

NOTICE OF ADOPTION OF RESOLUTION

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Babylon, County of Suffolk, State of New York, at a regular meeting thereof held on the 1st day of September 2021 duly adopted a resolution adopting Local Law No. 8 of 2021, an abstract of which is as follows:

**RESOLUTION NO. 589 SEPTEMBER 1, 2021
ADOPTING A LOCAL LAW OF 2021 AMENDING CHAPTER 44 OF THE BABYLON TOWN CODE
(DEPARTMENT OF PARKS, RECREATION AND CULTURAL AFFAIRS)**

WHEREAS, the Town Board of the Town of Babylon having duly called and held a Public Hearing at Babylon Old Town Hall, 47 W Main Street, Babylon, on the 4th day of August, 2021 upon the question of enactment of a Local Law of 2021 of the Town of Babylon, Suffolk County, New York, being a Local Law amending the Code of the Town of Babylon, Chapter 44 (Department Of Parks, Recreation And Cultural Affairs);

WHEREAS; In accordance with Part 617.5 (c.) (26), State Environmental Quality Review (SEQR), the adoption of this Local Law is classified a Type II Action and not subject to environmental review under SEQR; and

NOW, THEREFORE, be it

RESOLVED AND ORDAINED, by the Town Board of the Town of Babylon that Local Law No. 8 of 2021, of the Town of Babylon, Suffolk County, New York, is hereby enacted as follows and effective upon its filing with the New York State Department of State:

**LOCAL LAW NO. 8 of 2021
AMENDING THE CODE OF THE TOWN OF BABYLON, CHAPTER 44**

Section 1. **DELETE** as follows:

CHAPTER 44
DEPARTMENT OF PARKS, RECREATION AND CULTURAL AFFAIRS

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§ 44-16 **Division of Public Safety.**

A.
The Division of Public Safety shall have charge and supervision of the administration and enforcement of Town codes, security for Town buildings and grounds and license investigations.

B.
The Division of Public Safety shall include ordinance inspectors, guards and park rangers, whose duties and responsibilities are set forth hereinbelow:

(1)
Ordinance inspectors shall have the responsibility to investigate and issue summonses relating to violation of local municipal ordinances and regulations regarding housing, building, zoning, fire safety, sanitation, amusements, signs, hawking, peddling and other areas concerning public order and safety.

(2)
The guards shall be responsible for ensuring the safety and security of Town buildings, grounds, materials and equipment against fire, trespass, theft and other hazards.

(3)
The Division of Public Safety shall, upon request of the Town Clerk or any other agency or department in the Town, review applications for permits or licenses issued pursuant to law. This Division shall investigate the facts and circumstances surrounding the proposed activity subject to licensing, verify the application and recommend to the Town Clerk the determination to be made with respect to such application. The investigations authorized by this subsection shall be conducted with respect to the following activities requiring licenses or permits:

(a)
Beach vehicle operation.

(b)
Bingo operations.

(c)
Amusement and carnival enterprises.

(d)
Games of chance operations.

(e)
Junkyard operations.

(f)
Parades and block parties.

(g)
Hawking and peddling.

(h)
Tow truck operation.

(i)
Video game licenses.

(j)
Taxi licenses.

(k)
Carting.

(4)
The park rangers shall have the responsibility for ensuring the safety and security of Town parks, beaches and recreational areas and any building contained within the parks, beaches and recreational areas. The park rangers shall also be responsible for enforcing Town Code ordinances relating to the parks, beaches and recreational areas and shall possess the powers of peace officers in accordance with § 2.10, Subdivision 9, of the Criminal Procedure Law and such other powers as may be authorized by law.

DELETE as follows:

§ 44-17**Division of Fire.**

A.
The Division of Fire Marshals shall have charge and supervision of the administration and enforcement of Chapter **123** of the Code of the Town of Babylon relating to fire prevention. The Fire Marshals shall also be responsible to issue such permits and collect such fees as required in said chapter.

B.
The Chief Fire Marshal and Fire Marshals are also hereby authorized to issue appearance tickets and summonses for violations of the Code of the Town of Babylon and the New York State Building Code, Residential Code, Fire Code, Plumbing Code, Mechanical Code, Fuel Gas Code, Property Maintenance Code and Energy Conservation Code.

C.
The Chief Fire Marshals and Fire Marshals are further authorized to issue uniform appearance tickets and simplified informations pursuant to Article 71 of the Environmental Conservation Law and simplified traffic informations pursuant to Criminal Procedure Law § 100.25 and shall have other powers of peace officers in accordance with § 2.10, Subdivision 62, of the Criminal Procedure Law, § 2.20 of the Criminal Procedure Law, and such other powers as may be authorized by law.

AMEND as follows:

§ 44-18**Residency requirements.**

A.
Legislative intent. The purpose and intent of this section is to establish residency requirements for certain appointed Town officers of the Town of Babylon who are appointed to positions of Bay Constable and Harbormaster. In order to employ and maintain employment of quality appointed Town officers in these positions, the Town Board of the Town of Babylon has determined that residency of such Town officers within the State of New York would provide sufficient geographical boundaries within which to secure and maintain a pool of qualified appointed Town officers available to be appointed by the Town of Babylon as the needs for such appointments occur from time to time. The Town Board further finds and determines that limiting these appointed Town officers' residency to the Town of Babylon only is unduly restrictive and burdensome on the Town of Babylon in attempting to maintain and fill appointed Town officers vacancies as they occur within the specific positions stated above. Accordingly, the Town Board of the Town of Babylon adopts this section for the purposes of allowing the Town to employ and maintain employment of qualified appointed Town officers to the positions of Bay Constable and Harbormaster to serve the Town of Babylon and its residents.

B.

Establishment of residency requirements for appointed Town officers. Notwithstanding the provisions of Subdivision 1 of § 23 of the Town Law of the State of New York, and notwithstanding the provisions of Subdivision 1 of § 3 of the Public Officers Law, and notwithstanding the provisions of Subdivision 1 of § 3-b of the Public Officers Law or Subdivision 1d of § 30 the Public Officer's Law, in the Town of Babylon, Suffolk County, New York, all persons appointed to the positions of Bay Constable and Harbormaster shall reside within the State of New York.

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Section 2. Severability.

If any clause, sentence, paragraph, subdivision, section, or other part of this local law shall for any reason be adjudged by any court of competent jurisdiction to be unconstitutional or otherwise invalid, such judgement shall not affect, impair or invalidate the remainder of this local law, and it shall be construed to have been the legislative intent to enact this local law without such unconstitutional or invalid parts therein.

Section 3. Effective Date.

This local law shall take effect immediately upon filing in the Office of the Secretary of the State of New York.

Dated: September 1, 2021, Town of Babylon
BY ORDER OF THE TOWN BOARD, TOWN OF BABYLON
GERALDINE COMPITELLO, TOWN CLERK