

## *Local Law Filing*

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

Town of Oyster Bay

Local Law No. 9 of the year 2023

A local law entitled "A LOCAL LAW TO AMEND CHAPTER 233 – TRAFFIC, OF THE CODE OF THE TOWN OF OYSTER BAY."

Be it enacted by the Town Board of the

Town of Oyster Bay as follows:

**Section 1. Legislative Findings.** The Town Board of the Town of Oyster Bay finds and declares that based on the increased number of electric vehicles in the Town of Oyster Bay, it is desirable and necessary for the Code of the Town of Oyster Bay to include electric vehicles in the Code definition of vehicles, and to provide for charging stations for electric vehicles and guidance for the operation of charging stations.

**Section 2.** Amend the title of Article I, Section 233-1, to:

**ARTICLE I – IN GENERAL - §233-1 – Pavement marking; state standards adopted; markings prescribed; observance required; “motorist” defined; “vehicle” defined; “electric vehicle” defined; “electric vehicle charging station” defined; penalty for violation of section.**

**Section 3.** Amend Section 233-1, to add subsections 233-1(d) through 233-1(g), as follows:

**d.** The term “vehicle” as used in this Chapter, shall mean any vehicle by which any person or property may be transported upon a highway, except those operated upon rails or tracks, and as used in throughout this Chapter, shall include “electric vehicles” as defined hereinbelow.

**e.** The term “electric vehicle” as used in this Chapter, shall mean a motor vehicle that is propelled at least in part by an electric motor and associated power electronics which provide acceleration torque to the drive wheels sometime during normal vehicle operation, and that draws electricity from a battery or hydrogen fuel cell that is capable of being recharged from an external source of electricity, such that the external source of electricity cannot be connected to the vehicle while the vehicle is in motion.

**f.** The term “electric vehicle charging station” as used in this Chapter, shall mean a location with (1) one or more electric vehicle chargers that contains the equipment needed to convey electric power from the electric grid

or another power source to the onboard motor vehicle energy storage system and (2) one or more parking spaces dedicated to each electric vehicle charger to accommodate charging vehicles.

g. Any offense against any of the provisions of this Article shall be punishable pursuant to Sec. 233-2 of this Chapter.

**Section 4.** Amend Section 233-67 in its entirety, to read as follows

**§233-67 – Authority of the Town Board to designate spaces for electric vehicle charging stations; signs to be posted; Stopping, Standing or Parking Prohibited in Spaces Designated for the Purpose of Charging an Electric Vehicle**

a. The Town Board may, from time to time by resolution, set aside public places, within the unincorporated areas of the Town as spaces for the use of electric vehicle charging stations, as defined in Section 233-1(f).

b. The Town's Commissioner of the Department of Public Works, or his or her designee, shall provide and maintain a sign at each of the public places set aside as provided in subsection (a) of this section as spaces for the sole and exclusive use of an electric vehicle charging station. Such signs shall clearly identify the space as reserved for the use of the electric vehicle charging station, and must be conspicuously and permanently installed above grade and positioned from the parking space surface at a height of not less than five (5) feet nor more than seven (7) feet above grade and shall include any day or time restrictions.

c. Vehicles are prohibited to stop (Town Code Sec. 233-151, NYS Vehicle and Traffic law, Sec. 1200(d), stand (Town Code Sec. 233-174), or park (Town Code Sec. 233-162), in a space designated for the exclusive purpose of charging an electric vehicle charging station, unless such vehicle is an electric vehicle connected to such charging station, provided however, than an electric motor vehicle disconnected from the electric vehicle charging station for no more than thirty (30) minutes, after completion of partial or full charging, while stopped, standing or parked in such designated space shall not be in violation of this section.

**Section 5.** Amend Section 233-68 in its entirety, to read as follows:

**§233-68 – Authority of the Town Board to designate spaces for electric vehicle charging stations; signs to be posted; Stopping, Standing or Parking Prohibited in Spaces Designated for the Purpose of Charging an Electric Vehicle Station beyond designated time.**

a. The fee for electric vehicle charging at any Town electric vehicle charging station shall be set forth by resolution of the Town Board, which may be changed from time to time, by resolution of the Town Board.

b. Upon completion of charging, the electric vehicle shall disconnect from the electric vehicle charging station and vacate the designated parking space promptly. Failure of the charged electric vehicle to disconnect from the charging station and vacate the designated parking space within thirty (30) minutes after charging, shall be a violation of this section and shall be subject to a fine, for each hour or part thereof, that the electric vehicle continues to occupy the designated space. Said fine shall be set forth by resolution of the Town Board, which may be changed from time to time, by resolution of the Town Board,

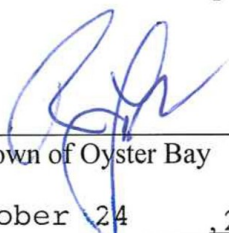
**Section 6. SEQR Determination.** It is hereby determined pursuant to the provisions of the State Environmental Quality Review Act, 8 N.Y.E.C.L. Section 101 et seq. and its implementing regulations, Part 617 of 6 N.Y.C.R.R., that the adoption of this local law is a "Type II" Action within the meaning of Section 617.5 (c)(20) 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 7. 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 8. 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. 9 of 2023 of the Town of Oyster Bay was duly passed by the Town Board on October 24 2023, in accordance with the applicable provisions of law.

I further certify that I have compared the preceding Local Law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original Local Law, and was finally adopted in the manner indicated in the preceding paragraph.



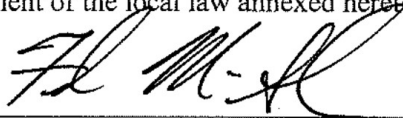
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Clerk of the Town of Oyster Bay

Date: October 24, 2023

(Seal)

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: October 24 2023