

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

SUBJECT: Adopt Local Law 3-2023 Village Code of Saranac Lake

DATE: 5-22-2023

DEPT OF ORIGIN: Village Manager

BILL # 69-2023

DATE SUBMITTED: 5/15/2023

EXHIBITS: _____

APPROVED AS TO FORM:

Village Attorney

Village Administration

EXPENDITURE
REQUIRED

AMOUNT
BUDGETED

APPROPRIATION
REQUIRED:

RESOLUTION TO ENACT 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"

TABLED

MOVED BY: Scollin SECONDED BY: Brunette

VOTE ON ROLL CALL: TO TABLE

MAYOR WILLIAMS	<u>yes</u>
TRUSTEE BRUNETTE	<u>yes</u>
TRUSTEE CATILLAZ	<u>yes</u>
TRUSTEE SCOLLIN	<u>yes</u>
TRUSTEE SHAPIRO	<u>yes</u>

**RESOLUTION TO ENACT LOCAL LAW NO. 3 -2023 ADOPTING THE CODE OF
THE VILLAGE OF SARANAC LAKE**

WHEREAS, a public hearing was held on Monday, May 22, 2023 by the Board of Trustees of the Village of Saranac Lake, notice of which was given as required by the Municipal Home Rule Law, the Open Meetings Law and the Village Law of the State of New York;

WHEREAS, at said public hearing the Board of Trustees considered the enactment of proposed Local Law No. 3 -2023, entitled 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”; and

WHEREAS all interested persons were given an opportunity to be heard with respect to the enactment of said local law;

NOW, THEREFORE, BE IT RESOLVED, that Local Law No. 3-2023 be enacted as follows:

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”

This local law:

- (1) States the legislative intent of the Board of Trustees in adopting the Code.
- (2) Provides for the designation of the local laws, ordinances and certain resolutions of the Village of Saranac Lake as the “Code of the Village of Saranac Lake.”
- (3) Repeals local laws and ordinances of a general and permanent nature not included in the Code, except as provided.
- (4) Saves from repeal certain local laws and ordinances and designates certain matters not affected by repeal.
- (5) Retains the meaning and intent of previously adopted legislation.
- (6) Provides for the filing of a copy of the Code in the Village Clerk's office.
- (7) Provides for certain changes in or additions to the Code.
- (8) Prescribes the manner in which amendments and new legislation are to be incorporated into the Code.

- (9) Requires that Code books be kept up-to-date.
- (10) Provides for the sale of Code books by the village and the supplementation thereof.
- (11) Prohibits tampering with Code books, with offenses punishable by a fine of not more than \$250 or by imprisonment for not more than 15 days, or both.
- (12) Establishes severability provisions with respect to the Code generally.
- (13) Provides that the local law will be included in the Code as Chapter 1, Article I.

PROPOSED CODE ADOPTION LOCAL LAW
for the
CODE OF THE VILLAGE OF SARANAC LAKE, NEW YORK
February 2023

GENERAL CODE
781 Elmgrove Road
Rochester, New York 14624
800 836-8834
www.generalcode.com

Local Law Filing

(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.

Village of Saranac Lake

Local Law No. 3 of the year 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."

**Be it enacted by the Board of Trustees of the
Village of Saranac Lake as follows:**

(SEE ATTACHED)

(If additional space is needed, attach pages the same size as this sheet, and number each.)

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.

**Village of Saranac Lake
Code Adoption Local Law**

**Schedule A
Specific Revisions at Time of Adoption of Code**

Chapter 12, Ethics Code of.

In § 12-3A “gift having a value of \$25” is changed to “gift having a value of \$75.”

Chapter 117, Electrical Standards.

In § 117-6A “an amount of at least \$10,000,000” is revised to “an amount of at least \$1,000,000.”

Chapter 221, Sewers.

Article III, Private Sewage Disposal.

In § 221-7 “an inspection fee of \$5” is changed to “an inspection fee of \$25.”

Article IV, Building Sewers and Connection.

In § 221-14 “Consolidated Board of Health” is updated to “Village Manager.”

Article V, Use of the Public Sewers.

- A. In § 221-27E “mercury” is added to the list of restricted substances.
- B. Section 221-27H, “Any waters or wastes having pH in excess of 9.5,” is removed from § 221-27 and added to § 221-26E.

Chapter 243, Streets and Sidewalks.

Article I, Streets, Sidewalks and Public Places.

Section 243-1 is amended to add a prohibition on basketball.

Article II, Streets and Sidewalk Opening Permits.

Section 243-19A is amended to read as follows: *“It is the responsibility of the person obtaining the permit to contact the Public Works Superintendent and call Dig Safe NY two full working days in advance, excluding weekends and holidays.”*

Chapter 255, Taxation.

Article I, Utility Tax.

In § 255-1 the reference to “§ 6-640 of the Village Law” is updated to “§ 5-530 of the Village Law.”

Chapter 276, Vehicles and Traffic.

- A. In §§ 276-7B “Village Justice Court” is revised to “appropriate Town Court.”
- B. Section 276-15A is revised to read as follows: “*The Town Clerk is herein designated as the authorized issuing agent for special parking permits to handicapped residents of the Village.*”

Chapter 288, Water.**Article I, Water Use and Services.**

Section 288-10D is revised as indicated: ...“at least one workday prior, and Dig Safe NY two full working days in advance, excluding weekends and holidays, to the commencement of any such excavation.”

Article II, Cross-Connection Control.

Article II is added to read as follows:

§ 288-33. Legislative intent.

The purpose of this article is to safeguard potable water supplies from potential contamination by preventing back flow from a water user's system into the public water system. It is the intent of this article to recognize that there are varying degrees of hazard and to apply the principal that the degrees of protection should be commensurate with the degrees of hazard. Further, it is the intent of the New York, to comply with the requirements of New York State Sanitary Code, Part 5, § 5-1.31, which said section mandates the requirement that the supplier of water protect their water system in accordance with procedures acceptable to the Commissioner of Health. These mandated requirements are as set forth in the Cross Connection Control Manual published by the New York State Department of Health (NYSDOH) and to that extent, the terms, conditions and provisions of the New York State Sanitary Code, Part 5, § 5-1.31, and the Cross Connection Control Manual are incorporated in this article by reference as if more fully stated.

§ 288-34. Definitions.

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

AIR GAP SEPARATION — A physical break between a supply pipe and a receiving vessel. The air gap shall be at least double the diameter of the supply pipe, measured vertically above the top rim of the vessel, in no case less than one inch.

APPROVED CHECK VALVE — A check valve that seats readily and completely. It must be carefully machined to have free moving parts and assured water tightness. The face of the closure element and valve seat must be bronze, composition, or other noncorrodible material which will seat tightly under all prevailing conditions of field use. Pins and bushings shall be of bronze and other noncorrodible, nonsticking material, machined for easy dependable operation. The closure element shall be internally weighted or otherwise

internally equipped to promote rapid and positive closure in all sizes where this feature is obtainable.

APPROVED DOUBLE CHECK VALVE ASSEMBLY — Two single independently acting check valves, including tightly closing shutoff valves located at each end of the assembly and suitable test connections. This device must be approved as a complete assembly.

APPROVED REDUCED PRESSURE ZONE DEVICE — A minimum of two independently acting check valves together with automatically operated pressure differential relief valve located between the two check valves. In case of leakage of either check valve, the differential relief valve, by discharging to the atmosphere, shall operate to maintain the pressure between the checks at less than the supply pressure. The unit must include tightly closing shutoff valves located at each end of the device, and each device shall be fitted with properly located test cocks. This device must also be approved as a complete assembly.

APPROVED WATER SUPPLY — Any water supply approved by the New York State Department of Health.

AUXILIARY SUPPLY — Any water supply on or available to the premises other than the approved public water supply.

CERTIFIED BACK FLOW PREVENTION DEVICE TESTER — An individual who has successfully completed a New York State Department of Health approved course in the testing of back flow prevention devices and has been issued a certificate by the New York State Department of Health.

CROSS CONNECTIONS — Any unprotected connection between any part of a water system used or intended to be used as a supply of water for drinking purposes in a source or systems containing water or substance that is not or cannot be approved as equally safe, wholesome and potable for human consumption.

VACUUM BREAKER — PRESSURE TYPE AND NONPRESSURE TYPE — A vacuum breaker which can only be used for internal plumbing control and, therefore, not acceptable as a containment device.

WATER SUPERVISOR — The consumer or a person on the premises charged with the responsibility of complete knowledge and understanding of the water supply piping within the premises and for maintaining the consumer's water system free from cross connections and other sanitary defects, as required by this article and all other required regulations and laws.

§ 288-35. Protection devices.

- A. *Where protection is required. The water system shall be required to maintain a degree of protection commensurate with the degree of hazard regardless of whether the hazard is immediate or potential. To that extent, the Cross Connection Control Manual published by NYSDOH shall be used, as a guide, to determine where protection is required. It shall be the responsibility of the water user to provide and maintain such required protection devices, and such devices shall be of a type acceptable to the New York State Department of Health.*
- B. *Type of protection. The protective device required shall depend on the degree of hazard as tabulated below:*
 - (1) *At the service connection to any premises where there is an auxiliary water supply handled in a separate piping system with no known cross connection, the public water supply shall be protected by an approved reduced pressure zone device.*

- (2) *At the service connection to any premises on which a substance that would be objectionable (but not necessarily hazardous to health if introduced into the public water supply) is handled so as to constitute a cross connection, the public water supply shall be protected by an approved double check valve assembly.*
 - (3) *At the service connection to any premises on which a substance of unusual toxic concentration or danger to health is or may be handled; but not under pressure, the public water supply shall be protected by an air gap separation or an approved reduced pressure zone back flow prevention device. If an air gap is installed, it shall be located as close as practical to the water meter, and all piping between the water meter and receiving tanks shall be entirely visible. A reduced pressure zone device when installed shall be located as close as possible to the property line.*
 - (4) *At the service connection to any premises on which any material dangerous to health, or toxic substance and toxic concentration, is or may be handled under pressure, the public water supply shall be protected by an air gap separation. The air gap shall be located as close as practical to the water meter, and any piping between the water meter and receiving tanks shall be entirely visible. If these conditions cannot reasonably be met, the public water supply shall be protected with an approved reduced pressure zone back flow prevention device and it shall be located as close as possible to the property line.*
 - (5) *At the service connection to any sewage treatment plant or sewage pumping station, the public water supply shall be protected by an air gap separation. The air gap shall be located as close as practicable to the water meter and all piping between the water meter and receiving tanks shall be entirely visible. If these conditions cannot be reasonably met, the public water supply shall be protected by an approved reduced pressure zone back flow prevention device and it shall be located as close as possible to the property line.*
- C. *Frequency of inspection of protective devices. It shall be the duty of the water user on any premises on account of which back flow protective devices are installed, to have competent inspections made at least once a year, or more often in instances where successive inspections indicate repeated failure. Devices shall be repaired, overhauled or replaced at the expense of the water user whenever they are found to be defective. These tests shall be performed by a qualified back flow prevention device tester and all test results will be provided to the water user within 72 hours after the test is made. Records of such tests, repairs and overhaul shall also be kept and made available to the water user, water supplier and the local health department upon request.*

§ 288-36. Penalties for offenses.

- A. *No water service connection to any premises shall be installed or maintained by the water user, unless the water supply is protected as required by this article and such other applicable local, state and federal laws, rules and regulations.*
- B. *If any facility served by a water system denies a Water Department person access to their premises for the purposes of determining if protection to the public water system is necessary, then the maximum protection condition shall be imposed with the requirement that the number of devices shall equal the number of service lines.*
- C. *The following penalties shall be applicable for a violation of this article:*

- (1) Failure to install the appropriate back flow prevention device within a prescribed time frame after first notice: \$250.*
- (2) Failure to install the appropriate back flow prevention device within prescribed time frames after second notice: termination of service.*
- (3) Failure to at least annually test the back flow prevention device: \$300 and/or termination of water service.*
- (4) Failure to replace or repair a back flow prevention device as required: \$1,000 and/or termination of water service.*

(Complete the certification in the paragraph that applies to the filing of this local law and strikeout 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. _____ of 20____ of the (County) (City) (Town) (Village) of _____ was duly passed by the (Name of Legislative Body) _____ on _____ 20____, 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 (County) (City) (Town) (Village) of _____ was duly passed by the (Name of Legislative Body) _____ on _____ 20____, and was (approved) (not approved) (repassed after disapproval) by the (Elective Chief Executive Officer*) _____ 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 (County) (City) (Town) (Village) of _____ was duly passed by the (Name of Legislative Body) _____ on _____ 20____, and was (approved) (not approved) (repassed after disapproval) by the (Elective Chief Executive Officer*) _____ 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 _____ 20____, 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 (County) (City) (Town) (Village) of _____ was duly passed by the (Name of Legislative Body) _____ on _____ 20____, and was (approved) (not approved) (repassed after disapproval) by the (Elective Chief Executive Officer*) _____ 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.

*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 chairperson 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.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

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 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.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____, above.

Clerk of the county legislative body, City, Town or Village Clerk or officer
designated by local legislative body

(Seal)

Date: _____