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

5358

2015-2016 Regular Sessions

I N S E N A T E

May 13, 2015

Introduced by Sen. LARKIN -- 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 requiring the consent of the legislature of the county of Orange concerning municipal annexation petitions

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

Section 1. Section 711 of the general municipal law is amended by adding a new subdivision 6 to read as follows:

6. A. IN THE COUNTY OF ORANGE, NO DETERMINATIONS MADE UNDER SUBDIVISION FOUR OF THIS SECTION APPROVING SUCH ANNEXATION OVER NINETY-NINE ACRES SHALL BE EFFECTIVE UNLESS THE COUNTY LEGISLATURE SHALL CONFIRM THE DETERMINATIONS. THE COUNTY LEGISLATURE SHALL HAVE NINETY DAYS TO EITHER CONFIRM OR DISAPPROVE THE DETERMINATIONS. SUCH NINETY DAY PERIOD SHALL COMMENCE UPON RECEIPT BY THE COUNTY LEGISLATURE OF ALL REQUIRED DETERMINATIONS FROM ALL NECESSARY MUNICIPALITIES HAVING APPROVED THE PROPOSED ANNEXATION OR A PORTION THEREOF.

B. IN THE EVENT THE COUNTY LEGISLATURE FAILS TO TAKE ANY ACTION EITHER CONFIRMING OR DISAPPROVING SUCH DETERMINATIONS WITHIN NINETY DAYS, SUCH DETERMINATIONS SHALL BE DEEMED DENIED. NOTHING SHALL PRECLUDE THE MUNICIPALITIES WHO ARE OTHERWISE REQUIRED TO MAKE A DETERMINATION UNDER THIS SECTION FROM EXTENDING THE TIME FOR THE COUNTY LEGISLATURE TO MAKE ANY REQUIRED DETERMINATION BY AN ADDITIONAL ONE HUNDRED TWENTY DAYS. IF, HOWEVER, THE PETITION FOR ANNEXATION WAS COMMENCED UNDER SECTION SEVEN HUNDRED FOUR OF THIS ARTICLE, THE CONSENT OF THE PETITIONERS, OR A NUMERIC MAJORITY OF THE PETITIONERS, SHALL BE REQUIRED BEYOND SUCH ADDITIONAL ONE HUNDRED TWENTY DAYS AFTER THE EXPIRATION OF THE NINETY DAYS OTHERWISE PROVIDED FOR IN THIS SUBDIVISION.

C. IN THE EVENT A PETITION IS COMMENCED UNDER EITHER SECTION SEVEN HUNDRED FIVE OR SECTION SEVEN HUNDRED TWELVE OF THIS ARTICLE RELATIVE TO ANY DETERMINATION MADE BY A MUNICIPALITY UNDER SUBDIVISION FOUR OR FIVE

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

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OF THIS SECTION, THE COUNTY OF ORANGE SHALL BE A NECESSARY PARTY IN SUCH AN ACTION.

D. THE COUNTY OF ORANGE MAY, BY LOCAL LAW, LIMIT THE APPLICABILITY OF THIS SUBDIVISION TO APPLICATIONS FOR ANNEXATIONS IN EXCESS OF A PARTICULAR ACREAGE AMOUNT OR IN EXCESS OF ANY PARTICULAR VALUE OF REAL PROPERTY.

S 2. This act shall affect any and all applications for municipal annexations made pursuant to article 17 of the general municipal law for which all determinations under subdivisions 4 and/or 5 of section 711 of the general municipal law have not been made.

S 3. This act shall take effect immediately.