

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 13th day of October 2021 duly adopted a resolution adopting Local Law No. 9 of 2021, an abstract of which is as follows:

**RESOLUTION NO. 675 OCTOBER 13, 2021
ADOPTING A LOCAL LAW OF 2021 AMENDING CHAPTER 15 OF THE BABYLON TOWN CODE
(DEPARTMENT OF PUBLIC SAFETY ENFORCEMENT)**

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 14th day of September, 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 15 (Department of Public Safety Enforcement);

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. 9 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. 9 of 2021
AMENDING THE CODE OF THE TOWN OF BABYLON, CHAPTER 15**

Section 1.

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AMEND as follows:

§ 15-4. Organization.

- A. The Commissioner shall have such powers as shall be necessary for the proper administration of the Department consistent with applicable provisions of law.
- B. Until such time as the same may be either amended or modified, the Department shall be divided into the following five divisions:
 - (1) Division of Public Safety.
 - (2) Division of Emergency Management.
 - (3) Division of Fire Prevention.
 - (4) Division of Code Enforcement.
 - (5) Division of Park Rangers
 - (6) Division of Harbor Patrol

§ 15-5. Powers and duties.

- A. The powers and duties of such divisions therein shall be under the administration, direction and control of the Commissioner, and each division shall be supervised by a person designated by the Commissioner in conformance with the Civil Service Law.
- B. The Commissioner may, with the approval of the Town Board, establish, consolidate or abolish any divisions or subdivisions not existing or hereafter created in the Department.
- C. Powers and duties of individual divisions.
 - (1) Division of Public Safety. Its powers and duties are to provide for the protection of Town property and of the health, safety and welfare of citizens using Town property maintained for public use, by the enforcement of the applicable provisions of the Code of the Town of Babylon. 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. 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:

- i. Beach vehicle operation.
- ii. Bingo operations.
- iii. Amusement and carnival operations.
- iv. Games of chance operations.
- v. Junkyard operations.
- vi. Parades and block parties.
- vii. Hawking and peddling.
- viii. Tow truck operation.
- ix. Video game licenses.
- x. Taxi licenses.
- xi. Carting.

(2) The Division of Emergency Management. Its powers and duties are to coordinate the town's response to natural and man-made disasters. Division personnel are responsible for the development of the a comprehensive emergency management plan, and work with local, county, state, and federal officials in all aspects of planning, resource management, and emergency response and recovery activities.

(3) Division of Fire Prevention. Its powers and duties are set forth in Chapter 123 of the Code of the Town of Babylon. The Division of Fire Prevention 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. Fire Marshal 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. 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.

(4) Division of Code Enforcement. Its powers and duties are to investigate all alleged violations of the Code of the Town of Babylon or, to such end, applicable state codes, laws, rules and regulations. The Commissioner may employ such investigators, zoning inspectors, ordinance inspectors, sign inspectors, fire marshals or any other personnel as may be required to effectuate the same, within budgetary limits set by the Town Board. The Division shall be responsible for the enforcement of all violations of the aforesaid codes, laws, rules and regulations and/or obtaining compliance with the same. Persons in said Division designated by the Commissioner in conformance with the Civil Service Law may issue notices of violation, appearance tickets, summonses or any other notices as permissible by law. Nothing herein shall be construed to limit any other power of the Commissioner as provided by the Code of the Town of Babylon or any other applicable law, rule or regulation.

(5) Division of Park Rangers. This Division of Park Rangers shall be composed of individuals with peace officer training and status entrusted with the responsibility to maintain the peace and good order of our community including in all parks, beaches other recreational spaces and upon all other Town owned property. It shall be the responsibility of all Park Rangers to actively patrol in marked or unmarked vehicles and enforce all federal, state and local laws to accomplish their mission. They will work closely with all public safety divisions and other code enforcement personnel as and where deployed by the Commissioner. Park Rangers, designated peace officers in accordance with § 2.10, Subdivision 9, of the Criminal Procedure Law, shall exercise the powers of peace officer and such other powers as may be authorized by law.

(6) Division of Harbor Patrol. This Division of Harbor Patrol shall have charge and supervision of the administration and enforcement of the Code of the Town of Babylon relating to waterways within the Town of Babylon.

a. Harbormaster.

- i. A Harbormaster shall be appointed by the Town Board in the manner specified by applicable civil service laws and in accordance with criteria previously applied. The Harbormaster appointed as of the date of this enactment shall retain his position.
- ii. A Harbormaster shall possess the powers of peace officers, in accordance with § 2.10, Subdivision 19, of the Criminal Procedure Law, and such other powers as may be authorized by law.
- iii. The salary of the Harbormaster shall be duly fixed by the Town Board in accordance with law.
- iv. The Harbormaster shall be responsible for maintaining navigable channels to ensure the safe and orderly flow of boating traffic in Town waters. The Harbormaster shall also be responsible for the enforcement of Chapter 86 of the Town Code of the Town of Babylon.

b. Bay constables.

- i. Bay constables shall be appointed in the manner specified by applicable civil service laws and in accordance with criteria previously applied. The number of bay constables to be appointed shall be fixed by the Town Board by appropriate resolution and shall be subject to increase or decrease as the public interests require. All bay constables appointed as of the date of this enactment shall retain their respective positions.
- ii. Bay constables shall possess the powers of peace officers, in accordance with § 2.10, Subdivision 18, of the Criminal Procedure Law, and such other powers as may be authorized by law.
- iii. The salaries of the bay constables shall be duly fixed by the Town Board in accordance with law.
- iv. The bay constables shall be responsible for patrolling and maintaining peace and order on waterways and shall be responsible for enforcement of Chapter 86 of the Town Code of the Town of Babylon.

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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: October 13, 2021, Town of Babylon
BY ORDER OF THE TOWN BOARD, TOWN OF BABYLON
GERALDINE COMPITELLO, TOWN CLERK