

## **PUBLIC SAFETY COMMITTEE**

**February 2, 2012 – 1:00 p.m.**

**Committee Members: Cora Edwards, Chair; Gene Benson, Vice-Chair;  
Kathy LaBuda, Ira Steingart, Alan Sorensen**

### **DISCUSSIONS :**

- Update: Tour of Facilities – Chairperson Edwards
- State Interoperable Communications Grant Award

### **REPORTS**

- Update: Public Safety/Emergency Management      Richard Martinkovic, Commissioner
- Update: 911      Alex Rau, E-911 Coordinator
- Update: Probation Department      Jeffrey Mulinelli, Director
- Update: District Attorney's Office      Jim Farrell, District Attorney
- Update: Sullivan County Sheriff's Office      Michael A. Schiff, Sheriff
- Presentation: EMS      Albee Bockman, EMS Advisory Board

### **RESOLUTIONS :**

- **Resolution to authorize electrical licensing reciprocity**
- **Resolution to authorize execution of amendment to Alternatives to Incarceration contract**
- **Resolution to authorize execution of any and all necessary documents to accept the award and access the funding for the Ignition Interlock Device Monitoring Program**

### **PUBLIC COMMENT**



## COUNTY OF SULLIVAN LEGISLATIVE MEMORANDUM

To: COUNTY LEGISLATURE  
 From: Dick Martinkovic  
 Title: Commissioner  
 Department: Public Safety

**COMMITTEE WITH JURISDICTION:**

Check all that apply:

<input type="checkbox"/> Executive	<input type="checkbox"/> Planning, Environmental Management & Real Property
<input type="checkbox"/> Personnel	<input checked="" type="checkbox"/> Public Safety
<input type="checkbox"/> Management & Budget	<input type="checkbox"/> Public Works
<input type="checkbox"/> Government Services	<input type="checkbox"/> Community & Economic Development
<input type="checkbox"/> Health and Family Services	<input type="checkbox"/> Veterans

SUBJECT OF RESOLUTION: Electrical Licensing Reciprocity

PURPOSE OF RESOLUTION: To Execute reciprocity agreements with Greene County

DATE OF FIRST SUBMISSION:

BRIEF DESCRIPTION: Electrical Licensing Board has recommended reciprocal electrical licensing with Greene County

Mandated    Budgeted    Budget Revision

**FINANCIAL IMPACT:**

Projection:	YR1	YR2	YR3	YR4	YR 5
County Cost					
State Funds					
Federal Funds					
(Third Party Revenue) Other					
Total					

If NONE check here:

**RESOLUTION INTRODUCED BY THE PUBLIC SAFETY COMMITTEE**

**RESOLUTION TO AUTHORIZE ELECTRICAL LICENSING RECIPROCITY**

**WHEREAS**, the Electrical Licensing Board has recommended reciprocal electrical licensing with Greene County, and

**WHEREAS**, the Sullivan County Legislature must authorize such reciprocity.

**NOW, THEREFORE, BE IT RESOLVED**, that pursuant to 103-25A of the Sullivan County Code, the County Manager is authorized to execute reciprocity agreements with Greene County, N.Y. until further resolution by the Legislature.

Moved by,  
Seconded by,  
and adopted on motion, 2012



**COUNTY OF SULLIVAN  
LEGISLATIVE  
MEMORANDUM**

**TO:** COUNTY LEGISLATURE  
**FROM:** JEFFREY MULINELLI  
**TITLE:** DIRECTOR OF PROBATION II  
**DEPARTMENT:** PROBATION

**COMMITTEE WITH JURISDICTION**

Check all that apply	<input type="checkbox"/>	Community Development & Planning	<input checked="" type="checkbox"/>	Public Safety	<input type="checkbox"/>	Health & Family Services
	<input type="checkbox"/>	Financial Management	<input type="checkbox"/>	Executive Committee	<input type="checkbox"/>	General Services
	<input type="checkbox"/>	Public Works	<input type="checkbox"/>	Real Property	<input type="checkbox"/>	Veterans

**SUBJECT OF RESOLUTION:** 2011-2012 Alternative to Incarceration Contract  
**PURPOSE OF RESOLUTION:** To authorize the County Manager to sign contract amendments.  
**DATE OF FIRST SUBMISSION:** 01/11/12  
**BRIEF DESCRIPTION:** NYS DCJS has extended the contracts for the Sullivan County Alternative to Incarceration Community Service Program and Pretrial Release Program to June 30, 2012, increasing the State Aid for the Community Service Program to \$18,463.00 and the Pretrial Release Program to \$25,493.00.

**Costs to Other County Programs:**  
 Mandated       Budgeted       Budget Revision Necessary

FINANCIAL IMPACT:	Balance of			
	YR1	YR2	YR3	YR4
County Cost				
State Funds: Grant	\$18,463.			
Federal Funds	\$25,493.			
Other: Grants, Fees, ISP State Aid				
Total				

If NONE check here:

Resolution No.: \_\_\_\_\_

**RESOLUTION INTRODUCED BY THE PUBLIC SAFETY COMMITTEE TO  
AUTHORIZE EXECUTION OF AMENDMENT TO ALTERNATIVES TO  
INCARCERATION CONTRACT EXTENDING CONTRACT THROUGH  
JUNE 30, 2012.**

**WHEREAS**, the County has a contract with the New York State Office of Probation and Correctional Alternatives to provide an Alternatives to Incarceration (ATI) Community Service Program which includes Community Service and Pretrial Release, and,

**WHEREAS**, Resolution No. 267-11 authorized the execution of the Alternatives to Incarceration contract through December 31, 2011, and,

**WHEREAS**, State funding for the Alternatives to Incarceration (ATI) Community Service Program for the contract year January 01, 2011, through June 30, 2012, is amended to \$18,463.00, and,

**WHEREAS**, State funding for the Alternatives to Incarceration (ATI) Pretrial Release Program for the contract year January 01, 2011, through June 30, 2012, is amended to \$25,493.00;

**NOW, THEREFORE, BE IT RESOLVED**, that the County Manager be authorized to execute an amendment to the contracts for the ATI Community Service Program and Pretrial Release Program to continue operations for the term of January 01, 2011, through June 30, 2012, said contract to be in such form as the County Attorney shall approve, and

**BE IT FURTHER RESOLVED**, that should the ATI Community Service Program and Pretrial Release Program funding be terminated, the County shall not be obligated to continue any action undertaken by the use of this funding.

**Moved by**

**Seconded by**

**Adopted on motion**



**COUNTY OF SULLIVAN  
LEGISLATIVE  
MEMORANDUM**

TO: COUNTY LEGISLATURE  
 FROM: JEFFREY MULINELLI  
 TITLE: DIRECTOR OF PROBATION II  
 DEPARTMENT: PROBATION

**COMMITTEE WITH JURISDICTION**

Check all that apply	<input type="checkbox"/>	Community Development & Planning	<input checked="" type="checkbox"/>	Public Safety	<input type="checkbox"/>	Health & Family Services
	<input type="checkbox"/>	Financial Management	<input type="checkbox"/>	Executive Committee	<input type="checkbox"/>	General Services
	<input type="checkbox"/>	Public Works	<input type="checkbox"/>	Real Property	<input type="checkbox"/>	Veterans

SUBJECT OF RESOLUTION: State Aid for Ignition Interlock Device Monitoring  
 PURPOSE OF RESOLUTION: To authorize the County Manager to sign contract renewal.  
 DATE OF FIRST SUBMISSION: 01/03/12  
 BRIEF DESCRIPTION: NYS DCJS has allocated \$25,913.00 of State Aid to Sullivan County Probation for the 2011-2012 state fiscal year.

**Costs to Other County Programs:**

Mandated                       Budgeted                       Budget Revision Necessary

FINANCIAL IMPACT:	Balance of				
	YR1	YR2	YR3	YR4	
	County Cost				
	State Funds: Grant				
	Federal Funds	\$25,913.			
Other: Grants, Fees, ISP State Aid					
Total					

If NONE check here:

**RESOLUTION INTRODUCED BY THE PUBLIC SAFETY COMMITTEE TO AUTHORIZE THE SULLIVAN COUNTY MANAGER TO EXECUTE ANY AND ALL NECESSARY DOCUMENTS TO ACCEPT THE AWARD AND ACCESS THE FUNDING FOR THE IGNITION INTERLOCK DEVICE MONITORING PROGRAM.**

**WHEREAS**, the New York State Division of Criminal Justice Services (DCJS) projected award for the Ignition Interlock Device Monitoring Program allocation is **\$25,913.00** for the 2011-2012 contract year, and

**WHEREAS**, based upon the 2011-2012 award for the Ignition Interlock Device Monitoring Program appropriation, DCJS will reimburse eligible expenditures at a rate of \$114.66 for each sentencing order received which requires Ignition Interlock Device installation and monitoring up to the projected allocation,

**WHEREAS**, in order to access said funds it will be necessary for the County to file documents with the New York State Division of Criminal Justice Services,

**NOW, THEREFORE, BE IT RESOLVED** that the County Manager be and is hereby authorized to execute any and all necessary documents to accept the award and access the funding, in such form as the County Attorney shall approve.

**Moved by:**

**Seconded by:**

**Adopted on motion:**

§ 223-b. EMS training and mutual aid programs.

1. In order to develop and maintain programs for EMS training, EMS-related activities and mutual aid emergencies in which the services of EMS providers would be used and to cooperate with appropriate state agencies in furthering such programs, any county may create a county EMS advisory board and may establish the office of county EMS coordinator.
2. A county EMS advisory board shall consist of not less than five nor more than twenty-one members, each of whom shall be appointed by the legislative body for a term of not to exceed one year, two years or three years. Such terms of office need not be the same for all members. It shall be the duty of such board to cooperate with appropriate state agencies in relation to such programs for EMS training, EMS-related activities and mutual aid; to act as an advisory body to the county government and to the county EMS coordinator, if any, in connection with the county participation in such programs for EMS training, EMS-related activities and mutual aid and mutual aid programs in cases of emergencies in which the services of EMS providers would be used; to perform such other duties as may be prescribed in relation to EMS training, EMS-related activities and mutual aid in cases of emergencies in which the services of EMS providers would be used. The members of such board shall be county officers, and shall serve without compensation.
3. If the office of county EMS coordinator is created in any county, a county EMS coordinator shall be appointed. It shall be his or her duty to administer the county programs for EMS training and mutual aid in cases of emergencies in which the services of EMS providers would be used; to act as a liaison officer between the county government and the county EMS advisory board and the EMS providers in the county and the officers and governing boards or bodies thereof; and to perform such other duties as prescribed. The county EMS coordinator shall be a county officer and the amount of his or her compensation, if any, shall be fixed by the county.
4. A member of the legislative body, the county EMS coordinator, or a deputy county EMS coordinator, may be appointed as a member of the county EMS advisory board, but shall receive no additional compensation for services performed as a member of such advisory board.





**LOCAL LAW NO. OF 2012**

**A LOCAL LAW REGULATING SECONDHAND PRECIOUS METAL OR GEM DEALERS FOR THE COUNTY OF SULLIVAN.**

**BE IT ENACTED, by the Sullivan County Legislature, as follows:**

**Section 1. Legislative Intent.**

It is hereby declared and found that, because of the increase of incidents of burglary, property theft, and theft of precious metal, the increase of the price of precious metals and gems, the ease with which some secondhand dealers buy and sell precious metals or gems without requiring identification or proof of ownership, these secondhand precious metal or gem dealers represent to persons involved in crime an opportunity to quickly dispose of stolen property. For business enterprises to be allowed to continue to operate without laws to control and regulate the purchase of such articles not only jeopardizes the property rights of many people but also extremely hampers law enforcement in their efforts to recover stolen property and identify suspects. If the law enforcement agencies are to efficiently and productively function in this area, a local law regulating secondhand precious metal or gem dealers is necessary. Thereby, the public health, morals and general welfare of the County of Sullivan will be protected and promoted and the best interest of the people would be served by the control and regulation of secondhand precious metal or gem dealers. It is the intention of the Legislature of Sullivan County that this Local Law be established and shall constitute the complete law in relation to the control and regulation of secondhand precious metal or gem dealers for the County of Sullivan.

**Section 2. Definitions.**

Unless the context specifically indicates otherwise, the meanings of terms used in this chapter shall be as follows:

Whenever used in this Local Law, the words "dealer in secondhand precious metals or gems" shall mean any person, corporation, partnership, association, joint-stock company, or other business entity, who, in any way or as a principal broker or agent:

1. Deals in the purchase or sale of secondhand metals or gems as defined herein; or
2. Accepts or receives secondhand precious metals or gems in exchange for credits on any other articles or merchandise; or
3. Deals in the purchase of secondhand precious metals or gems for the purpose of melting or refining; or
4. Engages in melting secondhand metal items for the purpose of selling; or
5. Engages in resetting secondhand precious gems for the purpose of selling; or



6. Deals in the purchase or sale of pawnbroker tickets or other evidence of pledged articles containing precious metals or gems; or
7. Not being a pawnbroker, deals in the redemption of sale of pledged articles made from precious metals or gems.

This Local Law shall not apply to the acceptance of merchandise which is not secondhand as a return, exchange, or for credit or refund if such merchandise was originally purchased as new merchandise from the person accepting or receiving same, nor to the resale of such merchandise.

The burden of proof that an article was originally purchased from the person accepting it or receiving it, that it was the first subsequent sale or exchange thereof to a person other than an ultimate consumer or that it was a first sale at retail of such factory rebuilt merchandise shall be upon the person asserting the same.

The term "gems" or "precious stones" as referred to herein shall include but is not limited to mean diamonds, alexandrite, cymophane, ruby, sapphire, opal, amethyst, smoky quartz, citrine, rose quartz, spinel, malachite, turquoise, emerald, aquamarine, morganite, garnet, lapis, lazuli, jadeite, kunzite, topaz, tourmaline, zircon, amber, jet, pearl, coral, tanzanite.

The term "precious metals" as referred to herein shall mean gold, silver, platinum, iridium, ruthenium, osmium or any alloys of any one or more of said metals.

**Section 3. License required; display.**

A. No person shall, within the County of Sullivan, establish, engage in or carry on, directly or indirectly, the business of dealing in secondhand precious metals or gems either separately or in conjunction with some other business, without first having obtained and having in full force and effect a license as provided herein.

B. Such license shall be displayed in a conspicuous place at the designated place of business of the licensee.

C. Such license shall not in any way supplant the licensing and display requirements of any applicable State or Federal laws.

**Section 4. Application for license; fee; bond.**

A. Applications for secondhand precious metal and gem dealer licenses shall be made to the Commissioner of Public Safety, [hereinafter the "Commissioner"]. The application shall contain the following information:

1. Name and description of the applicant's business enterprise. Individuals operating Under a trade name shall present a certified copy of the trade name certificate filed in the Sullivan County Clerk's office. A partnership conducting business, whether or not under a trade name, shall



submit a certified copy of the partnership certificate which was filed in the Sullivan County Clerk's office when the partnership was formed. A corporation shall furnish a copy of its certificate of incorporation, as well as its certificate of Good Standing and, if a foreign corporation, its application for authority to do business in New York State.

2. The applicant's legal address and address of all places of business within Sullivan County and the address of a designated agent for service of process.

3. A description of the nature of the business to be conducted and/or being conducted by the applicant in Sullivan County.

4. The name and address of the owner or owners of the business premises and the nature of the right of occupancy of the applicant to the use of said premises.

5. A statement that the applicant is at least 18 years of age.

6. A statement as to whether or not the applicant has, within the past 10 years, been convicted of a crime or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed therefore and such other facts or evidence as is deemed necessary to establish that the applicant is a person fit and capable of properly conducting the activity or business for which the license is sought.

7. Two photographs of the applicant, taken not more than 60 days prior to the date of application, which clearly depict the head and shoulders of the applicant and which shall be 2 inches wide by 2 inches tall.

8. All applicants must submit fingerprints of: the individual owner, if the applicant is a sole proprietorship; the general partners if the applicant is a partnership; and the officers, principals, directors, and stockholders holding more than 5% of the outstanding stock if the applicant is a corporation. Fingerprints will be submitted in electronic form to the Division of Criminal Justice Services for a criminal background check. The Commissioner shall secure from the applicant the required fee for said background check in the form of a check or money order made payable to the New York State Department of Criminal Justice Services.

B. Such application for a secondhand precious metal or gem dealer's license shall be accompanied by a non-refundable application fee of \$200.

C. Every applicant shall submit a bond or other surety to the County of Sullivan in the sum of Two Thousand Dollars (\$2,000), or for a renewal license, evidence of bond issued in favor of the licensee. The bond shall be for the purpose of guaranteeing payments up to the face amount of the bond for bank drafts or other negotiable instruments issued by the licensee in exchange for all purchase of precious metals. All bonds must be conditioned so that the licensee will observe all laws thereto. Such bond shall remain in force during the entire period for which the license is valid. The Commissioner may establish rules and regulations concerning the amount of a bond to be posted, upon proper notice to the licensee.

**Section 5. Issuance of license.**



A. Upon receipt of the license application, criminal history record information received from the New York State Division of Criminal Justice Services (DCJS), fees and bonds required of the applicant, the Commissioner shall review the application and, if appropriate, issue a license to the applicant.

B. The Commissioner shall keep a record of all licenses issued, as well as any other matters herein described.

**Section 6. Expiration of renewal of license.**

Every license shall expire one year after its issuance. Every license may be renewed upon payment of the required renewal fee in the amount of \$100.00 and filing a renewal application with the Commissioner no earlier than 30 days, and no later than 15 days before the license is due to expire, certifying that no changes have occurred with respect to any of the fact or information required or supplied on the original application, or, if there have been any changes, the applicant shall furnish the facts and information relating to such changes and shall comply with the requirements of this law.

**Section 7. Denial or revocation of license; appeals.**

A. A license may be denied, suspended, or revoked when the applicant or licensee, or any of its principals, officers or directors, or any of its stockholders owning more than 5% of its outstanding stock of the corporation has been convicted of a crime which, in the judgment of the [Commissioner ], has a direct relationship to such person's fitness or ability to perform any of the activities for which a license is required under this Local Law, or has been convicted of any other crime which, in accordance with Article 23a of the Correction Law, would provide a justification for the Commissioner to refuse to issue or renew, or to suspend or revoke, such license.

B. A license may be denied, suspended, or revoked when the applicant or licenses, or any of its principals, officers or directors, or any of its stockholders owning more than 5% of its outstanding corporate stock has omitted or misrepresented the facts or circumstances underlying any information contained in the license application.

C. A license may be denied or revoked when a person has been found by a court of any state to have practiced civil fraud, deceit, misrepresentation in conjunction with a secondhand dealer business or other business.

D. The initial determination to deny, suspend, or revoke a license under this subsection shall be made in writing by the Commissioner.

E. Within 60 days of the initial determination to deny or revoke a license under paragraphs A through D above, an aggrieved applicant or licensee may request a formal hearing. Such request shall be addressed via certified mail to the Commissioner of Public Safety. With a reasonable time thereafter, the Commissioner shall appoint an independent hearing officer with the authority to compel the attendance of witnesses, administer oaths, take the testimony of any person under oath and in connection therewith require the production of any evidence relating to any matters affecting the determination. The applicant shall





hearing officer shall render his/her Decision and Recommendation to the Commissioner within 30 days of the date of hearing. The Commissioner will notify the applicant/licensee within a reasonable time thereafter of his/her Final Determination with respect to the disposition of his license/application for license.

Any further appeal shall be to the court of this state with appropriate jurisdiction.

**Section 8. Non-transferability of license.**

No license under the provisions of this chapter shall be transferred or assigned to any person or used by any person other than the licensee to whom it was issued, his agents, employees or duly authorized representatives, said agents, employees or duly authorized representatives having been approved by the Commissioner.

**Section 9. Restrictions.**

A. It shall be unlawful for any dealer of a secondhand precious metals or gems to engage in buying activities in any place within Sullivan County other than the place of business designated in such license, except to meet with a customer at his home, bank or suitable place of business. A dealer in secondhand precious metals or gems, may, upon application to the Commissioner and receiving approval of the Commissioner, temporarily extend his license to cover other locations, such as flea markets, fairs, bazaars or religious or charitable organization functions.

B. It shall be unlawful for any dealer of secondhand precious metals or gems to purchase any secondhand precious metals or gems from any person whom he knows to be, or has reason to believe to be, under the age of 18 years.

C. It shall be unlawful for a secondhand precious metal or gem dealer to purchase secondhand precious metals or gems from any person between the hours of 10:00 p.m. and 6:00 a.m.

D. It shall be unlawful for any dealer in secondhand precious metals or gems to sell or dispose of any secondhand precious metals or gems until the expiration of 15 days after the acquisition by such dealer of said precious metals or gems.

E. It shall be unlawful for a secondhand precious metal or gem dealer to continue to carry on business after his license is suspended, revoked or has expired and has not been renewed.

F. It shall be unlawful to cause, allow or approve of the blockage, obstruction or concealment from the view of the consumer any scale, machine, weighing device or part thereof used to weigh or calculate the value of precious metals or gems.

G. It shall be unlawful for any dealer of secondhand precious metals or gems to damage, destroy, alter or in any way change or direct or request anyone else to alter or change the structure or makeup of a precious metal or gem so as to make it unidentifiable within 15 days after the acquisition by said dealers of such precious metal or gem

**Section 10. Display of daily price required**



The price upon which the dealer bases his quotation for gold and silver shall be clearly and conspicuously displayed in Arabic numbers in such a manner that the public will be informed.

**Section 11. Lost or stolen property.**

If any articles composed wholly or in part of precious metals or gems shall be advertised in any newspaper printed in the County of Sullivan or reported by any law enforcement agency as having been lost or stolen, and if any articles answering such description or any part thereof shall be or come into the possession of any licensed dealer, such dealer, upon receiving actual written or oral notice of the similarity of description of such articles, shall immediately give information relating thereto the appropriate law enforcement agency. No disposition of such articles shall be effected until authorization to do so shall be given to such dealer by said law enforcement agency. The failure of the law enforcement agency within 30 days to give the dealer further written notice that the articles are actually lost or are believed to be stolen and are needed in connection with a pending investigation or prosecution shall constitute authorization to dispose of said articles.

**Section 12. Records.**

A. Every dealer in secondhand precious metals or gems by the close of the business day shall keep a record in triplicate and on a form prescribed by the Commissioner of consecutively numbered transactions, legibly written in English, which shall contain a complete, thorough description of every secondhand precious metal or gem article so purchased, utilizing accepted trade words and phrases such as, but not limited to, serpentine, herringbone, braided herringbone, rope, crosscut, woven link, cobra, basket weave, tricolor, Florentine, twist, beveled, gem names as listed, quantities of gems, number of numbers of said articles. The record shall also include the name, residence address and description of the person from whom such purchase was made, including the day and hour of the purchase and a copy of the form of identification provided and required to be obtained from the seller as set forth in Section 13, supra. The record shall also include a digital picture of the every secondhand precious metal or gem article so purchased, along with a description of any identifying marks or engravings. Within 48 hours of the close of business on the day of the purchase, the dealer in precious metals or gems shall forward by e-mail to the Sullivan County District Attorney's Office and municipal police department within whose jurisdiction the dealer's business is located a copy of the record of purchase, as provided above, of each transaction that took place on that day. The Sullivan County District Attorney's Office shall act as the central repository for such records.

B. Such record shall be kept on the business premises of the secondhand precious metal or gem dealership or at the place designated on the fully approved license, at all times during normal business hours. Such record shall be open to the inspection of any police officer or the Commissioner or any person duly authorized for such purposes by the Commissioner.

C. The dealer is mandated to use the forms prescribed by the Commissioner and shall reimburse the Commissioner for the cost of said forms.

**Section 13. Identity of person from who purchase is made.**

A. It shall be the duty of every secondhand precious metal or gem dealer to verify the



identify of every person from whom he makes a purchase and to make and keep a written record of the nature of the evidence submitted by such person to prove his identity and attach a copy of the identification taken to the reporting form.

B. Only the following shall be deemed acceptable evidence of identity:

1. Any official document, except a Social Security Account number card, issued by the United States Government, any state, County, municipality or subdivision thereof, any public agency or department thereof or any public or private employer, which requires and bears a photograph and signature of the person to whom issued.

2. Other identification documentation which, under the circumstances of any particular purchase, would lead a reasonable person to believe it to be accurate and reliable, when identification under Subsection B (1) is not available.

C. It shall be the duty of every dealer in secondhand precious metal or gem articles to require that every person from whom an article is purchased sign his or her name in the presence of the secondhand precious metal or gem dealer and to compare the signature on the identifying document, if any, and retain on said premises the person's signature, together with the number and description of the identifying document, if any.

**Section 14. Reporting of records information.**

Every secondhand precious metal or gem dealer shall furnish to the Commissioner or his agent or the appropriate law enforcement agency all information requested relative to all records required to be kept under this chapter.

**Section 15. Duty to enforce.**

It shall be the duty of the Commissioner or any police officer having jurisdiction at the site where a person is seen dealing in secondhand precious metals or gems to require such person seen so dealing and who is not known to the Commissioner or such police officer to be duly licensed to produce or display his secondhand precious metal dealer's license and to enforce the provisions of this chapter against any person found to be in violation of the same. It shall be the duty of the Commissioner or any police officer as described herein to require the immediate closure of any business dealing in the purchase of secondhand metals or gems as defined herein who is operating said business without a license as required by this Local Law.

**Section 16. Disclaimer of liability.**

This chapter shall not create any liability on the part of the County of Sullivan, its officers, agents or employees or any police officer for any act or damage caused as a result of reliance on this chapter or any administrative decision lawfully made thereunder.

**Section 17. Penalties.**

A. Failure to comply with any provision of this law shall constitute a Class A misdemeanor



and exclusively prosecuted by the Sullivan County District Attorney's office and shall be subject to any sentence permitted for a class A misdemeanor under the Penal Law, including up to one (1) year in the Sullivan County Jail as provided in Section 60.01, Section 70.15 and Article 65 of the Penal Law of the State of New York.

B. In addition to the penalties provided in paragraph A above, any such offense against the provisions of this Local Law shall subject the person or business entity committing the offense to civil penalties, not to exceed \$500 for each offense and each day that the offense shall continue. Any such penalty shall be collectible by and in the name of the County of Sullivan.

**Section 18. Effective Date.**

This Local Law shall take effect upon filing in the Office of the Secretary of State as provided by Section 27 of the Municipal Home Rule Law.



