INCORPORATED

Village of Atlantic Beach

GEORGE J. PAPPAS
MAYOR

EDWARD A. SULLIVAN
LINDA BAESSLER
PATRICIA BEAUMONT
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TRUSTEES

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DOMINICK MINERVA, ESQ.
VILLAGE ATTORNEY

HERBERT A. KLIBANOFF
TREASURER

EMILY SINISCALCHI
CLERK

February 20, 2024

State Records and Law Bureau
Department of State
Suite 600
One Commerce Plaza
99 Washington Avenue
Albany, NY 12231-0001

RE: Local Law 2-2024
Inc. Village of Atlantic Beach

Dear Clerk:

Enclosed is the above entitled local law for filing with your office pursuant to Section 27 of the Municipal Home Rule Law and the certifications.

This Local Law was adopted at the meeting of the Board of Trustees on February 12, 2024.

Please contact me if you have any questions. Thank you for your cooperation.

Yours very truly,

Emily Siniscalchi

Emily Siniscalchi
Village Clerk

Enclosure

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

☐ **County** ☐ **City** ☐ **Town** ☒ **Village**
(Select one:)

of INC. VILLAGE OF ATLANTIC BEACH

Local Law No. 2 **of the year 20**24

A local law TO AMEND CHAPTER 191 OF THE CODE OF THE VILLAGE OF ATLANTIC BEACH
(Insert Title)

Be it enacted by the BOARD OF TRUSTEES **of the**
(Name of Legislative Body)

☐ **County** ☐ **City** ☐ **Town** ☒ **Village**
(Select one:)

of ATLANTIC BEACH **as follows:**

SEE ATTACHED

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)
I hereby certify that the local law annexed hereto, designated as local law No. 2 of 2024 of the ~~(County)(City)(Town~~)(Village) of Atlantic Beach was duly passed by the Board of Trustees on February 12 2024, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)
I hereby certify that the local law annexed hereto, designated as local law No. of 20_____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20_____, and was (approved)(not approved)
(Name of Legislative Body)
(repassed after disapproval) by the _____ and was deemed duly adopted
(Elective Chief Executive Officer)*
on _____ 20[ ][ ], in accordance w ith the applicable provisions of law.

3. (Final adoption by referendum.)
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20_____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20_____, and was (approved)(not approved)
(Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20_____.
(Elective Chief Executive Officer)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20_____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20_____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20_____, and was (approved)(not approved)
(Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20_____. Such local
(Elective Chief Executive Officer)*
law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20_____, in accordance with the applicable provisions of law.

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* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)
I hereby certify that the local law annexed hereto, designated as local law No._____ of 20_____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20_____, became operative.

6. (County local law concerning adoption of Charter.)
I hereby certify that the local law annexed hereto, designated as local law No._____ of 20_____ of the County of _____State of New York, having been submitted to the electors at the General Election of November _____ 20_____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)
I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____ above.

Emily Sensenbach
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date: 2-13-2024

Local Law No: __2__ of the year 2024

Village of Atlantic Beach, County of Nassau

A Local Law to Amend the Code of the Incorporated Village of Atlantic Beach Chapter 191 entitled "Storage Units" to replace section 191-3 entitled "Penalties for offenses" with a new section 191-3 entitled "License required; expiration of permit; late filing fee; application information" to add a license requirement for companies that rent and deliver portable on-demand storage units (PODS) and to renumber the existing section 191-3 to section 191-4 entitled "Penalties for offenses" and amend same.

Be it enacted by the Board of Trustees of the Incorporated Village of Atlantic Beach as follows:

Section 1. Section 191-3 is hereby replaced with the following language:

191-3. License required; expiration of permit, late filing fee; application information.

A. All portable on-demand storage unit (PODS) rental companies must be licensed in the Village. Permits have a term of two years from issuance, but in no event shall any resolution establish a term of more than four years. The fee shall be set forth from time to time by resolution by the Board of Trustees. There will be a ten-day grace period or the license will be subject to a late filing fee.
B. The following information is required to be submitted with the application:
   (1) The name and address of the applicant;
   (2) If the applicant operates under a trade name;
   (3) The name, address and telephone number of where the applicant or person in charge may be contacted 24 hours a day;
   (4) General liability, workers compensation and disability insurance certificates must be provided naming the Village as certificate holder and with respect to the general liability policy, as additional insured.

[Added 2-12-2024 by L.L. No. _2_-2024]

Section 2. Section 191-3 is hereby renumbered as Section 191-4 and amended with the following language:

191-4 Penalties for offenses.

A. A violation of this chapter shall, upon conviction, be punishable by a fine of $1,000 per month for any month or part of a month that a permit has not been obtained for an enclosed container or portable on-demand storage unit.
B. Any person or entity committing an offense against section 191-3 of this chapter or failing to comply therewith, or with any of the requirements thereof, shall be guilty of a violation punishable by and subject to a fine of not more than $500.00 or by imprisonment for a

term not exceeding 15 days, or by both such fine and imprisonment, for each such violation upon conviction.

C. The continuation of a violation of any provision of section 191-3 of this chapter shall be deemed a separate violation for each successive week, and such person or entity may be punished for each such separate violation.

[Amended 2-12-2024 by L.L. No. _2_-2024]

Section 3. Full Force & Effect.

Except as hereinabove amended, Chapter 191 shall remain in full force and effect.

Section 4. Repealer.

All ordinances, local laws or resolutions, or parts of ordinances, local laws or resolutions of the Incorporated Village of Atlantic Beach inconsistent with the provisions of this local law are hereby repealed, provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this local law shall be in addition to other legislation regulating and governing the subject matter covered by this local law.

Section 5. Severability.

If any section, paragraph, subdivision or provision of this local law shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this local law as a whole or any part or provision thereof, other than the part so decided to be invalid or unconstitutional.

Section 6. Effective Date.

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

Adopted: February 12, 2024

Motion by:
Seconded by:

Ayes: Mayor George J. Pappas,
Trustee Edward A. Sullivan, Linda L. Baessler, Patricia Beaumont, Nathan Etrog