S T A T E  O F  N E W  Y O R K

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I N  S E N A T E

(PREFILED)

January 4, 2012

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

AN ACT to amend the village law, in relation to the procedure for village incorporation and to repeal subdivision 2 of section 2-200 of such law relating thereto

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

Section 1. The opening paragraph of subdivision 1 of section 2-200 of the village law is amended to read as follows:

A territory containing a population of at least five hundred persons [who are regular inhabitants thereof, as hereinafter defined,] AS DETERMINED BY THE MOST RECENT FEDERAL CENSUS may be incorporated as a village under this chapter provided such territory does not include a part of a city or village and further provided the limits of such territory:

S 2. Subdivision 2 of section 2-200 of the village law is REPEALED.

S 3. The village law is amended by adding a new section 2-201 to read as follows:

S 2-201 FEASIBILITY STUDY. BEFORE A PETITION FOR INCORPORATION MAY BE CIRCULATED PURSUANT TO SECTION 2-202 OF THIS ARTICLE, A FEASIBILITY STUDY SHALL FIRST BE PREPARED. SUCH FEASIBILITY STUDY SHALL INCLUDE THE FOLLOWING:

1. A PROPOSED OPERATING BUDGET FOR THE TERRITORY TO BE INCORPORATED;

2. A PROPOSED CAPITAL BUDGET FOR THE AREA TO BE INCORPORATED;

3. A DESCRIPTION OF THE SERVICES THAT WOULD BE PROVIDED BY THE PROPOSED VILLAGE AND HOW THOSE SERVICES WOULD BE DELIVERED; AND

4. THE ESTIMATED PROPERTY TAX IMPACT FOR A FIVE YEAR PERIOD ON THE TERRITORY TO BE INCORPORATED AND THE REMAINING AREA OF THE TOWN OR TOWNS.

S 4. Paragraph b of subdivision 1 of section 2-202 of the village law is amended by adding a new subparagraph 7 to read as follows:

(7) AN EXECUTIVE SUMMARY OF THE FEASIBILITY STUDY, INCLUDING THE ESTIMATED REAL PROPERTY TAX IMPACT ON THE TERRITORY TO BE INCORPORATED AND THE REMAINING AREA OF THE TOWN OR TOWNS.

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

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S 5. Paragraph c of subdivision 1 of section 2-202 of the village law is amended by adding a new subparagraph 3 to read as follows:

(3) A COPY OF THE FEASIBILITY STUDY.

S 6. Section 2-204 of the village law, as amended by section 25 of part X of chapter 62 of the laws of 2003, is amended to read as follows:

S 2-204 Notice of hearing. Within twenty days after the filing of such petition or copies thereof, each supervisor with whom same were filed shall cause to be posted in five public places in that part of such territory located in his town and also to be published at least twice in the newspaper or newspapers designated pursuant to subdivision eleven of section sixty-four of the town law, a joint notice of all such supervisors: that a petition for the incorporation of the village of (naming it) has been received; that at a place in such territory and on a day, not less than twenty nor more than thirty days after the date of the posting and first publication of such notice, which date and place shall be specified therein, a hearing will be had upon such petition; that such petition will be available for public inspection in the office of each town clerk until the date of such hearing; that the purpose of the hearing is to consider the legal sufficiency of the petition AND WHETHER SUCH PETITION IS IN THE OVERALL PUBLIC INTEREST; that objections to [the legal sufficiency of] the petition must be in writing and signed by one or more of the residents of such town; and that any group of persons having one or more objections in common may make designation in writing and signed by them of at least one but no more than three persons giving the full names and addresses on whom and at which addresses all papers required to be served in connection with the proceeding for incorporation shall be served. A majority of such designees must reside in such town or towns. In the absence of any other suitable place, such hearing shall be held in a school building, if any, located in such territory. If such territory is located in more than one town the hearing shall be noticed and publicized as a joint hearing of all such towns. For the purposes of this section, in the event that the town maintains a website, one of the posting requirements required by this section may be fulfilled by posting such information on the town's website.

S 7. The opening paragraph of subdivision 1 of section 2-206 of the village law is amended to read as follows:

The supervisor, or supervisors if a joint hearing, with whom the petition or copies thereof, were filed, shall meet at the time and place specified in such notice and shall hear objections which may be presented as to [the legal sufficiency of] the petition for incorporation based upon any of the following grounds:

S 8. Paragraph f of subdivision 1 of section 2-206 of the village law is amended to read as follows:

f. That such territory does not contain a population of at least five hundred [regular inhabitants] AS DETERMINED BY THE MOST RECENT FEDERAL CENSUS;

S 9. Paragraph g of subdivision 1 of section 2-206 of the village law is relettered paragraph h and a new paragraph g is added to read as follows:

G. THAT THE PROPOSED INCORPORATION IS NOT IN THE OVERALL PUBLIC INTEREST: (I) OF THE TERRITORY PROPOSED TO BE INCORPORATED; OR (II) THE REMAINING AREA OF THE TOWN OR TOWNS IN WHICH SUCH TERRITORY IS LOCATED;

S 10. The section heading of section 2-208 of the village law is amended to read as follows:

Decision [as to legal sufficiency of petition].

S 11. If any clause, sentence, paragraph, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

S 12. This act shall take effect immediately.