

STRICKEN AS OF 7/3/2012
AMENDED COPY AS OF 2/9/2012

Intro. Res. No. 1021-2012

Laid on Table 1/3/2012

Introduced by Legislators Cilmi, Barraga, Romaine and Muratore

RESOLUTION NO. -2012, ADOPTING LOCAL LAW
NO. -2012, A CHARTER LAW TO REQUIRE LEGISLATIVE
APPROVAL OF CHANGES TO THE FEE STRUCTURE FOR
REVIEW OF SEPTIC, SEWER AND WATER SYSTEMS

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on _____, 2012, a proposed local law entitled, "**A CHARTER LAW TO REQUIRE LEGISLATIVE APPROVAL OF CHANGES TO THE FEE STRUCTURE FOR REVIEW OF SEPTIC, SEWER AND WATER SYSTEMS**"; now, therefore be it

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

LOCAL LAW NO. -2012, SUFFOLK COUNTY, NEW YORK

A CHARTER LAW TO REQUIRE LEGISLATIVE APPROVAL OF
CHANGES TO THE FEE STRUCTURE FOR REVIEW OF SEPTIC,
SEWER AND WATER SYSTEMS

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 sewer, septic and water systems are subject to the regulations of the Suffolk County Sanitary Code.

This Legislature also finds and determines that the Suffolk County Board of Health provides oversight of the Sanitary Code, making amendments as necessary.

This Legislature further finds and determines that the Sanitary Code authorizes the Commissioner of the Department of Health Services to independently increase residential review fees for septic, sewer and water systems.

This Legislature finds that fee increases of this nature have a direct and significant impact on many County residents and businesses and should be overseen by elected officials in addition to the requirements set forth in the Sanitary Code.

Therefore, the purpose of this law is to amend Article IX of the SUFFOLK COUNTY CHARTER to require legislative approval of all fee increases for review fees associated with septic, sewer and water systems.

Section 2. Amendment.

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

ARTICLE IX, Department of Health Services

§ C9-6. Review fees for septic, sewer and water systems.

The Commissioner of the Department of Health Services shall not raise fees associated with the review of residential or commercial sewer, septic and water systems unless authorized to do so by a duly enacted resolution of the County Legislature.

Section 3. Applicability.

This law shall apply to all 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 immediately upon 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: