

c. Restricted areas.

No person shall operate a vehicle at, within, or upon any area not designated for use by the public.

f. Obstructing traffic.

No person shall cause or permit any obstruction of traffic by a vehicle or otherwise at the Coliseum. No person shall remove or replace a flat tire at the Coliseum unless the vehicle is completely off the roadway so that no part of the vehicle or person is within the path of passing vehicles.

g. Towing.

No person shall cause or permit a vehicle to be towed or pushed by another vehicle at the Coliseum except that in the event of a breakdown, a disabled vehicle may be towed or pushed to the nearest exit.

h. Removal of vehicles.

1. **Illegally parked.** The Nassau County Police Department and/or Director or his designated representative are hereby authorized to provide for the removal of any vehicle to a garage, automobile pound or other place of safety if such vehicle is parked so as to obstruct traffic and is unattended or is parked and unattended at the Coliseum, except those vehicles parked in areas where parking shall be permitted by order of the County Executive. The owner or other person lawfully entitled to the possession of such vehicle may be charged with the reasonable cost for removal and storage, payable before the vehicle is released. The County shall not be liable for damages which may result from such removal.

2. **Vehicles stalled or disabled.** Any stalled or disabled vehicle shall not be permitted to remain at the Coliseum for more than a reasonable time after the last performance of any event. If not removed by the owner, such vehicle may be removed by the Coliseum employees or by licensed tow operators authorized by the Director or his designated representative with the approval of the County Executive at the expense of the owner.

Section 6. Enforcement.

The Coliseum management or his designated representatives of the Nassau County Police Department shall be authorized to remove from the Coliseum any person who there is reasonable cause to believe has violated any of the provisions of this local law.

Section 7. Penalties.

A violation of the provisions of this local law shall be punishable by a fine not exceeding one hundred dollars or imprisonment for a period not exceeding fifteen days for each violation or by both such fine and imprisonment.

(Local Law No. 1, 1978, in effect January 9, 1978.)

TITLE 6

CONSUMER AFFAIRS - PERISHABLE FOOD - PRICING

Chapter 1. Expiration date of perishable foods to be displayed.

Section 1. Legislative purpose. The Board of Supervisors hereby finds and determines that the consumers of Nassau county should be able to ascertain that perishable food products offered for sale or sold in the County are fresh and that such food products will not spoil or suffer loss of either nutritional value or palatability for a reasonable period of time after purchase. Therefore, the Board of Supervisors deems it in the best interests of the consumer public to establish a system of clear and legible dating in order to assure consumers of the freshness of perishable food products sold or offered for sale within the County.

Section 2. Definitions.

a. "Commissioner" means the Commissioner of consumer affairs.

b. "Office" means the office of consumer affairs.

c. "Person" means an individual, firm, partnership, association or corporation.

d. "Perishable food products" shall mean those commodities as defined in section three or as otherwise designated by regulations promulgated pursuant to the provisions of this local law.

e. "Sell" or "offer to sell" shall mean the act of selling, displaying, or offering for sale by a retailer or retail entity to the public for off-premises human consumption.

Section 3. Perishable food products. For the purposes of this local law, the following items shall be deemed perishable food products:

a. eggs-grade AA, grade A and grade B shell eggs.

b. all pre-packaged, fully or partially prepared baked goods, which have a moisture content exceeding eighteen percent, with or without additives known as:

(1) bread, rolls and buns as defined in title twenty-one, chapter one, part seventeen of the code of federal regulations, except those products traditionally known as "fruitcake";

(2) cakes, pastries and cookies, except those that are offered for sale in individual, portion-pack, snack-type packages;

(3) english muffins, corn muffins, bran muffins and other similar products.

c. The following pre-packaged dairy and dairy-type products:

(1) those products with or without additives or flavoring, known as cheese, as defined in title twenty-one, chapter one, part nineteen of the code of federal regulations, which contain fifty percent or more moisture in the finished product;

(2) milk and milk products as defined in title ten, chapter one, part three of the official compilation of codes, rules and regulations of the state of New York;

(3) cultured milk, cultured milk products, cultured skim milk and cultured skim milk products with or without fruits, vegetables, meats or cheeses, or other additives;

(4) yogurt, made from skim milk or whole milk, with or without fruits, vegetables, meats or other additives;

(5) cultured cream, salad cream and non-cultured sour cream, with or without fruits, vegetables, meats or cheese or other additives;

(6) cultured half and half, non-cultured sour half and half and non-cultured half and half;

(7) dairy dressing and dairy dip;

(8) non-dairy coffee creamers which are normally stored at temperatures between thirty-two degrees fahrenheit and forty degrees fahrenheit.

d. All pre-packaged, prepared foods which require refrigeration.

c. Meat as defined in title one, chapter six, part three hundred one of the official compilation of codes, rules and regulations of the state of New York.

f. Slaughtered domesticated poultry (chicken, turkey, ducks, geese and guineas).

Section 4. General dating requirements. a. It shall be unlawful to sell or offer for sale any perishable food product unless there is a

stamped, printed or otherwise plainly and conspicuously marked a day or date indicating the last day or date of sale with a statement which shall further indicate that it is the last day or date of sale.

b. It shall be unlawful to sell or offer for sale any perishable food product after the day or date required by subdivision (a) of this section, except that outdated perishable food products may continue to be sold provided they are conspicuously identified as outdated perishable food products and are physically separated from perishable food products whose expiration dates have not expired. The Commissioner may, by regulation, set standards for the form of conspicuous identification required for the sale of outdated perishable food products.

Section 5. Display of required information. The information required by subdivision (a) of section four shall be clearly marked on each and every package or item as follows:

a. on the top cover or principal panel of the packaging or container, or, on a label affixed thereto, or

b. on the top or principal panel or on a label affixed thereto, a notice shall appear indicating the location on the packaging of the required information.

Section 6. Exemptions. The provisions of this local law shall not apply to:

a. any product stored in a retail store at or below a temperature of thirty-two degrees fahrenheit, in accordance with the specifications of the manufacturer or processor;

b. any sterilized product when hermetically sealed and packaged and is so maintained until the time of sale to the public;

c. products made from products which are date marked where such secondary products are the result of an additional processing stage;

d. prepared foods sold or offered for sale exclusively on the premises where manufactured;

e. poultry and meat particles prepared at any establishment under inspection pursuant to the federal meat inspection act, as amended by the wholesome meat act.

Section 7. Violations a. The Commissioner or his designated representative shall have the power to impose upon any person who shall violate any of the provisions of this local law and/or any regulations duly promulgated with respect thereto a civil penalty of not less than fifty dollars nor more than five hundred dollars for each such violation.

b. for purposes of this section, each group of identical packaged perishable food products which, on any single day, are in violation of either or both subdivision (a) or (b) in section four, shall constitute a single violation.

c. each day a violation is continued shall constitute a separate violation.

d. no penalty shall be imposed until after a hearing has been held before the Commissioner or his designated representative upon at least five business days' notice to the alleged violator. Such notice shall be served either personally or by certified mail, return receipt requested, to the last known address of the alleged violator, and shall state the date and place of the hearing as well as enumerate the grounds constituting the allegations. The alleged violator may be represented by counsel and may produce witnesses in his own behalf.

e. all monies received by the Office pursuant to the provisions of this local law shall be remitted to the County Treasurer for deposit in the general fund of the County within thirty days after receipt.

Section 8. Powers of the Commissioner. a. The Commissioner shall receive and evaluate complaints and initiate his own investigations relating to these matters and may take appropriate action related thereto including stop-sale and stop-removal orders where necessary and proper, except that stop-sale and stop-removal orders may only be issued in conjunction with the issuance of a notice of violation of either section four or section five hereof.

b. The Commissioner shall have the power after reasonable notice and hearing, to determine the reasonableness of any statement or representation as to the day or date affixed pursuant to section four and five.

c. The Commissioner may promulgate regulations designating additional commodities as perishable food products whenever the commissioner shall find that because of the nature of the commodity or the mode of packaging, information relative to the last selling day or date of the commodity shall be necessary in order to provide adequate information to the consuming public as to the perishable nature of such commodity.

d. The Commissioner may promulgate regulations deleting commodities as perishable food products whenever the Commissioner may find that as a result of new technology or otherwise, it is no longer necessary to require disclosing of the last selling day or date of such commodity.

e. No rule or regulation may be promulgated pursuant to subdivision (c) or (d) herein unless a public hearing is held by the Commissioner. At least seven business days' prior notice of such public hearing shall be published in the official newspapers of the County. A copy of all rules and regulations promulgated and any amendments thereto shall be filed in the office of the clerk of the board of supervisors.

Section 9. Injunctive relief. Upon application of the Commissioner, the County Attorney may commence a civil action in the name of the County to restrain, prevent and enjoin a

violation of this local law or any rule or regulation promulgated or any continuance of such violation.

Section 10. Review of administrative determination. The action of the Commissioner in adjudging penalties or making administrative determinations appropriate to his powers and duties may be reviewed by a proceeding brought under and pursuant to article seventy-eight of the Civil Practice Law and Rules of the state of New York.

Section 11. Separability. If any part of, or provision of this local law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part of or provision of or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this local law or the application thereof to other persons or circumstances.

Section 12. Superseder. Nothing contained within this local law shall be deemed to conflict with and/or supersede the authority of the Nassau County Department of Health or any state or federal law or regulation with respect to the dating of perishable food products.

(Local Law No. 7, 1976, in effect November 13, 1976)

Chapter 2. Pricing of Consumer Products within Nassau County.*

*(Local Law No. 13, 1974 in effect January 7, 1975, and terminated on January 7, 1976 in accordance with its terms.)

TITLE 7

RACING

Chapter 1. Off-track parimutuel betting within Nassau County.

Section 1. The County of Nassau pursuant to subdivision five of

the section one hundred eighteen of article six of the New York State Off-track Pari-mutuel Betting Law, as renumbered by chapter four hundred twenty-three of the laws of nineteen hundred seventy-one, hereby requests and authorizes the conduct of off-track pari-mutuel betting within the County. The County Executive is hereby authorized to execute such application and other papers and documents as may be necessary for the approval of the County as a participating municipality.

Section 2. Upon approval of the County as a participating municipality, as aforesaid, the County Executive, subject to approval of the Board of Supervisors, may submit a plan of operation for the conduct of such off-track pari-mutuel betting to be operated by the County as such participating municipality.
(Local Law No. 10, 1971, in effect September 13, 1971)

Chapter 2. County of Nassau participation in the management of the Nassau-Suffolk regional off-track betting corporation.*

*(Editors note: Chapter 2 has been repealed by the enactment of Chapter 3 of this title.)

Chapter 3. Nassau County participation in the Nassau regional off-track betting corporation.*

Section 1. Local Law number twelve of nineteen hundred seventy-three of the county of Nassau in relation to the Nassau - Suffolk regional off-track betting corporation is hereby repealed.

Section 2. The county of Nassau, pursuant to the "regional off-track betting corporation law," as added by chapter three hundred forty-six of the laws of nineteen hundred seventy-three, and amended by chapter six hundred sixty-four, of the laws of nineteen hundred seventy-four, hereby elects to participate in the Nassau regional off-track betting corporation.

(Local Law No. 10, 1974, in effect August 17, 1974.)

*(Ed's Note. L. 1973, c. 346 repealed by L. 1982, c. 865 § 2. Subject matter is now covered in Article V of the Racing, Pari-mutuel Wagering and Breeding Law as added by L. 1982, C. 865, §1.)

TITLE 8

SOCIAL WELFARE

Chapter 1. Issuance of specific parking permits for use of physically handicapped persons.

Section 1. The board of supervisors finds and determines that it is in the best interests of the residents of the county of Nassau to grant certain parking privileges to physically handicapped persons.

Section 2. The term "physically handicapped person", for the purpose of this local law, shall mean any person who by reason of a defect or infirmity whether congenital or acquired by accident, injury or disease, is permanently incapacitated, totally or partially, from walking without the assistance of artificial devices.

Section 3. Any person who is a physically handicapped person, as defined in section two of this local law, may apply to the Coordinator of the handicapped for a special parking permit.

Section 4. Such permit shall authorize the holder thereof to park the motor vehicle for which the permit was issued in those areas under county jurisdiction designated to be available for such purpose to physically handicapped person and in areas under city, town or village jurisdiction where the governing body of the municipality has designated such areas and authorized the use of permits issued by the Coordinator pursuant to the provisions of this local law.

Section 5. The application for a special parking permit by a physically handicapped person shall be made on forms furnished by the coordinator of the handicapped which shall contain, but not be limited to, the following information:

- a. name and address of applicant;
- b. age, date of birth, sex, height, weight, color of hair and color eyes of applicant and whether married or single;