

Local Law Filing

FILED
STATE RECORDS

MAR 17 2023

Town of Oyster Bay _____

DEPARTMENT OF STATE

Local Law No. 3 of the year 2023

A local law entitled "A LOCAL LAW TO AMEND THE CODE OF THE TOWN OF OYSTER BAY, NEW YORK, CHAPTER 4 ADMINISTRATION OF GOVERNMENT, TO ADD ARTICLE XIX, BUREAU OF ADMINISTRATIVE ADJUDICATION"

Be it enacted by the Town Board of the Town of Oyster Bay as follows

SECTION 1. Amend Chapter 4 (Administration of Government), by adding Article XIX, Bureau of Administrative Adjudication, as follows:

ARTICLE XIX, Bureau of Administrative Adjudication

§ 4-204. Title.

This article shall be known as "Town of Oyster Bay Bureau of Administrative Adjudication Law".

§ 4-205. Definitions, word usage.

- A. Whenever used in this article, words used in the singular include the plural and vice versa.
- B. All words used in the present tense include the past and the future tense. Words used in the masculine gender include the feminine and neuter, and vice-versa, unless the natural construction of the wording indicates otherwise.
- C. As used in this article, the following terms shall have the meanings indicated:

DIRECTOR - The chief executive officer of the Bureau shall be the Director who shall be the Chief Administrative Law Judge of the Bureau and shall have all the powers of an administrative law judge pursuant to New York State General Municipal Law Section 381, and whose duties, powers, and responsibilities are set forth in Chapter 14 of the Code of the Town of Oyster Bay.

ADMINISTRATIVE LAW JUDGES – The Administrative Law Judges, appointed by the Director, who shall have the duties, powers and responsibilities as detailed and set forth in Chapter 14 of the Code of the Town of Oyster Bay.

BUREAU - The Town of Oyster Bay Bureau of Administrative Adjudication, which shall perform all of the functions as detailed and set forth in Chapter 14 of the Code of the Town of Oyster Bay.

SUPERVISOR -- Supervisor of the Town of Oyster Bay.

§ 4-206. Establishment; department head; salary; qualifications.

There shall be in the Town of Oyster Bay a Bureau of Administrative Adjudication. The principal executive officer and administrative head of said Bureau shall be the Director of the Bureau, who shall be appointed by the Town Supervisor with the advice and consent of the Town Board, for a term of five (5) years, with the advice and consent of the Town Board. The Director shall be removable only for neglect of duty or opportunity for a hearing. Once appointed or her term expires and until his or her successor is appointed and confirmed. The Director shall devote his or her entire work to the duties of the office. The Director shall be an attorney in good standing, admitted to practice for at least five years in the State of New York, and shall be knowledgeable on the subject of administrative law and procedure. The Director shall have the power and authority to appoint and remove officers and employees under his or her jurisdiction in accordance with the Civil Service Law and other applicable laws

§ 4-207. Administrative Law Judges.

The Director is empowered herein to appoint least three (3) administrative law judges who shall be attorneys in good standing admitted to practice in the State of New York for at least three years, and who shall have such other qualifications and serve terms as prescribed by the Director, and who shall generally act for and in his or her behalf and who shall perform such duties as are vested in and imposed upon that office by the provisions of this article, Chapter 14 of the Code of the Town of Oyster Bay, and by statute or by other lawful authority.

§ 4-208. Organization.

The Director shall have such powers as shall be necessary for the proper administration of the Bureau consistent with applicable provisions of law.

§ 4-209. Performance of other duties; delegation of powers.

- A. The Director, acting by and through any of the existing or hereafter created divisions, shall be empowered to perform such other duties and functions that are prescribed to be performed by him or her in any law, ordinance or resolution of the Town Board or lawful directive of the Supervisor. The Director may delegate his or her authority to or direct any of his or her duties to be performed to an administrative law judge of the Bureau.

B. The Director is hereby authorized and empowered, subject to the prior approval of the Town Board, except that such prior approval will not be required in cases of emergency, to retain and employ such professional service providers (such as court reporters, stenographers, information technology professionals), for the purposes of performing such services as the Director may deem necessary in the administration of the Bureau.

§ 4-210. Powers of Supervisor.

Nothing herein contained shall be construed to delegate or transfer any power of the Town Supervisor contained in §§ 29, 52 and 125 of the Town Law of the State of New York or any other powers, which may be lawfully exercised by said Supervisor.

§ 4-211. Fees.

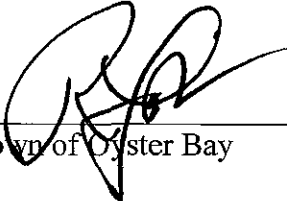
The Director may establish a schedule of fees to be collected by him for the filing in the Bureau of any motion or other document required to be so filed; the preparation of any written instrument; for certifying any such written instrument; and for any other service rendered in connection with the work of the Bureau and for which he or she deems it necessary to charge and to collect a fee therefore.

SECTION 2. SEQR Determination. It is hereby determined pursuant to the provisions of the State Environmental Quality Review Act, 8 N.Y.E.C.L. Section 101 et seq. and its implementing regulations, Part 617 of 6 N.Y.C.R.R., that the adoption of this local law is a "Type II" Action within the meaning of Section 617.5 (c)(26) of 6 N.Y.C.R.R., pertaining to "routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment" and, accordingly, is of a class of actions which do not have a significant effect on the environment and no further review is required.

SECTION 3. Severability. If any section, subdivision or provision of this local law or the application thereof to any person or circumstance be adjudged invalid by a court of competent jurisdiction, such judgment shall be confined in its operation to the section, subdivision or provision of or 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 or circumstances.

SECTION 4. Effective Date. This local law shall take effect immediately upon its adoption and filing with the Office of the Secretary of State.

I hereby certify that the local law annexed hereto, designated as local law No. 3 of 2023 of the Town of Oyster Bay was duly passed by the Town Board on March 7 2023, in accordance with the applicable provisions of law.



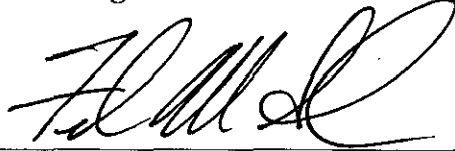
Clerk of the Town of Oyster Bay

(Seal)

Date: March 7, 2023

STATE OF NEW YORK
COUNTY OF NASSAU

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.



Signature

Town Attorney

Title

Town of Oyster Bay

Date: March 7 2023