

CHAPTER 100

ENACTMENT OF ORDINANCES AND ZONING LAWS

ARTICLE I

ENACTMENT PROCEDURES

§100.2 **Procedure for enactment of ordinances**

Every ordinance hereafter adopted by the Board of Trustees shall be adopted in the following manner:

1. The ordinance shall be introduced at a regular or special meeting of the Board of Trustees by a member of the Board of Trustees.
2. Upon a majority vote of the Board of Trustees, the Village Clerk shall cause a notice to be published and the Board of Trustees shall conduct a public hearing, both actions to be taken pursuant to Article II of this chapter.
3. After the public hearing and at a regular or special meeting of the Board of Trustees, such ordinance may be adopted upon a majority vote of the entire membership of the Board of Trustees.

§100.4 **When ordinance, traffic orders, rules or regulations take effect**

1. Ordinance.

Every ordinance passed by the Board of Trustees shall be entered in the minutes of the Board of Trustees. Upon the publication of a notice of adoption generally describing such ordinance in the official paper and upon such entering in the minutes, the ordinance shall take effect. However, any ordinance shall take effect from the date of its service as against a person served personally with a copy thereof.

2. Traffic orders, rules or regulations.

In the event the Board of Trustees of the Village adopts any order, rule or regulation pursuant to the authority of the Vehicle and Traffic Law or delegates any powers granted to such Village by the Vehicle and Traffic Law to any official, board or agency of such Village as authorized by §1603 of the Vehicle and Traffic Law, any orders, rules or regulations adopted by such Board of Trustees, official, board or agency shall take effect immediately upon adoption, subject to the limitations imposed by §1684 of the Vehicle and Traffic Law, without notice or hearing, providing traffic control devices complying with the manual and specifications

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thereof as adopted by the Department of Transportation are placed and maintained as shall be deemed necessary to indicate and carry out the provisions of such orders, rules or regulations as required by §1682 of the Vehicle and Traffic Law.

No orders, rules or regulations heretofore adopted by the Board of Trustees or by any official, board or agency as authorized by the provisions of §1603 of the Vehicle and Traffic law shall be deemed invalid or ineffective solely because such order was adopted without notice or hearing.

§100.6 **Approval of rule, by-law or regulation**

Any rule, by-law or regulation adopted by any separate board, the violation of which shall result in a fine or imprisonment, shall be approved by the Board of Trustees and notice of hearing and publication shall be conducted in the same manner as the enactment of an ordinance prior to such approval.

§100.8 **Proof of ordinance**

The certificate of the Village Clerk setting forth the records of the Village showing the adoption of one (1) or more ordinances and the publishing of the notice of adoption as required by §100.4 shall be presumptive evidence of such adoption and publication in any action or special proceeding in any court or otherwise.

§100.10 **Enactment of zoning law or amendment**

Every zoning law and every amendment thereto (including any map incorporated therein) adopted pursuant to the provisions of this chapter shall be entered in the minutes of the Village Board and a notice of adoption generally describing such law or amendment (exclusive of any map incorporated therein) shall be published once in the official newspaper and a copy of such local law or amendment together with a copy of any map incorporated therein shall be posted conspicuously at or near the main entrance to the office of the Village Clerk and affidavits of the publication and posting thereof shall be filed with the Village Clerk. Such local law shall take effect ten (10) days after such publication and posting, but such local law or amendment shall take effect from the date of its service as against a person served personally with a copy thereof, certified by the Village Clerk; and showing the date of its passage and entry in the minutes.

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ARTICLE II

HEARINGS

§100.20 **Notice of hearings**

1. Any local law adopted pursuant to the powers granted by this chapter shall be in accordance with the procedure prescribed by the Municipal Home Rule Law. Any other action taken by the Village Board of Trustees in the exercise of its powers and upon which a public hearing is required to be conducted shall be in accordance with this section unless otherwise specifically required by statute. Any notice of a hearing not otherwise specifically required by law shall be given in the following manner:

By publication of such notice in the official newspaper of the Village, if there is none, in a newspaper of general circulation in the Village wherein the hearing is to be held.

2. Such hearing shall be conducted not less than three (3) days after publication of such notice. [§ 100.20 amended by Local Law #2 of 1984; 1/3/84]

§100.22 **Conduct of hearings**

1. The hearing shall be held at the time and place designated in the notice. Such hearing may be adjourned by the board conducting such hearing provided the adjourned date is announced at such public hearing.

The board conducting such hearing shall have minutes taken of such proceeding.

2. Within sixty-two (62) days after such hearing is concluded the Board of Trustees shall make a decision accordingly. The original of such decision, copies of the notice of the hearing together with affidavits of publishing same, in compliance with rule 306 of the Civil Practice Law and Rules, the written objections and the minutes of proceedings taken on the hearings, including signed testimony, shall be filed by the Board of Trustees with the Village Clerk within five (5) days after the decision is rendered.

§100.30 **Supersession of Village Law**

1. The second unnumbered paragraph of §90 of the Village Law, as last amended by Chapter 701 of the Laws of 1936 is hereby superseded by this chapter.

2. §94-a of the Village Law, as added by Chapter 904 of the Laws of 1970 and §95 of the Village Law as last amended by Chapter 623 of the Laws of 1952, are hereby superseded by §100.4 of this chapter.

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3. §94 of the Village Law, as added by Chapter 701 of the Laws of 1936, is hereby superseded by § 100.8 of this chapter.

4. §96 of the Village Law, as added by Chapter 650 of the Laws of 1927, is hereby superseded by § 100.8 of this chapter.

5. §20-2002, §20-2004, §20-2006, §20-2008, §21-2100 and §21-2102 of the Village Law, as enacted by Chapter 892 of the Laws of 1972 and as amended by Chapter 1994 of the Laws of 1972 are hereby superseded by the foregoing sections of this chapter.

6. Subdivision 2 of §7-706 of the Village Law, as enacted by Chapter 892, is hereby superseded by § 100.10 of this chapter.

§100.32 **Effective date of supersession**

The provisions of this chapter superseding the provisions of the Village Law hereinabove enumerated shall take effect on June 15, 1973.

Authority: Mun H R L §10(1)[e(3)]

Historical Note

Chapter 100 was adopted by Local Law #1 of 1973 on May 29, 1973 and was filed in the office of the Secretary of State. The chapter was then amended by Local Law #2 of 1984 on January 3, 1984.