

G. The alleged violator is entitled to counsel at all stages of any proceeding under this section and the Parole Board, or any member thereof, shall advise him or her of such right upon delivering to the alleged violator written notice required pursuant to subdivision D of this section.

H. At the conclusion of the hearing, the Parole Board, or any member thereof, shall issue a finding. If the Parole Board or such member is not satisfied that there is a preponderance of evidence in support of the violation, the Parole Board or such member shall dismiss the violation, cancel delinquency and restore the person to supervision. If the Parole Board or such member is satisfied that there is a preponderance of evidence that the alleged violator violated one or more conditions of conditional release in an important respect, the Parole Board or such member shall so find.

I. Upon a finding in support of the violation, the Parole Board, or any member thereof, may revoke the conditional release, or continue or modify the conditions of such conditional release. Where the Parole Board or such member revokes a person's conditional release, such person shall be committed to the custody of the Warden of the Correctional Center to serve the time remaining on his or her sentence, in accordance with subdivision three of section 70.40 of the penal law. Where the Parole Board or such member modifies the conditions of the conditional release, the Parole Board or such member shall inform the person in writing of such modified conditions.

Section 6. Transfer of Custody and Supervision of Conditional Release.

A. If a person who has been granted conditional release pursuant to this title resides or desires to reside in a place other than the one located within the jurisdiction of the Parole Board, the Parole Board or any member thereof, may designate any other Parole Board to assume local custody of such person and may so transfer custody.

B. Where custody of a person who has been granted conditional release pursuant to this title is transferred pursuant to subdivision A of this section, upon designation and prior to transfer, the Parole Board making the designation shall notify the Parole Board which has been designated to receive custody of such transfer. The Parole Board making the designation shall immediately forward its entire case record regarding such person to the receiving Parole Board. The Parole Board to which legal custody has been transferred shall assume the same powers and duties exercised by the designating Parole Board and shall have the sole custody of such person.

C. The Parole Board making the designation shall, upon designation and prior to transfer, notify the Probation Department located in the jurisdiction of the receiving Parole Board of the duties of supervision and conditions of release of such person. Upon such notification, such Probation Department shall assume responsibilities of supervision. The Parole Board making the designation shall immediately forward its entire case record regarding such person to such Probation Department.
(Local Law No. 3, 1989, in effect June 19, 1989.)

TITLE 17

PURCHASE FROZEN DESSERTS FROM VENDOR IN MOTOR VEHICLE

§ 1. Definitions.

a.) "Frozen desserts" shall mean ice cream, frozen custard, French ice cream, French custard ice cream, artificially sweetened ice cream, ice milk, artificially sweetened ice milk, fruit sherbert, non-fruit sherbert, water ices, non-fruit water ices, quiescently frozen confection, quiescently frozen dairy confection, manufactured desserts mix, frozen confection, mclorine frozen dessert, parevine, frozen yogurt, freezer made shakes, freezer made milk shakes, lo-mel, and dietary frozen dessert as all such products are commonly known, together with any mix used in such frozen desserts and any products which are similar in appearance, odor or

taste to such products or are prepared or frozen as frozen desserts are customarily prepared or frozen, whether made with dairy products or non-dairy products.

b.) "Person" shall mean any individual, corporation, partnership, association or any other form of business entity engaged in the retail sale of frozen desserts directly to pedestrians from a motor vehicle.

§ 2. Restrictions.

a.) A person shall vend only when the frozen dessert truck is lawfully parked or stopped on a county road.

b.) A person shall vend only from the side of the frozen dessert truck away from moving traffic and as near as possible to the curb or edge of the county road.

c.) A person shall not vend to a pedestrian standing in the roadway of a county road.

d.) The driver of a frozen dessert truck shall not backup same to make or attempt a sale.

e.) The driver of a frozen dessert truck shall not permit any person, other than one directly aiding the driver in the sale of his product, to ride on or in the vehicle.

f.) The restrictions set forth in section three shall only be applicable to county roads on which the speed limit is thirty-five miles per hour or less.

§ 3. Penalty for Violation.

Any person who violates the provisions of this local law shall be guilty of a traffic infraction. A first conviction shall be punishable by a fine of not more than one hundred (\$100) dollars or by imprisonment for not more than fifteen days or by both such fine and imprisonment. For a conviction of a second violation which was committed within a period of eighteen months of the first violation, a person shall be punished by a fine of not more

than two hundred (\$200) dollars or by imprisonment for not more than forty-five days or by both such fine and imprisonment. For a conviction of a third or subsequent violation, which was committed within a period of eighteen months of the initial violation, such person shall be punished by a fine of not more than three hundred (\$300) dollars by by imprisonment for not more than ninety days or by both such fine and imprisonment.

§ 4. Separability.

If any part or provision of this local law or the application thereof to any person, entity, or circumstances 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 the 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, entities, or circumstances.

(Local Law No. 12-1990, in effect August 28, 1990.)

TITLE *17

**NASSAU COUNTY SPECIAL
MOTOR VEHICLE USE FEE**

- Section**
- 1. Definitions**
 - 2. Imposition of Special Use Fee**
 - 3. Exemptions**
 - 4. Administration and Collection of Special Use Fee by Commissioner of Motor Vehicles**
 - 5. Judicial Review**
 - 6. Recovery of Fee**
 - 7. Severability**

Section 1. Definitions. As used in this title the following terms

shall have the following meanings:

A. "Passenger Motor Vehicle" shall mean any motor vehicle subject to the registration fee as provided for in Section 401 subdivision six of the Vehicle and Traffic Law.

B. "BUS" shall mean any motor vehicle as defined in Section 104 of the Vehicle and Traffic Law, as amended.

C. "TRUCK" shall mean any motor vehicle as defined in Section 158 of the Vehicle and Traffic Law, as amended.

Section 2. Imposition of Special Use Fee.

A. Pursuant to the Vehicle and Traffic Law and Sections 1201(e) and 1202(c) of the Tax Law, a special motor vehicle use fee on vehicle registrations is hereby imposed on motor vehicles registered with Nassau County. Such special motor vehicle use fee shall be charged in accordance with the following schedule:

1. A fee of five dollars per year for passenger motor vehicles of a type commonly used for non-commercial purposes owned by residents of Nassau County for each such vehicle weighing thirty-five hundred pounds or less;

2. A fee of ten dollars per year for passenger motor vehicles of a type commonly used for non-commercial purposes owned by residents of Nassau County for each such vehicle weighing in excess of thirty-five hundred pounds;

3. A fee of ten dollars per year for the trucks, buses and other such commercial vehicles used principally in connection with a business carried on within Nassau County, except when owned and used in connection with the operation of a farm by the owner or tenant thereof.

B. The special motor vehicle use fee shall be paid for all registrations and renewals of registrations for which the registration fee is established pursuant to Sections 401(6)(a) or (7)

of the Vehicle and Traffic Law subject to the following conditions:

1. The special motor vehicle use fee shall be applicable to an original or renewal registration transaction only, and to a re-registration transaction. If no fee for a registration is due, no special motor vehicle use fee shall be due on that transaction;

2. The applicability of such special motor vehicle use fee shall be determined based upon the information contained on the application for registration, as well as any additional documentation required by the Commissioner of Motor Vehicles;

3. The receipt for payment of the special motor vehicle use fee shall be the registration certificate, whether or not it indicates the amount of the fee paid.

Section 3. Exemptions.

A. The special motor vehicle use fee imposed by this title shall not be imposed upon any vehicle exempt from the registration fee pursuant to the Vehicle and Traffic Law.

B. The special motor vehicle use fee imposed by this title shall not be imposed upon nonprofit, religious, charitable or educational organizations qualified for exemptions with the New York State Department of Taxation and Finance.

Section 4. Administration and Collection of Special Use Fee by Commissioner of Motor Vehicles.

A. As authorized under Section 1202(c) of the Tax Law, the special motor vehicle use fee shall be administered and collected on behalf of Nassau County by the Commissioner of Motor Vehicles or his agents.

B. Pursuant to Section 1202(c) of the Tax Law, the Commissioner of Motor Vehicles is authorized, on behalf of Nassau County, to make the payment of such special motor vehicle use fee a condition precedent to the registration or

registration renewal of any vehicle subject to the special motor vehicle use fee imposed by this title.

C. The Nassau County Executive is hereby authorized and directed to negotiate and enter into an agreement with the Commissioner of Motor Vehicles for the implementation of this title, and such agreement shall provide for the exclusive method of collection, custody and remittal of the proceeds of the special motor vehicle use fee and for the payment by the County of the reasonable expenses incurred by the New York State Department of Motor Vehicles in connection with the administration and collection of the special motor vehicle use fee. Such agreement shall also provide that the Nassau County Comptroller shall, upon request, not more frequently than once each calendar year at a time agreed upon the State Comptroller, audit the accuracy of the payments, distributions and remittances to Nassau County pursuant to this title.

D. The agreement referred to in subdivision C. above shall set forth, in detail, policies and procedures for collection for underpayment and for refunds. Such agreement shall also set forth procedures for deposit and retention of funds and indemnification.

Section 5. Judicial Review.

Any determination made hereunder by Nassau County shall be reviewable pursuant to Article 78 of the Civil Practice Law and Rules.

Section 6. Recovery of Fee.

Whenever any person fails to pay the special motor vehicle use fee due hereunder, procedures to recover such fees, as well as any applicable penalties and/or interest, shall be the responsibility of Nassau County, as set forth in the agreement referred to in subdivision C of Section 4 of this title.

Section 7. Severability.

If any clause, sentence, paragraph, subdivision, section or part

of this title or its application to any person, individual, corporation, firm, partnership, entity, or circumstance, shall be adjusted 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, section or part of this title, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

(Title *17, added by Local Law No. 14-1991, in effect December 17, 1991.)

TITLE 18

PRISONERS IN NASSAU COUNTY CORRECTIONAL CENTER - PAYMENT FOR MEDICAL OR DENTAL SERVICES IF INSURED

- Section 1. Legislative Intent**
- 2. Payment for Medical or Dental Services if insured**
 - 3. Severability**

Section 1. Legislative Intent. Chapter 481 of the Laws of 1991 was enacted by the State Legislature on July 19, 1991, which Chapter authorized counties and the City of New York to require prisoners of county jails who require medical or dental services to pay for such services if insured under a Health Insurance Policy. The Board of Supervisors finds it to be in the best interest of the County of Nassau to require prisoners of the Nassau County Correctional Center who require medical or dental services to pay for such services if insured under a health insurance policy.

Section 2. Payment for medical or dental services if insured.

A. The County of Nassau shall be entitled to reimbursement for costs paid by it on behalf of inmates at the Nassau County Correctional Center for diagnoses, tests, studies or analyses for the diagnosis of a disease or disability, and care and treatment by a hospital, as defined in article twenty-eight of the Public Health Law, or by a physician, or by a dentist from any third party coverage or indemnification carried by an inmate.

B. Such third party coverage or indemnification shall first be applied against the total cost to the hospital or other provider as established in accordance with the provisions of section twenty-eight hundred seven of the Public Health Law relating to rates of payments of an individual's care and treatment, as provided herein.

Section 3. Severability. If any clause, sentence, paragraph, subdivision, section or part of this title or its application 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, section or part of this title or its application to the person or circumstance directly involved in the controversy in which such judgement or order shall be rendered.

(Title 18 added by Local Law No. 4-1992, in effect March 16, 1992.)

TITLE 19

DISSEMINATING INDECENT CRIME MATERIAL TO MINORS

- Section
1. Legislative Intent
 2. Definitions of Terms
 3. Disseminating Indecent Crime Materials to Minors
 4. Presumption and Defense
 5. Severability

Section 1. Legislative Intent. The Board of Supervisors finds that in light of their limited experience, education and emotional development, children under the age of seventeen are impressionable and susceptible to the influence of violence and criminal conduct in our society. The dissemination of materials devoted to the depiction of heinous crimes and heinous criminals is a contributing factor to juvenile crime, a basic factor in impairing the ethical and moral development of our youth and a clear and present danger to the citizens of Nassau County. The County has a responsibility and an exigent interest to protect the welfare of its children and to see that they are safeguarded from influences which might prevent their growth into free and independent well-developed citizens by preventing the distribution to children of material deemed harmful to children.

The Board of Supervisors further finds that for generations, children have purchased and collected trading cards depicting war heroes, sports heroes and other luminaries whom they revere and emulate. In such form, trading cards are not harmful to children when, however, trading cards which depict heinous crimes and heinous criminals and which appeal to the depraved interest of minors in crime are disseminated to our youth, they are harmful.

Section 2. Definitions of Terms

- A. "Minor" means any person under the age of seventeen.
- B. "Trading Card" means any card, souvenir card, playing card or game card commonly known as a trading card.
- C. "Heinous Crime" means murder, assault, kidnapping, arson, burglary, robbery, rape or other sexual offense.
- D. "Heinous Criminal" means a person who has been convicted of a heinous crime or who has been found not criminally responsible by reason of mental disease or defect for criminal conduct concerning the commission of a heinous crime.
- E. "Harmful to Minors" means that quality of any