STATE OF NEW YORK

976

2021-2022 Regular Sessions

IN SENATE

(Prefiled)

January 6, 2021

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

AN ACT to amend the town law, in relation to providing guidance for the legality of a local law, ordinance, rule or regulation of a town relating to the regulations of vessels

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision 17 of section 130 of the town law is amended by adding a new paragraph 3 to read as follows:

(3) Whenever the legality of a proposed local law, ordinance, rule or regulation of a town is brought into issue by the legislative body of a city or the board of trustees of a village, and such issue concerns the rights of a city or village pursuant to subdivision one of section forty-six-a of the navigation law, the town shall seek an opinion from the attorney general prior to the adoption of the local law, ordinance, rule or regulation. A city or village may put a town on notice of their concerns relating to the legality of a proposed local law, ordinance, rule or regulation as it relates to subdivision one of section forty-six-a of the navigation law by sending the town notice via certified mail, or hand delivering such notice to the office of the town clerk, prior to the adoption of such local law, ordinance, rule or regulation. The opinion of the attorney general, if issued, shall not be binding on the town, but shall be used for advisory purposes. If no opinion is issued by the attorney general within sixty days of the request for such opinion by a town, then such town may proceed with their consideration of such local law, ordinance, rule or regulation, unless the attorney general requests a reasonable amount of additional time to review the legality of the proposal. A town shall not need to request an opinion from the attorney general if the impacted village or city consents to the adoption of the proposed local law, ordinance, rule or regulation.

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

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Nothing in this section shall prevent a village or city from proceeding with a civil cause of action against a town in relation to the rights of the village or city pursuant to subdivision one of section forty-six-a of the navigation law. Nothing in this section shall provide impunity to a town which is found by a court of competent jurisdiction to be in violation of subdivision one of section forty-six-a of the navigation law.

§ 2. This act shall take effect immediately.