

PROPOSED LOCAL LAW H – 2023

A Proposed Local Law to amend Chapter 296 of the Code of the Village of Mamaroneck regarding the safety and maintenance of utility poles

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF MAMARONECK AS FOLLOWS:

*(Language in strike-through ~~abcedefghijk~~ to be deleted; language in **bold** is to be added)*

Section 1.

Section 296-7 of the Code of the Village of Mamaroneck is amended as follows:

§ 296-7. Communication and power lines; utility poles.

- A. No person not otherwise authorized by law to do so ~~shall~~ **is permitted to** erect or maintain on or over any street or sidewalk within the village any telegraph, telephone, electric light or other poles or **to** string wires in, over or upon any street, sidewalk or public ground or over or in front of any building or buildings within the village without a permit from the Village Manager.
- B. ~~All~~**Every** telephone, telegraph, electric light or electric power ~~pole poles, where the same are located upon the~~ **pole poles,** ~~where the same are located upon the~~ public highway within the village, ~~shall~~**must** be marked with the name or **other indicia** ~~initial~~ of the owner or owners of **the pole** ~~said poles~~ in ~~such manner as~~**prescribed by** the Village Managers~~shall prescribe~~.
- C. **A public utility that installs a new pole within 15 feet of an existing pole must, within 30 days of installing the new pole, provide written notice to all other public utilities maintaining facilities on the existing pole that a new pole has been installed and that their facilities on the existing pole must be relocated to the new pole within 90 days of the date of the notice. A copy of the notice must be provided to the Village simultaneously.**
- D. **The public utility that owns the existing pole must remove it within 120 days after installation of the new pole.**
- E. **If the Village Manager determines that the presence of two utility poles within close proximity to each other creates a safety or aesthetic concern, the Village Manager is authorized to order that one of the poles be removed. All public utilities must remove their facilities on the pole and the pole must be removed within 90 days of notice of the Village Manager's order.**
- F. **If the Village Engineer determines that a utility pole is dangerous or damaged, the Village Manager is authorized to order that the pole be repaired, replaced, or removed within 15 days of notice of the Village Manager's order, or such shorter time as may be necessary to protect the public safety.**
- G. **Failure to comply with this § 296-7 or with any order issued under this section is a violation of this Code, punishable under § 296-16. Each day the violation exists after the date upon which notice of the violation is served is a separate violation for purposes of assessing penalties or fines under § 296-16.**

Section 2.

If any section, subsection, clause, phrase or other portion of this local law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, the portion of the law declared to be invalid will be deemed a separate, distinct and independent portion and the declaration will not affect the validity of the remaining portions hereof, which will continue in full force and effect.

Section 3.

This local law is adopted pursuant to the authority granted by Municipal Home Rule Law § 10(1)(e)(3). It supersedes the provisions of the Village Law to the extent that they are inconsistent with this local law.

Section 4.

This local law will take effect immediately upon its filing in the office of the Secretary of State in accordance with Municipal Home Rule Law § 27.