

PROPOSED CODE ADOPTION LOCAL LAW
for the
CODE OF THE TOWN OF EAST GREENBUSH, NEW YORK
October 2022

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.

Town of East Greenbush

Local Law No. of the year 20.....

A local law to provide for the codification of the local laws, ordinances and certain resolutions of the Town of East Greenbush into a Municipal Code to be designated the "Code of the Town of East Greenbush."

**Be it enacted by the Town Board of the
Town of East Greenbush 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 Town of East Greenbush, as codified and consisting of Chapters 1 through 65, are hereby approved, adopted, and enacted as the Code of the Town of East Greenbush, 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 1991 Code of the Town of East Greenbush, 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 Town 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 Town of East Greenbush by impressing thereon the Seal of the Town, as provided by law, and such certified copy shall remain on file in the office of the Town 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 Town Board to make them a part thereof, shall be deemed to be incorporated into such Code so that reference to the "Code of the Town of East Greenbush" 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 Town Board 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 Town of East Greenbush 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 or ordinances, 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 Town of East Greenbush 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 Town Board of the Town of East Greenbush has determined that the following local laws and/or ordinances are no longer in effect and hereby specifically repeals the following legislation:
- (1) Chapter 5, Building Construction, of the 1991 Code of East Greenbush.
 - (2) Chapter 6, Building Construction Administration, of the 1991 Code of East Greenbush.
 - (3) Chapter 14A, Environmental Quality Review, of the 1991 Code of East Greenbush.
 - (4) Chapter 15A, Fire Prevention, of the 1991 Code of East Greenbush.
 - (5) Chapter 16A, Fees, of the 1991 Code of East Greenbush, as amended by Local Law No. 3-2007, adopted May 9, 2007.
 - (6) Chapter 19, Junk Yards, of the 1991 Code of East Greenbush.
 - (7) Chapter 24, Planning Board, of the 1991 Code of East Greenbush, consisting of Art. I, General Provisions, and Art. II, Alternate Members, as amended by Local Law No. 2-2008, adopted July 10, 2008.
 - (8) Chapter 25, Plumbing, of the 1991 Code of East Greenbush.
 - (9) Chapter 28, Public Notice, of the 1991 Code of East Greenbush.
 - (10) Chapter 31, Sand and Gravel Excavations, of the 1991 Code of East Greenbush.
 - (11) Chapter 35A, Snowmobiles, of the 1991 Code of East Greenbush.
 - (12) Chapter 49, Vehicles, Off-Road, of the 1991 Code of East Greenbush.

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

The repeal of local laws and ordinances 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 Town of East Greenbush 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 Town of East Greenbush 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 Town of East Greenbush.
- D. Any agreement entered into or any franchise, license, right, easement or privilege heretofore granted or conferred by the Town of East Greenbush.
- E. Any local law or ordinance of the Town of East Greenbush 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 Town of East Greenbush or any portion thereof.
- F. Any local law or ordinance of the Town of East Greenbush appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond of the Town of East Greenbush or other instruments or evidence of the Town's indebtedness.
- G. Local laws or ordinances 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 or ordinance relating to salaries and compensation.
- K. Any local law or ordinance amending the Zoning Map.
- L. Any local law or ordinance relating to or establishing a pension plan or pension fund for Town employees.
- M. Any local law or ordinance or portion of a local law or ordinance establishing a specific fee amount for any license, permit or service obtained from the Town.
- N. Any local law or ordinance adopted subsequent to July 20, 2022.

§ 1-7. Changes in previously adopted legislation.

- A. In compiling and preparing the local laws, ordinances and resolutions for publication as the Code of the Town of East Greenbush, 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 Town Board 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.)

C. Throughout the Code:

- (1) References to "Town Superintendent of Highways" and "Highway Superintendent" are amended to read "Town Commissioner of Public Works."
- (2) References to "Code Enforcement Officer" are amended to read "Code Enforcement Official."
- (3) References to "Building Inspector" are amended to read "Code Enforcement Official."
- (4) References to "special permit" are amended to read "special use permit."
- (5) In Chapter 54, Article I, "Stormwater Management Officer" and "SMO" are changed to "Code Enforcement Official."
- (6) In Chapter 57, references to "Enforcement Officer" are amended to read "Code Enforcement Official."
- (7) In Chapter 57, references to "Planned Development District" or "PD District" are amended to read "PDD."

§ 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 Town of East Greenbush in any manner whatsoever which will cause the legislation of the Town of East Greenbush 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.

(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: _____

General Code Code Adoption Checklist

*[Documents provided by General Code are **boldface**. Optional documents which can be provided by General Code are underlined.]*

1. All municipalities:

- Submit **proposed local law** to the municipal attorney for review.

2. If zoning or land use revisions are part of the Code Adoption:

- Submit any zoning or land use revisions to the County Planning Board for review in accordance with General Municipal Law §§ 239-l and 239-m. The County Planning Board has 30 days for its review. If no approval, modifications or disapproval is given within 30 days, the proposed revisions shall be considered approved.
- Initiate State Environmental Quality Review process for any affected chapters (zoning, land use, subdivision, etc.) to declare the revisions a Type II action or for a negative declaration, assuming the revisions will not have an effect on the environment. (See Article 8 of the Environmental Conservation Law and 6 NYCRR Part 617.)
- Public hearing notice must be 10 days in advance of the hearing.
- See ** under 3 below.

3. All municipalities:

- Pass the resolution to hold the public hearing.
- Print the notice of public hearing containing a summary of the **proposed local law** in a paper having general circulation in the municipality at least three days (or five days, depending on local procedures) prior to the hearing. [See above for 10-day notice requirement for land use legislation.]
- Hold the public hearing for input on the proposed codification.
- Pass the resolution to adopt the local law.
- **In the local paper, print the notice of enactment with a summary of the contents of the **local law**. (*This publication is only necessary if there are zoning amendments in Schedule A of the Code Adoption Local Law.*)
- Within 20 days of final adoption, file the signed **local law** in the municipal offices in the local law book and submit one 8½ x 11 inch copy to the office of the Secretary of State. *NOTE: The **local law** includes the text of §§ 1-1 through 1-10 and **Schedule A**.*
- Forward one as-adopted copy of the **local law** to General Code within 90 days for inclusion in the Code. [If the local law is adopted within the 90-day period, the local law (without the Schedule of enumerated changes) will be included in the Code at no cost.]