

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one.)

of PORT JERVIS

Local Law No. 2 of the year 2015

A local law AMENDING CERTAIN PROVISIONS OF THE PORT JERVIS CITY CODE DEALING
(Insert Title)
WITH UNDERGROUNDING OF NEW UTILITY SERVICES OR REPLACEMENT OF
SERVICES; REQUIRING CLOSED COVERS ON ALL DUMPSTERS WITHIN THE CITY;
AND SETTING FORTH THE LIABILITY OF LOT OWNERS FOR CLAIMS FOR ALLEGED
INJURY OR DAMAGE TO PERSON OR PROPERTY RELATING TO ABUTTING
SIDEWALKS, CURBS AND GUTTERS ADJOINING THE LOT OWNERS' PROPERTY.

Be it enacted by the _____ of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of PORT JERVIS as follows:

SEE ANNEXED PAGES.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

CITY OF PORT JERVIS, ORANGE COUNTY, NEW YORK

LOCAL LAW NO. 2 OF 2015
A LOCAL LAW AMENDING CERTAIN PROVISIONS
OF THE PORT JERVIS CITY CODE DEALING WITH
UNDERGROUNDING OF NEW UTILITY SERVICES
OR REPLACEMENT OF SERVICES; REQUIRING
CLOSED COVERS ON ALL DUMPSTERS WITHIN THE CITY;
AND SETTING FORTH THE LIABILITY OF LOT OWNERS
FOR CLAIMS FOR ALLEGED INJURY OR DAMAGE TO
PERSON OR PROPERTY RELATING TO ABUTTING
SIDEWALKS, CURBS AND GUTTERS ADJOINING
THE LOT OWNERS' PROPERTY

1. Purposes. The purpose of this Local Law is to amend certain sections of the Port Jervis City Code relating to undergrounding of new utility services or replacement of services; requiring closed covers on all dumpsters within the City; and setting forth the liability of lot owners for claims for alleged injury or damage to person or property relating to abutting sidewalks, curbs and gutters adjoining the lot owners' property.

2. Legislation.

(1) A new ARTICLE V shall be added to Chapter 267 of the Port Jervis City Code. The new Article shall be entitled "Undergrounding of Utility Services and Replacement of Service Lines". A new Section 267-36 shall be added under the new Article V to the Port Jervis City Code. The new Section 267-36 shall be entitled "Undergrounding of Utility Services". The new Section shall state: "All new utility services or replacement services and service lines for commercial or residential properties must be installed and maintained underground after the date of adoption of this local law."

(2) A new Section shall be added to Section 457-15C(3) of the Port Jervis City Code. The new Section shall be added at the end of the existing subparagraph 2 which shall state: "All debris, garbage, refuse or rubbish must be stored within the confines of the dumpster at all times and the dumpster must have a permanently affixed cover which must be closed at all times."

(3) Section 464-8 of the Port Jervis City Code shall have a new subparagraph E added which shall state: "Lot owners shall be liable for any and all claims for alleged injury or damage to person or property relating to sidewalks, curbs and gutters adjoining and/or abutting the lot owners property."

PLEASE TAKE NOTICE TO THE EXTENT THAT THIS LOCAL LAW MAY CONFLICT WITH APPLICABLE PORTIONS OF THE GENERAL CITY LAW OF THE STATE OF NEW YORK, IT IS THE STATED INTENTION OF THE CITY TO EXERCISE ITS AUTHORITY TO SUPERSEDE AND AMEND, AS GRANTED UNDER THE MUNICIPAL HOME RULE LAW OF THE STATE OF NEW YORK, SECTION 10. THE CITY HEREBY PROVIDES NOTICE THAT IT IS EXERCISING ITS AUTHORITY TO SUPERSEDE AND AMEND PURSUANT TO MUNICIPAL HOME RULE LAW OF THE STATE OF NEW YORK SECTION 22.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 20 15 of the ~~(County)(City)(Town)(Village)~~ of Port Jervis was duly passed by the Common Council on _____ 20 15, and was (approved)(not approved) (repassed after disapproval) by the Mayor _____ and was deemed duly adopted on _____ 20

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, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____.

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20 _____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20 _____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 2 above.

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: _____

(Seal)