

**Village Board Workshop Meeting
January 16, 2019
Agenda**

BI/CEO (4:30 p.m.-Patrick Smith/Rich McQuilkin)

Attorney (5:00 p.m. -E. Stowe)

Zoning at Union Hill

Discussion

US Treasury Investments – Danielle

Resolution 1/2019

Introduced by:

Seconded by:

Be it resolved that the Village of Spencerport Board of Trustees hereby authorizes the Mayor to sign the stormwater easement documents and Quitclaim deed for 10 Canalside Drive, Spencerport, NY.

Vote of the Board: Carol J. Nellis-Ewell, Deputy Mayor
Charles R. Hopson, Trustee
Ray Kuntz, Trustee
David Wohlers, Trustee
Gary Penders, Mayor

Resolution 1/2019

Introduced by:

Seconded by:

Be it resolved that the Village of Spencerport Board of Trustees hereby approves conducting a public hearing for Introductory Local Law 1-2019 entitled “A Local Law t Amend Chapter 115 of the Village of Spencerport Code” on Wednesday, February 6, 2019, 7:00 p.m. at the Village Office, 27 West Avenue, Spencerport, NY.

Vote of the Board: Carol J. Nellis-Ewell, Deputy Mayor
Charles R. Hopson, Trustee
Ray Kuntz, Trustee
David Wohlers, Trustee
Gary Penders, Mayor

Resolution 1/2019

Introduced by:

Seconded by:

Be it resolved that the Village of Spencerport Board of Trustees hereby approves conducting a public hearing for Introductory Local Law 3-2019 entitled “A Local Law t Amend Chapter 340-28 of the Village of Spencerport Code” on Wednesday, February 6, 2019, 7:00 p.m. at the Village Office, 27 West Avenue, Spencerport, NY.

Vote of the Board: Carol J. Nellis-Ewell, Deputy Mayor
Charles R. Hopson, Trustee
Ray Kuntz, Trustee
David Wohlers, Trustee
Gary Penders, Mayor

Resolution 1/2019

Introduced by:

Seconded by:

Be it resolved that the Village of Spencerport Board of Trustees hereby authorizes the Mayor, Deputy Mayor and Village Clerk to sign the Collateral Agreement with M & T Bank for Village Funds.

Vote of the Board:

Carol J. Nellis-Ewell, Deputy Mayor
Charles R. Hopson, Trustee
Ray Kuntz, Trustee
David Wohlers, Trustee
Gary Penders, Mayor

NEW YORK STATE DEPARTMENT OF STATE
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue, Albany, New York 12231

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 Spencerport, Monroe County, New York

Local Law no. 2 of the year 2019

A local law to Amend Chapter 115 of the Village of Spencerport Code.

Be it enacted by the Village Board of Trustees of the

Village of Spencerport as follows:

Section 1: Title.

This local law shall hereinafter be known and cited as the Local Law to Amend Chapter 115 of the Village of Spencerport Code.

Section 2: Legislative Intent

The intent of this local law is to provide for the health, safety and welfare of the residents of the Village of Spencerport by providing for the orderly housing and keeping of permitted domesticated animals.

Section 3: Authority

This Local Law is adopted pursuant to the applicable provisions of the Village Law and the Municipal Home Rule Law.

Section 4: Chapter 115 of the Village of Spencerport Code is amended to read as follows:

ARTICLE I Animal Control

§ 115-1. Definitions.

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

DOMESTICATED PET — Any animal, bird, insect, reptile, or fish, customarily kept in the home or place of residence, which are not vicious, dangerous or otherwise obnoxious, objectionable or offensive.

FAMILY — One or more persons occupying a dwelling unit as a single, nonprofit housekeeping unit, who are living together as a bona fide, stable and committed living unit, being a traditional family unit or the functional equivalent thereof, exhibiting the generic character of a traditional family.

OWNER — Every person having a right of property in the subject insect, animal, reptile, fish or fowl and every person who has an insect, animal, reptile, fish or fowl in his keeping or who harbors the same. An insect, animal, reptile, fish or fowl owned by one or more minors shall be deemed to be in the custody and control of the minor's parents or other head of the household where the minor resides.

PERSON — An individual, firm, partnership, corporation or association of persons.

PRIVATE PROPERTY — All property within Village boundaries which is not owned by the Village, including but not limited to all residential and commercial property, private streets and sidewalks and the grassy areas located adjacent to such streets and sidewalks, rights-of-way and any common area of a condominium or cooperative.

PUBLIC PROPERTY — Any property owned, occupied or controlled by the Village of Spencerport or other governmental entity, including but not limited to parks, streets, sidewalks and grassy areas adjacent to streets and sidewalks.

§ 115-2. Keeping of animals restricted.

No person shall keep, pasture, breed, raise, harbor, stable or maintain any bees, poultry, chickens, turkeys, ducks, geese or any other fowl or reptiles or any swine, horses, cows, mules, sheep, goats or any other animals, except domesticated pets, within the Village. This section shall not apply to any public pound or animal hospital operated by a New York licensed veterinarian located within the Village.

§ 115-3. Animals at large prohibited.

No person who owns, keeps, harbors, has the care/custody/control of or has a property right in a permitted animal shall suffer the same to be at large within the Village.

§ 115-4. Noise disturbance.

No person owning, harboring or keeping any animal, bird, insect or reptile shall suffer, permit or allow such creature to disturb the peace and quiet of the neighborhood or other persons by yowling, howling or making other loud or unusual noises for an unreasonable period of time or at any unreasonable time or in an unreasonable manner, nor shall such person suffer, allow or permit such creature to conduct itself in such a manner as to habitually annoy any other person.

§ 115-5. Nuisances.

No person owning, keeping, harboring or having the care, custody and/or control of any animal, bird, insect or reptile shall suffer, permit or allow such creature to commit any nuisance or cause damage or destruction to, or soil, defile, or defecate on (unless the soil waste is promptly picked up and removed by the aforesaid person) any public street, building or park or any private property except with the consent of the owner thereof.

§ 115-6. Penalties for offenses.

Any person, firm or corporation who violates any provisions of this article or who shall omit, neglect or refuse to do any act required by this article shall, for each and every such violation and noncompliance, respectively, forfeit and pay a penalty of not exceeding \$250 or be imprisoned for a period of time not exceeding 15 days, or both.

Section 5: Enforcement

Enforcement of the provisions of this Local Law shall be the responsibility of law enforcement officers of Monroe County, the State of New York, and/or the Town of Ogden, in addition to the Code Enforcement Officer for the Village of Spencerport.

Section 6: Repealer

All local laws or parts of local laws inconsistent or in conflict with this local law are hereby repealed to the extent of such conflict or inconsistency.

Section 7: Severability

If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgement shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgement shall have been ordered.

Section 8: Effective Date

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

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

(Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law number ___ of 2019, of the Village of Spencerport, was duly passed by the Village Board of Trustees on August __, 2019 in accordance with the applicable provisions of law.

(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 number ___ of 2019 of the Village of Spencerport was duly passed by the on 2019, and was (approved) (not approved) (repassed after disapproval) by the and was deemed duly adopted on 2019, in accordance with the applicable provisions of law.

(Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law number ___ of 2019 of the Village of Spencerport was duly passed by the Spencerport Village Board on ___ 2019, and was (approved)(not approved)(repassed after disapproval) by on ___ 2019. 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 ___ 2019, in accordance with the applicable provisions of law.

(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 number ___ of 2019 of the Village of Spencerport was duly passed by the Spencerport Village Board on ___ 2019, and was (approved)(not approved)(repassed after disapproval) by the on ___ 2019. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of 2019, 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 Village where such officer is vested with the power to approve or veto local laws or ordinances.

(City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law number ___ of 2019 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 _____ 2019, became operative.
(12)

(County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law number _____ of 2019 of the County of _____ State of New York, having been submitted to the electors at the General Election of November 2019, 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 Villages 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 1 above.

Clerk of the Village designated by local legislative body

(Seal)

Date: _____

(Certification to be executed by Village Attorney.)

STATE OF NEW YORK

COUNTY OF MONROE

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Signature

Title

Village of Spencerport

Date: _____

NEW YORK STATE DEPARTMENT OF STATE
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue, Albany, New York 12231

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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 Spencerport, Monroe County, New York

Local Law no. 3 of the year 2019

A local law to Amend Section 340-28 of the Village of Spencerport Code.

Be it enacted by the Village Board of Trustees of the

Village of Spencerport as follows:

Section 1: Title.

This local law shall hereinafter be known and cited as the Local Law to Amend Section 340-28 of the Village of Spencerport Code.

Section 2: Legislative Intent

The intent of this local law is to provide for the health, safety and welfare of the residents of the Village of Spencerport by providing for the orderly housing and keeping of permitted domesticated animals.

Section 3: Authority

This Local Law is adopted pursuant to the applicable provisions of the Village Law and the Municipal Home Rule Law.

Section 4: Section 340-28 of the Village of Spencerport Code is amended to read as follows:

In addition to the provisions of Chapter 115 of the Code of the Village of Spencerport, in all

districts, no lot/parcel may be used or occupied and no structure may be erected, maintained or used for the raising or harboring of pigeons, swine, goats, rabbits, cows, horses, poultry, foxes, mink, skunks or other fur-bearing animals.

A. Notwithstanding the foregoing, nothing herein contained shall prohibit the raising or harboring of farm animals or poultry on any farm within the Village of Spencerport within the definition of the term “farm”.

Section 6: Repealer

All local laws or parts of local laws inconsistent or in conflict with this local law are hereby repealed to the extent of such conflict or inconsistency.

Section 7: Severability

If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgement shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgement shall have been ordered.

Section 8: Effective Date

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

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

(Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law number ___ of 2019, of the Village of Spencerport, was duly passed by the Village Board of Trustees on August __, 2019 in accordance with the applicable provisions of law.

(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 number ___ of 2019 of the Village of Spencerport was duly passed by the on 2019, and was (approved) (not approved) (repassed after disapproval) by the and was deemed duly adopted on 2019, in accordance with the applicable provisions of law.

(Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law number ___ of 2019 of the Village of Spencerport was duly passed by the Spencerport Village Board on ___ 2019, and was (approved)(not approved)(repassed after disapproval) by on ___ 2019. 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 ___ 2019, in accordance with the applicable provisions of law.

(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 number ___ of 2019 of the Village of Spencerport was duly passed by the Spencerport Village Board on ___ 2019, and was (approved)(not approved)(repassed after disapproval) by the

..... on 2019. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of 2019, 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 Village where such officer is vested with the power to approve or veto local laws or ordinances.

(City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law number of 2019 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 2019, became operative.

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(County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law number of 2019 of the County of State of New York, having been submitted to the electors at the General Election of November 2019, 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 Villages 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 1 above.

Clerk of the Village designated by local legislative body

(Seal)

Date: _____

(Certification to be executed by Village Attorney.)

STATE OF NEW YORK
COUNTY OF MONROE

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Signature

Title

Village of Spencerport

Date: _____