

STRICKEN AS OF 8/9/2016

Intro. Res. No. 1151-2016
Introduced by Legislators Cilmi and Lindsay

Laid on Table 2/9/2016

**RESOLUTION NO. -2016, ADOPTING LOCAL LAW
NO. -2016, A CHARTER LAW TO ELICIT PUBLIC INPUT
AND REQUIRE LEGISLATIVE APPROVAL OF FEE CHANGES**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on February 9, 2016, a proposed local law entitled, "**A CHARTER LAW TO ELICIT PUBLIC INPUT AND REQUIRE LEGISLATIVE APPROVAL OF FEE CHANGES**"; now, therefore be it

RESOLVED, that said local law be enacted in form as follows:

LOCAL LAW NO. -2016, SUFFOLK COUNTY, NEW YORK

**A CHARTER LAW TO ELICIT PUBLIC INPUT AND REQUIRE
LEGISLATIVE APPROVAL OF FEE CHANGES**

**BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF
SUFFOLK**, as follows:

Section 1. Legislative Intent.

This Legislature hereby finds and determines that the Commissioner of the Suffolk County Department of Health Services is empowered by the Sanitary Code to establish and impose a schedule of fees and fines relating to matters of health and sanitation in Suffolk County.

This Legislature finds that the Department of Health Services recently increased numerous fees and fines by as much as 50%.

This Legislature further finds that fees and fine increases of this nature have a fiscal impact on the County and a financial impact on many County residents and businesses and should be subject to a public hearing and a review by the County Legislature, which is an elected body and the designated policy-making arm of County government.

Therefore, the purpose of this local law is to require that the Suffolk County Department of Health Services obtain legislative approval prior to imposing a new fee or fine, or changing an existing fee or fine and that the Suffolk County Legislature hold at least one public hearing prior to such approval.

Section 2. Amendment.

Article IX of the SUFFOLK COUNTY CHARTER is hereby amended as follows:

ARTICLE IX. Department of Health Services.

§ C9-6. Fees.

Prior to imposing a new fee or fine or amending an existing fee or fine under authority granted by state or local law or pursuant to the Sanitary Code, the Department of Health Services shall first obtain the approval of the Suffolk County Legislature for such new fee or fine or amendment by the enactment of a duly enacted resolution or local law. The County Legislature shall hold a public hearing on such a resolution or local law, which will be noticed in accordance with the provisions of §A2-8 of the Suffolk County Administrative Code.

Section 3. Applicability.

This law will apply to actions occurring on or after the effective date of this law.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, 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 law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 5. SEQRA Determination.

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

Section 6. Effective Date.

This law shall take effect thirty (30) days after its filing in the Office of the Secretary of State.

___ Underlining denotes addition of new language

DATED:

APPROVED BY:

County Executive of Suffolk County

Date: