

# 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 Victory \_\_\_\_\_

Local Law No. 2 \_\_\_\_\_ of the year 2018

A local law entitled: "Village of Victory Fees, Costs & Expenses Local Law"  
(Insert Title)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

County  City  Town  Village  
(Select one:)

of Victory \_\_\_\_\_ as follows:

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

**VILLAGE OF VICTORY**

**LOCAL LAW No. 2 OF 2018**

**A LOCAL LAW ENTITLED: "VILLAGE OF VICTORY FEES, COSTS & EXPENSES LOCAL LAW"**

BE IT ENACTED by the Village Board of the Village of Victory as follows:

Section 1: Title.

The title of this local law shall be "Village of Victory Fees, Costs & Expenses Local Law."

It may be cited as VOV LL 2-2018.

Section 2: Authority.

This local law is enacted pursuant to the authority of Municipal Home Rule Law Section 10(1)(i), which authorizes a Village to adopt a local law not inconsistent with the provisions of the Constitution or not inconsistent with any general law relating to its property, affairs or government; and Municipal Home Rule Law Section 10(1)(ii)(a)(9-a), which authorizes a Village to adopt a local law relating to the fixing, levy, collection and administration of local government rentals, charges, rates or fees, penalties and rates of interest thereon, liens on local property in connection therewith and charges thereon.

Section 3: Purpose; Conflict With Other Provisions.

It is the purpose of this Local Law to make it easier for those required to pay fees or to reimburse the Village of Victory for costs and expenses to find and accurately determine such amounts, and to assist the Village of Victory in collecting such amounts. Where a fee or reimbursement set forth in this Local Law for a specified right, permit, certificate, license or approval conflicts with a fee or reimbursement in another local law or ordinance of the Village of Victory for the same right, permit, certificate, license or approval, the provisions of this Local Law shall control. Where a fee or reimbursement for a specified right, permit, certificate, license or approval appears elsewhere in another local law or ordinance of the Village of Victory and does not

appear in this Local Law for the same right, permit, certificate, license or approval, the amount, time and manner of payment of such fee or reimbursement shall continue to be determined and governed by the local law or ordinance in which it is prescribed and the provisions of sections 8 and 9 of this Local Law shall apply in the event of the non-payment of such fee or reimbursement. Nothing herein shall be read to diminish any of the procedural or substantive rights of the Village of Victory established elsewhere in other local laws and ordinances of the Village of Victory. All fees charged by the Village shall be deemed administrative fees, unless the local law or ordinance establishing or imposing such fee provides otherwise.

Section 4: Fees and Reimbursements of Costs and Expenses.

A. Persons obtaining rights, permits, certificates, licenses and approvals from the Village of Victory shall pay the fees set forth on the Fees Schedule annexed as Table A to this Local Law.

[Editor's Note: Table A is located at the end of this Local Law].

B. Persons applying for rights, permits, certificates, licenses and approvals from the Village of Victory shall reimburse the Village of Victory for all professional services fees (e.g., engineering, legal or architectural services) and costs (e.g., mailings, publication of legal notices, etc.) reasonably incurred by the Village in connection with the processing and review of the application, either through direct billing by the Village of Victory or through the establishment of an escrow account on terms mutually agreed upon by the applicant and the Village of Victory, the method being determined by the Village.

Section 5: Amendment of Fees.

Fees set forth in this Local Law or elsewhere within other local laws and ordinances of the Village of Victory may be revised, amended, supplemented or eliminated by resolution of the Village of Victory Board of Trustees. The Fees Schedule annexed as Table A to this Local Law may be

revised, amended or supplemented by resolution of the Village of Victory Board of Trustees.

Section 6: Variations Prohibited; Exceptions.

No person, department or board of or within the Village of Victory may grant any variation in the amount of fees or reimbursements of costs and expenses, except that the Village Board may vary or waive the same at a duly noticed public meeting or hearing for a not-for-profit or charitable organization.

Section 7: Contesting Fees and Reimbursements Charged by Village.

A. Any Person may contest the accuracy of fees or reimbursements of costs and expenses by submitting a written objection (the "Notice of Objection") to the person, department or board imposing such fees or reimbursements within thirty (30) days of the date that said fee or reimbursement of costs and expenses is requested, demanded, charged or imposed. In addition to any other meeting, correspondence or other informal efforts to resolve such a dispute, the person, department or board imposing such fees or reimbursements shall respond in writing (the "Notice of Determination"), giving the basis for its calculation of the amount due.

B. If the Notice of Determination does not resolve the dispute, any aggrieved Person may appeal to the Village Board by submitting a written Notice of Appeal to the Village Clerk within forty-five (45) days of the appellant's receipt of the Notice of Determination, which Notice of Appeal shall contain a written statement of the appellant's position and the relief requested by him, and shall be accompanied by: (a) the Notice of Determination; (b) any written or electronic correspondence or communications between the appellant and the person, department or board imposing the disputed fee or reimbursement concerning the subject matter of the appeal; and (c) any other written materials relied upon by the Appellant in support of his position.

Section 8: Consequence of Failure to Timely Pay Fees or to Reimburse Costs and Expenses.

In addition to any other tools or rights possessed by the Village of Victory set forth elsewhere in the laws of the State of New York or in other local laws and ordinances of the Village of Victory, failure to timely pay any fees or to reimburse costs and expenses by a person holding any right, permit, certificate, license or approval issued or administered by the Village shall give the absolute right to the person, department or board of the Village which has issued such right, permit, certificate, license or approval to terminate or suspend the same by either: (1) mailing notice of such termination or suspension by certified mail, return receipt requested, to such person (Note: Such mailing shall be to the address left by the person having such right, permit, license, certificate or approval with the person, department or board within the Village which issued the same. Service shall be effective whether or not the mail receipt has been signed and returned by the intended recipient.); (2) effectuating personal service (as defined in New York Civil Practice Law and Rules §§ 308 through 312A, inclusive) of such notice upon such person; or (3) posting a copy of such notice on the real property which is the subject of the right, permit, certificate, license or approval. The Village may, on the same basis, refuse to grant further rights, permits, certificates, licenses or approvals, or direct suspension of the provision of services or the incurring of expenses on behalf of the Person, without prior notice.

Section 9: Cost of Enforcement.

A. Any cost, including court or county clerk filing fees, reasonable attorneys' fees, service-of-process fees, research fees, stenographic fees, expert's fees, publication fees, and the like, which are incurred by the Village of Victory in enforcing the payment of fees or the reimbursements of cost and expenses as set forth in this Local Law, or elsewhere in other local laws and ordinances of the Village of Victory, shall be paid by the Person who has not paid such fees or the

reimbursements of cost and expenses.

B. Should any fees, costs or expenses payable by a Person to the Village of Victory for, or on account of, the application by said Person for, or the issuance to said Person of, a right, permit, certificate, license or approval, remain unpaid for more than thirty (30) days following the Village's issuance to said Person of the notice described in § 8 of this Local Law or such obligation having been reduced to a judgment, whichever first occurs, then the sum owed, together with the costs of enforcement, may be levied and collected in the same manner as provided in Article 5 of the Village Law for the levy and collection of a special ad valorem levy, upon any real property which is the subject of the right, permit, license, certificate or approval, or absent such real property, upon any real property owned by the indebted Person within the Village of Victory; provided, however, that no such levy and collection shall be made during the time that any timely filed Notice of Objection or Notice of Appeal remains pending and undecided pursuant to the provisions of § 9, Paragraphs A and B of this Local Law.

Section 10: Severability.

If any term or provision of this local law, or the application thereof to any person or circumstance, shall to any extent be determined by a court of competent jurisdiction to be invalid or unenforceable, the remainder of this local law, or the application of such term or provision to persons or circumstances other than those to which it is held invalid or unenforceable, shall not be affected thereby, and each term and provision of this local law shall be valid and be enforced to the fullest extent permitted by law.

Section 11: Definitions.

As used in this Local Law, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:


A. Person shall mean any natural person, firm, corporation, limited liability company, partnership, limited partnership, trust, trustee, association or other entity.

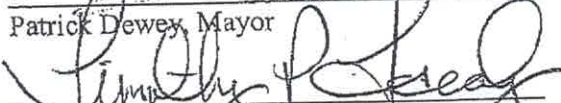
B. Village shall mean the Village of Victory, a municipal corporation located in Saratoga County, New York.

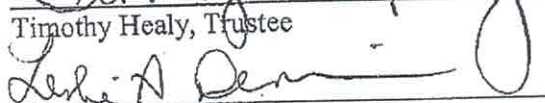
Section 12: Effective Date and Duration.

This local law shall take effect upon adoption and filing with the Secretary of State, as provided in Section 27(3) of the Municipal Home Rule Law.

ENACTED this 10<sup>th</sup> day of July, 2018 by the Board of Trustees of the Village of Victory, Saratoga County, New York.

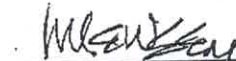
  
Patrick Dewey, Mayor

  
Timothy Healy, Trustee

  
Leslie A. Dennison, Trustee

[SEAL]

ATTEST:

  
Maureen Lewsey, Village Clerk

**TABLE A**  
**VILLAGE OF VICTORY MILLS LOCAL LAW 2 OF 2018**  
**SCHEDULE OF FEES PAYABLE PURSUANT TO**  
**VILLAGE OF VICTORY MILLS LOCAL LAWS AND ORDINANCES**

**Effective April 3, 2018**

- I. **JUNKYARD PERMIT.** The following fees are payable pursuant to the Village of Victory Mills Local Law 4-1978:

**Junkyard Permit Fee (Section 5): \$50.00**

- II. **TRUCK ROUTE SYSTEM.** The following fees are payable pursuant to the Village of Victory Mills Local 1-1990:

**Truck Permit Fee: \$5.00** for vehicles having a gross weight in excess of five (5) tons

- III. **SEWER USE.** The following fees are payable pursuant to the Village of Victory Mills Local Law 4-1992:

**Private Wastewater Disposal System Permit & Inspection Fee: \$200.00**

**Residential or Commercial Building Sewer Permit & Inspection Fee: \$200.00**

**Industrial Building Sewer Permit & Inspection Fee: \$500.00**

- IV. **FLOOD DAMAGE PROTECTION.** The following fees are payable pursuant to the Village of Victory Mills Local Law 2-1995:

**Floodplain Development Permit Application Fee (Section 4.2-2): \$50.00.** The applicant is responsible for reimbursing the Village of Victory for any additional costs necessary for review, inspection and approval. A deposit of up to \$500.00 maybe be required to cover these additional costs

- V. **MOBILE HOMES, MOBILE HOME PARKS AND TRAVEL TRAILER CAMPS.** The following fees are payable pursuant to the Village of Victory Mills Local Law 1-1999:

**Mobile Home Park/Trailer Camp Fees:**



**TABLE A (Cont'd)**  
**VILLAGE OF VICTORY MILLS LOCAL LAW 2 OF 2018**  
**April 3, 2018**

- A. Original Application Fee (Section 8.2):** \$250.00 plus \$100.00 for each proposed Mobile Home Lot or Trailer Lot.
  
- B. Annual Fee (Section 8.3):** \$100 plus \$10.00 multiplied by the number of Mobile Home Lots or Trailer Lots to be authorized by such license multiplied by the number of months from the effective date of the license to the 31<sup>st</sup> day of December next succeeding

(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. 2 \_\_\_\_\_ of 20<sup>18</sup> of the ~~(County)(City)(Town)(Village)~~ (County)(City)(Town)(Village) of Victory was duly passed by the Board of Trustees \_\_\_\_\_ on July 10 20<sup>18</sup>, 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<sup>□□</sup>, 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.

Village of Victory

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

Date: July 10, 2018 \_\_\_\_\_

(Seal)