

EXHIBIT 1 - continued

Town of Hempstead Building Zone Ordinance

Article XXXIII § 336G(3), "Emergency Free Air Law"

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(c) In making a determination with respect to a situation where an "emergency" is asserted, the following shall create a rebuttable presumption that an emergency exists: (i) a user, customer or patron's claim to the attendant that he/she has no money to pay for the compressed air, at the current time and place; and (ii) if denial of compressed air at no charge would impair the user, customer or patron's ability to safely operate the vehicle, or otherwise endanger the safety or welfare of the user, customer or patron, his/her passengers, if any, and/or other motorists, pedestrians or property.

(f) For purposes of this section, the presence of any of the following conditions shall create a rebuttable presumption that a user, customer or patron's ability to safely operate a vehicle will be impaired:

(i) The tire pressure for one or more tires on the vehicle, as read by an air pressure gauge or tire pressure monitoring system (TPMS), is less than the manufacturer's optimum or recommended pounds per square inch (PSI);

(ii) The existence of a puncture or slow leak in one or more tires; or

(iii) The outward appearance of one or more tires appears deflated.

(4). Penalties for offenses. Notwithstanding any other penalty otherwise prescribed in the Building Zone Ordinance of the Town of Hempstead, any person who violates this section or fails to comply with any of its requirements shall, upon conviction thereof, be guilty of an offense punishable by a fine of not less than \$100 and not exceeding \$500 or imprisonment for a period not to exceed 15 days, or both, for conviction of a first offense; by a fine of not less than \$500 nor more than \$1000 or imprisonment for a period not to exceed 15 days, or both, for conviction of a second offense, both of which were committed within a period of five years; and by a fine not less than \$1000 nor more than \$2,000 or imprisonment for a period not to exceed 15 days, or both, upon conviction for a third or subsequent offense all of which were committed within a period of five years. Each day of noncompliance shall be considered a separate offense.