# 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** Newark

**Local Law No.** 6 **of the year 20**23

**A local law** LOCAL LAW IMPLEMENTING REQUIREMENTS FOR PRIOR APPROVAL FOR UTILITY
*(Insert Title)*
OR CONSTRUCTION WORK IN PUBLIC RIGHT-OF-WAY

**Be it enacted by the** Board of Trustees **of the**
*(Name of Legislative Body)*

☐ **County** ☐ **City** ☐ **Town** ☒ **Village**
*(Select one:)*

**of** Newark **as follows:**

See annexed Local Law

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

**(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. 6 of 2023 of the (County)(City)(Town)(Village) of Newark was duly passed by the Board of Trustees of the Village of Newark on November 21, 2023, in accordance with the applicable provisions of law.
*(Name of Legislative Body)*

**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. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)
*(Name of Legislative Body)*
(repassed after disapproval) by the _____ and was deemed duly adopted
*(Elective Chief Executive Officer*)*
on _____ 20☐☐, in accordance w ith 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)
*(Name of Legislative Body)*
(repassed after disapproval) by the _____ on _____ 20____.
*(Elective Chief Executive Officer*)*

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)
*(Name of Legislative Body)*
(repassed after disapproval) by the _____ on _____ 20____. Such local
*(Elective Chief Executive Officer*)*
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.

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* 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 1 above.

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

*(Seal)*

Date: 11/22/23

Local Law No. 6 of 2023
Village of Newark, County of Wayne

# LOCAL LAW NO. 6 OF 2023, LOCAL LAW IMPLEMENTING REQUIREMENTS FOR PRIOR APPROVAL FOR UTILITY OR CONSTRUCTION WORK IN PUBLIC RIGHT-OF-WAY

Be it enacted by the Village Board of Trustees of the Village of Newark as follows:

**Section l. Title**

This Local Law shall be referred to as the "Local Law Implementing Requirements for Prior Approval for Utility or Construction Work in Public Right-of-Way."

**Section 2. Purpose**

The Village Board of Trustees of the Village of Newark, Wayne County, State of New York, is vested by the State of New York to regulate and control land use within the Village of Newark and to protect the health, safety and welfare of its residents. Consistent with that authority, the Board of Trustees has deemed it appropriate to require prior approval and establish guidelines, governing utility and construction work completed by public utilities and private companies or persons within the Village right-of-way.

**Section 3. Requirements for Prior Approval for Utility or Construction Work in Public Right-of -Way or on Property owned by the Village of Newark**

No public or private utility, company, or person shall injure any pavement, sidewalk, crosswalk or sewer, or dig any area, sewer or other excavation in any public street or right-of-way, nor remove any earth or stone therefrom within any public street or right-of-way within the Village, without prior written permission in writing from the Department of Public Works on a form to be prescribed by the Village, and under such conditions as said Department/Village may impose, and the Department of Public Works may order any sewer or excavation constructed contrary to the provisions of this section to be filled up or altered at the expense of the owner.

**Section 4. Penalties for Noncompliance**

The violation of any of the provisions of this article shall be punishable by a maximum fine of $250 or by imprisonment for not more than 15 days, or by both such fine and imprisonment. Each day that a violation continues shall be considered a separate offense. In addition, thereto, violations of this local law shall be subject to being restrained by injunctive relief.

Any penalty herein shall be in addition to any costs necessary to require such violation to be filled up or altered at the expense of the owner.

**Section 5. Effective Date**

This Local Law shall take effect immediately when it is filed in the Office of the Secretary of State in accordance with section 27 of the Municipal Home Rule Law.