

Town of Bethel  
Proposed Local Law No. 2 of the Year 2017

A local law to amend certain sections of Chapter 48 of the  
Town Code captioned Planning Board and to amend certain sections of Chapter 345 of  
the Town Code entitled Zoning, by:

Repealing and replacing Section 48-9 Removal from Office

and

Repealing and replacing Section 345-48(E) Removal from Office

*Be it enacted by the Town Board of the Town of Bethel as follows:*

**Article I. General Provisions**

**Section 1.1 Statement of Purpose.**

The Town Board, upon review of the Town Code has determined that the current removal provisions for members of the Planning Board and the Zoning Board of Appeals are not consistent with the obligation as set forth by the State in Town Law §271(9) and §267(9). The Town Board has determined that it is in the best interest of the Town of Bethel to amend its removal provisions for Planning Board and Zoning Board of Appeals members to make its obligations consistent with those set forth in the State statute.

**Article II. Amendment of Town Code Chapter 48.**

**Section 2.1** Section 48-9 of the Existing Town Code is hereby repealed and replaced with the following text:

**48-9 Removal from office.**

- A. The Town Board of the Town of Bethel shall have the power to remove any regular or alternate member of the Town of Bethel Planning Board for cause, including, but not limited to, noncompliance with attendance and training requirements.
- B. When so authorized by the Town Board, the Town Clerk shall issue a written notice of removal and cause the same to be served on the party to whom it is directing in the manner provided by § 308 of the Civil Practice Law and Rules.
- C. Upon receipt of a written notice of removal, a member of the Town of Bethel Planning Board shall have 20 days to serve a written request for a public hearing on the Town Clerk.
- D. Upon timely receipt of a written request for a public hearing by the Town Clerk, the Town Supervisor shall schedule a public hearing. The hearing shall be scheduled on a date within 45 days of the date of the notice of removal.

- E. Should the Planning Board member fail to provide timely written notice requesting a public hearing to the Town Clerk, the Town of Bethel Town Board shall have the right to find cause for the removal in the absence of a public hearing and may so order the removal of the Town of Bethel Planning Board member.
- F. Should the Town of Bethel Planning Board member provide timely written notice to the Town Clerk of their request for a public hearing, at the conclusion of the public hearing, the Town Board, upon finding cause for removal may order the removal of the Planning Board member.

**Article III. Amendment of Town Code Chapter 345.**

**Section 3.1.** Section 345-48(E) of the Existing Town Code is hereby repealed and replaced with the following text:

**345-48(E) Removal from office.**

- A. The Town Board of the Town of Bethel shall have the power to remove any regular or alternate member of the Town of Zoning Board of Appeals for cause, including, but not limited to, noncompliance with attendance and training requirements.
- B. When so authorized by the Town Board, the Town Clerk shall issue a written notice of removal and cause the same to be served on the party to whom it is directing in the manner provided by § 308 of the Civil Practice Law and Rules.
- C. Upon receipt of a written notice of removal, a member of the Town of Bethel Zoning Board of Appeals shall have 20 days to serve a written request for a public hearing on the Town Clerk.
- D. Upon timely receipt of a written request for a public hearing by the Town Clerk, the Town Supervisor shall schedule a public hearing. The hearing shall be scheduled on a date within 45 days of the date of the notice of removal or at some date mutually agreed by the parties.
- E. Should the Zoning Board of Appeals member fail to provide timely written notice requesting a public hearing to the Town Clerk, the Town of Bethel Town Board shall have the right to find cause for the removal in the absence of a public hearing and may so order the removal of the Town of Bethel Zoning Board of Appeals member.
- F. Should the Town of Bethel Zoning Board of Appeals member provide timely written notice to the Town Clerk of their request for a public hearing, at the conclusion of the public hearing, the Town Board, upon finding cause for removal may order the removal of the Zoning Board of Appeals member.

**Article IV. Miscellaneous Provisions.**

#### **Section 4.1 RATIFICATION, READOPTION AND CONFIRMATION**

Except as specifically modified by the amendments contained herein, the Code of the Town of Bethel as adopted and amended from time to time thereafter is otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

#### **Section 4.2 INCLUSION IN CODE**

It is the intention of the Bethel Town Board and it is hereby enacted that the provisions of this local law shall be included in the Code of the Town of Bethel; that the sections and subsections of this local law may be renumbered or re lettered to accomplish such intention; and that the word “local law” shall be changed to “chapter,” “section” or other appropriate word, as required for codification.

#### **Section 4.3 RENUMBERING**

The location and numerical designation of this local law and the sections included herein shall be delegated to the discretion of the codifier, General Code, which may renumber or re letter this local law and sections as are necessary to accommodate these amendments.

#### **Section 4.4 CODIFIER’S CHANGES**

This local law shall be included in the Code of the Town of Bethel. The codifier shall make no substantive changes to this local law, but may renumber, rearrange and edit it without first submitting it to the Bethel Town Board. Any such rearranging, renumbering and editing shall not affect the validity of this local law or the provisions of the Code affected thereby.

#### **Section 4.5 SEVERABILITY**

The provisions of this Local Law are severable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their petition to other persons or circumstances. It is hereby declared to be the legislative intent that this Local law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part hereof is held inapplicable had been specifically exempt there from.

#### **Section 4.6 EFFECTIVE DATE**

This Local Law shall take effect immediately upon adoption and filing with the Secretary of State as provided by the Municipal Home Rule Law.