

6234

I N S E N A T E

(PREFILED)

January 8, 2014

Introduced by Sen. BONACIC -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT to amend the general municipal law, in relation to the process of annexation

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Subdivision 1 of section 704 of the general municipal law,
2 as amended by chapter 190 of the laws of 2012, is amended to read as
3 follows:
4 1. In the event it is proposed to annex territory, the governing board
5 or boards of the local government or governments to which it is proposed
6 to annex such territory and the governing board or boards of the
7 affected local government or governments in which such territory is
8 situated shall, within twenty days after receipt of a petition or
9 adoption of a joint resolution to initiate annexation, respectively
10 cause a notice to be published once in its or their official newspapers,
11 or, if there be no official newspaper, in a newspaper published in the
12 county and having general circulation within the area of such local
13 government or governments, as the case may be. The governing board of
14 each affected local government in which such territory is situated also
15 shall cause a copy of such notice to be mailed to each person or corpo-
16 ration owning real property in such territory as shown by the last
17 preceding assessment roll and to all persons residing in such territory
18 qualified to vote for officers of the city, town or village, as the case
19 may be, in which such territory is situated as their names appear upon
20 the register of voters for the last preceding general election. [Where
21 the territory to be annexed is situated wholly or partly within a
22 village, the governing board of such village and the governing board of
23 a town or towns in which such territory is wholly or partly situated may
24 provide by agreement for joint publication and mailing of such notice.]
25 THE GOVERNING BOARDS OF ANY TWO OF MORE MUNICIPALITIES, OR THE SUPERVI-
26 SOR OR SUPERVISORS AND/OR MAYOR OR MAYORS THEREOF, MAY PROVIDE FOR JOINT
27 PUBLICATION AND MAILING OF THIS OR ANY OTHER NOTICE REQUIRED PURSUANT TO

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 THIS ARTICLE PROVIDED THAT THE NEWSPAPER OF PUBLICATION IS ONE OF GENER-
2 AL CIRCULATION IN ALL SUCH MUNICIPALITIES. Failure to mail such notice
3 or failure of any addressee to receive the same shall not in any manner
4 affect the validity of the petition or joint resolution to initiate
5 annexation of territory or of any proceedings taken thereon provided
6 that the municipalities that adopted a joint resolution to initiate
7 annexation have demonstrated a good faith attempt to mail such notice to
8 each person or corporation owning real property as required by this
9 section. Such notice shall state that a petition for the annexation of
10 territory or a joint resolution to initiate annexation of territory to
11 the local government or governments (naming it or them and briefly
12 describing the territory proposed to be annexed thereto) has been
13 proposed, that at a specified place in one of such local governments on
14 a specified day not less than twenty days nor more than forty days after
15 the publication and mailing of such notice, which place and date shall
16 be specified therein, a joint hearing will be had upon such petition or
17 joint resolution to initiate annexation by such governing boards. Each
18 of such governing boards shall cause a copy of such notice to be mailed
19 not less than ten days prior to the date of such joint hearing to the
20 school authorities of any school district in which all or part of the
21 territory proposed to be annexed is situated and, where it is proposed
22 to annex territory to a city, to the school authorities of any school
23 district (a) adjoining the territory proposed to be annexed and (b)
24 located wholly or partly within such city. Each of such governing boards
25 shall also cause a copy of such notice to be posted on the website of
26 the local government, if one exists.
27 S 2. This act shall take effect immediately.