

# 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 Plattsburgh

Local Law No. 8 of the year 2017

A local law adding Section 270-59 to Article IX entitled "Professional Review Fees" to Chapter 270  
(Insert Title)  
"Zoning" the City Code of the City of Plattsburgh.

Be it enacted by the Common Council of the  
(Name of Legislative Body)

County  City  Town  Village  
(Select one:)

of Plattsburgh as follows:

## Section 1. Reimbursement of Professional Review Fees.

A. In addition to the provisions provided under the terms of the Chapter 233 entitled "Subdivision of Law" of the City of Plattsburgh Code ("Subdivision Regulations") and Chapter 270 entitled "Zoning" of the City of Plattsburgh Code ("Zoning Code"), the Common Council, the Planning Board and the Zoning Board of Appeals, in the review of any application presented to it, may refer such application, or part of an application, to such planner, engineer, environmental expert, attorney or other professional as such Council or Board shall deem reasonably necessary to enable it to review such application as required by law.

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

B. Fees charged by such professionals shall be in accord with fees usually charged for such services in the Clinton County region or pursuant to an existing contractual agreement between the City and such professional. The Board or Council shall limit such fees as are reasonable in amount and necessarily incurred by the City in connection with a review of an application. For purposes of this section, a fee is reasonable in amount if it bears a reasonable relationship to the expense of the development or the average charge by such an expert to the City or others for services performed in connection with the review of a project similar to that involved in the land use application. All proper charges shall be paid by the City upon submission of a City voucher and in compliance with the City's procurement policy. The applicant shall reimburse the City for the costs of such professional review services upon receipt of a copy of the voucher or, at the discretion of the reviewing Council or Board, in accordance with this Local Law. The payment of such fees shall be required in addition to any and all other fees or performance bonds required by this or any other section of this chapter or any other City law or regulation.

Section 2. Escrow Accounts.

A. In addition to other mechanisms provided under any other City law or regulation, at the time of submission of any application, or during the review process, the reviewing Council or Board may require the establishment of an escrow account from which withdrawals shall be made to reimburse the City for the cost of professional review services. The applicant shall then provide funds to the City for deposit into such account in an amount to be determined by the reviewing board based on its evaluation of the nature and complexity of the application. The applicant shall be provided with copies of any City voucher for such services as they are submitted to the City. If the applicant objects to the amount to be placed into escrow, the applicant may request that the Council or Board review the projected amount to be placed in escrow.

B. Where the City Council, Planning Board or Zoning Board of Appeals establishes an escrow account for an application, such reviewing board shall not be required to consider that application until the deposit required under this Local law has been made.

C. A building permit or certificate of occupancy shall not be issued unless all professional review fees charged in connection with the applicant's project have been reimbursed to the City.

D. After all pertinent charges have been paid, the City shall refund to the applicant any funds remaining on deposit.

Section 3. Effective Date; Applicability.

A. This local law shall take effect immediately upon filing in the office of the New York State Secretary of State.

B. This Local Law shall apply to all applications pending at the time it becomes effective, unless the reviewing Council or Board shall determine that its application would be impracticable or unjust in the particular circumstances.

(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. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, 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. 8 of 20 17 of the ~~(County)(City)(Town)(Village)~~ of Plattsburgh Common Council was duly passed by the \_\_\_\_\_ on December 14 20 17, and was (approved)~~(not approved)~~ ~~(repassed after disapproval)~~ by the Mayor \_\_\_\_\_ and was deemed duly adopted *(Elective Chief Executive Officer\*)* on December 14 20 1 7, 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.)**

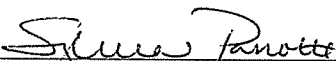
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority 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 2 above.

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

Date: 12/15/17

(Seal)