS, the City needs calcium hypochlorite chlorine tablets that are
compatible with the tablet feeder systems at the Water Purification Plant to disinfect the drinking
water; and

WHEREAS, Eagle Control Corporation, 23 Old Dock Road, Yaphank, New York
11980 has exclusive rights to sell and service the above in the both Nassau and Suffolk Counties;

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York that the
City Manager be and is hereby authorized to purchase chlorine tablets for a total cost of
\$51,296.00, from Eagle Control Corporation, 23 Old Dock Road, Yaphank, New York 11980.
Funds in the amount of \$51,296.00 are available in Account No. F8330.54416 (Water
Purification-Chemicals).

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Item No. 8
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing the City Manager to Purchase
Fire Department System Support Software from the Sole
Source Provider.

WHEREAS, the City's Fire Department desires to continue to use its current system support software, which provides an electronic system of record keeping, inventory, personnel records, advanced Computer Aided Dispatch, reports, mobile data terminals and a redundant backup for alerting Fire Department members using app-based programs; and

WHEREAS, the City desires to purchase and continue to use system support software, with specified options, at a cost of \$23,517.00, from Alpine Software Corporation, P.O. Box 281, Pittsford, New York 14534, the sole source provider;

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York that the City Manager be and is hereby authorized to purchase and continue to use system support software, with specified options, for the City's Fire Department from Alpine Software Corporation, P.O. Box 281, Pittsford, New York 14534 at a cost of \$23,517.00. Funds are available in Account No. A3410.54440 (Fire Protection – Contracted Services).

August 20, 2024

Item No. 9
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing the City Manager to Purchase
Personal Safety Systems for the Fire Department.

WHEREAS, the Long Beach Fire Department is in need of replacing 60 outdated and non-NFPA complaint Personal Safety systems, also known as bailout systems, which are necessary to protect the members of the department that are entering fire buildings and may find the need to immediately extricate themselves from a hostile situation by means of exiting through a window and lowering themselves to safety below; and

WHEREAS, Strategic Safety Dynamics, P.O. Box 1022, Smithtown, NY 11787 is an awarded vendor through New York State Office of General Services, OGS Contract #PC69038; and

WHEREAS, the City desires to purchase 60 Personal Safety Systems for the City's Fire Department, with specified options, at a cost of \$31,179.00, from Strategic Safety Dynamics, P.O. Box 1022, Smithtown, NY 11787;

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York that the City Manager be and is hereby authorized to purchase 60 Personal Safety systems, with specified options, from Strategic Safety Dynamics, P.O. Box 1022, Smithtown, NY 11787 at a cost of \$31,179.00, under OGS Contract #PC69038. Funds are available in Account No. A3410.54502 (Fire Department – Safety Equipment).

August 20, 2024

Item No. 10
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Declaring Temporary Moratorium on
Acceptance and/or Granting of Subdivisions in the
City of Long Beach.

WHEREAS, the City Council of the City of Long Beach is acutely aware of the increasing need to adopt measures to limit and control the density of buildings and population, traffic and parking on the City's streets; and

WHEREAS, the City Council wishes to study these problems and propose legislation or other actions to address these problems in the City;

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York, that no application for the subdivision of property in the City of Long Beach shall be accepted, granted or otherwise acted upon, for a period of six (6) months from and after the adoption of this Resolution, unless this Council shall rescind, terminate, amend, continue or extend the temporary moratorium, herein before adopted and decreed prior to the expiration of said period of temporary moratorium.

August 20, 2024

Item No. 11
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution to Cancel the Regular Council Meeting
Originally Scheduled for September 17, 2024.

WHEREAS, the second regular meeting of the City Council for the month of September would normally be held on the third Tuesday of September, pursuant to Section 2-26 of the Code of Ordinances of the City of Long Beach; and

WHEREAS, the members of the City Council desire to cancel the Regular Council Meeting originally scheduled for September 17, 2024;

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York that the second regular meeting of this Council for the month of September, originally scheduled for Tuesday September 17, 2024, is hereby cancelled.

August 20, 2024

Item No. 12
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: Emergency Ambulance Services.

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: EMERGENCY AMBULANCE
SERVICES.”

(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 September 3, 2024 at 7:00 p.m. on that day.

ORDINANCE TO AMEND THE CODE OF ORDINANCES OF
THE CITY OF LONG BEACH RE: EMERGENCY AMBULANCE
SERVICES.

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

Sec. 1. Chapter 11, Article VI, Section 11-79 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. 11-79. Establishing a fee schedule for emergency ambulance services provided by the city fire department.

(a) The following fees are heretofore established for emergency ambulance services provided by the city fire department involving basic life support (BLS):

- Transportation **\$2,025.00** [\$1,445.00]
- Emergency Care provided at scene (non-transport) **\$450.00** [\$100.00]
- Mileage, per mile . . . **\$36.75** [\$32.00]

(b) The following fees are heretofore established for emergency ambulance services provided by the Long Beach Fire Department involving advanced life support (ALS) level 1:

- Transportation, including oxygen, oxygen immobilizing devices, defibrillator/monitor use **\$2,175.00** [\$2,025.00]
- Mileage, per mile **\$36.75** [\$32.00]

(c) The following fees are heretofore established for emergency ambulance services provided by the city fire department involving advanced life support (ALS) level 2:

- Transportation, including oxygen, oxygen immobilizing devices, defibrillator/monitor use/cardioversion, endotracheal intubation, central venous line, cardiac pacing, chest decompression, surgical airway, intraosseous line **\$2,500.00** [\$2,150.00]
- Mileage, per mile **\$36.75** [\$32.00]”

Sec. 2. This Ordinance shall take effect immediately.

August 20, 2024

Item No. 13
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: Building Code, Housing and Property Rehabilitation and Conservation Code and Appendix A Zoning.

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: BUILDING CODE, HOUSING AND PROPERTY REHABILITATION AND CONSERVATION CODE AND APPENDIX A ZONING.”

(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 September 3, 2024 at 7:00 p.m. on that day.

ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF LONG BEACH RE: BUILDING CODE,
HOUSING AND PROPERTY REHABILITATION AND
CONSERVATION CODE AND APPENDIX A ZONING.

Sec.1. Chapter 7, Article I, Section 7-24 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; Chapter 13, Article I, Section 13-10 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; and Appendix A Zoning, Section 9-116, as heretofore amended, shall be and the same is hereby amended to read as follows:

“Sec. 7-24. Violation of chapter provisions; penalties; persons liable.

(a) The violation of any provision of this chapter or the failure to comply therewith shall constitute a violation, except where another **non-civil** penalty is provided, punishable by a fine which shall not exceed five hundred dollars (\$500.00), and for all multiple dwellings that exceed twenty-five (25) or more dwelling units, the fine shall not exceed two thousand dollars (\$2,000.00) or imprisonment not exceeding fifteen (15) days, or both such fine and imprisonment, and the owner of any building, structure or part thereof, or wall, platform, staging or flooring to be used for standing or seating purposes, against which any violations of this chapter shall be placed, or shall exist, and any architect, professional engineer, builder, plumber, carpenter, mason, contractor, sub-contractor, foreman or any other person who may be employed or assist in the commission of any such violation and, who shall violate any provision of this chapter, or fail to comply therewith, or any requirement thereof or any regulation or order made thereunder, or who shall build in violation of any detailed statement of specifications or plans, submitted and approved thereunder, or of any certificate or permit issued thereunder, shall be severally liable for each and every violation and noncompliance. Each day on which a violation continues shall constitute a separate offense.

(b) **In addition to the penalties provided in this section and chapter, any violation of any provision of this chapter shall subject the violator to a civil penalty in the amount of one thousand dollars (\$1,000.00) for each day that the violation shall continue, collectible by and in the name of the city. Each day on which a violation continues shall constitute a separate violation. Any civil penalty imposed shall be in addition to any fine and/or imprisonment imposed as a result of a criminal prosecution provided for in the City of Long Beach Code of Ordinances or any state or local law. There is no requirement of notice prior to the commencement of a civil action. Personal knowledge of the existence of a violation is not required, no mens rea (intent) is required, and any violation charged herein shall be one of strict liability. There shall be a presumption that a violation continues from the day the City of Long Beach establishes that said violation existed until the violation's existence is rebutted. In addition to the above-provided penalties and punishment, the city also may maintain an action or special proceeding in the name of the city in a court of competent jurisdiction to compel compliance with the provisions of this chapter or to restrain by injunction an offense against this chapter.**

...
Sec. 13-10. Penalties for violations.

(a) Any person who shall violate any provision of this chapter, or commit any nuisance, shall be guilty of a violation punishable for each violation by a fine not exceeding two hundred fifty dollars (\$250.00), or by imprisonment not exceeding fifteen (15) days, or by both such fine and imprisonment. Each day such violation continues shall constitute a separate violation.

(b) In addition to the penalties provided in this section, any person who shall violate any provision of this chapter, or commit any nuisance, shall be liable for a civil penalty in the amount of one thousand dollars (\$1,000.00) for each day that the violation shall continue, collectible by and in the name of the city. Each day such violation continues shall constitute a separate violation. Any civil penalty imposed shall be in addition to any fine and/or imprisonment imposed as a result of a criminal prosecution provided for in the City of Long Beach Code of Ordinances or any state or local law. There is no requirement of notice prior to the commencement of a civil action. Personal knowledge of the existence of a violation is not required, no mens rea (intent) is required, and any violation charged herein shall be one of strict liability. There shall be a presumption that a violation continues from the day the City of Long Beach establishes that said violation existed until the violation's existence is rebutted. In addition to the above-provided penalties and punishment, the city also may maintain an action or special proceeding in the name of the city in a court of competent jurisdiction to compel compliance with the provisions of this chapter or to restrain by injunction an offense against this chapter.

(c) The term "person" as used in subsection (a) **and subsection (b)** shall include the owner, occupant, mortgagee or vendee in possession, operator, assignee of rents, receiver, executor, trustee, lessee, agent or any other person, firm or corporation directly or indirectly in control of the premises or part thereof.

...
Sec. 9-116. Penalties.

A violation of any of the provisions of this Appendix A (Zoning Law), unless otherwise specially provided herein, or a violation of any condition or conditions imposed by the zoning board of appeals, shall constitute and be deemed a violation, and shall be punishable by a fine not exceeding one thousand dollars (\$1,000.00), or by imprisonment not exceeding fifteen (15) days, or both. Each day that any such violation shall continue or exist shall constitute a separate offense.

A use violation in any Residence District shall constitute and be deemed a violation and shall be punishable by a fine in an amount up to the equivalent of two (2) years rent, or by imprisonment not exceeding fifteen (15) days, or both.

In addition to the penalties provided in this section, any violation of this Appendix A (Zoning Law) shall subject the violator to a civil penalty in the amount of one thousand dollars (\$1,000.00) for each day that the violation shall continue, collectible by and in the name of the city. Each day on which a violation continues shall constitute a separate violation. Any civil penalty imposed shall be in addition to any fine and/or imprisonment imposed as a result of a criminal prosecution provided for in the City of Long Beach Code of Ordinances or any state or local law. There is no requirement of notice prior to the commencement of a civil action. Personal knowledge of the existence of a violation is not required, no mens rea (intent) is required, and any violation charged herein shall be one of

strict liability. There shall be a presumption that a violation continues from the day the City of Long Beach establishes that said violation existed until the violation's existence is rebutted. In addition to the above-provided penalties and punishment, the city also may maintain an action or special proceeding in the name of the city in a court of competent jurisdiction to compel compliance with the provisions of this Appendix A (Zoning Law) or to restrain by injunction an offense against this Appendix A (Zoning Law)."

Sec. 2. This Ordinance shall take effect immediately.