

CALENDAR
for
REGULAR MEETING OF THE COUNCIL
of the
CITY OF LONG BEACH
held
JUNE 15, 2021

1. Approval of Minutes of Prior Meetings of April 20, 2021 and May 4, 2021.
2. Resolution Establishing a Standard Work Day for Elected Members of the City Council of the City of Long Beach for Purposes of Determining and Reporting Days Worked to the New York State and Local Employees' Retirement System.
3. Resolution Authorizing the City Manager to Enter into Addendum Agreements with the East End Atlantic Beach Fire District and the Atlantic Beach Fire District.
4. Resolution Authorizing the City Manager to Enter into an Agreement for the Rental and Installation of Air Conditioning Equipment for City Hall.
5. Resolution Authorizing Publication for Hearing of a Local Law Amending the Charter of the City of Long Beach.
6. Resolution Authorizing Publication for Hearing of an Ordinance to Amend the Code of Ordinances of the City of Long Beach.
7. Resolution Authorizing Publication for Hearing of an Ordinance Authorizing Financing for Various Capital Projects in and for the City, Stating the Estimated Total Cost Thereof is \$13,967,752, Appropriating Said Amount Therefor, Including the Expenditure of \$3,881,252 Expected to be Received in State or Federal Aid, and \$350,000 Proceeds of Previous Borrowings, and Authorizing the Issuance of Not to Exceed \$9,736,500 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 Certain of Such Capital Projects as Indicated Herein, 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 Notes and Bonds.

8. Resolution Authorizing Publication for Hearing of an Ordinance Authorizing Financing for the Cost of Fiscal Year 2021-2022 Separation Payments To or For the Benefit of Employees of the City Upon Separation from Employment, Stating the Estimated Total Cost Thereof is \$3,229,500, Appropriating Said Amount Therefor, and Authorizing the Issuance of Not to Exceed \$3,229,500 Bonds of Said City to Finance Said Appropriation.

June 15, 2021

Item No. 2
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Establishing a Standard Work Day for Elected
Members of the City Council of the City of Long Beach for
Purposes of Determining and Reporting Days Worked to the
New York State and Local Employees' Retirement System.

WHEREAS, pursuant to Resolution #172/05, duly adopted on December 6, 2005,
the City Council of the City of Long Beach established a five (5) day work week and six (6) hour
work day for all elected members of the City Council for the purpose of determining and
reporting days worked to the New York State and Local Employees' Retirement System; and

WHEREAS, the New York State and Local Employees' Retirement System has
set additional reporting requirements that apply to elected officials whose terms started on or
after August 12, 2009;

NOW, THEREFORE, be it

RESOLVED, that Council Member Delury reported the following days worked to
the New York State and Local Employees' Retirement System based on the record of activities
maintained and submitted by him to the City Comptroller of the City of Long Beach:

Title:	City Council Member
Name:	Michael Delury
Soc. Sec. #:	
Registration #:	
Standard Work Day:	Six hours
Term:	01/01/2020 – 12/31/21
Participating in Employer's Time Keeping System:	Yes
Days/Month:	8.55

June 15, 2021

Item No. 3
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing the City Manager to Enter into
Addendum Agreements with the East End Atlantic Beach
Fire District and the Atlantic Beach Fire District.

WHEREAS, the City of Long Beach currently has agreements with the East End Atlantic Beach Fire District and the Atlantic Beach Fire District for the providing of firefighting and fire protection services, as authorized by Resolutions #86/20 and #81/19 respectively; and

WHEREAS, pursuant to General Municipal Law § 209-D, municipalities which utilize the services of a volunteer fire company to provide fire protection and emergency services outside of the municipality require the consent of the volunteer company, and in consideration of such consent, the municipality can provide a portion of the monies from that contract to the volunteer company; and

WHEREAS, for decades, the City has provided a portion of such contractual revenue to the Long Beach Volunteer Fire Department, in accordance with GML §209-D, but has not included it within the written terms of the agreements themselves; and

WHEREAS, the City desires to formalize this historical practice with an Addendum to each Agreement, wherein the City agrees to provide the LBVFD with 24% of the annual proceeds from each Fire District;

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York that the City Manager be and hereby is authorized to enter into Addendum Agreements with the East End Atlantic Beach Fire District and the Atlantic Beach Fire District, to provide a portion of the monies from each Agreement annually, to the Long Beach Volunteer Fire Department, pursuant to General Municipal Law §209-D.

June 15, 2021

Item No. 4
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing the City Manager to Enter into
an Agreement for the Rental and Installation of Air
Conditioning Equipment for City Hall.

WHEREAS, the air conditioning system located in Long Beach City Hall is not functioning, and it has been determined that the excessive heat and humidity inside of City Hall, registering around 85 degrees and at times reaching 90 degrees, constitutes an emergency situation, affecting the health, welfare and/or safety of the City's staff, as well as members of the public that enter City Hall; and

WHEREAS, the City has ordered the necessary parts to repair the system and this temporary rental is necessary until such time that the system, specifically the chiller, is repaired; and

WHEREAS, due to the nature of this emergency procurement, and the fact that current market yield in the New York area is such that many HVAC related products are already on rent or unavailable, General Services Administration Federal Supply Service alliance partners were contacted by Garner, The Emergency Response Company, and only one partner had the needed unit within the specified timeframe, as this is an emergency; and

WHEREAS, in accordance with the General Services Administration Federal Supply Service MAS Contract GS-07F-0403X, the quote that best meets the needs of the City was submitted by Garner, The Emergency Response Company, 1717 W. 13th Street, Deer Park, Texas 77536, for the delivery, setup, installation and breakdown of the necessary equipment, including the rental of a 200 ton air chiller and a 500kw generator, for a period of two weeks, at a total cost of \$41,693.08;

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York that an emergency exists due to the excessive heat in Long Beach City Hall, which threatens the public health, welfare and/or safety, thereby requiring an immediate need for materials, supplies and services; and be it further

RESOLVED, by the City Council of the City of Long Beach, New York that the City Manager be and is hereby authorized to enter into an agreement with Garner, The Emergency Response Company, 1717 W. 13th Street, Deer Park, Texas 77536 for the for the delivery, setup, installation and breakdown of the necessary equipment, including the rental of a 200 ton air chiller and a 500kw generator, for a period of two weeks, at a total cost of \$41,693.08. Funds are available in Account No. A1620.54444 (Municipal Building- Building Repairs).

June 15, 2021

Item No. 5
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing Publication for Hearing of a Local
Law Amending the Charter of the City of Long Beach.

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

“A LOCAL LAW

AMENDING THE CHARTER OF THE
CITY OF LONG BEACH”

(See Local Law 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 Local Law; and be it further

RESOLVED, that said Local Law 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 July 6, 2021 at 7:00 p.m. on that day.

CITY OF LONG BEACH

CHAPTER III LAWS OF 2021
A LOCAL LAW

AMENDING THE CHARTER OF THE CITY OF
LONG BEACH

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

Sec. 1. Article 2, Section 15-a, Section 16, Section 17, Section 18, Section 19 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 are hereby amended to read as follows:

“Sec. 15-a. Defense and indemnification of city officers and employees.

...

C. Intent; definitions; defense and indemnification; conditions; limitations.

...

(3) *City to provide for defense of employees.*

...

(b) Subject to the conditions set forth in Subsection (a) of this subsection, the employee shall be entitled in such action or proceeding to be represented by the Corporation Counsel, or counsel designated by the Corporation Counsel, at no cost to the employee. The employee shall be entitled to representation by private counsel of **the employee’s** choice in such action or proceeding at the expense of the City whenever the Corporation Counsel determines, based upon an investigation and review of the facts and circumstances of the case and of the prevailing law, that a conflict of interest exists between the employee and the City, or whenever a Court of competent jurisdiction determines that a conflict of interest exists and that the employee is entitled to be represented by counsel of **the employee’s** choice at the expense of the City. Upon such a determination, the Corporation Counsel shall notify the employee in writing that the employee is entitled to be represented by private counsel of **the employee’s** choice at the expense of the City. The Corporation Counsel may require, as a condition of the payment of the fees and expenses of such private counsel, that appropriate groups of such employees be represented by the same counsel. If the employee or group of employees is entitled to representation by private counsel under the provisions of this section at the expense of the City, the Corporation Counsel shall so certify this to the City Manager. Attorney fees and litigation expenses shall be paid to such private counsel only to the extent of appropriate and reasonable rates prevailing in Nassau County, as determined by the Corporation Counsel. Such attorney fees and litigation expenses shall be paid by the City **to such** private counsel from time to time while such action or proceeding is pending,

upon submission by the private attorney of a detailed bill itemizing a description of the work performed, the hours worked, the rate per hour, and disbursements. However, no extraordinary disbursements or fees shall be paid to such private counsel unless prior written consent of the Corporation Counsel was obtained. Such private counsel shall conform to all record keeping and notifications required by the Corporation Counsel.

Sec. 16. Oath of office.

Every officer or salaried employee shall, before entering upon the duties of said office, take, subscribe and file with the clerk the constitutional oath of office.

Sec. 17. Payments of debts.

[The] failure of any employee to promptly pay any legal indebtedness for necessities contracted for by **him or her**, while in the service of the city, or to pay any other legal indebtedness contracted for by **him or her**, shall not be ground for **his or her** removal from such employment.

Sec. 18. Code of ethics.

...

2. *Definitions.*

- (a) "Municipal officer or employee" means an officer or employee of the City of Long Beach, whether paid or unpaid, including members of any administrative board, commission or other agency thereof. No person shall be deemed to be a municipal officer or employee solely by reason of being a volunteer fireman or civil defense volunteer, except a **fire chief or assistant fire chief**.
- (b) "Interest" means a **direct or indirect pecuniary or material benefit accruing to a municipal officer or employee as the result of a contract with the municipality which such officer or employee serves. For the purposes of this article a municipal officer or employee shall be deemed to have an interest in:**
 - (i) the contract of a spouse, minor children and dependents, except a contract of employment with the municipality which such officer or employee serves;
 - (ii) a firm, partnership or association of which such officer or employee is a member or employee;
 - (iii) a corporation of which such officer or employee is an officer, director or employee; and
 - (iv) a corporation any stock of which is owned or controlled directly or indirectly by such officer or employee.
- (c) "Contract" means any claim, account or demand against or agreement with a municipality, express or implied, and shall include the designation of a depository of public funds and the designation of a newspaper, including but not limited to an official newspaper, for the publication of any notice, resolution, ordinance, or other proceeding where such publication is required or authorized by law.

Sec. 19. Financial and ethical disclosure

...

5. The board of ethics shall have the following additional powers when dealing with financial and ethical disclosure as set forth in this section.

...

(j) The board shall inspect all financial and ethical disclosure statements filed with the board to ascertain whether any person subject to the reporting requirements has failed to **file** such a statement, has filed a deficient statement or has filed a statement which reveals a possible violation of the code of ethics or this section.”

Sec. 2. Article 3, Section 28 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, and Section 29 is hereby repealed, revoked and rescinded:

“Sec. 28. Continuity of government.

1. *Intent.* The New York State Defense Emergency Act, in section twenty-nine-a thereof, authorizes political subdivisions of the state to provide for the continuity of their governments in the event of an actual or imminent attack upon the United States by an enemy or foreign nation. The General Municipal Law, in section **twenty seven** thereof, authorizes political subdivisions to provide for the continuity of their governments in the event of other public disasters, catastrophes or emergencies. Based on the authority contained in such laws this local law is adopted so that on such occasions the government of the City of Long Beach, New York, may continue to function properly and efficiently under emergency circumstances.”

{Sec. 29. Office of consumer protection.

- A. *[Created.] There shall be an office of consumer protection, the head of which shall be the director of consumer protection, who shall be appointed by the city manager.*
- B. *Powers and duties of the director. The director of consumer protection shall:*
 1. *Receive and investigate complaints and initiate his own investigation of fraud or unfair dealings against consumers; hold hearings, compel the attendance of witnesses, administer oaths, take the testimony of any persons under oath, and in connection therewith require the production of any evidence relating to any matter of investigation; represent the interest of consumers before administrative and regulatory agencies and legislative groups; protect and promote the interest of the City of Long Beach consumer public; report to the appropriate law enforcement officers any information concerning violations of any consumer protection law; assign, develop and conduct programs of consumer education and information through publications and other informational and educational material prepared for dissemination to the consumer public of the City of Long Beach in order to increase the competence of consumers and to raise the general standard of living;*

undertake activities to encourage local business and industry to meet high standards of honesty, fair business practices and public responsibilities in the production, promotion and sale of consumer goods and services.

- 2. *Render each year to the city manager a written report of the activities and recommendations of his office.*
- 3. *Have all the power, duties and responsibilities of a city sealer under the Agriculture and Markets Law.}*

Sec. 3. Article 5, Section 71, Section 74 and Section 96 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 are hereby amended to read as follows,

“Sec. 71. Meetings, president and temporary president.

...

- 3. The council shall elect from its own number, by a vote of the majority of its members, a president of the council who shall preside at all meetings of the council and shall have such other powers, duties, and responsibilities as the council shall prescribe. The president shall serve as such for the term of the council which elected **said president**, subject, however, to the right of the council by a vote of a majority of its members to change its president at any time.

...

- 5. Every resolution, local law or ordinance passed by the council must be signed by the president of the council, by the temporary president in the absence of the president, or by three **council members**. The record kept by the city clerk shall constitute a journal of the proceedings of the council meeting and the city clerk shall cause a summary or the full text of the item together with its disposition to be **published on the City’s website**.

...

Sec. 74. Additional authority conferred on council.

The council shall, in addition to the authority conferred under general laws, from time to time enact ordinances:

...

- 3. To regulate the height and bulk of buildings and the area of yards, courts and other open spaces, and to regulate and restrict the location of trades and industries and the location of buildings designed for specific uses, and to fix the street line of all buildings; to prescribe general regulations for the erection of all buildings in the city; to define the limits within which wooden buildings shall not be erected, placed or rebuilt, and the manner in which, and the materials of which, all buildings shall be constructed within such limits, and also to define outer limits in which wooden buildings may be constructed, placed or rebuilt, under such regulations as may be imposed by ordinance, special permission from the council being required therefor. Every building erected or placed contrary to any ordinance passed under the above provisions shall be deemed a common nuisance, and may be abated as such; to

regulate and prevent the use of fireworks and firearms in the city; to prevent bonfires in the streets and public grounds, and to require fire-escapes [*sic*] to be placed upon buildings when and as directed by the commissioner; to punish the willful making of a false alarm of fire or willfully calling **the police** without cause.

...

Sec. 96. Council may establish board.

The council may establish a separate board [*sic*; probably should be "boards"] of fire, water, light, sewer, park, playground and boulevard, **planning and zoning**, recreation, public welfare or other boards or a board possessing the powers of two or more such boards and prescribe the duties of such board or boards and provide for the appointment of commissioner thereof which may by ordinance authorize, empower and direct such board or boards to audit and order paid all bills and accounts incurred by such board or boards and which are payable out of the funds within the jurisdiction of such board or boards. [The] council may give names to the streets, parks and public places and numbers to the lots [*sic*].”

Sec. 4. Article 6, Section 102-a, Section 102-b, Section 103, Section 103-c, Section 104-c, Section 104-e, Section 114- d and Section 118 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 are hereby amended to read as follows:

“Sec. 102-a. Administration of budget.

- (1) *Work program and allotments.* At such time as the **City Manager** shall specify, each department, office or agency shall submit work programs for the ensuing fiscal year showing the requested allotments of its appropriation by periods within the year. The **City Manager** shall review and authorize such allotments with or without revision as early as possible in the fiscal year. **The City Manager** may revise such allotments during the year and shall revise them to accord with any supplemental, emergency, reduced or transferred appropriations made pursuant to section **101(c)**.

...

Sec. 102-b. Levying of taxes and enforcement thereof.

- 1. The tax assessor shall follow the assessment procedure for the preparation and completion of the assessment roll for the purpose of levying a tax as provided by this local law on December 1, 1974, as presently set forth in the Charter of the City of Long Beach in sections 103, 104, 104-a, 105, ~~{105-a, 106}~~, 107, but not limited thereto, except that the assessment roll so prepared and taxes, water taxes and sewer rents so levied and imposed shall be for a seven (7) month period from December 1, 1974 to June 30, 1975, and all taxes, water taxes and sewer rents for the aforesaid period of time and for the purpose of this local law shall be a lien on December 1, 1974, and the enforcement of said lien and the interests and penalties all shall be in accordance with the present Charter of the City of Long Beach.

...

Sec. 103. Tax district; tax assessor; board of assessors.

...

The homestead base proportions shall be established by resolution of the City Council of the City of Long Beach in accordance with the provisions of Article 19 of the Real Property Tax Law and the Rules of the **State Board of Real Property Tax Services** and shall apply to taxes levied on the 1991-92 final assessment roll and to taxes levied on subsequent rolls until this local law shall be repealed.

...

Sec. 103-c. Real property alternative tax exemption for veterans.

...

- 2. The application for exemption must be made by the owner or all of the owners of the property on a form prescribed by the **State Board of Real Property Tax Services**.

...

Sec. 104-c. Exemption of capital improvements.

...

6. *Application for exemption:*

- (a) Such exemption shall be granted only upon application by the owner of such building on a form prescribed by the **State Board of Real Property Tax Services**. The original of the application shall be filed with the assessor on or before December 1st which is the taxable status date.

...

Sec. 104-e. Exemptions for persons who rendered active military service to the United States during the Cold War.

- 1. Pursuant to the provisions of Section 458-b of the Real Property Tax Law of the State of New York, as amended and as therein provided, adopted herein, real property owned by persons including real property owned by a cooperative corporation, who rendered active military service to the United States during the Cold War (any person who served on active duty for a period of more than three hundred sixty-five days in the United States Armed Forces during the period from September 2, 1945 to December 26, 1991, and was discharged or released therefrom under honorable conditions) shall be exempt from taxation to the extent of 10 percent of the assessed value of such property provided however that such exemption shall not exceed four thousand dollars (\$4,000.00) or the product of four thousand dollars (\$4,000.00) multiplied by the **latest class ratio**, whichever is less.
- 2. Additional exemption. In addition to the exemption provided by subdivision 1., where the Cold War veteran received a compensation rating from the United States department of defense because of a service connected disability, qualifying residential real property shall be exempt from taxation to the extent of the product of the assessed value of such property, multiplied by fifty percent of the Cold War veteran disability rating; provided, however, that such exemption shall not exceed twenty thousand dollars (\$20,000.00), or the product of twenty thousand dollars (\$20,000.00) multiplied by the **latest class ratio**, whichever is less.

Sec. 114-d. Sale of property for unpaid taxes, assessments, residential sanitation charges and/or relieved water and/or sewer charges

If the owner, mortgagee or occupant of, or party in interest in, such real estate does not pay such unpaid taxes, assessments, residential sanitation charges and/or relieved water and/or sewer charges, with the costs, additions and charges, within the period stated in such advertisement, then the treasurer **may**, without further notice, commence the sale of lands specified in such notice of sale on the day set for that purpose and continue the sale from day to day until every such lot or parcel is sold. Such lands **may** be sold for an amount sufficient to pay all the taxes, assessments, residential sanitation charges and/or relieved water and/or sewer charges required by section 114 to be listed as unpaid with interest thereon to the time of sale, and all costs, expenses and charges accrued thereon. Subject to reductions as herein provided, said amount paid for such property shall carry and bear the maximum interest and penalties as follows: Ten (10) percentum on the purchase price, if redeemed within six (6) months of date of sale. An additional ten (10) percentum on the purchase price if redeemed after the expiration of six (6) months and within twelve (12) months of the date of sale. The rate of interest at which any person or persons shall offer to take the lot or parcel of land to be sold shall be established by bid. The rate thus established shall be the rate of interest up to the time of the redemption of the property purchased and until the expiration of one year from the date of sale.

...

Sec. 118. Conveyance of property not redeemed.

If such real estate, or any part thereof, be not redeemed as herein provided, the treasurer **may** execute to the purchaser, its' or his heirs, successors or assigns, upon performance by such purchaser of the conditions herein provided, and upon surrender of said certificate of sale or upon delivery of a release of such real estate to the grantee as herein provided and upon the purchaser's paying for and taking an assignment of all outstanding prior liens held by the city upon the premises and upon the filing of proof of service of notice upon the owners and other interested persons as herein provided, a conveyance of the real estate so sold, which conveyance shall vest in the grantee an absolute estate in fee, subject to all claims which the city may have thereon for tax or other liens or encumbrances. The city treasurer shall be entitled to demand and receive from such grantee, for the use of the city, the sum of one dollar (\$1.00) for preparing such conveyance. Every such conveyance shall be signed by the treasurer and the seal of the city shall be affixed thereto, and attested by the city clerk, and when so executed shall be presumptive evidence that the sale was regular and also presumptive evidence that all proceedings prior to the sale, including the assessment of the lands sold, and all notices required by law to be given previous to the expiration of the time allowed by law for the redemption thereof, were regular and according to law. After six (6) years from the date of record of any such conveyance in the Nassau County Clerk's office, such presumption shall be conclusive. Every certificate of sale or conveyance executed in pursuance of this act may be recorded in the same manner and with like effect as a deed if acknowledged or proved before an officer authorized by law to take proof and acknowledgement of deeds. Two (2) or more lots or parcels of real estate sold to the same person may be included in the same tax deed."

Sec. 5. Article 8, Section 125 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, and Section 128 and 130 are hereby repealed, revoked and rescinded:

“Sec. 125. City elections.

A general municipal election for the choice of a city judge shall be held on the first Tuesday after the first Monday in November in the year that a city judge’s term will expire, and for the choice of three council members on the first Tuesday after the first Monday in November in every second year, in the odd-numbered years. All other elections held under the provisions of this charter, except primary elections, shall be known as special municipal elections.”

{Sec. 128. General city elections, how conducted.

The council shall provide polling places, ballot boxes and other necessary apparatus and material in each election district in said city for all elections in said city, and the manner of conducting such elections shall in all respects conform to and be governed by the general laws of this state in respect of elections in cities of the third class, not inconsistent with this act. At each such election, other than as herein provided, a successor shall be elected to each elective city officer whose term of office shall expire with the year in which such election is held. Public notice of every election under this act, except the first election and except as hereinafter provided, shall be given by the council, the notice thereof to be published in the official newspaper of said city at least once in each week for two successive weeks immediately preceding the holding of such election, which notice shall designate the officers to be voted for at such election and the location of each polling place, or by such notice and in such manner as may be required by the Election Law. The polls of each general election and of each special election in said city at which one or more city officials are to be elected shall be opened and kept open and closed in each district as provided by the election law for general elections, and the inspectors shall canvass all votes cast for city officers and declare and make a statement of the result in the same manner as required by the general laws of the state, and file the same immediately with the city clerk, except as otherwise provided in this act. The city clerk shall at least one week before the date fixed by law for the first meeting of the board of registry for a city election, notify each inspector of election in writing of his appointment as such inspector, and of each day for the meeting of the board of registry in each election district of the city and the date of such election. Every inhabitant of said city who shall, at the time and place of offering his vote, be qualified to vote for member of assembly shall then and there be entitled to vote for all officers to be elected by the city. To entitle any elector to vote upon a proposition to raise money by tax he must be entitled to vote for a city officer and must also be the owner of property in the city assessed upon the last preceding assessment roll thereof. Such proposition to raise money by tax shall be deemed carried if it receives the affirmative vote of a majority of the entire number of votes cast thereon at said election. No elector of said city shall vote in any election district except that in which he shall reside at the time he offers his vote and shall have so resided for at least thirty days immediately prior to the election at which he offers his vote.}

...

{Sec. 130. Canvass of the vote at regular city elections.

The council of said city shall meet as a board of city canvassers on the next Thursday after each regular election. The city clerk shall present to the council at said meeting the certified statements of the result of such election in such election district of the city as delivered to him by the inspectors of election of such district. The council shall canvass such certified statements and declare the whole number cast for all the candidates for each office to be filled at such election, the number of votes cast for each such candidate and what person or persons was or were elected. The person having the greatest number of votes for the respective offices to be filled shall be declared duly elected, except that the five councilmanic candidates having the greatest number of votes shall be declared duly elected. In case of a tie vote the council shall fill such office by appointment for the full term, except that there shall not be a tie vote between candidates for the council unless there shall be a tie vote between the candidates having the fifth and sixth highest vote for that office. The city clerk shall enter such determinations and declarations in the minutes of the meeting of the council.}

Sec. 6. Article 13, Section 256A(1), Section 256A(2), Section 256A(4) and Section 263 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 are hereby amended to read as follows:

“Sec. 256A(1). [Notice prerequisite to action against the City for failure to maintain safe public ways and places.]

...

- b. No civil action shall be maintained against the City for damage to property or injury to person or death sustained in consequence of any street, highway, bridge, culvert, sidewalk or crosswalk, or any part or portion of any of the foregoing including any encumbrance thereon or attachments thereto, being out of repair, unsafe, dangerous or obstructed, unless at least 48 hours before prior to the occurrence resulting in such damage, injuries or death, written notice of the defective, unsafe, dangerous or obstructed condition of such street, highway, bridge, culvert, sidewalk or crosswalk shall have been filed in the office of the commissioner of Public Works of the City, and there was a failure or neglect within a reasonable time after the receipt of such notice to repair or remove the defect, danger or obstruction complained of, **or otherwise to make the place reasonably safe.**
- c. No civil action shall be maintained against the City for damage to property or injury to person or death sustained in consequence of any beach, playground or equipment, skating rink, swimming or wading pool or equipment, tennis court, recreational field, hockey rink, skateboard playground, or any other real or personal property owned, operated or maintained by the City of Long Beach or any part or portion of any of the foregoing including any encumbrance thereon or attachments thereto, being out of repair, unsafe, dangerous or obstructed, unless at least 48 hours before prior to the occurrence resulting in such damage or injuries, written notice of the defective, unsafe, dangerous or obstructed condition of such beach, playground or equipment, skating rink, swimming or wading pool or equipment, tennis court, recreational field, hockey rink, skateboard playground, or any other real or personal property owned, operated or maintained by the City relating to that particular place, shall have been filed in the office of the commissioner of Public Works of the City, and there was a failure or neglect within a reasonable time after the receipt of such

notice to repair or remove the defect, danger or obstruction complained of, **or otherwise to make the place reasonably safe.**

Sec. 256A(2). [Prerequisites to actions for damages arising from snow and ice accumulations.]

No civil action shall be maintained against the city for damages or injuries to the person or the property sustained in consequence of the existence of snow or ice upon any highway, sidewalk, crosswalk or street, parkway or park approach, boardwalk or boardwalk ramp or approach, unless written notice thereof, relating to the particular place was actually given to the commissioner of public works, and there was a failure or neglect to cause such snow or ice to be removed **or otherwise to make the place reasonably safe**, within a reasonable time after the receipt of such notice.

...

Sec. 256A(4). City tree board.

...

5. *Duties and Responsibilities:* It shall be the responsibility of the board to study, investigate, council, [counsel] and develop and/or update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas. Such plan will be presented annually to the **City Council** and upon their acceptance and approval shall constitute the official comprehensive city tree plan for the City of Long Beach, State of New York. The board, when requested by the city manager, shall consider, investigate, make finding, report and recommend upon any special matter of question coming within the scope of its work.

...

8. *Spacing:* The spacing of street trees will be in accordance with the three (3) species size classes listed in section [subsection] 7 of this local law [section], and no trees may be planted closer together than the following: small trees, thirty (30) feet; medium trees, forty (40) feet; and large trees, fifty (50) feet; except in special plantings designed or approved by a landscape **architect.**

...

Sec. 263. City included in county mental health board.

Pursuant to the provisions of article **41** of the Mental Hygiene Law, the City of Long Beach does hereby agree to be included in the county mental health board covering the entire county, established under the Mental Hygiene Law of the State of New York.”

Sec. 7. Article 17, Section 330 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. 330. Environmental Quality Review Act.

...

6. *Definitions.*

a. "Action" means a Type I or unlisted action including:

...

i. "Excluded action" means:

(1) Actions undertaken, funded or approved prior to the effective dates set forth in SEQR (see Chapters 228 of the Laws of 1976, 252 of the Laws of 1977 and 460 of the Laws of 1978), except:

(i) In the case of an action where it is still practicable either to modify the action in such a way as to mitigate potentially adverse environmental effects, or to choose a feasible or less environmentally damaging alternative, the **Building Commissioner** may, **on motion, or** at the request of any person, require the preparation of an environmental impact statement; or

(ii) In the case of an action where the responsible agency proposes a modification of the action and the modification may result in a significant adverse effect on the environment, an environmental impact statement shall be prepared with respect to such modification.

(2) Actions requiring a certificate of environmental compatibility and public need under **Article VII** of the Public Service Law and the consideration of, granting or denial of any such certificate; and

...

e. *Determination of Environmental Significance.*

(1) The lead agency must make a determination of environmental significance of the action. This determination must be based on the EAF and on such other information as the lead agency may require. The criteria listed in 6 NYCRR Section **617.7** must be considered by the lead agency in making its determination of significance. The determination must be made within twenty (20) days of the date of lead agency designation, or within twenty (20) days of its receipt of all information required by the lead agency to make the determination of significance, whichever is later.

- f. *Environmental Impact Statements.*
- (1) EIS Preparation and Procedures.
 - (a) When required pursuant to Section 7e of this Chapter, an EIS must be prepared in accordance with:
 - (i) The environmental impact statement procedures as provided under 6 NYCRR Section **617.9** and the requirements for preparation and content of environmental impact statements as provided under 6 NYCRR Section **617.9**.
 - (ii) When the EIS is prepared for a proposed action, it must also contain an identification of the applicable LWRP policy standards and conditions of the City of Long Beach LWRP as required by Section 7h, and a discussion of the effects of the proposed action with regard to such policy standards and conditions.
 - (2) Fees for Review and Preparation of EIS's.
 - (a) The fees for publication of notices and for review or preparation of an EIS involving approval or funding of an action will be fixed from time to time by resolution of the City Council.
 - (b) Fees so fixed will be consistent with the limitations set by 6 NYCRR Section **617.13**. When the EIS is prepared by the applicant, fees will reflect actual expenses of reviewing it and for the publication of notices. When the EIS is prepared by an agency on behalf of the applicant, fees will reflect the cost of preparation, including publication of notices, but not the cost of environmental review by the agency. However, the lead agency may not charge a fee for its determination of significance.
 - (3) Decisions and Findings for Actions Subject to EIS's. Each agency of the City involved in undertaking, approving or funding an action, which is the subject of an EIS, shall make detailed written findings in accordance with the provisions of 6 NYCRR Section **617.11**, prior to making its decision.
- g. *Notices and Filing.* All notices, EAF's, CAF's, Draft EIS's, Final EIS's and all other documents shall be prepared, filed, circulated and made available as prescribed under 6 NYCRR Section **617.12** and this Chapter.”

Sec. 8. This Local Law shall take effect immediately upon being filed in the Office of the New York State Secretary of State.

June 15, 2021

Item No. 6
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.

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.”

(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 Local Law; and be it further

RESOLVED, that said Local Law 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 July 6, 2021 at 7:00 p.m. on that day.

ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF LONG BEACH.

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

Sec.1. Chapter 6, Article II, Division 1, Sections 6-28, 6-31, 6-32 and 6-69 of the Code of Ordinances of the City of Long Beach, as heretofore amended, shall be and the same are hereby amended, to read as follows, and Article III and Article IV, Sections 6-29, 6-30 and 6-55 shall be and the same are hereby repealed, revoked and rescinded:

“Sec. 6-28. Permit required.

It shall be unlawful to fish by any means from the municipal pier situated at Magnolia Boulevard and the Bay Front without first **registering with the Recreational Marine Fishing Registry for the New York State Department of Environmental Conservation.**

Sec. 6-31. Hours when fishing is permitted generally; permissible tackle; close of season.

Each registered fisherman may fish from the municipal pier during reasonable hours by means of one (1) fishing pole or one (1) drop line. Fishing by any means other than the use of a fishing pole or drop line is prohibited.

Sec. 6-32. Liability of permittee.

The person to whom uses the municipal pier pursuant to this division shall be liable for any loss, damage or injury sustained by any person whatsoever by reason of the negligence of the user of the pier.

Sec. 6-69. Construction and repair of bulkheads.

The commissioner of public works, or **the** deputy, may inspect all bulkheads and other structures abutting upon canals and other waterways in the city. The city may construct, repair, maintain and care for such bulkheads and other structures, or may upon due notice direct and order such work to be done by the owner or occupant of the property abutting such a waterway where the existing bulkhead or the absence of a bulkhead constitutes a dangerous or unsafe condition or is necessary or required in the opinion of the said commissioner of public works or **the** deputy. Such work shall be done in accordance with specifications to be furnished by the city, **and must be built to base flood elevation**, and shall not be undertaken until plans and specifications have been filed with the city's building commissioner and a permit therefor has been issued by said building commissioner, the fee for which shall be the same as provided for a building permit. The public works commissioner or **the** deputy shall inspect the work in process and at completion, and shall certify to the building commissioner whether the work is satisfactory. If such owner or occupant is directed and ordered to do such work, and fails, neglects, refuses or omits to do so within a reasonable length of time in the opinion of the public works commissioner, the city may do the work or contract to have the work done and may pay for the same out of city funds, and may assess the cost thereof against the benefited abutting property, and may direct that such

assessment be paid at a specified time or in specified annual installments, or may recover the cost thereof in an action at law.”

Repealed, revoked and rescinded:

{Sec. 6-29. Application for permit; fee.

A person seeking the issuance of a permit required by this division shall file an application therefor with the city clerk. The application shall state the name, address and age of the applicant, and any other information which the city clerk shall deem reasonably necessary; there shall be no fee in connection with the issuance of the permit.

Sec. 6-30. Limitation on number of permits which may be issued to an applicant.

Not more than one (1) fishing permit shall be issued pursuant to this division to any applicant.

Sec. 6-33. Revocation.

The city clerk shall have the authority to revoke a permit issued pursuant to this division upon a finding of a violation of any provision of this chapter or other city rule or ordinance pertaining to the permitted activity, or upon good cause shown.

Sec. 6-55. Mooring permits.

- (a) When required. No boat shall moor or anchor for a longer continuous period than twelve (12) hours within an area designated as a dock or mooring area without first obtaining a permit therefor as provided in this section.*
- (b) Application; fee. Application for a mooring or anchoring permit required by subsection (a) shall be made to the city clerk, and the permit shall not be granted until payment of the fee for the permit shall have been made. The fee shall be one dollar (\$1.00) for each permit.*
- (c) Term. The term of the permit shall be for one (1) year beginning the first day of March and shall expire on the last day of February next following.*
- (d) Contents of permit. Every permit issued pursuant to this section shall specify by name the person to whom it shall be issued, the residence of the permittee, a description of the vessel to be moored or anchored, and the location of the mooring or anchorage permitted by the permit.*
- (e) Denial of permit; appeal. No permit required by this section shall be refused except for good cause, and the city clerk shall in the event of such refusal, within ten (10) days thereafter, notify the council in writing of the refusal. Any applicant for a permit required by this section whose application is denied or is not acted upon within ten (10) days after the filing thereof with the city clerk, may appeal to the council. The council shall hear the appeal within ten (10) days, and may, after hearing such appeal, grant or refuse the permit applied for.*
- (f) Number of permits. Nothing contained in this section shall operate so as to prevent any duly licensed boat livery or fishing station from applying for and receiving the number of mooring or anchorage permits necessary for the continued operation of the boat livery or fishing station business.}*

Sec. 2. Chapter 7, Article I, Section 7-1, 7-6, Article II, Section 7-24, 7-55, Article III, Section 7-71, Article IV, Section 7-100 of the Code of Ordinances of the City of Long Beach, as heretofore amended, shall be and the same are hereby amended, to read as follows:

“Sec. 7-1. Definitions.

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

...

Addition: Extension or increase in area, height or equipment of a building **or** structure.

...

Court: Shall mean a space, other than a yard, on the same lot as building **or** structure, which is open on at least one (1) side of said space and is open to the sky.

...

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. 7-6. Contractor to be licensed.

- (a) No person shall establish, carry on or engage in the building business in the city in the capacity of a contractor without first having been licensed therefor as provided in section **14-14** et seq., except that a corporation or firm may establish, engage in or carry on a building business under a contractor's license granted in accordance with the provisions of this chapter to a contractor who is employed in the business as a supervisor or directing contractor and who will be responsible for the carrying on of the business in accordance with the provisions and requirements of this chapter.

...

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

The violation of any provision of this chapter or the failure to comply therewith shall constitute a violation, **except where another 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.

...

Sec. 7-55. Temporary certificate of occupancy.

- (a) Upon request of the owner or **the owner's** authorized representative, the building commissioner may issue a temporary certificate of occupancy for a period of ninety (90) days, for the whole or part of a building, provided that the temporary occupancy, or use of building would not in any way jeopardize life or property in same.
- (b) If, in the discretion of the building commissioner, the building shall require the extension of said temporary certificate of occupancy beyond said ninety (90) days, the building commissioner may grant such extension for an additional ninety (90) days, provided that the temporary occupancy or use, would not in any way jeopardize life or property in said building.
- {(c) The application fee for the temporary certificate of occupancy for ninety (90) days shall be one hundred dollars (\$100.00) and an equal amount for any additional extension of ninety (90) days.}*

...

Sec. 7-71. Fire limits established.

The fire limits of the city shall include all sections of the city designated in the zoning ordinance as Residence J Districts, Residence K Districts, Residence L Districts, Residence-Business A Districts, Business A Districts, Business B Districts, Business C Districts and Industrial Districts.

Sec. 7-100. Violations of this article; penalties.

- (a) The owner of any dangerous building who knowingly permits the dangerous building to be used for human occupancy, or who shall fail to comply with any order of the council to repair, remove or cause to be vacated the dangerous building or otherwise make it comply with the standards set forth in this article, shall be guilty of **a violation and upon conviction thereof shall be fined not exceeding ten thousand dollars (\$10,000.00)** for each offense.
- ...
- (d) Any person removing the notice provided pursuant to this article shall be guilty of **a violation and upon conviction thereof shall be fined not exceeding two hundred fifty dollars (\$250.00) for each offense."**

Sec. 3. Chapter 10, Section 10-1, Article I, Section 10-4 of the Code of Ordinances of the City of Long Beach, as heretofore amended, shall be and the same are hereby amended, to read as follows:

“Sec. 10-1. Definitions.

As used in this chapter, the following terms shall have the meanings ascribed to them:

...

Electrical inspection agency shall mean an individual, partnership, corporation or other business entity whose primary function is to conduct inspections of electrical work within the city to ensure that such work is in conformity with the city Code of Ordinances, New York State **Uniform Fire Prevention and Building** Code, National Electrical Code and any other applicable codes.

...

Sec. 10-4. Penalty for violation of chapter.

Any **individual, agent or employee thereof, who shall** engage in or work at the business of installing or making repairs, alterations, additions or changes to existing systems of wiring or electrical apparatus for heat, light or power as a master electrician without obtaining a license therefor pursuant to this chapter, or who shall violate any of the provisions of this chapter or any rule or regulation made pursuant thereto, or who, having had a license revoked, shall continue to engage in or work at such business, shall upon conviction thereof, be subject to a fine of not less than two hundred fifty dollars (\$250.00) and not more than one thousand dollars (\$1,000.00) or imprisonment not to exceed fifteen (15) days, or by both such fine and imprisonment, and each day on which such violation continues shall constitute a separate offense, **except where another penalty is provided.** In addition to the penalty imposed, the license issued pursuant to this chapter of the person violating this chapter may be revoked.”

...

Sec. 4. Chapter 11, Article I, Section 11-21 and of the Code of Ordinances of the City of Long Beach, as heretofore amended, shall be and the same are hereby amended, to read as follows:

“Sec. 11-21. Use of barbecue units on terraces of multiple dwellings are prohibited with the exception of units which utilize electric power.

- (a) No barbecue of any kind shall be used, maintained, stored or otherwise kept on any terrace in a multiple dwelling within the city, with the exception of barbecues which utilize electric power.
- (b) Any person violating this section shall be deemed guilty of an offense and shall be fined not less than **one hundred dollars (\$100.00)** nor more than **five hundred dollars (\$500.00).**”

...

Sec. 5. Chapter 12, Article II, Division 1, Section 12-18, of the Code of Ordinances of the City of Long Beach, as heretofore amended, shall be and the same are hereby amended, to read as follows:

“Sec. 12-18. Persons in charge of premises to provide receptacles for garbage; location.

(a) It shall be the duty of each owner, lessee, tenant, householder, occupant, superintendent or manager of any building, premises or place of business in the city where garbage, refuse or ashes is produced, accumulated or exists, to provide himself or cause to be provided, and at all times to keep in the building or upon the premises or place of business, **suitable and efficient receptacles** fitted with tight covers for receiving and holding, without leakage, all garbage that may accumulate from the building, place of business or premises, or portion of the premises of which the person may be the owner, tenant, lessee, occupant, superintendent or manager.

(b) Each **receptacle** required by subsection (a) for the reception and retention of garbage shall be kept on the premises no nearer to the street than the building line of the premises; and the receptacles shall not remain on any sidewalk or in any exposed place longer than may be necessary for the removal of the contents thereof, and the receptacles shall at all times be kept securely closed and covered.

(c) The **receptacles** required by subsection (a) shall have a bail or handles for convenience in handling and shall be placed and kept at all times other than the period for the collection of the contents thereof, in a place sheltered from snow and inclement weather and safe from the interference of dogs and cats and sufficiently removed from the adjoining premises to prevent any offense thereto.

(d) It shall be unlawful and a violation of this chapter for any person, firm or corporation specified in subsection (a) to install, cause to be installed or permit to exist after July 1, 1988, any in-ground receptacle or storage space designed for the accumulation of garbage or refuse, all or any portion of which is below the level of the adjoining ground.”

Sec. 6. Chapter 13, Section 13-1, Article I, Section 13-10, Article III, Section 13-74 of the Code of Ordinances of the City of Long Beach, as heretofore amended, shall be and the same are hereby amended, to read as follows:

“Sec. 13-1. Definitions.

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

...

Court: Shall mean a space, other than a yard, on the same lot as building **or** structure, which is open on at least one (1) side of said space and is open to the sky.

...

Extermination: Shall mean the control and elimination of insects, rodents, or other pests by eliminating their harborage places, by removing, or making inaccessible, materials that may serve as their food by any recognized and legal pest elimination method approved by the **code** enforcement officer.

...

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. 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.

...

Sec. 13-74. Cooking facilities.

...

- (e) Fuels shall be stored in accordance with generally accepted practice in a manner which will minimize the danger of fire. No fuel oil, gasoline or highly inflammable fuel shall be stored within any structure, used for human habitation, except in a manner approved by the **Department of Buildings and Property Conservation.**”

Sec. 7. Chapter 14, Article II, Section 14-38 and Article VI, Section 14-117 of the Code of Ordinances of the City of Long Beach, as heretofore amended, shall be and the same are hereby amended, to read as follows, and Article X, is hereby repealed, revoked and rescinded:

“Sec. 14-38. Penalty for failure to obtain a license.

Any individual, agent or employee thereof, who shall establish, keep, maintain or operate any business without a license required by this article, or shall violate any of the provisions of this article or who having had their license revoked shall continue to operate the business or activities for which a license is required, shall be deemed to be guilty of a violation and any person who shall be convicted of a violation as hereby defined, shall be subject to a fine or penalty of not more than two hundred fifty dollars (\$250.00) or both imprisonment and fine and each day on which the violation is continued shall constitute a separate offense. It shall not be a defense to a prosecution for a violation of any of the provisions of this Code relating to places of public entertainment that the premises where the violation is alleged to have occurred were conducted during the prohibited hours as a private club if at the other time such premises were conducted as a public place of business for profit.

...

Sec. 14-117. When approval by the health department is required.

An application for a license required by this article to operate a private beach club or a place used for sunbathing, for entrance to which a fee is charged, shall also be approved by the **Nassau County Department of Health** and by those officials of the state whose approval is required for a bathhouse or bathing beach, before a license therefor shall be issued by the city clerk.”

Sec. 8. Chapter 15, Article V, Division 2, Section 15-176 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. 15-176. Location of parking fields.

This division shall apply only to the city-owned and/or leased parking fields situated at the following locations and any parking field that the City shall designate on a temporary basis:

- (a) The northwest corner of Long Beach Boulevard and East Walnut Street.
- (b) The northwest corner of Georgia Avenue and West Beech Street.
- (c) The southwest corner of Maryland Avenue and West Beech Street.
- (d) The southwest corner of Vermont Street and West Beech Street.
- (e) The southeast corner of Connecticut Avenue and West Beech Street.
- (f) The southwest corner of Virginia Avenue and West Beech Street.
- (g) The lot located on the south side of the 200 block of Shore Road (a/k/a 235 East Boardwalk).”
- {(h) *The northeast corner of Shore Road and Monroe Boulevard.*
- (i) *The northeast corner of East Broadway and Wilson Avenue.*
- (j) *The northeast corner of Maryland Avenue and West Beech Street.*}

Sec. 9. Chapter 17, Sections 17-4, 17-6, 17-7, 17-8, 17-9 and 17-10 are hereby repealed, revoked and rescinded:

{Sec. 17-4. Premises where justifiable acts of abortion may be performed.

- (a) *Notwithstanding any other law, statute, provision of this Code or other city ordinance or other regulation, "justifiable abortifacient acts," as defined in the Penal Law of the state, shall be performed only in a hospital duly licensed and accredited under the state department of health, and having equipment and facilities acceptable to the state hospital review and planning council.*
- (b) *If it is found that any structure, except where authorized and permitted pursuant to subsection (a), is being utilized for and equipped with facilities for acts of abortion, the superintendent of buildings department shall notify the owner of the property or the owner's agent or occupant to immediately cease and desist the use of the structure; such order and notice shall be in writing and may be served upon the person to whom it is directed either by delivering it personally to him or his agent or by posting the notice upon a conspicuous portion of the structure where the act is being performed. Thereupon, such use shall immediately be terminated.*
- (c) *In addition to any penalties as provided by state law, a person who shall violate this section or shall fail to comply with any requirements thereof or with any notice, order or directive issued pursuant to this section, shall be deemed guilty of an offense, punishable by a fine which shall not exceed two hundred fifty dollars (\$250.00), or imprisonment not exceeding fifteen (15) days, or both. The imposition of the penalties prescribed in this subsection shall not preclude the city from instituting an appropriate action or proceeding in law or in equity to prevent the use of the structure for the unauthorized or illegal act.}*

...

{Sec. 17-6. Use of profane or obscene language.

No person shall use any profane, obscene or vulgar language in any street within the city or in or on any doorway or stairway adjacent thereto.}

{Sec. 17-7. Use of DDT and similar chemicals.

It shall be unlawful for any person to spray within the city with any of the following chemicals: Dieldrin, aldrin, dichlorodiphenyltrichloroethane (DDT), or a combination of any of the enumerated chemicals. Any person who violates any portion of this section shall be deemed guilty of a violation, and upon conviction, shall be punished by a fine not exceeding two hundred fifty dollars (\$250.00), or by imprisonment for a period not in excess of fifteen (15) days, or both.}

{Sec. 17-8. Unlawful practices involving sales of real estate.

(a) It shall be unlawful for any person who receives or expects to receive pecuniary gain from the sale of real property to:

- (1) Incite, arouse or refer to neighborhood unrest, community tension or racial, religious or nationality change in a neighborhood, or on a particular street for the purpose of inducing or promoting the sale or lease of real property.*
 - (2) Promote or influence or attempt to promote or influence a property owner, occupant or tenant to list for sale, sell, remove from or lease real property by referring to race, color, religion or national origin of neighbors, tenants, prospective buyers or occupants of real property.*
 - (3) Resort to or engage in any intimidation or threats in attempting to influence or induce a property owner or tenant to list for sale, sell, remove from or lease real property.*
- (b) Any violation of any provision of this section shall constitute disorderly conduct and shall be punished by a fine of not less than one hundred dollars (\$100.00) nor more than two hundred fifty dollars (\$250.00) and, in the event of failure to pay the fine, by imprisonment not exceeding fifteen (15) days, or both, and each and every violation of the provisions of this section shall constitute a separate offense.}*

{Sec. 17-9. Cleaning or washing conveyances on or in areas adjoining streets.

No person or persons shall wash or cause to be washed, clean or cause to be cleaned, any wagon, cart, omnibus, taxicab or any vehicle used or designed for use as a commercial vehicle, upon any public street, highway, public place or in any area adjoining such street, highway or public place under penalty of fine not less than five dollars (\$5.00) nor more than twenty-five dollars (\$25.00) or imprisonment for not more than five (5) days or both.}

{Sec. 17-10. Cleaning or hanging articles on or in area adjoining streets.

No person or persons shall wash or cause to be washed, clean or caused to be cleaned, beat or cause to be beaten, hang or cause to be hung, any rugs, curtains, furniture, tapestry, clothing or other articles, upon any public street, highway, public place or in any area adjoining such street, highway or public place that is visible to such street, highway or public place, under

penalty of fine not less than five dollars (\$5.00) nor more than twenty-five dollars (\$25.00) or imprisonment for not more than five (5) days or both.

Sec. 10. Chapter 18, Article II, Section 18-44, Article VI, Section 18-88, 18-102 of the Code of Ordinances of the City of Long Beach, as heretofore amended, shall be and the same are hereby amended, to read as follows, and Sections 18-87 is hereby repealed, revoked and rescinded:

“Sec. 18-44. Sale, use or possession of alcoholic beverages.

- (a) No person shall sell or offer for sale any intoxicating beverage or liquor of any kind in or upon any portion of the Ocean Beach Park.
- (b) No person shall take, carry, bring, possess or use any alcoholic beverage or liquor of any kind into or upon any portion of the Ocean Beach Park, except in accordance with a permit for a special event issued by the city clerk **and/or the Commissioner of Parks & Recreation or his/her designee** pursuant to subsection 17-2(c) of this Code.
- (c) Any city police officer or special officer is authorized to request any person seeking admission to the Ocean Beach Park to open for inspection any closed cooler or similar container designed to hold food and beverages, which is in the possession or control of such person. In the event that such person refuses to comply with such request for inspection, and enters said Ocean Beach Park with said cooler or container, it shall constitute a violation of this article.

...

Sec. 18-88. Purpose, applicability, definitions.

- (a) *Purpose.* The purpose of this article is to provide rules and regulations for the use of and conduct in the parks and recreation areas of the city.
- (b) *Applicability.* This article shall apply to the parks and recreation areas listed hereunder, which are under the jurisdiction of the city. For the issuance of permits, temporary designations, authorizations, granting of approval and other actions the approving governing agency shall be the city clerk. This article applies to the following parks:
 - (1) Kennedy Plaza;
 - (2) Clark Street Playground near Reynolds Channel;
 - (3) Municipal Fishing Pier;
 - (4) George B. Costigan Recreation Fields;
 - (5) Pacific Boulevard/Shore Road Playground;
 - (6) North Park Place/East Pine Street Playground;
 - (7) Magnolia Boulevard/West Broadway Playground;
 - (8) Georgia Avenue/West Beech Street Playground;
 - (9) Long Beach Roller Hockey Rink;
 - (10) Municipal Indoor Swimming Pool at Magnolia Boulevard and Water Street;
 - (11) Long Beach Ice Arena;**
 - (12) The Martin Luther King Jr Center.**

...

(d) Definitions.

...

Approving governing agency. Means city clerk **and/or the Commissioner of Parks & Recreation or his/her designee.**

...

Sec. 18-102. Permits.

Permits shall be obtained by application to the city clerk **and/or the Commissioner of Parks & Recreation or his/her designee** in accordance with the following procedure.

....

(e) Revocation. The city clerk **and/or the Commissioner of Parks & Recreation or his/her designee** shall have the authority to revoke a permit upon a finding of violation of any provision of this article or upon good cause shown.”

Sec. 11. Chapter 20, Article II, Section 20-12, 20-15, 20-17, Article III, Section 23-45 of the Code of Ordinances of the City of Long Beach, as heretofore amended, shall be and the same are hereby amended, to read as follows:

“Sec. 20-12. Meetings; records.

(a) The zoning board of appeals shall meet regularly in city hall on the fourth Thursday of each month at 7:00 p.m., **or as scheduled by the board.** When the time for any such regular meeting falls on a holiday or New Year’s Eve, the meeting shall be held at the same hour on the first next Thursday which is not a holiday. A regular meeting may be adjourned to any hour and day certain prior to the next regular meeting.

...

Sec. 20-15. Petitions and applications to the board.

Every petition and application to the zoning board of appeals, shall be accompanied by a complete and accurate list of the names and addresses of the owners of all of the lands within a radius of one hundred fifty (150) feet of the property affected by the petition or application, and the petitioner or applicant shall prepare a notice addressed to such owners generally, signed by the petitioner or applicant, identifying the property affected thereby, and setting forth the relief requested and the date, hour and place fixed by the zoning board of appeals for a hearing thereon, and shall present such notices to the secretary of the board for mailing not less than ten (10) nor more than twenty (20) days before the date set for the hearing upon the petition or application, together with the cost of mailing the notices by certified mail, return receipt requested, to the owners of all properties abutting the property affected, and by regular mail to all other owners within the affected radius. The secretary of the zoning board of appeals shall thereupon forthwith mail the notices and place on file an affidavit of the mailing.

...

Sec. 20-17. Documents which shall accompany petitions and applications to the board.

Every petition and application to the zoning board of appeals, except renewal petitions and applications thereunder, shall, in addition to the foregoing, be accompanied by the following:

- (a) **Ten (10)** sets of drawings, which may be blueprints, including:
 - (1) A plot plan showing location of building on the plot;
 - (2) A ground and typical floor plan of building with all necessary measurements;
 - (3) A longitudinal section with heights marked thereon; also a front elevation, where such variations apply.”

...

Sec. 12. Chapter 23, Article III, Section 23-45 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. 23-45. Penalty for violation of article.

Any person violating any of the provisions of this article shall be liable for a penalty not exceeding two hundred fifty dollars (\$250.00), or imprisonment not exceeding fifteen (15) days, or both, for each violation. This penalty is in addition to any fees for redemption of impounded property or costs of sale chargeable to an owner or person entitled to possession of impounded property as provided in this article.”

...

Sec. 13. Chapter 25, Article II, Division 2, Section 25-41, Division 3, Section 25-42 of the Code of Ordinances of the City of Long Beach, as heretofore amended, shall be and the same are hereby amended, to read as follows, and Division 5, Section 25-66 is hereby repealed, revoked and rescinded:

“Sec. 25-30. Unlawful use of water from unmetered fire lines.

The owner of any premises in which it has been found that water passing through unmetered fire lines is being used for purposes other than fire, shall be deemed to be guilty of a **violation**, and shall be subject to a fine of not less than two hundred fifty dollars (\$250.00) and not more than one thousand dollars (\$1,000.00).

...

Sec. 25-41. When water meters required.

A water meter shall be installed in, upon or adjacent to every house, building, structure or land where water is used, by the owner thereof, and all water used or consumed in or upon any such premises in the City of Long Beach shall pass through and be measured by a water meter at all times, except for firematic and/or standpipe systems, and except for water used or consumed by any department in or any structure owned or used by the City of Long Beach. The rates and charges for water furnished or supplied, and for sewer service where applicable, shall be fixed from time to time by the city council in section 25-26 or as otherwise enacted.

There shall be a minimum water charge, **as defined in Sec. 25-26**, plus a corresponding sewer rent as authorized by section 122(b) of the Charter of the City of Long Beach, including legally disconnected meters, to be charged each month, except that there shall be no minimum charge for meters used exclusively to measure water used only for lawn sprinkling and/or an outside swimming pool during the period when said lawn sprinkler and/or outside pool meters are legally disconnected. Water charges for meters used exclusively to measure water used only for lawn sprinkling and/or an outside swimming pool are to be based on actual consumption; there shall be no minimum charge. Firematic and/or standpipes systems shall be charged a flat rate basis. Water charges for water used or consumed by any department or in any structure owned or used by the City of Long Beach, and sewer charges where applicable, shall be estimated by the supervisor.

...

Sec. 25-42. Installation and maintenance of water meters.

...

- (e) All water meter rates will be based upon **quarterly** periods of time as the supervisor shall prescribe. If, for any reason, a meter is not read **quarterly**, an estimated charge shall be made on the basis of the average consumption for a similar prior period, or on the basis of similar premises. Each and every charge for water shall become a lien upon the property when billed to the owner.”

...

Repealed, revoked and rescinded:

{Sec. 25-66. When sprinkling permitted.

The sprinkling or watering of lawns, flowers, shrubs or gardens or the use of a hose or sprinkler system so as to cause a spray or flow of water for any purpose whatsoever with water supplied by the city is hereby prohibited, except between the hours of 7:00 p.m. and 9:00 a.m. daily. Houses having even street numbers shall water only on even calendar dates, and houses having odd street numbers shall water only on odd calendar dates.}

Sec. 14. This Ordinance shall take effect immediately.

June 15, 2021

Item No. 7
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing Publication for Hearing of an Ordinance Authorizing Financing for Various Capital Projects in and for the City, Stating the Estimated Total Cost Thereof is \$13,967,752, Appropriating Said Amount Therefor, Including the Expenditure of \$3,881,252 Expected to be Received in State or Federal Aid, and \$350,000 Proceeds of Previous Borrowings, and Authorizing the Issuance of Not to Exceed \$9,736,500 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 Certain of Such Capital Projects as Indicated Herein, 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 Notes and Bonds.

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

“BOND ORDINANCE DATED JULY 6, 2021.

ORDINANCE AUTHORIZING FINANCING FOR VARIOUS CAPITAL PROJECTS IN AND FOR THE CITY, STATING THE ESTIMATED TOTAL COST THEREOF IS \$13,967,752, APPROPRIATING SAID AMOUNT THEREFOR, INCLUDING THE EXPENDITURE OF \$3,881,252 EXPECTED TO BE RECEIVED IN STATE OR FEDERAL AID, AND \$350,000 PROCEEDS OF PREVIOUS BORROWINGS, AND AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$9,736,500 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 CERTAIN OF SUCH CAPITAL PROJECTS AS INDICATED HEREIN, 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 NOTES AND BONDS.”

(See Proposed Ordinance)

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 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, in the City of Long Beach, New York, on July 6, 2021 at 7:00 p.m. on that day.

ORDINANCE AUTHORIZING FINANCING FOR VARIOUS CAPITAL PROJECTS IN AND FOR THE CITY, STATING THE ESTIMATED TOTAL COST THEREOF IS \$13,967,752, APPROPRIATING SAID AMOUNT THEREFOR, INCLUDING THE EXPENDITURE OF \$3,881,252 EXPECTED TO BE RECEIVED IN STATE OR FEDERAL AID, AND \$350,000 PROCEEDS OF PREVIOUS BORROWINGS, AND AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$9,736,500 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 CERTAIN OF SUCH CAPITAL PROJECTS AS INDICATED HEREIN, 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 NOTES AND BONDS.

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

Section 1. The City of Long Beach, Nassau County, New York (herein called the “City”), is hereby authorized to finance the costs of construction, acquisition or undertaking of the various capital projects as described in column A of Schedule I attached hereto and hereby made a part hereof, at the estimated maximum costs indicated in column B of such Schedule I. The total estimated cost of such projects, including preliminary costs and costs incidental thereto and to the financing thereof, is \$13,967,752 and said amount is hereby appropriated therefor. The plan of financing includes the expenditure of \$3,881,252 in State and Federal aid expected to be received in the amounts indicated in column C of such Schedule I, the expenditure of \$350,000 proceeds from previous borrowings, and the issuance of not to exceed \$9,736,500 bonds of the City 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 the interest thereon as the same shall become due and payable. 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 applicable specific objects or purposes, classes of objects or purposes or combinations of objects or purposes 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. Bonds of the City in the aggregate principal amount of not to exceed \$9,736,500 are hereby authorized to be issued in the respective principal amounts indicated in column D of Schedule I for each of the respective objects or purposes indicated in column A of such Schedule I, pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called “Law”), to finance the appropriation referred to herein.

Section 3. The respective periods of probable usefulness of the specific objects or purposes and classes of objects or purposes as referenced in column G of the attached Schedule I, for which said bonds are authorized are to be issued, within the limitations of §11.00 a. of the Law, are set forth in columns F and G of the attached Schedule I.

Section 4. The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the City for expenditures made after the effective date of this ordinance for the purpose or purposes for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

Section 5. Each of the bonds authorized by this ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the City, payable as to both principal and interest by general tax upon all the taxable real property within the City. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this ordinance and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the City Council relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and relative to executing agreements for credit enhancement, are hereby delegated to the City Comptroller, the chief fiscal officer of the City.

Section 7. The validity of the bonds authorized by this ordinance, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such ordinance or a summary hereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 8. This Ordinance, which takes effect immediately upon the final passage thereof, shall be published in summary form in the official newspaper of said City, together with a notice of the City Clerk in substantially the form set forth in Section 81.00 of the Local Finance Law.

June 15, 2021

Item No. 8
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing Publication for Hearing of an Ordinance
Authorizing Financing for the Cost of Fiscal Year 2021-2022
Separation Payments To or For the Benefit of Employees of the City
Upon Separation from Employment, Stating the Estimated Total Cost
Thereof is \$3,229,500, Appropriating Said Amount Therefor, and
Authorizing the Issuance of Not to Exceed \$3,229,500 Bonds of Said
City to Finance Said Appropriation.

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

“BOND ORDINANCE DATED JULY 6, 2021.

ORDINANCE AUTHORIZING FINANCING FOR THE COST
OF FISCAL YEAR 2021-2022 SEPARATION PAYMENTS TO
OR FOR THE BENEFIT OF EMPLOYEES OF THE CITY
UPON SEPARATION FROM EMPLOYMENT, STATING THE
ESTIMATED TOTAL COST THEREOF IS \$3,229,500,
APPROPRIATING SAID AMOUNT THEREFOR, AND
AUTHORIZING THE ISSUANCE OF NOT TO EXCEED
\$3,229,500 BONDS OF SAID CITY TO FINANCE SAID
APPROPRIATION.”

(See Proposed Ordinance)

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 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, in the City of Long
Beach, New York, on July 6, 2021 at 7:00 p.m. on that day.

BOND ORDINANCE AUTHORIZING FINANCING FOR THE COST OF FISCAL YEAR 2021-2022 SEPARATION PAYMENTS TO OR FOR THE BENEFIT OF EMPLOYEES OF THE CITY UPON SEPARATION FROM EMPLOYMENT, STATING THE ESTIMATED TOTAL COST THEREOF IS \$3,229,500, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$3,229,500 BONDS OF SAID CITY TO FINANCE SAID APPROPRIATION.

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

Section 1. The City of Long Beach, Nassau County, New York (herein called the “City”), is hereby authorized to finance the cost of fiscal year 2021-2022 separation payments to or for the benefit of employees of the City upon separation from employment, pursuant to Chapter 258 of the 2012 Laws of New York, at the estimated maximum cost of \$3,229,500 and as detailed in the attached Exhibit. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and to the financing thereof, is \$3,229,500 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of not to exceed \$3,229,500 bonds of the City 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 the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the aggregate principal amount of \$3,229,500 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called “Law”), to finance the appropriation referred to herein.

Section 3. The period of probable usefulness of the specific object or purpose for which said \$3,229,500 bonds herein authorized are to be issued, within the limitations of Section 11.00 a. 85-e of the Law, is five (5) years.

Section 4. The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the City for expenditures made after the effective date of this ordinance for the purpose or purposes for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

Section 5. Each of the bonds authorized by this ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the City, payable as to both principal and interest by general tax upon all the taxable real property within the City. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision

shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this ordinance and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the City Council relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and relative to executing agreements for credit enhancement, are hereby delegated to the City Comptroller, the chief fiscal officer of the City.

Section 7. The validity of the bonds authorized by this ordinance, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such ordinance or a summary hereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 8. This Ordinance, which takes effect immediately upon the final passage thereof, shall be published in summary form in the official newspaper of said City, together with a notice of the City Clerk in substantially the form set forth in paragraph a of Section 81.00 of the Local Finance Law.