

CHAPTER 1

GENERAL PROVISIONS

§1.1 Title

This codification of enactments whether formerly ordinances or local laws are and are intended to be a complete compilation of all ordinances and local laws of a general nature formerly effective in the Village of Avon, in the County of Livingston and State of New York and are and shall be the "Village of Avon Municipal Code" and is hereby enacted as a local law pursuant to the authority contained in Subdivision 3 of §20 of the Municipal Home Rule Law.*

§1.2 Definitions

A. When used in this Code, unless otherwise expressly stated or unless the context or subject matter otherwise requires:

1. "Assessor" or "Village Assessor" means the Assessor of the Village of Avon, New York.
2. "Board of Appeals" or "Zoning Board of Appeals" means the Zoning Board of Appeals of the Village of Avon, New York appointed in accordance with the provisions of Chapter 30 of this Code and §7-712 of the Village Law.
3. "Board of Trustees", "Village Board" or "Board" means the Board of Trustees of the Village of Avon, New York.
4. "Building Inspector" means an employee of the Village of Avon, New York appointed to assist the Zoning Enforcement Officer in the performance of his duties.
5. "Code" unless otherwise specifically qualified means the Village of Avon Municipal Code.
6. "County" means the County of Livingston in the State of New York.
7. "County Clerk" means the County Clerk of the County of Livingston in the State of New York.

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8. "Fire Chief" or Chief of the Fire Department" means the Fire Chief of the Village of Avon, New York.
9. "Health Officer" means the official who serves as the Health Officer of the Village of Avon, New York.
10. "Mayor" means the Mayor of the Village of Avon, New York.
11. "Municipal Code" means the Village of Avon Municipal Code.
12. "Owner" means a person who has the legal title, alone or with other, or exercises dominion or control over property both real and personal.
13. "Person" means one (1) or more persons of either sex, natural person, corporations,

partnerships, associations, joint stock companies, societies and all other entities capable of being sued.

14. "Police Chief" or "Chief of Police" means the Police Chief of the Village of Avon, New York.
15. "Registrar of Vital Statistics" means the Registrar of Vital Statistics of the Village of Avon, New York.
16. "Sealer of Weights and Measures" means the Sealer of Weights and Measures of the County of Livingston in the State of New York.
17. "Superintendent of Public Works" means Village Official in charge of the Village Department of Public Works in the Village of Avon, New York.
18. "Trustee" means a Trustee of the Village of Avon, New York.
19. "Village" means the Village of Avon, New York.
20. "Village Attorney" or "Attorney" means the Village Attorney of the Village of Avon, New York.
21. "Village Board" means the Board of Trustees of the Village of Avon, New York.
22. "Village Clerk" or "Clerk" means the Village Clerk of the Village of Avon, New York.

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23. "Village Engineer" means the Engineer or Engineering firm retained by the Village of Avon, New York, to serve in the capacity of engineer or consulting engineer to this Village.
24. "Village Justice" or "Police Justice" means the Village Justice of the Village of Avon, New York.
25. "Village Treasurer" means the Village Treasurer of the Village of Avon, New York.
26. "Zoning Enforcement Officer" means the Enforcement Officer of the "Building Code", "Zoning" and other related chapters and who is appointed by the Mayor, subject to the approval of the Board of Trustees including the Mayor.

B. All other words in this Code and not otherwise specifically defined shall be construed in the manner that they are normally used unless the context or subject matter requires otherwise; but words that have acquired a technical meaning in law and are so used shall be construed and understood in accordance with such meaning.

§1.3 Rules of construction

1. Words used in the present tense include the future tense.
2. The singular number includes the plural.
3. A word importing the masculine gender only shall also be construed to include females, corporations, partnerships, associations, joint stock companies, societies and all other entities capable of

being sued.

§1.4 Repeal of prior ordinances and local laws

All ordinances and local laws of a general nature which were heretofore in existence in the Village of Avon, New York before the adoption of this Code are hereby repealed. The repeal of all prior ordinances and local laws shall not affect any punishment or penalty incurred, nor shall it have any effect on existing litigation and it shall not operate as an abatement of any action or proceeding now pending or which may be brought by virtue of the ordinance or local law or part thereof so repealed for any violation or act committed prior to the effective date of the repeal unless specifically abated.

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§1.5 Repeal of chapters contained in the Code

A. The repeal of a chapter, in whole or in part, contained in this Code, shall not revive any prior ordinance or local law heretofore repealed.

B. The repeal of any chapter, in whole or in part, contained in this Code shall not affect any punishment or penalty incurred, nor shall it have any effect on existing litigation and it shall not operate as an abatement of any action or proceeding nor pending or which may be brought by virtue of the chapter or part thereof so repealed for any violation or act committed prior to the effective date of the repeal unless specifically abated.

§1.6 Unconstitutionality or illegality

If any chapter, clause, sentence, paragraph, word, section or part of this Code, shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the chapter, clause, sentence, paragraph, word, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§1.7 Unlawful alteration of Code

It shall be unlawful for any person to wilfully misrepresent the provisions of this Code by altering or changing any of the provisions herein, inserting or deleting pages, or by any other manner whatsoever.

§1.8 Annotations and material contained in brackets

Any material contained in brackets shall not be deemed to be a part of this Code. Such material contained therein is intended to show the adoption date, effective date and comments on any changes. Likewise, any commentaries, footnotes, cross references, citations of authority or other annotations shall not be deemed a part of this Code but are inserted editorially solely to assist in the use and interpretation of this Code.

§1.9 Conflict with other provisions

Wherever the requirements of any chapter or portion thereof are at variance with the requirements of any other lawfully adopted rule, regulation, chapter or other enactment, the most restrictive, or that imposing the higher standards, shall govern unless a contrary intent is expressly stated.

§1.10 Penalty when not otherwise prescribed

A. Where no specific penalty is prescribed in any chapter contained in this Code, or in any other provision of law*, for any act which is prohibited or for the failure to do any act which is required and is made or declared to be unlawful, the violation thereof shall constitute a violation pursuant to the Penal Law. However, in no case shall the fine imposed exceed Two Hundred Fifty Dollars (\$250.00).

B. In all cases the Board of Trustees may enforce obedience of any provisions of this Code by injunction.

§1.11 Issuance of appearance tickets

A. The following public servants of the Village of Avon are hereby authorized to issue and serve an appearance ticket with respect to violations of a state statute, a local law, rule or regulation of the Village of Avon that such public servants are, respectively, required or authorized to enforce:

1. Zoning Enforcement Officer - Building, zoning, planning matters.
2. Village Police - All local laws of the Village of Avon.
3. Dog Control Officer - Article 7 of the Agricultural and Markets Law of the State of New York and Chapter 54 of the Village of Avon Municipal Code entitled "Animal and Dog Control".

B. An appearance ticket other than for a parking violation shall be served personally.

C. This local law shall take effect immediately upon its filing in the office of the Secretary of State.

§1.15 Interpretation

The provisions of this Code shall be liberally construed in order to effectuate the purposes for which this Code and the chapters contained herein are enacted.

MUNICIPAL CODE**Historical Note**

§1.11 was added by Local Law #6 of 1993, filed May 14, 1993.

References:

Application of Gen Const L to ordinances. Gen Const L §110. Village of Bronxville v Francis, 206 Misc 339, mod. on other grds, 1 AD2d 236, affd 1 NY2d 839

Meaning of terms. Gen Const L §§10-61

Offenses and violations defined. Penal L §10.00

Repeal, effect of. Gen Const L §90, §92, §93

effect on references. Gen Const L §80

pending actions and proceedings. Gen Const L §94

substantial re-enactment, construction and effect: construed as continuation. Gen Const L §95 title and

headnotes. Gen Const L §81