

**LOCAL LAW #3 OF 2018**  
**A LOCAL LAW ESTABLISHING A SPECIAL BENEFIT ASSESSMENT**  
**FOR STORMWATER MANAGEMENT**  
**Adopted 5/24/18**

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Section 1. AUTHORIZATION.

Pursuant to Municipal Home Rule Law Section 10(1)(ii)(e)(2), the Village of Horseheads hereby creates a Special Benefitted Assessment Area (“SBAA”) and authorizes the imposition of a Special Benefit Assessment on all improved and unimproved residential building lots in the SBAA in order to provide for the on-going collection and management of stormwater generated from those residential building lots, which are within the SBAA.

Section 2. LEGISLATIVE FINDINGS AND PURPOSES.

The Village of Horseheads hereby determines that the creation of an SBAA and the imposition of a Special Benefit Assessment for the ongoing collection and management of stormwater generated from residential building lots within the SBAA is a local improvement that enhances the quality of life in the SBAA and improves the general welfare of those residents within the SBAA. Further, imposing a Special Benefit Assessment on those lots receiving the benefit of collecting and management of stormwater from those lots will also preserve and protect the health, safety, comfort and general welfare of the owners of improved and unimproved residential building lots within the SBAA. The Special Benefit Assessment will allow for the annual assessment of the cost incurred by the Village to provide ongoing collection and management of stormwater to be equitably shared on a per residential building lot basis, fairly distributing the collection, management and administrative costs incurred by the Village among those benefitted improved and unimproved residential building lots within the SBAA.

Section 3. DEFINITIONS.

“Residential Building Lot” -

A lot or parcel of land that is used or suitable for use as a dwelling or is in the process of being constructed or adapted for use as a dwelling; land that forms part of a garden or grounds of a building suitable for use as a dwelling. This includes any buildings or structures on such land.

“Special Benefit Assessment” (“SBA”) -

An annual assessment set by the Board of Trustees and levied on all improved and unimproved residential building lots situated and located within the SBAA. The total assessment shall be based upon the total cost for the collection and management of stormwater, as well as current and future maintenance and repair of stormwater management facilities, including administration expenses incurred by the Village in providing this service to the benefitted improved and unimproved residential building lots within the SBAA. The assessment shall be allocated among the benefitted properties within the SBAA on a per residential building lot basis.

“Special Benefitted Assessment Area and Benefitted Area” -

All parcels of improved and unimproved residential building lots situate within a development known as Villas at Gardner Road to be constructed at the north terminus of Lynhurst Avenue (48.20-5-8.11 and 48.20-5-14), excluding public roadways and streets, and public stormwater management facilities. The development consists of 20 residential building lots to be constructed in two phases and are more specifically depicted on Site Plan Drawings for Villas at Gardner Road prepared by Fagan Engineers and Land Surveyors PC, last revised March 30, 2017. A map of phase 1 consisting of 10 residential building lots has been filed in the Chemung County Clerk’s Office as Case Map #4195. It is anticipated that a map of phase 2 will be so filed at a future time.

“Stormwater” -

Surface water in abnormal quantities resulting from heavy falls of rain or snow. Water that originates during precipitation events and snow/ice melt.

Section 4. ESTABLISHMENT OF SPECIAL BENEFITTED ASSESSMENT AREA (“BA”).

On or about April 13, 2017 the Village of Horseheads Board of Trustees approved the Site Plan Drawings for the Villas at Gardner Road establishing 20 residential building lots to be

constructed in two phases. Upon commencement of construction of the utilities to service each phase, including but not limited to, electric, gas, sewer, water, and the like, the land comprising that phase shall be deemed converted to residential building lots subjecting such land to levy and collection of Special Assessments as noted below. Initially the Special Benefitted Assessment Area shall be comprised of phase 1, Case Map #4195. Thereafter the SBAA shall be deemed to comprise phases 1 and 2.

#### Section 5. LEVY AND COLLECTION OF SPECIAL ASSESSMENTS.

The Village Board of Trustees may annually by resolution establish, levy and collect the Special Benefit Assessments on all improved and unimproved residential building lots within the SBAA. A listing of all residential building lots within the SBAA and the assessment to be levied by the Board of Trustees on those properties shall be filed with the Village Clerk-Treasurer.

#### Section 6. PAYMENT.

Once levied, the SBA shall be a lien on all improved and unimproved residential building lots within the Benefitted Area for the full amount of the annual assessment. The assessment must be paid by each improved or unimproved residential building lot owner in the SBAA without penalty on or before June 30 of the year in which the assessment is levied, unless otherwise required by the Board of Trustees. If any Special Benefit Assessment is not timely paid, penalties shall be computed at a rate not to exceed 1% per month until the Special Benefit Assessment is paid or discharged.

#### Section 7. ADMINISTRATION.

The Board of Trustees may by resolution establish, amend or repeal rules, regulations, fees and procedures pertaining to the collection and management of stormwater, maintenance and repair of stormwater management facilities and administration expenses incurred by the Village in providing this service within the Special Benefitted Assessment Area as it shall determine, in its sole discretion, necessary and proper.

#### Section 8. SEVERABILITY

If any section or provisions of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgement shall be confined in its operation to the section, provision or part thereof directly involved in the controversy in which such judgment shall have been rendered.

#### Section 9. REPEAL

All ordinances, local laws, resolutions or regulations and parts thereof inconsistent with this local law are hereby repealed.

#### Section 10. EFFECTIVE DATE.

This local law shall take effect immediately.