

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

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.

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED
APR 21 2003

~~County~~
~~City~~ of Sackets Harbor
~~Town~~
Village

MISCELLANEOUS
& STATE RECORDS

Local Law No. 1 of the year 20⁰³

A local law Authorizing Local Improvements To Extend The Village Sewerage System to Areas ^(Insert Title) In the Village Which Are Unserved By The Village System, The Establishment of Special Benefit Assessment Districts To Include The Properties To Be Benefitted By Such Local Improvements, And The Apportionment And Assessment of the Costs Thereof By Special Benefit Assessments.

Be it enacted by the Board of Trustees of the (Name of Legislative Body)

~~County~~
~~City~~ of Sackets Harbor as follows:
~~Town~~
Village

Be it enacted by the Village Board of Trustees of the Village of Sackets Harbor as follows:

Section 1. Purpose and Findings.

The Board of Trustees of the Village of Sackets Harbor (hereinafter the "Board"), hereby finds that:

- a. There are portions of the Village not served by the Village sewerage system (hereinafter referred to as the "System"), and there exists a need to extend the existing System to such an area in the Village. Such a need can reasonably be expected to arise again in the future.
- b. Such extensions of the System will protect the health and safety of the residents, protect and preserve the physical environment, enhance the quality of life and provide for the general welfare of the residents of the Village.
- c. The existing provisions of Article 14 of the New York State Village Law do not adequately address the situation or needs of the Village of Sackets Harbor. However, Sections 10 (1) (ii) (e) (3) and 10 (1) (ii) (e) (2) of the Municipal Home Rule authorize the Village to enact local laws which supercede the

(If additional space is needed, attach pages the same size as this sheet, and number each.)

provisions of State law such as Village Law Article 14, and provide for the authorization, making, confirmation and correction of benefit assessments for local improvements, respectively.

- d. A Local Improvement Project to extend the System (hereinafter referred to as the "Project"), and apportion the Project costs can be accomplished in accordance with Village Law Article 22. The costs of such a local improvement may be paid through the creation of a special benefit assessment district (hereinafter referred to as the "District"), the boundaries of which encompass the properties determined to be benefited by the Project. Absent unusual circumstances, the fairest and best method of collecting the costs of a sewer extension Project is to charge a special benefit assessment against each property located in the District in an equitable manner based upon the benefits to each property resulting from the Project. Village Law Sections 5-516 and 5-518 provide the method and manner for the collection of Special benefit assessments.
- e. The enactment of a local law to provide for the extension of the System, the creation of special benefit assessment districts to encompass the project area, and the imposition and collection of such special benefit assessments to pay for the Project is in the best interests of the residents of Village of Sackets Harbor.

Section 2. Supercession of Inconsistent Provisions of Village Law Article 14.

It is the specific intent of the Village Board of Trustees that the provisions of this local law shall supercede any and all provisions of Article 14 of the New York State Village Law which are inconsistent herewith.

Section 3. Authorization For Projects To Extend The Village Sewerage System.

- a. The Board is hereby authorized to plan, construct, maintain, repair and operate an extension to the Village sewerage system in any area of the Village that is not served by the Village System.
- b. The Board shall cause a proposed Plan and Map of an extension Project to be prepared by a licensed engineer, which Plan and Map shall include the Project boundary encompassing the lands to be utilized and served by said Project, and shall cause the proposed Plan and Map to be filed with the Village Clerk. Upon

filing, said proposed Plan and Map shall thereafter be available to the public for inspection.

Section 4. Authorization to Establish a Local Improvement Special Benefit Assessment District and Apportion, Assess, and Collect The Costs of The Project As A Local Improvement Special Benefit Assessment.

- a. The Board is hereby authorized to create a Local Improvement Special Benefit Assessment District (hereinafter the "District") in connection with such a Project. All lands determined by the Board to be benefited by the Project shall be contained within the District's boundaries.
- b. The Board is hereby authorized to determine and apportion the amount of the expenses and costs to plan and design, construct, maintain, repair and operate the Project as shall be raised by special benefit assessments charged against the lands in the District determined to be benefited thereby.

Section 5. Incorporation of Certain Provisions of State Law.

- a. The determination and authorization to proceed with a Project, the establishment of the District boundary, the creation of the District, the determination of benefited lands to be included in the District, and the apportionment and assessment of the costs and expenses to be raised by special benefit assessments on the lands in such District, shall be completed pursuant to, and in accordance, New York State Village Law Section 22-2200, which section is specifically incorporated into this local law by this reference.
- b. The collection of the special benefit assessments imposed for such a Project shall be accomplished in accordance with New York State Village Law Sections 5-516 and 5-518, which sections are specifically incorporated into this local law by this reference.
- c. Nothing contained herein shall be construed to prohibit the assessment, charging, billing or collection of such other charges, rents or fees by the Board as may be allowed by law in connection with the design, construction, operation, maintenance or repair of the Project.

Section 6. Severability.

If any part of this local law shall be found to be void, voidable, or unenforceable for any reason whatsoever, it shall not affect the validity or enforceability of any remaining section or provision of this local law.

Section 7. Public Hearing.

A public hearing concerning the enactment of this local law shall be noticed and held pursuant to Municipal Home Rule Law Section 20.

Section 8. Effective Date.

This Local Law shall take effect immediately upon filing with the Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2003 of the ~~(County)(City)(Town)~~(Village) of Sackets Harbor was duly passed by the Board of Trustees on March 11, 2003, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20_____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20_____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

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 paragraph _____, above.

Loam M. Gregory
Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body

(Seal)

Date: March 13, 2003

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF JEFFERSON

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.

Greg E. Meadows
Signature
Village Counsel
Title

~~County~~
~~City~~ of Sackets Harbor
~~Town~~
Village

Date: March 17, 2003