

1607

2015-2016 Regular Sessions

I N S E N A T E

January 13, 2015

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 OR MORE MUNICIPALITIES, OR THE SUPERVI-

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

LBD03052-02-5

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