

TOWN OF NORTH HEMPSTEAD
LOCAL LAW NO. OF 2018

A LOCAL LAW AMENDING CHAPTER 2 OF THE TOWN CODE
ENTITLED “ADMINISTRATION AND ENFORCEMENT”

BE IT ENACTED by the Town Board of the Town of North Hempstead, as follows:

Section 1. Legislative Intent.

The Board finds it in the best interests of the Town to amend Chapter 2 of the Town Code to correct referential errors included in the Town Code’s procedures for revocation and suspension of plumbing and electrical certificates of competency and licenses.

Section 2.

Subdivision U of Section 2-35 of Chapter 2 of the Town Code is hereby amended as follows:

U. Suspension and Revocation of Licenses

- (1) Subject to compliance with the requirements stated in subsections (2) and (3) below, the Commissioner of Buildings may revoke (or suspend for a period of up to one year) a certificate of competency or license granted under the provisions of this Article for any of the following reasons:
 - (a) Failure to file an application for a permit prior to the installation of plumbing work; or
 - (b) Failure to take the required action called for upon receipt of a violation notice; or
 - (c) Performance of plumbing work in violation of the requirements of this Chapter; or
 - (d) Renting or lending a license to a third party ~~(see, section 86-42, below);~~ or
 - (e) Being convicted of a felony; or
 - (f) Altering or defacing a certificate of inspection or approval; or
 - (g) Filing an application to perform plumbing work for a person not licensed by the Town of North Hempstead.

- (2) Any suspension or revocation pursuant to Subsection (1) above may only be effected after a hearing by the Examining Board of Plumbers on the proposed suspension or revocation. The notice of hearing shall state the date, time and location of the hearing and the reasons (as stated in Subdivision (1) above) forming the basis for the proposed revocation or suspension. The notice of hearing shall be served either personally or by certified mail, return receipt requested, to the licensee's last known address at least 10 days prior to the hearing. The licensee shall have an opportunity to appear and be heard in relation to the proposed revocation or suspension, and may be represented by counsel. Minutes of the hearing shall be transcribed by a court reporter. The Commissioner of Buildings shall attend the hearing. The hearing shall be considered a "quasi-judicial proceeding" for purposes of Article 7 of the New York Public Officers Law.
- (3) Within ten (10) days of the hearing, the Examining Board of Plumbers shall present the Commissioner of Buildings with its recommendations as to whether to suspend or revoke the certificate of competency or license. Upon receipt of the recommendations, the Commissioner of Buildings may either accept or reject the Examining Board of Plumbers' recommendations and revoke or suspend the certificate of competency or license. The revocation or suspension shall be effectuated by notice to the licensee by personal service or by certified mail, return receipt requested.

Section 3.

Section 2-72 of Chapter 2 of the Town Code is hereby amended as follows:

§ 2-72 Suspension or revocation of license.

The Commissioner of Buildings may revoke or suspend **a certificate of competency or license pursuant to § 2-68(G) of this Article** ~~a license for a period of not more than 30 days, where it has been determined that a licensee has submitted a false application or made false statements in obtaining such license or any renewal or has repeatedly failed to perform the work engaged in under the authority of such license in a competent and satisfactory manner or has violated the restrictions in the use of such license as set forth in § 2-69 of this article. In all instances of any suspension or revocation hereunder, the Commissioner of Buildings shall consult with the Examining Board of Electricians prior to his final determination. The Examining Board of Electricians, upon the receipt of any complaint resulting from work performed by licensees within a village, will conduct an independent investigation of such complaint before recommending to the Commissioner of Buildings the suspension or revocation of such Town license.~~

Section 4.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this article or in its application to the person or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

Section 5.

This Local Law shall take effect upon filing with the Secretary of State.