

PROPOSED

**VILLAGE OF SOUTH GLENS FALLS
COUNTY OF SARATOGA, STATE OF NEW YORK**

LOCAL LAW NO. 1 of 2020

A Local Law to amend the definition of “Utility” as set forth in Village Code Section 135-2
of the
Village of South Glens Falls

BE IT ENACTED by the Board of Trustees of the Village of South Glens Falls, Saratoga County, New York, as follows:

SECTION 1. Purpose, Intent, and Findings.

The Village of South Glens Falls has imposed Utility Tax of one percent (1%) upon certain utility companies who provide services to the Village of South Glens Falls. Chapter 135 -Taxation of the Village Code was adopted by the Board of Trustees of the Village of South Glens Falls: Art. I, 4-2-1969 by L.L. No. 1-1969; Art. II, 11-16-1983 by L.L. No. 5-1983; Art. III, 2-16-1994 by L.L. No. 1-1994. Since the time that this Chapter was adopted and amended, there have been major changes in the type and nature of utility services which are provided to the residents and businesses in the Village. These changes include the use of Hydro-Electric Power, energy which is produced by solar panels, any alternative source of green energy, Cell Phone technology and the advent of a 5th generation mobile network known as “5G”. 5G is a unified, more capable air interface. It has been designed with an extended capacity to enable next-generation user experiences, empower new deployment models and deliver new services. (Source Qualcomm.)

In order to enable the Village to collect all utility taxes which it is entitled to collect for the benefit of the Village and its residents and businesses, the Village Board of Trustees has deemed it necessary to amend the definition of “Utility” as set forth in Village Code Section 135-2, to include the aforementioned advances in the generation and delivery of energy and in cellular phone technology.

§ 2. Authority.

The Board of Trustees of the Village of South Glens Falls is authorized to adopt this Local Law pursuant to Article IX of the New York State Constitution, the Municipal Home Rule Law, the relevant provisions of the Village Law of the State of New York and the authority granted by § 6-640 of the Village Law of the State of New York.

§ 3. Definitions.

For the purpose of this Local Law, unless specified below, all terms shall be defined in in Village Section Code 135-2.

§ 4. Scope.

This Local Law shall all apply to every utility doing business in the Village of South Glens Falls which is subject to the supervision of the State Department of Public Service and which has a gross income for the 12 months ending May 31 in excess of \$500, with certain exceptions set forth in Village Code Section 135-1.

§ 5. Term.

This Local Law shall be in effect until it is subsequently amended, repealed, modified, extended, or supplemented by further Local Law by the Village of South Glens Falls.

§ 6. Amendment. Section 135-2, Definitions, currently states:

UTILITY

Includes every person subject to the supervision of the State Department of Public Service, except persons engaged in the business of operating or leasing sleeping and parlor railroad cars or of operating railroads other than street surface, rapid transit, subway and elevated railroads, and also includes every person, whether or not such person is subject to such supervision, who sells gas, electricity, steam, water, refrigeration, telephony or telegraphy delivered through mains, pipes or wires or furnishes gas, electric, steam, water, refrigerator, telephone or telegraph service by means of mains, pipes or wires, regardless of whether such activities are the main business of such person or are only incidental thereto or of whether use is made of the public streets.

The amendment shall state:

UTILITY

Includes every person subject to the supervision of the State Department of Public Service, except persons engaged in the business of operating or leasing sleeping and parlor railroad cars or of operating railroads other than street surface, rapid transit, subway and elevated railroads, and also includes every person, whether or not such person is subject to such supervision, who sells gas, electricity, steam, water, refrigeration, telephony, telegraphy, **hydroelectricity, energy which is produced by solar panels, any alternative source of green energy or 5G technology services** delivered through mains, pipes, wires, **air interface, solar panels or any alternative source of green energy source** or furnishes gas, electric, steam, water, refrigerator,

telephone, telegraph, **hydroelectricity, energy which is produced by solar panels, any alternative source of green energy or 5G technology services** by means of mains, pipes, wires, **air interface, solar panels or any alternative source of green energy source** regardless of whether such activities are the main business of such person or are only incidental thereto or of whether use is made of the public streets. [Additions are in Bold.]

§ 7. Authority to Supersede.

To the extent that any provisions of this Local Law are in conflict with or are construed as inconsistent with the provisions of the New York State Village Law, or any local law, ordinance or regulation of the Village of South Glens Falls, this Local Law supersedes, amends, and takes precedence over any inconsistent authority in accordance with the Municipal Home Rule Law.

§ 8. Severability.

If any clause, sentence, phrase, paragraph, or any part of this Local Law shall for any reason be adjudicated finally by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Local Law, but shall be confined in its operation and effect to the clause, sentence, phrase, paragraph, or part thereof, directly involved in the controversy or action in which such judgment shall have been rendered. It is hereby declared to be the legislative intent that the remainder of this Local Law would have been adopted had any such provisions been excluded.

§ 9. Effective Date.

This Local Law shall become effective immediately upon filing in the office of the Secretary of State after all notice provisions have been met.