

## Appendix E

### ARTICLE 19: DISSOLUTION OF VILLAGES

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#### § 19-1900      **Proposition for dissolution.**

- 1) The board of trustees of any village may, and upon a petition of the electors of the village shall, adopt a plan for dissolution and a resolution submitting a proposition for the dissolution of the village in accordance with the permissive referendum article, except that in determining the date for submission of the proposition pursuant to section 9-912 of this chapter, the date of the public hearing under this article shall be used and not the date that the question is presented. A petition to dissolve a village shall be sufficient if signed and acknowledged or proved by qualified electors of such village, in number equal to at least one-third of the total number of resident electors residing in the village, qualified to vote at the last general village or special village election immediately preceding the submission of the proposition in question, and who signed the petition not earlier than one hundred twenty days prior to filing thereof.
- 2) If such proposition be defeated no other proposition for the same purpose shall be submitted within two years of the date of such referendum.

- 3) If such proposition is approved by a majority of the qualified electors voting thereon, a certificate of such election shall be filed with the secretary of state and with the clerks of each town and county in which any part of the village is situated and the village shall be dissolved as of the thirty-first day of December in the year following the year of such election.

**§ 19-1901 Study committee and dissolution report.**

Prior to the approval of a proposition for dissolution, the village board of trustees shall appoint a study committee on the dissolution of the village. The study committee shall include at least two representatives of each town or towns in which the village is situated and such representatives shall reside in the portion of such town or towns outside such village. Such committee shall organize and form such subcommittees as it deems necessary or desirable to undertake its report. It shall make a report to the village board of trustees within the time period set by such board. A copy of such report shall also be sent to the supervisor of the town or towns in which the village is situated. The report shall address all topics included in a plan for dissolution, alternatives to dissolution and may propose a plan for dissolution for consideration by the village board of trustees. Prior to submission of the report to the village board of trustees, the study committee shall hold at least one public hearing upon at least twenty days' notice to be published in official newspapers of the village and town or towns.

**§ 19-1902 Public hearing.**

Prior to the submission of the proposition pursuant to subdivision one of section 19-1900, the board of trustees shall conduct a public hearing on the proposed dissolution of the village. Notice of the public hearing shall be mailed by certified or registered mail to the supervisor of the town or towns in which the village is situated and notice shall be published at least ten but not more than twenty days before such hearing in the official newspapers of the village and the town or towns.

**§ 19-1903 Plan for dissolution.**

The plan for dissolution shall address the following:

- 1) The disposition of property of the village.
- 2) The payment of outstanding obligations and the levy and collection of the necessary taxes and assessments therefore.
- 3) The transfer or elimination of public employees.
- 4) Any agreements entered into with the town or towns in which the village is situated in order to carry out the plan for dissolution.
- 5) Whether any local laws, ordinances, rules or regulations of the village in effect on the date of the dissolution of the village shall remain in effect for a period of time other than as provided by section 19-1910 of this article.

- 6) The continuation of village functions or services by the town.
- 7) A fiscal analysis of the effect of dissolution on the village and the area of the town or towns outside of the village.
- 8) Any other matters desirable or necessary to carry out the dissolution.

**§ 19-1904      Contents of proposition.**

- 1) In addition to the question of dissolution of the village, the proposition shall contain a plan for the disposition of its property, the payment of its outstanding obligations including the levy and collection of the necessary taxes and assessments therefore, and such other matters as may be necessary. All items comprising such plan shall be separately stated and numbered. All or any part of such plan may be made the subject of a contract between the village and the town prior to submission of such proposition.
- 2) Upon adoption by the board of trustees of such resolution, the proposition and plan shall be mailed by certified or registered mail to the supervisor of the town or towns in which the village is situated and published in full in the official newspaper of the village.

**§ 19-1906      Village books and records.**

Upon the dissolution of the village, all its records, books and papers shall be deposited with the town clerk of the town in which the principal portion of such village is situated, and they shall thereupon become a part of the records of such town.

**§ 19-1908      Claims and actions.**

No action for or against the village shall abate, nor shall any claim for or against it be affected by reason of its dissolution.

**§ 19-1910      Village legislation.**

- 1) Unless the plan shall provide otherwise, all local laws, ordinances, rules or regulations of the village in effect on the date of the dissolution of the village, including but not limited to zoning ordinances shall remain in effect for a period of two years following dissolution, as if same had been duly adopted by the town board and shall be enforced by the town within the limits of the dissolved village, except that the town board shall have the power at any time to amend or repeal such local laws, ordinances, rules or regulations in the manner as other local laws, ordinances, rules or regulations of the town.
- 2) If the village has a zoning board of appeals, or a planning board, or both, and the town does not, then upon dissolution the town board shall act in place of such board or boards until the town board shall have appointed such board or boards for the town in accordance with the

provisions of the town law. Such appointments may be made prior to dissolution, to become effective upon the effective date of dissolution.

**§ 19-1912 Village obligations.**

Unless the plan shall provide otherwise, the outstanding debts and obligations of the village shall be assumed by the town and be a charge upon the taxable property within the limits of the dissolved village, and collected in the same manner as town taxes. The town board shall have all powers with respect to such debts and obligations as the board of trustees would have had if the village had not been dissolved, including the power to issue town bonds to redeem bond anticipation notes issued by the village.

**§ 19-1914 Village functions and services.**

- 1) Unless such action shall be contrary to the plan or inconsistent with law, the town shall assume the duties and functions of the dissolved village and continue to provide the services theretofore provided by the village. The cost of such services shall be a charge upon the taxable property within the dissolved village unless the town board, acting pursuant to law, shall elect to provide such services by establishing or extending a special or an improvement district, or as a town function.
- 2) Whenever a village shall adopt a proposition to dissolve as hereinabove provided, the town board of any town in which such village or a portion thereof is situated may, prior to the effective date of such dissolution and upon a public hearing, adopt an order establishing or extending one or more special fire or improvement districts, or town improvements authorized by the town law, to carry on and operate such of the existing village improvements or services as may be required, and prorating village indebtedness or portion thereof against each such district or improvement as deemed appropriate by said town board. Notice of such hearing shall specify the amount of indebtedness to be charged to the district or benefited area, if any, and the basis of the future assessment of costs of the improvement or service. The establishment of such districts or improvements shall become effective on the effective date of such dissolution except that assessments therefore may be made and levied prior to such effective date. Certified copies of any such order shall be filed in the office of the county clerk and in the office of the state department of audit and control at Albany, New York within ten days after adoption. Each such district or improvement shall, in all respects, be governed, operated and administered in the same manner as similar districts or improvements created pursuant to the provisions of the town law.

**§ 19-1916 Village property.**

Unless otherwise provided by the plan, the property of the village shall upon dissolution vest in the town.

**§ 19-1918 Unpaid taxes and assessments.**

- 1) Whenever the plan requires the levy of a tax to pay village indebtedness and such tax is to be levied or collected at a time subsequent to the effective date of such dissolution, such tax shall be levied and collected as town taxes are levied and collected and applied to such indebtedness, and shall be levied in the same manner as other town taxes upon the taxable real property in that portion of the village situated within the town and shall be collected in the same manner as other town taxes.
- 2) Any village assessment or installment thereof which shall become due after the effective date of dissolution shall likewise be treated for all purposes as a town assessment. All provisions of the real property tax law with reference to the return of unpaid town taxes and assessments to the county treasurer shall apply to such taxes, and the county treasurer shall thereafter proceed to collect such taxes and assessments in the manner provided for the collection of town taxes and assessments.
- 3) If at the effective date of such dissolution there remains any uncollected village taxes theretofore levied, including delinquent assessments which are deemed unpaid taxes for purposes of collection, such taxes shall be reported to the legislative body of the county or counties by the supervisors of the town or towns in which said village was situated, and such taxes shall be relieved upon the property originally liable therefore in a separate column on the tax roll with five per centum of the amount thereof in addition thereto in the same manner as returned school taxes are required to be relieved, and shall be collected by the town tax collector.

**§ 19-1920      Liability of officers.**

In the absence of fraud, gross negligence or willful misfeasance, no officer or employee of the village or the town shall be held personally liable upon any claim arising from the dissolution of the village or any circumstances connected with such dissolution.

**§ 19-1922      Separability clause.**

If any part of this title shall be adjudged invalid by any court of competent jurisdiction, such judgment shall not invalidate the remainder thereof, but shall be confined in its operation to the part directly involved in the controversy wherein such judgment shall have been rendered.

**§ 19-1924      Saving clause.**

- 1) Nothing contained in this article shall be construed to affect any village which is in the process of dissolution upon the effective date hereof. For the purposes of this section the process of dissolution shall be deemed to begin upon approval by the voters of a plan for dissolution.
- 2) Notwithstanding the provision of subdivision one of this section, the provision of sections 19-1910, 19-1912, 19-1914, 19-1916 and 19-1920 shall apply to all villages which undertake to dissolve at any time.