

LEGAL NOTICE
PUBLIC HEARING
City of Oneida

PLEASE TAKE NOTICE that a **PUBLIC HEARING** will be held at 6:30 pm on Tuesday, May 16, 2023, in Common Council Chambers, 109 N. Main Street, Oneida, NY on a proposed Local Law to amend Article VI, Section 6.1(B)(1) of the Oneida City Charter to revise the procedure for the payment for the construction/reconstruction of sidewalks and to improve the system of sidewalks within the City of Oneida.

PLEASE TAKE FURTHER NOTICE that the complete text of the Proposed Local Law may be viewed on the City's website www.oneidacityny.gov under Legal Notices and in the City Clerk's lobby.

PLEASE TAKE FURTHER NOTICE that any or all persons opposing said proposed Local Law may file a written notice thereto, with the City Clerk before such hearing or attend said hearing at the time and place specified.

PLEASE TAKE FURTHER NOTICE that any persons with special needs should contact the City Clerk one week prior to the hearing.

CITY OF ONEIDA
PROPOSED LOCAL LAW

A LOCAL LAW AMENDING ARTICLE VI, SECTION 6.1(B)(1)
OF THE ONEIDA CITY CHARTER

Be it enacted by the Common Council of the City of Oneida, that this Local Law amends Article VI, Section 6.1(B)(1) of the Oneida City Charter in the following manner:

SECTION 1. **LEGISLATIVE INTENT**

The City of Oneida currently imposes different sidewalk assessments based upon the circumstances of replacement. Accordingly, at times, either the full cost, fifty percent (50%) of the full cost, or none of the costs of sidewalk construction and repair is assessed against the abutting property owner; such deviations in assessments results in unpredictable, and sometimes lump-sum, charges against property owners and/ or unanticipated reconstruction costs by the City that have not been budgeted for. As a result, the construction and repair of sidewalks throughout the City has been discouraged and neglected. It has been determined by the City of Oneida that: a comprehensive and high-quality network of sidewalks is beneficial to residents, businesses, organizations and individual property owners beyond the abutting property; and City of Oneida residents are better served by paying an annual assessment for the construction and repair of sidewalks rather than face unpredictable, large, lump-sum assessments for construction and repair of abutting sidewalks.

SECTION 2. **AUTHORITY**

Pursuant to Municipal Home Rule Law § 10, the City of Oneida is authorized to adopt a local law relating to the authorization, making, confirmation and correction of benefit assessments for local improvement.

SECTION 3. **AMENDING ARTICLE VI, SECTION 6.1(B)(1) OF THE ONEIDA CITY CHARTER**

So that Subsection 1, "Assessment for sidewalks," of Subsection B, titled "Sidewalks" of Section 6.1, titled "Local improvements," of the Oneida City Charter, shall be amended so as to read, in its entirety, as follows:

- "1. Assessment for sidewalks.
- a. The Common Council may, by a 2/3 vote of all the Council persons in office, authorize or direct the construction or reconstruction of public sidewalks anywhere in the City, and said Common Council shall determine the type of materials to be used therein and the specifications therefor.
 - b. In the event said Common Council mandates the reconstruction of a public sidewalk that has been uplifted or damaged by the root structure of a tree located within the City of Oneida highway or street right-of-way, the cost thereof for said sidewalks shall be borne 100% by the City as a whole.
 - c. In all other cases, the payment for the cost of construction or reconstruction of a public sidewalk shall be paid for by the collection of an annual assessment fee levied against each real property lot or parcel located within the City of Oneida.
 - i. Such annual assessment fee shall be established by resolution of the Common Council which may be thereafter amended from time to time by like resolution.
 - ii. Such annual assessment fee shall be a lien upon the real property so assessed. Such annual assessment fee shall be collected in the manner provided in this Charter and the Code of the City of Oneida for the enforcement, levy, and collection of City taxes."

SECTION 4. **VALIDITY & SEVERABILITY**

If a court 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 5. **PERMISSIVE REFERENDUM**

Pursuant to Municipal Home Rule Law § 24, this Local Law is subject to a permissive referendum and thus may not be filed with the Secretary of State until the applicable time period has elapsed to file a petition or a referendum has been conducted approving this Local Law.

SECTION 6. **EFFECTIVE DATE**

This Local Law shall take effect immediately upon filing with the New York State Department of State.

SANDRA LAPERA
CITY CLERK
May 3, 2023