

# 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.)

FILED  
STATE RECORDS

of WASHINGTONVILLE

DEC 14 2023

Local Law No. 9 of the year 2023

DEPARTMENT OF STATE

A local law Adding Article V (Utility Poles) to Chapter 260 of the Village of Washingtonville  
(Insert Title)  
Code Requiring Utility Companies to Remove Inactive, Broken or Replaced  
Utility Poles Within Village Boundaries

Be it enacted by the VILLAGE BOARD of the  
(Name of Legislative Body)

County  City  Town  Village  
(Select one.)

of WASHINGTONVILLE as follows:

SEE ATTACHED 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. 9 of 2023 of the ~~(County)(City)(Town)(Village)~~ <sup>Village</sup> of Washingtonville was duly passed by the Village Board of the Village of Washingtonville on December 4, 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 \_\_\_\_\_ 2023, 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) *(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 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 1 \_\_\_\_\_ above.

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

Date: 12-04-2023

(Seal)



VILLAGE OF WASHINGTONVILLE

LOCAL LAW NO. 9 OF 2023

**A LOCAL LAW ADDING ARTICLE V (UTILITY POLES) TO CHAPTER 260 OF THE VILLAGE OF WASHINGTONVILLE CODE REQUIRING UTILITY COMPANIES TO REMOVE INACTIVE, BROKEN OR REPLACED UTILITY POLES WITHIN VILLAGE BOUNDARIES**

BE IT ENACTED by the Village Board of the Village of Washingtonville, Orange County, New York (“Village Board”) as follows:

**Section 1. Legislative Intent.**

It is the intent of this Village Law to require utilities that use Village highways, streets, roads and rights-of-way to promptly remove plants, cables, lines, equipment, and terminals from old and damaged poles and to further require the prompt removal of double poles once said plants, cables, lines, equipment, and terminals have been removed. When new poles are installed, a utility’s delay in removing said lines and equipment from the old pole also delays the removal of the pole itself, which causes a proliferation of aesthetically unpleasant double poles along the highways, streets, roads, and rights-of-way within the Village. Said poles also decompose, presenting a danger to pedestrian life within the Village. The Village Board finds and determines that the interest of the public is best served by the cooperation and communication between public utilities and the Village in order to effectuate such remediation.

**Section 2. Authority.**

This Local Law is adopted pursuant to Municipal Home Rule Law § 10 and the general police powers vested with the Village of Washingtonville to promote the health, safety and welfare of all residents and property owners within the Village.

**Section 3. A new Article V entitled “Utility Poles” shall be added to Chapter 260 of the Village Code of the Village of Washingtonville to read as follows:**

**Chapter 260**  
**Article V. Utility Poles**

**§ 260-24. Definitions.** For the purpose of this Section, the following terms shall have the meanings indicated.

**DEPARTMENT** – The Village of Washingtonville, Department of Public Works.

**DOUBLE POLE/DOUBLE WOOD** – Any utility pole that is located directly next to or in close proximity to another utility pole.

**DANGEROUS/DAMAGED POLE** – Any utility pole that is structurally compromised due to weather, a traffic incident, and/or age and poses a potential threat to public safety.

**PLANT** – The cables, terminals, conductors and other fixtures necessary for transmitting electric, telephone, cable television or other telecommunications service.

**PUBLIC UTILITY** – Any corporation, authority, or other entity that provides electric, telephone, cable, television, or other telecommunications service to the residents of the Village of Washingtonville

**UTILITY POLE** – A column or post used to support service lines for a public utility.

**WRITTEN NOTIFICATION** – A writing directed to a representative of a public utility, who may be designated by the utility, by regular mail, facsimile transmission, or electronic mail.

§ 260-25. Findings; legislative intent.

- A. The Village Board hereby finds and determines that public utility companies place poles on Village of Washingtonville highways, streets, roads and rights-of-way to facilitate the delivery of electric, telephone, cable television, and other telecommunications services to the residents of the Village of Washingtonville.
- B. The Village Board finds and determines that local governments have the authority to regulate their highways, streets, roads and rights-of-way to protect their public.
- C. The Village Board finds and determines that utility poles are damaged from time to time.
- D. The Village Board finds and determines that public safety can be compromised when utility lines and equipment remain affixed to utility poles that are weathered or otherwise damaged.
- E. The Village Board finds and determines that when a new pole is installed, a utility's delay in removing lines and equipment from the old pole also delays the removal of the pole itself, which cause a proliferation of aesthetically unpleasant double poles along highways, streets, roads, and rights-of-way, as well as obstruction of the paths of pedestrians.
- F. The Village Board finds and determines that the interest of the public is best served by cooperation and communication between public utilities and the Village Board.
- G. In enacting this chapter, the Village Board deems this chapter to be an exercise of the police power of the Village of Washingtonville for the preservation and protection of public safety and is enacted pursuant to the authority contained in the Highway Law, Village Law, and Municipal Home Rule Law of the State of New York.
- H. Therefore, the purpose of this chapter is to require utilities that use Village highways, streets, roads and rights-of-way to promptly remove their plants, cables, lines,

equipment, and terminals from old and damaged poles and to further require the prompt removal of double poles once all plants, cables, lines, equipment, and terminals have been removed.

§ 260-26. Departmental notification: time frame for removal.

- A. When the Public Works Superintendent observes or otherwise becomes aware of the installation of a utility pole which is directly next to or in close proximity to another utility pole on a Village highway, street, road, or right-of-way, the Public Works Superintendent shall provide a written notice to the public utility which has the top plant on the double pole that the plant must be removed within 30 days or be subject to penalty. Upon removal of each plant, the Public Works Superintendent shall provide written notice to the public utility that owns the subsequent plant on the pole that the plant must be removed within 30 days or be subject to penalty. The last utility to remove its plant is responsible for removing the double pole within an additional 30 days. Failure to comply with the requirements of this provision may result in penalties provided for in § 260-28 of this chapter.
- B. When the Public Works Superintendent determines that a utility pole on a Village highway, street, road or right-of-way is damaged and poses a potential threat to public safety, the Public Works Superintendent shall provide a written notice to any public utility with a plant on the damaged pole that it must remove its plant from the pole within fifteen (15) days or be subject to penalty as provided for in § 260-28 of this chapter. The last utility to remove its plant is responsible for removing the damaged or double pole. Failure to comply with the requirements of this provision may result in penalties provided for in § 260-28 of this chapter. The effected utility may present documentary evidence to the Village in the form of a report from a licensed engineer certifying that the plant and/or pole is not a threat to public safety within ten (10) days from the date of the Public Works Superintendent's notification. In the event the Public Works Superintendent is satisfied that the plant and/or pole no longer poses a threat to safety, he shall have the discretion to withdraw the removal notice.
- C. When the Public Works Superintendent determines that a double pole is on a Village highway, street, road or right-of-way, the Public Works Superintendent will provide a written notice to the public utility which has the top plant on the double pole that the plant must be removed within 30 days or be subject to penalty. Upon removal of each plant, the Public Works Superintendent shall provide written notice to the public utility that owns the subsequent plant on the pole that the plant must be removed within thirty (30) days or be subject to penalty. The last utility to remove its plant is responsible for removing the double pole within an additional 30 days. Failure to comply with the requirements of this provision may result in penalties provided for in § 260-28 of this chapter.

§ 260-27. Extensions authorized, temporary emergency suspension.

- A. Notwithstanding any provision of this chapter to the contrary, the Public Works Superintendent may extend the time frame of any written notice provided under this chapter for an additional period not exceeding the original statutory time frame set forth in this chapter. The public utility shall have a request for an extension, in writing, to the Public Works Superintendent prior to the expiration of the time frame contained in the original written notice, together with the basis for the request. The Public Works Superintendent shall determine whether the request for an extension should be granted or denied, and provide a written response to the public utility. In such instances where the request is granted, the Public Works Superintendent shall issue another written notice, which shall be applicable instead of the previously issued notice.
- B. In the event of an emergency that affects the repair, replacement, removal, or installation of utility poles or plants, the Village Mayor may temporarily suspend the deadlines of § 260-26 of this chapter for periods exceeding 30 days.

**§ 260-28. Penalties.**

- A. Any public utility that violates this article shall be subject to a civil penalty not to exceed \$250 for each such violation. Each day that the violation continues shall be deemed a separate violation.
- B. If a public utility violates the provisions of this article and fails to remove its plant from a damaged pole in accordance with the provisions of this article, the Village Attorney, upon the request of the Department, may commence an action in the name of the Village in a court of competent jurisdiction for necessary relief, which may include the imposition of civil penalties as authorized by this article, an order to remove the plant from a damaged utility pole and/or to remove the damaged pole, the recovery of costs of the action and such other remedies as may be necessary to prevent or enjoin a dangerous condition from existing in a Village road or right-of-way.

**Section 4. State Environmental Quality Review Act.**

Pursuant to 6 NYCRR 617.2(a), this Local Law is classified as an Unlisted action and the Board has determined that no adverse environmental impacts will result from this action.

**Section 5. Severability.**

If a court of competent jurisdiction determines that any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this Local Law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

**Section 6. Code Preparation.**

The Village Code preparation contractor is authorized, without further action of the Village Board, to correct typographical errors, numbering and other related technical changes that do not affect or alter the substantive provisions of this Local Law.

**Section 7.     Effective date.**

This Local Law shall be effective immediately upon filing with the Secretary of State.