

LOCAL LAW NO. 8 of 2024

A LOCAL LAW *amending Chapter 19* of the Code of the Town of Southampton.

BE IT ENACTED by the Town Board of the Town of Southampton as follows:

SECTION 1. Legislative Intent.

The Town Board seeks to simplify the process for home improvement contractors to become licensed, while at the same time creating clearer standards for the appeals process, and process for hearing complaints against home improvement contractors grounds for suspension and/or revocation. The Town Board also wishes to disband the current license review board, and merge its functions with the already established public safety commission as it already hears matters of a substantially similar subject matter. Merging these boards can serve to streamline government processes and reduce waste by consolidating duplicative services.

SECTION 2. Amendment.

Chapter 19 of the Southampton Town Code is hereby amended by deleting the stricken words and adding the underlined words as follows:

Chapter 19 Department of Police; Public Safety Commission

[HISTORY: Adopted by the Town Board of the Town of Southampton 2-14-2006 by L.L. No. 9-2006. Amendments noted where applicable.]

GENERAL REFERENCES

Intermunicipal police assistance - See Ch. 59.

§ 19-1 Legislative intent.

§ 19-2 Definitions.

§ 19-3 Department established.

§ 19-4 Public Safety Commission established; membership.

§ 19-5 Public Safety Commission powers and duties.

§ 19-1 Legislative intent.

[Amended 5-9-2017 by L.L. No. 9-2017]

The Town Board of the Town of Southampton recognizes that the Constitution of the State of New York and the Municipal Home Rule Law of the State of New York afford towns the ability to structure their local governments as needed to promote the efficiency of town operations. The Municipal Home Rule Law specifically authorizes a town to create or discontinue departments; to prescribe or modify the powers and duties of such departments; and to specify the powers, duties, qualifications, number and mode of selection of its officers and employees. The Town Board accordingly intends to exercise those powers to hereby constitute the Southampton Police Department as a Department of Town government.

§ 19-2 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

DEPARTMENT

The Southampton Town Police Department.^[1]

PUBLIC SAFETY COMMISSION

The Public Safety Commission of the Town of Southampton, consisting of five members appointed by the Town Board of the Town of Southampton.

[Added 2-10-2009 by L.L. No. 3-2009]

[1] *Editor's Note: The former definition of "Commissioner," which preceded this definition, was repealed 5-9-2017 by L.L. No. 9-2017.*

§ 19-3 Department established.

A. The Town of Southampton Police Department is hereby constituted as a department of Town government.

B. The Town Board shall determine the number of captains, lieutenants, sergeants, patrolmen and civilian employees within the Department, all of whom shall be appointed by the Town Board.

[Amended 5-9-2017 by L.L. No. 9-2017]

C. All Department personnel shall report to the Police Chief through the Departmental chain of command. The Police Chief shall report to the Town Board.

[Amended 5-9-2017 by L.L. No. 9-2017]

D. Notwithstanding anything to the contrary, the Supervisor shall be designated as the primary point of contact for the Police Chief in the following circumstances:

[Added 5-9-2017 by L.L. No. 9-2017]

(1) A declared state of emergency;

(2) An active incident requiring immediate notification; or

(3) Exigent circumstances that affect the immediate health, safety, and welfare of the general public.

E. After said notification, the Supervisor shall advise the rest of the Town Board members as soon as is reasonable and appropriate.

[Added 5-9-2017 by L.L. No. 9-2017]

F. Nothing herein shall limit the powers of any Town officer otherwise provided by New York State Town Law.

[Added 5-9-2017 by L.L. No. 9-2017]

§ 19-4 Public Safety Commission established; membership. [1]

[Added 2-10-2009 by L.L. No. 3-2009]

A. The Public Safety Commission is hereby created. The Public Safety Commission shall consist of five members appointed by the Town Board and, to the extent available in the community, shall be representative of the entire Southampton Town community and may be drawn from the following disciplines, such as, but not limited to, law enforcement, local government, business, event planning, emergency medical services, fire safety, and not-for-profit organizations. Public Safety Commission members shall serve for a term of three years, with the exception of the initial term of one of the members which shall be one year, two for two years, and two for three years. Members may serve for more than one term. The Town Board shall designate one member to serve as Chair of the Public Safety Commission, and the Public Safety Commission may elect to designate a Vice Chairman and Secretary.

B. Members of the Public Safety Commission shall file an oath of office with the office of the Town Clerk, shall be residents of the Town pursuant to Town Code Chapter 61, Residency Requirements, and shall be provided with legal defense and indemnification in accordance with the requirements of Town Code Chapter 14, Defense and Indemnification.

C. The majority of the members shall constitute a quorum of the Public Safety Commission.

The Chair or a majority of the members of the Public Safety Commission may call a meeting of the Public Safety Commission. The Public Safety Commission shall prescribe rules for the conduct of its affairs.

D. The Town Board may appoint ex-officio members to the Public Safety Commission.

[1] *Editor's Note: Former § 19-4, Police Commissioner established; powers and duties, was repealed 5-9-2017 by L.L. No. 9-2017. This local law also repealed former § 19-4.1, Effect on powers of Supervisor; § 19-5, Legislative authority; and § 19-6, Supersession of state law, and renumbered former §§ 19-7 and 19-8 as §§ 19-4 and 19-5, respectively.*

§ 19-5 Public Safety Commission powers and duties.

[Added 2-10-2009 by L.L. No. 3-2009]

The Public Safety Commission shall be empowered to:

A. Hold public hearings to consider an applicant's appeal based upon the denial of a special event or parade permit application, or the rescission of a special event or parade permit, as governed by Town Code § 283-9B.

B. Sustain the determination of the Chief Fire Marshal, Public Safety and Emergency Management Administrator, or the Chief of Police, or their designees to, deny or rescind a special event or parade permit, or reverse the determination, as governed by Town Code § 283-9E. [Amended 4-13-2010 by L.L. No. 11-2010; 1-24-2023 by L.L. No. 1-2023]

C. Review all of the special events and recommend changes to policies, procedures, and the Special Events Ordinance^[1] at a minimum of once per year.

[1] *Editor's Note: See Ch. 283, Special Events.*

D. Conduct all other matters related to special events or parades as delegated or referred by the Town Board.

E. Hold public hearings to consider an applicant's appeal based upon the denial of an outdoor sidewalk dining application, or the rescission of an outdoor sidewalk dining license, as governed by Town Code § 250-5B.

[Added 5-26-2009 by L.L. No. 21-2009]

F. Sustain the determination of the Chief Fire Marshal, Public Safety and Emergency Management Administrator, or the Chief of Police, or his or her designee, to deny or rescind an outdoor sidewalk dining license, or reverse the determination, as governed by Town Code § 250-5E.

[Added 5-26-2009 by L.L. No. 21-2009; amended 4-13-2010 by L.L. No. 11-2010; 1-24-2023 by L.L. No. 1-2023]

G. Review all of the outdoor sidewalk dining licenses and recommend changes to policies, procedures, and the Outdoor Sidewalk Dining Ordinance (Chapter 250) at a minimum of once per year.

[Added 5-26-2009 by L.L. No. 21-2009]

H. Conduct all other matters related to outdoor sidewalk dining licenses as delegated or referred by the Town Board.

[Added 5-26-2009 by L.L. No. 21-2009]

I. Hold public hearings to consider an applicant's appeal based upon the denial of a facility use permit or an alcoholic beverage permit, as governed by Town Code § 111-3D.

[Added 4-13-2010 by L.L. No. 11-2010]

J. Sustain the determination of the Superintendent of Parks and Recreation, Director of Human Services, Town Management Services Administrator, or their designees, to deny a facility use or alcoholic beverage permit, or reverse the determination, as governed by Town Code § 111-3D.

[Added 4-13-2010 by L.L. No. 11-2010]

K. Conduct all other matters related to facility use or alcoholic beverage permits as delegated or referred by the Town Board.

[Added 4-13-2010 by L.L. No. 11-2010]

L. Hold public hearings to consider appeals based upon false alarm charges, as governed by Town Code § 85-4, and uphold, modify, or remove the charges.

[Added 1-11-2011 by L.L. No. 2-2011]

M. Hold public hearings to consider an applicant's appeal based upon the denial or revocation of a commercial animal enterprise permit, as governed by Town Code § 150-10.

[Added 1-11-2011 by L.L. No. 2-2011]

N. Sustain the determination of the Public Safety and Emergency Management Administrator, or Animal Control Supervisor, or designee, to deny or revoke a commercial animal enterprise permit, or reverse the determination, as governed by Town Code § 150-10.

[Added 1-11-2011 by L.L. No. 2-2011; amended 1-24-2023 by L.L. No. 1-2023]

O. Hold public hearings to consider an applicant's appeal based upon the denial or revocation of a peddler's license, as governed by Town Code Chapter 254.

[Added 12-28-2021 by L.L. No. 26-2021]

P. Hold public hearings to consider an applicant's appeal based upon the denial of a taxi/livery license, as governed by Town Code Chapter 299.

Q. Hold public hearings to hear and render a final determination regarding a complaint filed against a taxi/livery license operator to determine whether his license should be suspended or revoked pursuant to Town Code Chapter 299, upon a finding that the license holder has committed a violation of Chapter 299 by clear and convincing evidence.

R. Hold public hearings to consider an applicant's appeal based upon the denial of a home improvement contractor license, as governed by Town Code Chapter 143.

S. Hold public hearings to hear and render a final determination regarding a complaint filed by a homeowner against a licensed home improvement contractor. Such complaint must be made in writing and must allege one or more grounds listed within Town Code Chapter 143-11, and may be the basis for the Public Safety Commission to order a suspension or revocation of the license upon a finding that the license holder has committed a violation of Chapter 143-11 by clear and convincing evidence.

SECTION 3. Authority.

The proposed law is enacted pursuant to Municipal Home Rule Law §10.

SECTION 4. Severability.

If any section or subsection, paragraph, clause, phrase or provision of this law shall be

adjudged invalid or held unconstitutional by any court of competent jurisdiction, any judgment made thereby shall not affect the validity of this law as a whole or any part thereof other than the part or provisions so adjudged to be invalid or unconstitutional.

SECTION 5. Effective Date.

This local law shall take effect upon filing with the Secretary of State pursuant to Municipal Home Rule Law.