

**Local Law Filing**

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**(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.

**Town of Colonie  
Local Law No 3 of the year 2023**

**A local law amending Chapter 162 of the Code of the Town of Colonie**

**Be it enacted by the Town Board of the Town of Colonie as follows:**

**SECTION 1: AMENDMENT**

Chapter 162 shall be replaced in its entirety with the following:

§ 162-0 Legislative intent.

Pursuant to New York State Town Law § 65-a and Municipal Home Rule Law § 10, Subdivision 1(ii)d(3), the Town Board of the Town of Colonie has adopted this article, the purpose of which is to serve the public interest by limiting the liability of the Town insofar as no action shall be maintained for damages or injuries to person or property in consequence of conditions which may arise without warning unless actual written notice thereof is given to the Town Attorney of the Town.

§ 162-1 Defects in highways, bridges or signs.

No civil action shall be maintained against the Town of Colonie, the Commissioner of Public Works or any improvement district in the Town for damages or injuries to person or property, including those arising from the operation of snowmobiles, sustained by reason of any street, appurtenance or improvement thereto, bridge, culvert, sluice, stormwater drain, sewer or water pipe, street marking, sign or device or any other property owned, operated or maintained by the Town or any property owned, operated or maintained by any improvement district therein being defective, out of repair, unsafe, dangerous or obstructed, unless written notice of such defective, unsafe, dangerous or obstructed condition of such street or appurtenance or improvement thereto, bridge, culvert, sluice, stormwater drain, sewer or water pipe, street marking, sign or device or any other property owned, operated or maintained by the Town or any property owned, operated or maintained by any improvement district was provided to the Town Attorney, and there was, thereafter, a failure or neglect within a reasonable time to repair or remove the defect, danger or obstruction complained of. No such action shall be maintained for damages or injuries to persons or property sustained solely in consequence of the existence of debris, vegetation, snow or ice upon any street or appurtenance or improvement thereto, bridge, culvert, sluice, stormwater drain, sewer or water pipe or any other property owned by the Town or any property owned by any improvement district in the Town unless written notice thereof, specifying the exact location, was provided to the Town Attorney, and there was failure or neglect to cause such debris, vegetation, snow or ice to be removed or to make the place otherwise reasonably safe within a reasonable time after receipt of such notice.

§ 162-2 Defects in sidewalks.

No civil action will be maintained against the Town and/or the Commissioner of Public Works for damages or injuries to person or property sustained by reason of any defect in the sidewalks of the Town or in consequence of the existence of snow or ice upon any of its sidewalks, unless such sidewalks have been constructed or are maintained by the Town or the Commissioner of Public Works pursuant to statute, nor shall any action be maintained for damages or injuries to person or property sustained by reason of such defect or in consequence of such existence of snow or ice unless written notice thereof, specifying the particular defect and location of

same, was given to the Town Attorney of the Town, and there was a failure or neglect to remedy such defect, remove snow and/or ice or to make the location otherwise reasonably safe within a reasonable time after the receipt of such notice.

§ 162-5 Construal of provisions.

Nothing contained in this chapter shall be held to repeal or modify or waive any existing requirement or statute of limitations but, shall be held to be additional requirements to the rights to maintain such action. Nothing contained herein shall be held to modify any existing rule of law relative to the question of contributory negligence or to impose upon the Town, its officers and employees and/or any of its improvement districts any greater duty or obligations than that it shall keep its streets, sidewalks and public places in a reasonably safe condition for public use and travel.

Article II  
Highway Specifications

§ 162-6 Purpose.

The purpose of this article is to regulate the laying out of streets, thoroughfares and/or highways and to outline the sequence of steps in connection with street construction and dedication in the Town of Colonie, Albany County, New York, in order to ensure that such streets are designed and installed in accordance with proper engineering and construction practices.

§ 162-7 Word usage.

- A. Wherever used in this article, the word "street" shall be construed to include, but is not limited to, a thoroughfare, highway or road.
- B. Wherever used in this article, words in the singular number include the plural, and words in the plural number include the singular.
- C. The word "shall" is mandatory and not directory. Words used in the present tense include the future.

§ 162-8 Short title.

This article shall hereafter be known and cited as the "Street and Highway Law of the Town of Colonie."

§ 162-9 Definitions.

As used in this article, the following terms shall have the meanings indicated:

**APPLICANT**

Any person, persons, firm, corporation, partnership or association who shall submit plans and related information for construction of a street to the Town of Colonie for approval.

**BASE COURSE**

An asphalt concrete street paving foundation prepared and installed in accordance with the specifications of the highway and drainage standards.

**CONSTRUCTION INSPECTOR**

An individual or a group of individuals who shall be employed by the Town of Colonie to perform inspections during construction of a street, to ensure that the street is properly completed.

**CORE SAMPLE**

A specimen of the street subbase and paving material, taken on completion of the base course, to verify the depth and type of materials placed.

**CUL-DE-SAC**

A street closed at one end.

**DEDICATION**

The acceptance by resolution of the Town Board of the Town of Colonie of a parcel of land offered by an applicant for public purposes.

**DEED**

A conveyance of realty, by written document signed by the grantor, whereby title to realty is transferred from one party to another.

**DEVELOPER**

Any person, persons, firm, corporation, partnership or association who shall, directly or indirectly, undertake to construct a street.

**DPW**

The Town of Colonie Department of Public Works which shall include the Bureau of Engineering, Division of Highway, Division of Latham Water, Division of Pure Waters, and Division of Facilities Maintenance. See § 34-4.

**DRY SEWER/WATER**

Sanitary sewer or water distribution lines installed in areas beyond a workable distance from existing public facilities, to be connected to public facilities when they become available.

**EASEMENT**

A right granted by the owner of a parcel of real property to another party for use of all or part of the parcel for a specific use. Easements granted to the Town of Colonie for utilities or access shall be permanent easements.

**FINAL DESIGN APPROVAL**

The approval of the Division of Highway of final plans and details for construction of a street. The approval shall be issued in the form of final plans signed by the Commissioner of Public Works. Where a proposed street is part of a subdivision proposal, the signatures of three members of the Planning Board and the Commissioner of Public Works on the final subdivision plan shall constitute final design approval. Final design approval shall not constitute acceptance of a street by the Town of Colonie.

**HIGHWAY AND DRAINAGE STANDARDS**

The Town of Colonie Highway and Drainage Standards as currently in existence or as subsequently revised.

**NGVD**

National Geodetic Vertical Datum of 1929.

**OFFICIAL HIGHWAY MAP**

The Town of Colonie Official Highway Map, as presently existing or as subsequently adopted or amended.

**PROJECT BOUNDARY LINES**

The limit of grading, clearing or other disturbance of the land necessary for the installation of a street and related improvements.

**PROJECT ENGINEER**

An engineer licensed to practice under the laws of the State of New York, who shall be employed by an applicant or developer to design a street and related improvements and to supervise their installation; also referred to as Applicant Engineer.

**ROW or RIGHT-OF-WAY**

That parcel of land which is to be offered to the Town of Colonie for dedication for public purposes, and which will contain a proposed street.

**STREET**

A traveling way intended for use by the general public and dedicated to the Town of Colonie for public purposes.

**SUBBASE**

A gravel street foundation layer prepared and installed in accordance with the specifications of the Highway and Drainage Standards.

**SUBGRADING**

Grading of a street ROW or an easement in preparation for placement of utilities and street subbase and pavement materials.

**TOP COURSE**

The final layer of asphalt concrete street paving material, prepared and installed in accordance with the specifications of the Highway and Drainage Standards.

**TOWN**

The Town of Colonie.

**UTILITIES**

All storm sewer, sanitary sewer, water distribution, gas, electric power, telephone, cable television, and similar services, designed and installed with the intent to serve the general public.

§ 162-10 Applicability.

- A. This article shall apply to all streets located within the corporate bounds of the Town of Colonie which are offered to the Town for dedication after the effective date of this article.
- B. The exceptions to the application of the provisions of this article are for those streets offered to the Town for dedication after the effective date of this article that:
  - (1) Have a street plan which has received Final Site Plan approval prior to the effective date of this article but which were not constructed by the effective date of this article. For said streets, all the provisions of this article, with the exception of §§ **162-14** and **162-15**, shall apply to the construction, certification and acceptance of these streets.
  - (2) Have been constructed prior to the effective date of this article but have not been accepted.

§ 162-11 Classification of streets.

- A. All proposed street locations shall be reviewed with the Commissioner of Public Works or his designee prior to their final mapping and design to provide for their classification.
- B. Each street shall have one of the following classifications and shall meet the requirements thereof and the Highway and Drainage Standards:
  - (1) Type I: a local residential street used primarily by passenger cars and light trucks. Little or no heavy trucks are anticipated to use same
  - (2) Type II: a commercial, primary residential or feeder street which collects and distributes traffic to the local streets and provides access to the main arterial streets. The traffic, both in weight and volume, is anticipated to be appreciably greater than local residential street traffic. All primary residential streets and commercial streets shall be considered feeder streets.  
**[Amended 10-8-1992 by L.L. No. 7-1992]**

§ 162-12 General requirements.

- A. Any person desiring to construct a street or improve any portion of an undedicated street shall follow the requirements of this article, §§ **190-55** and **190-56 Article XI Site Plan Review**, the Highway and Drainage Standards, the Town of Colonie Rules and Regulations for Installation of Sanitary Sewer Lines, and the Latham Water District Standard Specifications.

- B. Any and all land grading or clearing, or tree cutting, except as required for completing a survey prior to final design approval, is prohibited from November 1st – March 31<sup>st</sup> unless a grading permit is issued by the Bureau of Engineering
- C. The developer shall comply with all applicable federal, state and local laws, rules and regulations, including but not limited to the State Environmental Quality Review Act (SEQRA), freshwater wetlands permit regulations, the Town Grading Law and § **190 Zoning and Land Use** of the Colonie Town Code..
- D. Unless otherwise provided for in the Code, no building permits shall be issued until the provisions of § **162-16F** of this article have been met.

§ 162-13 Requirements for dedication.

- A. No street offered for dedication after the date of adoption of this article shall be accepted as a Town street unless it conforms to the regulations hereinafter provided:
  - (1) All applications for dedication of a street by the Town Board shall be made in writing to the Town..
  - (2) All applications for dedication of a street shall be accompanied by a warranty deed with a lien covenant, conveying the proposed street ROW to the Town in fee simple, without restrictions on use or ownership, with all necessary releases from mortgages or other claimants, together with a proper title search and tax search covering at least 40 years up to the time application is made.
  - (3) All streets and easements shall be deeded to the Town of Colonie. Deeds to streets must clearly indicate the name of the street. An individual deed will be required for each street and each easement. Each deed shall be accompanied by a map 8 1/2 inches by 11 inches drawn to scale clearly showing the proposed street or easement, with all boundary and other dimensional information.
  - (4) If a street is part of a phased project, a separate deed for the highway and related easements shall be presented for each phase section, with the final phase section deed describing all previously presented deeds for the highway.
  - (5) The owner and/or developer shall have had the land comprising the street surveyed and mapped by a licensed surveyor, and a stamped map thereof shall be filed in the Albany County Clerk's office and a stamped copy filed with the Division of Highway.
  - (6) The arrangement of streets or highways hereinafter laid out shall be in conformance with the Town Official Highway Map and shall provide for the continuation of the principal streets existing on the adjoining properties.
  - (7) Approval in writing shall be obtained by the owner and/or developer from Albany County DPW regarding drainage and access where proposed streets or highways intersect county roads, for his permission to connect said streets with such roads. A copy of said approval shall be submitted to the Division of Highway.
  - (8) Approval in writing shall be obtained by the owner and/or developer from the New York State Department of Transportation regarding drainage and access where proposed streets or highways intersect state highways. A copy of said approval shall be submitted to the Division of Highway.
  - (9) There shall be no reserve strips of real property controlling access to streets or utilities.
  - (10) The property lines at all street corners shall be rounded or otherwise set back sufficiently to allow a minimum radius on the property line of 25 feet.

- (11) The developer shall install all proposed utilities underground at the sole expense of the developer without financial contribution from the Town. No utilities shall be installed prior to final design approval. Underground utilities shall not be installed prior to the subgrading of the proposed street ROW and/or utility easements.
- (12) The installation of streets and storm sewers shall be in accordance with the provisions of this article and the Highway and Drainage Standards in effect at the time of construction.
- (13) The installation of water mains shall be under the supervision of the Project Engineer and in accordance with Latham Water District Standard Specifications for Water Distribution Systems in effect at the time of construction. The final grade of all lots at their front property line shall be constructed prior to the installation of any taps and curb shutoffs.
- (14) The installation of sanitary sewers shall be under the supervision of the Project Engineer and in accordance with Division of Pure Waters' rules and regulations in effect at the time of construction.
- (15) Prior to final design approval, the developer shall deposit sufficient moneys with the Town Comptroller to cover the costs of installation, testing and engineering review of all sanitary facilities associated with the street, such escrow deposit to be accompanied by a properly executed agreement between the Town and the developer.
- (16) In streets and highways beyond a workable distance from existing sanitary sewers or domestic water, dry sewers and/or water mains shall be installed by the developer, when directed by the Town, without expense to the Town, in accordance with the Town's requirements for sewer and water, as set forth in Subsection A(13) and (14).
- (17) Once the subbase material is in place in the street ROW, no open excavations or subsurface borings shall be made in the portion of the ROW to be paved without written permission from the Commissioner of Public Works or his designee.
- (18) Access to and from any construction site at all times must be maintained for use by emergency vehicles. Lack of proper emergency access will be grounds for the stopping of all work on the site.
- (19) The Town may employ at its discretion a construction inspector to act as its agent for the purpose of assuring satisfactory completion of improvements, except sanitary sewer, water distribution and utilities not owned and maintained by the Town, shown on the final design approval. The inspection provided for shall include, but not necessarily be limited to, all grading, street improvements, drainage, stormwater management systems and erosion control measures, and shall include core sampling of the street upon completion.
- (20) The Town will determine an amount sufficient to defray the costs of such inspection, based on the hourly rate of its construction inspector and the Bureau of Engineering's estimate of the number of hours required for inspection. The developer shall deposit said amount of moneys with the Town Comptroller in an escrow account prior to final design approval. The Town shall be authorized to pay the costs of inspection by its construction inspector from the moneys on deposit in said account and shall return to the developer any such moneys, including interest on balance in the account at the time of dedication of the street, provided that all inspection costs have been paid. If the moneys on deposit prove to be insufficient for the costs of required inspections, the Town shall require that the developer deposit additional moneys in an amount sufficient to cover the costs of such additional inspections as may be required.

(21) **Inspections.**

- (a) The developer shall notify the Town's construction inspector at least 48 hours prior to the commencement of any work to be done on the street, grading, drainage, stormwater management systems, erosion control measures, or other improvements which the developer has been informed will require inspection by the construction inspector, and shall not proceed with such work unless the construction inspector is present. Any work undertaken without proper notification and the presence of the Town's construction inspector shall be at the risk of the developer and shall not be accepted unless it is clearly shown to the satisfaction of the Division of Highway and the Bureau of Engineering to comply with approved plans and the Highway and Drainage Standards.
  - (b) The Town's construction inspector shall immediately notify the developer, the Bureau of Engineering, and the Division of Highway of any discrepancies observed in the course of inspecting the work. It shall be the responsibility of the developer to correct any such deficiencies to the satisfaction of the construction inspector, the Bureau of Engineering and the Division of Highway.
  - (c) The Town's construction inspector shall not be responsible for construction means, methods, techniques, sequences or procedures, or for safety precautions and programs in connection with the construction, nor shall he be responsible for the contractor's failure to carry out the construction in accord with the approved drawings and specifications.
- (22) Upon completion of the base course of pavement, and prior to dedication of the street, the Bureau of Engineering or Division of Highway shall determine the number and type of traffic control signs and devices that are required for the street and shall advise the developer of its determination. The developer shall provide a cash payment to the Town for all street, regulatory signage posts, and appurtenances.
- (23) Upon completion of the construction or installation of facilities, the applicant shall file a certificate of compliance with the Bureau of Engineering stating that to the best of his knowledge the street has been completed in accordance with the approved drawings, specifications and addenda thereto and the Highway and Drainage Standards, insofar as storm sewer, paved areas and grading, or shall state any defects of which he is aware. No street shall be accepted for dedication by the Town Board until said certificate of compliance has been filed with the Bureau of Engineering.

§ 162-14 Preliminary plan submission.

- A. Prior to preparation of detailed plans, the applicant shall submit to the Planning and Economic Development Department (PEDD) a preliminary plan of the proposed streets and related improvements showing location of existing streets, features of historic concern, vegetation, watercourses, drainage ditches, wetlands and other natural features, and the location of the proposed street and other improvements.
- B. The Bureau of Engineering and the Division of Highway shall review the preliminary plan to ensure that it is in conformance with the Town Official Highway Map and is otherwise properly laid out with respect to existing streets, utilities, structures and natural features. A copy of the plan shall be forwarded by the PEDD to the Town Highway Safety Committee for its review and comment on the proposed street. The Bureau of Engineering and the Division of Highway shall also determine the classification of the proposed street in accordance with § 162-11 of this article, and the PEDD shall notify the applicant of the designated classification.
- C. The PEDD shall, after review and receipt of comments by other involved departments, notify the applicant as to the acceptability of the preliminary plan. If the plan is unacceptable, the reasons for same shall be stated.

§ 162-15 Final plan submission.

A. The following shall be submitted to the PEDD:

- (1) Deeds to all proposed streets.
- (2) A drainage report and stormwater management plan in accordance with the Highway and Drainage Standards, signed and stamped by the project engineer with a statement that the system of drainage shown will function adequately and will not adversely affect adjacent or downstream properties.
- (3) An affidavit by the owner and/or developer that it has searched or caused to be searched all public records and the names of the adjoining owners are correct as of the date of the map.
- (4) An affidavit by the surveyor that it has searched all available public records and the limits and names of adjoining properties are correct as of the date of the map.
- (5) A copy of a letter from the Division of Latham Water stating that the water distribution system shown on the final plan is acceptable.
- (6) A complete description and executed deed by the owner of all easements shown on the map.
- (7) A copy of the letters from the Division of Pure Waters stating that the sanitary sewer system shown on the final plan is acceptable.
- (8) A metes and bounds description of any portion of the land served by the proposed street which is outside the limits of the Latham Water District, accompanied by a map. Both the description and the map shall be prepared, signed and stamped by a licensed surveyor.
- (9) A final street plan pursuant to the Code.

B. Upon receipt of the proposed final plans and documents as required by Subsection A, the PEDD shall notify the applicant in writing of the Town's approval or disapproval of the final design. If plans and/or other submissions are not satisfactory, the PEDD shall state the reasons for same. Final plans shall be forwarded to the Commissioner of Public Works for his signature, which shall constitute final design approval of the street plan.

C. Where proposed streets are submitted for approval in connection with a proposed subdivision plan, the requirements of this article shall be deemed the minimum requirements for approval of streets and utilities within the subdivision. The final approval by the Planning Board of the subdivision plan and the signature of the Commissioner of Public Works shall constitute final design approval of the proposed street plan.

§ 162-16 Acceptance of street.

A. Recommendation of acceptance; imposition of additional requirements; waiver of conditions.

- (1) If, in the opinion of the Commissioner of Public Works, the proposed street and related utilities have been completed in accordance with the final design approval and the Highway and Drainage Standards, and the Town's construction inspector verifies that the construction he is responsible for inspecting has been inspected by him and is in accordance with the final design approval and the Highway and Drainage Standards, and the applicant has filed a certificate of compliance as required by § **162-13A(23)** of this article and the Divisions of Latham Water and Pure Waters have found the related sanitary sewer and water distribution systems acceptable, the Commissioner of Public Works shall recommend to the Town Board that the street be accepted.



- (2) Prior to acceptance of the street, the Town Board may, in its discretion, impose additional requirements or conditions if it deems that such requirements and/or conditions will best serve the public's interest.
  - (3) The Town Board may, in its discretion, accept a proposed street notwithstanding conformist nonconformance to all of the provisions of this article if it deems that acceptance of same shall best serve the public's interest. However, such an acceptance will be subject to conditions imposed by the Town Board.
- B. Before any street shall be accepted for dedication, the street shall be suitably improved up to and including the placement of the base course of asphalt concrete to the satisfaction of the Commissioner of Public Works or his designee in accordance with all applicable standards and specifications.
  - C. Determinations for final acceptance of the pavement structure shall be made from core samples taken in compliance with the Town of Colonie Highway and Drainage Standards..
  - D. Prior to the dedication of a street, the developer shall have stabilized all soil surfaces as specified in the Town of Colonie Highway and Drainage Standards.
  - E. Upon completion and certification of the base course of pavement and prior to dedication of the street or the issuance of any building permit, the applicant shall deposit with the Town a cash payment to cover the placement of the top course of asphalt concrete. Said payment shall be nonrefundable and shall be of an amount sufficient to cover the costs of raising of manholes, valves and catch basins, trueing and/or leveling, and top course of paving. The amount shall be determined by contract prices secured by the Town annually through competitive bidding for such work. The Town shall use these funds to complete or cause to be completed the necessary work, at such time as the Town deems appropriate.
  - F. No building permits shall be issued on a proposed street until all sewer, water, storm sewer and street improvements, up to and including placement of the base course of pavement, have been made to the satisfaction of each respective department head; the grading, street and storm sewers are verified as properly completed by the Town's construction inspector; and written approval is forwarded to the PEDD by each department head. Upon receipt of acceptance by each department, the PEDD shall issue a written statement to the Building Department stating that building permits may be issued. If at the time of the request for a building permit the proposed road is not completed in accordance with the final design approval, the Bureau of Engineering or Division of Highway shall require that a cash escrow sufficient to cover the cost of placing the base course of pavement, curbs and other work if required, as estimated by the Bureau of Engineering, and the deposit of moneys as required in Subsection E shall be furnished to the Town by the person seeking to obtain building permits, only after demonstrating to the Commissioner of Public Works sufficient need to build prior to the completion of the street as required in Subsection B. Such escrow shall be in a sufficient amount to assure completion of the street within a specified period of time and shall empower the Commissioner of Public Works to utilize the moneys so posted to complete the street if needed. The Bureau of Engineering shall supply the escrow agreement. In no case shall a certificate of occupancy be issued for any building until the base course of pavement is complete and the street is dedicated.
  - G. Upon the completion of the installation of the asphalt base course to the satisfaction of the Commissioner of Public Works, the stabilization of all open soil areas to the satisfaction of the Division of Highway and the proper depositing of moneys as required in Subsection E, the Town Board may dedicate the street in accordance with Subsection A and the applicable provisions of New York State Law.

§ 162-17 Miscellaneous requirements.

- A. Before any work approved under the provisions of this article is undertaken in an existing street ROW by any developer or contractor, a highway work permit must be obtained from the Division of Highway.

- B. Any damage to an existing street occurring during the course of development of lands adjacent to the street shall be the responsibility of the applicant obtaining the building permit for the building that was the cause of such damage and shall be repaired to the satisfaction of Commissioner of Public Works or his designee prior to the issuance of a certificate for use of utilities or a certificate of occupancy. If such damage occurs during the winter months, the developer shall post a cash escrow to cover the cost of said repairs. Said escrow agreement shall specify a date by when such repairs shall have been completed. If the repairs are not completed by the date specified, the Commissioner of Public Works or his designee shall have the authority to use the escrow moneys to complete the repairs.

§ 162-18 Fees.

The applicant shall submit with his application a fee for review of the application and plans to the PEDD. The amount shall be in accordance with the fee schedule established by the Town Board.

§ 162-1 Enforcement.

The provisions of this article shall be enforced by the DPW, Town Attorney, and Justice Court.

§ 162- Penalties for offenses.

- A. Any person or persons, associations or corporations committing an offense against this article or any section or provision thereof is guilty of a violation and shall, upon conviction thereof, be subject to a fine not to exceed \$250, or imprisonment not exceeding 15 days, or both.
- B. In the event of a continuing offense of any section or provision of this article, each day such offense shall continue shall be a separate violation and subject to a separate fine, imprisonment or combination thereof.
- C. In lieu of, or in addition to, any fine or imprisonment, or both, imposed for a conviction of an offense of this article or rule, each such offense may be subject to a civil penalty not to exceed \$250, to be recovered in an action or proceeding in a court of competent jurisdiction. Each day an offense continues shall be subject to a separate civil penalty.

### SECTION 3. SEVERABILITY

If any clause, sentence or provision of this local law or the application thereof to any person or circumstance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity thereof shall not affect, impair or invalidate the remainder of the provisions of this local law or the application thereof to other persons and circumstances.

### SECTION 4. SEQR DETERMINATION.

The Town Board hereby determines that this amendment is an Unlisted action that will not have a significant effect on the environment and, therefore, no other determination or procedure under the State Environmental Quality Review Act (“SEQRA”) is required.

### SECTION 5. EFFECTIVE DATE

This local law shall take effect upon its proper filing in the Office of the Secretary of State.

**(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. 3 of 2023 of the **Town of Colonie** was duly passed by the Town Board on April 20, 2023 in accordance with the applicable provisions of law.

**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 (Town) \_\_\_\_\_ of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not disapproved)(repassed (Name of Legislative Body) after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 20\_\_\_\_ 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 (\_\_\_\_\_) (Town) (\_\_\_\_\_ of \_\_\_\_\_) was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not disapproved)(repassed after (Name of Legislative Body) disapproval) by \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. 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 I 9 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 \_\_\_\_\_ (Town) (\_\_\_\_\_ of \_\_\_\_\_) was duly passed by the (Name of Legislative Body) on \_\_\_\_\_ 20\_\_\_\_ and was (approved)(not disapproved)(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.

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**\*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 chairman 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 of 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.)**

\_\_\_\_\_  
Clerk of the Town or officer designated by local legislative body  
Date:

*(Seal)*

**(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)**

STATE OF NEW YORK  
COUNTY OF ALBANY

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

\_\_\_\_\_  
Signature Town of Colonie Town Attorney  
Date: