

Local Law Filing

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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.

Village of Clayton

Local Law No. 3 of the year 2019

A local law to require property owners within the Historic District of the Village of Clayton to perform necessary improvements to permit connection of undergrounded utilities to service their properties.

(Insert title)

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

(Name of Legislative Body)

Section 1. Purpose. The Village Board of the Village of Clayton enacts this local law to require property owners within the Historic District to be serviced by undergrounded utilities to make the necessary improvements to their properties to provide for the service connection of the utilities to be made; to provide for the Village to contract for such improvements to better facilitate the connection in order to minimize service interruption; to levy the cost of such improvements against the individual properties; and to provide for special assessments to recover the cost associated there with together with debt service.

Section 2. Authority. This local law is enacted pursuant to the authority granted by article IX the New York State Constitution, Section 10 of the New York Municipal Home Rule Law and sections 4 – 412, 4-414, 5-516 and 5-516 of the New York Village Law.

Section 3. Findings. The Village Board of the Village of Clayton finds and declares that:

3-1 By enacting Local Law number 2 of the year 2016, the Village Board of the Village of Clayton determined that the undergrounding of utilities within the Village of Clayton Historic District is necessary for the protection of the order, conduct, safety, health and well-being of the personnel and property located therein, as well as enhancing the physical and local environment, and promoting the local economy and local aesthetics of the Villages Historic District Shopping District.

3-2 Pursuant to the requirements of local Law number 2 of the year 2016, the Village Board of the Village of Clayton has heretofore entered into contracts with the public utilities furnishing services within the Village of Clayton to complete the undergrounding of the utilities within the Historic District.

3-3 In order for the undergrounded utilities to be connected to the individual properties within the Historic District certain improvements must be made to those properties pursuant to the utilities' specifications.

3-4 Section 10 of the Municipal Home Rule Law, and Sections 4 – 412 and 4-414 of the Village Law, authorize the Village Board to make improvements to private properties in the interest of public safety, health, comfort and general welfare where the owner is required to make such improvements and fails to do so, and the cost of such improvements may be levied, assessed, and collected as provided by local law.

Section 4. Requirement to Ready Property for Utility Service Connection. Each property owner within the Historic District that is to be serviced by undergrounded utilities is required to perform the necessary work to their properties to permit the service connection of the utility to their buildings pursuant to the specifications of the individual utility companies.

Section 5. Village to Perform Work at Owner's Expense. It is hereby determined that in order to facilitate the connection of the individual properties, minimize service interruption, and coordinate with the individual utilities it is in the overall public interest for the Village to contract for the improvements with a single contractor in order to install utility service to the private properties at the property owner's expense for those property owners that have acquiesced to such work by providing access easements to the Village.

Section 6. Authorization. The Village Board of the Village of Clayton is hereby authorized to enter into a contract to perform the installation of the service connections to individual properties within the historic district whose owners have provided the Village with access easements for such purpose.

Section 7. Expense allocation. The cost of the service connection installation and any other work required or requested to be performed on the individual properties shall be levied against such properties and collected as provided in this local law.

Section 8. Collection of expense. In the event a property owner fails to remit full payment to the Village for the cost levied against its property, at the time of levy, the cost attributable to such property together with the pro rata share of any debt service on any borrowing by the Village to pay therefor shall be paid in annual installments and placed on the Village's tax bill for such property, and shall be collected in the manner in which Village taxes are collected.

Section 9. Severability. Should any provision of this local law be declared by any court, administrative body, or board, or any other government body or board having jurisdiction thereof to be unconstitutional, invalid, preempted, void or otherwise applicable, for any reason, such determination shall not affect the validity of this local law as a whole or any part thereof other than the part so declared to be unconstitutional, invalid, preempted, void, or otherwise applicable.

Section 10. Effective date. This local law shall take effect immediately upon filing with the Secretary of State as required by the municipal home rule law.

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