

**Business of the Village Board
Village of Saranac Lake**

SUBJECT: Call for a Public Hearing Adoption of Code

DATE: 5-8-2023

DEPT OF ORIGIN: Village Manager

BILL # 59-2023

DATE SUBMITTED: 5/2/2023

EXHIBITS: _____

APPROVED AS TO FORM:

Village Attorney

Village Administration

EXPENDITURE
REQUIRED

AMOUNT
BUDGETED

APPROPRIATION
REQUIRED:

Resolution to call for a public hearing for adoption of Local Law 2-2023 on May 22, 2023 at 5:30 PM

APPROVAL OF RESOLUTION

MOVED BY: Scollin SECONDED BY: Brunette

VOTE ON ROLL CALL:

MAYOR WILLIAMS

yes

TRUSTEE BRUNETTE

yes

TRUSTEE CATILLAZ

yes

TRUSTEE SCOLLIN

yes

TRUSTEE SHAPIRO

yes

**VILLAGE OF SARANAC LAKE BOARD OF TRUSTEES CALL FOR A PUBLIC HEARING
TO ADOPT CODIFICATION OF LOCAL LAWS AND ORDINANCES OF THE VILLAGE OF
SARANAC LAKE**

WHEREAS, the Board of Trustees of the Village of Saranac Lake has entered into a project for the codification of local laws, ordinances and certain resolutions of the Village of Saranac Lake for the purposes of increasing the effectiveness of village governmental administration, providing for greater public awareness of and access to village legislation and protecting the health, safety and welfare of village inhabitants, and

WHEREAS, the proposed codification has been published in loose-leaf form and the Board of Trustees now desires to formally effect the adoption of said codification by enactment of a local law.

NOW, THEREFORE, BE IT RESOLVED, that a public hearing be held by the Board of Trustees with respect to enactment of the following local law, such public hearing to be held on the May 8, 2023 at 5:30 PM in the Village Board Room, located at 39 Main St, Suite 9, Saranac Lake, NY, 12983. The proposed local law to be considered is as follows:

LOCAL LAW NO. 2-2023

A LOCAL LAW TO PROVIDE FOR THE CODIFICATION OF THE LOCAL LAWS, ORDINANCES AND CERTAIN RESOLUTIONS OF THE VILLAGE OF SARANAC LAKE INTO A MUNICIPAL CODE TO BE DESIGNATED THE “CODE OF THE VILLAGE OF SARANAC LAKE”

Copies of the text of the above-named local law shall be filed in the office of the Village Clerk.

AND BE IT FURTHER RESOLVED that the Village Clerk is hereby directed and authorized to cause public notice of said hearing to be given in accordance with the Municipal Home Rule Law, the Open Meetings Law and the Village Law of the State of New York.

ARTICLE I
Adoption of Code

§ 1-1. Code adopted; continuation of existing provisions.

In accordance with Subdivision 3 of § 20 of the Municipal Home Rule Law, the local laws, ordinances and certain resolutions of the Village of Saranac Lake, as codified and consisting of Chapters 1 through 288, are hereby approved, adopted, and enacted as the Code of the Village of Saranac Lake, hereinafter referred to as the "Code." The provisions of the Code, insofar as they are substantively the same as those of local laws, ordinances and resolutions in force immediately prior to the enactment of the Code by this local law, are intended as a continuation of such local laws, ordinances and resolutions and not as new enactments. This local law and the Code adopted hereby shall supersede and replace the 1965 Code of the Village of Saranac Lake, as amended and supplemented.

§ 1-2. Code on file; additions and amendments.

- A. A copy of the Code has been filed in the office of the Village Clerk and shall remain there for use and examination by the public until final action is taken on this local law. Following adoption of this local law such copy shall be certified to by the Clerk of the Village of Saranac Lake by impressing thereon the Seal of the Village, as provided by law, and such certified copy shall remain on file in the office of the Village Clerk, to be made available to persons desiring to examine the same during all times while said Code is in effect.
- B. Additions or amendments to the Code, when adopted in such form as to indicate the intent of the Board of Trustees to make them a part thereof, shall be deemed to be incorporated into such Code so that reference to the "Code of the Village of Saranac Lake" shall be understood and intended to include such additions and amendments. Nothing contained in this local law shall affect the status of any local law, ordinance or resolution contained in the Code, and such local laws, ordinances or resolutions may be amended, deleted or changed from time to time as the Board of Trustees deems desirable.

§ 1-3. Notice; publication.

In the event that notice of enactment of this local law is required due to amendments adopted by way of this local law to zoning or land use provisions, or is otherwise required by law, the Clerk of the Village of Saranac Lake shall cause notice of the enactment of this local law to be given in the manner required by law. The notice of the enactment of this local law, coupled with the availability of a copy of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

§ 1-4. Severability.

Each section of this local law and of the Code and every part of each section is an independent section or part of a section, and the holding of any section or a part thereof to be unconstitutional,

void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

§ 1-5. Repealer.

- A. Repeal of inconsistent enactments. All local laws and ordinances of a general and permanent nature, or parts of such local laws, inconsistent with the provisions contained in the Code adopted by this local law are hereby repealed; provided, however, that such repeal shall only be to the extent of such inconsistency, and any valid legislation of the Village of Saranac Lake which is not in conflict with the provisions of the Code shall be deemed to remain in full force and effect.
- B. Repeal of specific enactments. The Board of Trustees of the Village of Saranac Lake has determined that the following local laws are no longer in effect and hereby specifically repeals the following legislation:
- (1) Chapter 12, Carnivals and Circuses, of the 1965 Code.
 - (2) Chapter 15, Dogs, Article III, Sanitary Disposal of Dog Feces, of the 1965 Code.
 - (3) Chapter 17, Dumps and Dumping, of the 1965 Code.
 - (4) Chapter 23, Entertainment, Sunday, of the 1965 Code.
 - (5) Chapter 25, Explosives, of the 1965 Code.
 - (6) Chapter 32, Hawkers and Peddlers, of the 1965 Code.
 - (7) Chapter 33, Garbage, Rubbish and Refuse, of the 1965 Code.
 - (8) Chapter 44, Notice of Public Hearing, of the 1965 Code.
 - (9) Chapter 46, Officers and Employees, Article II, Village Justices, of the 1965 Code.
 - (10) Chapter 49, Plumbing, of the 1965 Code.
 - (11) Chapter 51, Publication of Abstracts, Article I, Ordinances Generally, of the 1965 Code.
 - (12) Chapter 51, Publication of Abstracts, Article II, Zoning Laws, of the 1965 Code.
 - (13) Chapter 51, Publicity Fund, of the 1965 Code.
 - (14) Chapter 56, Solicitors and Canvassers, of the 1965 Code.
 - (15) Chapter 58, Surgical and Hospitalization Insurance, of the 1965 Code.
 - (16) Chapter 58A, Swimming Pools, of the 1965 Code.
 - (17) Chapter 61, Transinet Business, of the 1965 Code.

(18) Chapter 61A, Traffic Violations Bureau, of the 1965 Code.

§ 1-6. Enactments saved from repeal; matters not affected.

The repeal of local laws provided for in § 1-5 of this local law shall not affect the following classes of local laws, ordinances, rights and obligations, which are hereby expressly saved from repeal:

- A. Any right or liability established, accrued or incurred under any legislative provision of the Village of Saranac Lake prior to the effective date of this local law or any action or proceeding brought for the enforcement of such right or liability.
- B. Any offense or act committed or done before the effective date of this local law in violation of any legislative provision of the Village of Saranac Lake or any penalty, punishment or forfeiture which may result therefrom.
- C. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this local law brought pursuant to any legislative provision of the Village of Saranac Lake.
- D. Any agreement entered into or any franchise, license, right, easement or privilege heretofore granted or conferred by the Village of Saranac Lake.
- E. Any local law of the Village of Saranac Lake providing for the laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place within the Village of Saranac Lake or any portion thereof.
- F. Any local law of the Village of Saranac Lake appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond of the Village of Saranac Lake or other instruments or evidence of the Village's indebtedness.
- G. Local laws authorizing the purchase, sale, lease or transfer of property, or any lawful contract, agreement or obligation.
- H. The levy or imposition of special assessments or charges.
- I. The annexation or dedication of property.
- J. Any local law relating to salaries and compensation.
- K. Any local law amending the Zoning Map.
- L. Any local law relating to or establishing a pension plan or pension fund for Village employees.
- M. Any local law or portion of a local law establishing a specific fee amount for any license, permit or service obtained from the Village.

N. Chapter 30, Freedom of Information, of the 1965 Code.

O. Any local law adopted subsequent to October 17, 2022.

§ 1-7. Changes in previously adopted legislation.

A. In compiling and preparing the local laws for publication as the Code of the Village of Saranac Lake, certain grammatical changes and other minor nonsubstantive changes were made in one or more of said pieces of legislation. It is the intention of the Board of Trustees that all such changes be adopted as part of the Code as if the local laws, ordinances and resolutions had been previously formally amended to read as such.

B. In addition, the amendments and/or additions as set forth in Schedule A attached hereto and made a part hereof are made herewith, to become effective upon the effective date of this local law. (Chapter and section number references are to the local laws, ordinances and resolutions as they have been renumbered and appear in the Code.)

§ 1-8. Titles and headings; editor's notes.

A. Chapter and article titles, headings and titles of sections and other divisions of the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.

B. Editor's notes indicating sources of sections, giving other information or referring to the statutes or to other parts of the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.

§ 1-9. Penalties for tampering with Code.

Any person who alters or tampers with the Code of the Village of Saranac Lake in any manner whatsoever which will cause the legislation of the Village of Saranac Lake to be misrepresented thereby, or who violates any other provision of this local law, shall be guilty of an offense and shall, upon conviction thereof, be subject to a fine of not more than \$250 or imprisonment for a term of not more than 15 days, or both.

§ 1-10. When effective.

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