

# Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE  
41 STATE STREET, ALBANY, NY 12231

(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.

County

City of Newark Valley

Town

Village

Local Law No. 1 of the year 2006

A local law *To provide for the codification of the Local Laws, ordinances and*  
*(Insert Title)*

certain resolutions of the Village of Newark Valley into municipal

code to be designated the "Code of the Village of Newark Valley

Board of Trustees

Be it enacted by the *(Name of Legislative Body)* of the

County

City of Newark Valley

Town

Village

STATE OF NEW YORK  
DEPARTMENT OF STATE  
**FILED**  
MAY 08 2006  
MISCELLANEOUS  
& STATE RECORDS

See text of Local Law #1 of the year 200 attached hereto and made part of this document.

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

(Complete the certification in the paragraph that applies to the filing of this local law and strike out 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. 1 of 2006... of the (County)(City)(Town)(Village) of NEWARK Valley was duly passed by the Board of Trustees on April 11, 2006, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*

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 \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
*(Elective Chief Executive Officer\*)*

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 \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ 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.  
*(Elective Chief Executive Officer\*)*

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 \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ 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\*)*

\* 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.

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.

*Marta Pozzi*  
\_\_\_\_\_  
Clerk of the County legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date: April 11, 2006

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK  
COUNTY OF Tioga

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]*  
\_\_\_\_\_

Signature

Village of Newark Valley, Attorney  
Title

County \_\_\_\_\_  
City \_\_\_\_\_ of Newark Valley  
Town \_\_\_\_\_  
Village

Date: April 11, 2006

**PROPOSED CODE ADOPTION LOCAL LAW**  
**for the**  
**CODE OF THE VILLAGE OF NEWARK VALLEY, NEW YORK**

~~February~~ 2006  
APRIL

GENERAL CODE PUBLISHERS CORP.  
72 Hinchey Road  
Rochester, New York 14624

(585) 328-1810 or 800 836-8834  
FAX (585) 328-8189

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.

County  
City of Newark Valley  
Town  
Village

Local Law No. .../... of the year 2006

A local law to provide for the codification of the local laws, ordinances and certain resolutions of the Village of Newark Valley into a Municipal Code to be designated the "Code of the Village of Newark Valley"

Be it enacted by the Board of Trustees of the

County  
City of Newark Valley as follows:  
Town  
Village

(SEE ATTACHED)

**ARTICLE III**  
**Adoption of 2006 Code**

**§ 1-14. Legislative intent.**

In accordance with Subdivision 3 of § 20 of the Municipal Home Rule Law, the local laws, ordinances and certain resolutions of the Village of Newark Valley, as codified by General Code Publishers Corp., and consisting of Chapters 1 through 166, together with an Appendix, shall be known collectively as the "Code of the Village of Newark Valley," hereafter termed the "Code." Wherever reference is made in any of the local laws, ordinances and resolutions contained in the "Code of the Village of Newark Valley" to any other local law, ordinance or resolution appearing in said Code, such reference shall be changed to the appropriate chapter title, chapter number, article number or section number appearing in the Code as if such local law, ordinance or resolution had been formally amended to so read.

**§ 1-15. Continuation of existing provisions.**

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, and the effectiveness of such provisions shall date from the date of adoption of the prior local law, ordinance or resolution. All such provisions are hereby continued in full force and effect and are hereby reaffirmed as to their adoption by the Board of Trustees of the Village of Newark Valley, and it is the intention of said Board that each such provision contained within the Code is hereby reaffirmed as it appears in said Code. Only such provisions of former local laws and ordinances as are omitted from this Code shall be deemed repealed or abrogated by the provisions of § 1-16 below.

**§ 1-16. Repeal of enactments not included in Code.**

All local laws and ordinances of a general and permanent nature of the Village of Newark Valley in force on the date of the adoption of this local law and not contained in such Code or recognized and continued in force by reference therein are hereby repealed from and after the effective date of this local law.

**§ 1-17. Enactments saved from repeal; matters not affected.**

The repeal of local laws and ordinances provided for in § 1-16 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 Newark Valley 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 Newark Valley 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 Newark Valley.
- D. Any agreement entered into or any franchise, license, right, easement or privilege heretofore granted or conferred by the Village of Newark Valley.
- E. Any local law or ordinance of the Village of Newark Valley 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 Newark Valley or any portion thereof.
- F. Any local law or ordinance of the Village of Newark Valley 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 Newark Valley or other instruments or evidence of the village'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 regulating zoning or amending the Zoning Map.
- L. Any local law or ordinance relating to or establishing a pension plan or pension fund for municipal 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 village.
- N. All provisions regulating junkyards.
- O. All provisions regulating sidewalk maintenance or snow and ice removal, specifically L.L. No. 2-1982.
- N. Any local law adopted subsequent to 6-20-2005.

**§ 1-18. Severability.**

If any clause, sentence, paragraph, section, article, chapter or part of this local law or of any local law, ordinance or resolution included in this Code now or through supplementation shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause,

sentence, paragraph, section, article, chapter or part thereof directly involved in the controversy in which such judgment shall have been rendered.

**§ 1-19. Copy of Code on file.**

A copy of the Code, in loose-leaf form, has been filed in the office of the Village Clerk-Treasurer of the Village of Newark Valley and shall remain there for use and examination by the public until final action is taken on this local law; and, if this local law shall be adopted, such copy shall be certified by the Village Clerk-Treasurer of the Village of Newark Valley by impressing thereon the Seal of the Village of Newark Valley, and such certified copy shall remain on file in the office of said Village Clerk-Treasurer to be made available to persons desiring to examine the same during all times while said Code is in effect. The enactment and publication 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.

**§ 1-20. Amendments to Code.**

Any and all additions, deletions, amendments or supplements to any of the local laws, ordinances and resolutions known collectively as the "Code of the Village of Newark Valley" or any new local laws or resolutions, when enacted or adopted in such form as to indicate the intention of the Board of Trustees to be a part thereof, shall be deemed to be incorporated into such Code so that reference to the Code shall be understood and intended to include such additions, deletions, amendments or supplements. Whenever such additions, deletions, amendments or supplements to the Code shall be enacted or adopted, they shall thereafter be printed and, as provided hereunder, inserted in the loose-leaf book containing said Code as amendments and supplements thereto. Nothing contained in this local law shall affect the status of any local law, ordinance or resolution contained herein, and such local laws, ordinances or resolutions may be amended, deleted or changed from time to time as the Board of Trustees deems desirable.

**§ 1-21. Code book to be kept up-to-date.**

It shall be the duty of the Village Clerk-Treasurer to keep up-to-date the certified copy of the book containing the Code of the Village of Newark Valley required to be filed in the office of the Village Clerk-Treasurer for use by the public. All changes in said Code and all local laws and resolutions adopted by the Board of Trustees subsequent to the enactment of this local law in such form as to indicate the intention of said Board to be a part of said Code shall, when finally enacted or adopted, be included therein by temporary attachment of copies of such changes, local laws or resolutions until such changes, local laws or resolutions are printed as supplements to said Code book, at which time such supplements shall be inserted therein.

**§ 1-22. Sale of Code book; supplementation.**

Copies of the Code, or any chapter or portion of it, may be purchased from the Village Clerk-Treasurer, or an authorized agent of the Clerk-Treasurer, upon the payment of a fee to be set by

resolution of the Board of Trustees. The Clerk-Treasurer may also arrange for procedures for the periodic supplementation of the Code.

**§ 1-23. Penalties for tampering with Code.**

Any person who, without authorization from the Village Clerk-Treasurer, changes or amends, by additions or deletions, any part or portion of the Code of the Village of Newark Valley or who alters or tampers with such Code in any manner whatsoever which will cause the legislation of the Village of Newark Valley 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.

**§ 1-24. Changes in previously adopted legislation; new provisions.**

- A. In compiling and preparing the local laws, ordinances and resolutions for publication as the Code of the Village of Newark Valley, no changes in the meaning or intent of such local laws, ordinances and resolutions have been made, except as provided for in Subsections B and C hereof. In addition, 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.)
- C. Nomenclature. Throughout the Code, the following nomenclature changes are made:
  - (1) All references to "Village Clerk" are changed to "Village Clerk-Treasurer."
  - (2) References to "Superintendent of Public Works," "Public Works Superintendent" and "Superintendent of Highways" are changed to "Supervisor of Public Works."
  - (3) Chapter 95, Junkyards and Unlicensed Vehicles, is amended to change the term "junk" to "unlicensed" throughout.
  - (4) Chapter 144, Subdivision of Land, is amended to change the term "Planning Board" to "Village Board of Appeals" throughout.
- D. Former Chapter 37, Smoking Policy, adopted 2-5-1990, and Chapter 74, Certificates of Occupancy, adopted 5-4-1987, are repealed.

**§ 1-25. Incorporation of provisions into Code.**

The provisions of this local law are hereby made Article III of Chapter 1 of the Code of the Village of Newark Valley, such local law to be entitled “General Provisions, Article III, Adoption of 2006 Code,” and the sections of this local law shall be numbered §§ 1-14 to 1-26, inclusive.

**§ 1-26. When effective.**

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

Schedule A  
(as referenced in § 1-24B)

Chapter 10, Emergency Disaster Plan

1. Section 10-3A is amended to change "Highway" Departments to "Public Works" Departments.
2. Section 10-4B(5) is amended to change "State Natural Disaster Commission" to "State Civil Defense Commission."
3. Section 10-5A(6) is amended to change "local Fire Police" to "local Fire and Police Departments."

Chapter 19, Investment Policy

The second sentence of § 19-4 is amended to read as follows: "The Clerk-Treasurer is responsible for establishing and maintaining an internal control structure to provide reasonable, but not absolute, assurance that deposits and investments are safeguarded against loss from unauthorized use or disposition and are managed in compliance with applicable laws and regulations and that transactions are executed in accordance with management's authorization and recorded properly."

Chapter 25, Personnel Policies

1. Section 25-1C(2) is amended to change "Superintendent of Public Works Commissioner" to "Supervisor of Public Works."
2. Section 25-2A is amended to change "shall be from 7:00 a.m. to 4:00 p.m. daily, except Saturday and Sunday" to "shall be established by the Board of Trustees."
3. Section 25-2D(1) is amended to add the words "or given overtime" in the first sentence.
4. Section 25-3A is amended as follows: "All employees of the Public Works Department shall be provided with uniforms as set by the Board of Trustees~~a hard hat and two uniform replacements a year.~~"
5. Section 25-3C(2) is amended as follows: "All employees with five or more years of service with the Village shall be entitled to a third week of vacation. The third week of vacation may not be taken during July or August. ~~Vacation schedules shall be made up by each department and forwarded through the department head to the Board for its approval at an April meeting. The Village Clerk will send written notice to each employee that his vacation request has been approved or denied. In the event that an employee requests a change in the vacation schedule, a written request for such a change must first be approved by the department head~~

~~and then forwarded to the Board at least one month before the requested vacation change. The Board will, in the event of approval, authorize the change by resolution and notify the employee, in writing, whether his vacation change request has been approved or denied. The Board may waive the one-month prior notice at its discretion in the event of a personal or family emergency. The Village Clerk-Treasurer shall keep a record of all vacation time. Vacation time shall not accumulate except on authorization of the Board by resolution.~~

6. Section 25-3C(3) is added as follows: "Part-time employees will be entitled to one week paid vacation, not to exceed the hours worked in a normal work week. If, on March 1, an employee has been employed less than 12 months, he shall be entitled to one day for every month of employment up to and not to exceed five working days paid vacation during that year."
7. Section 25-3D is amended as follows: "Sick leave. An employee may take a maximum of 10 days of sick leave each calendar year. In the event that an employee does not report for work because of illness, the department head and the Village Clerk must be notified. Sick leave records will be kept for each employee and a report given to the Board monthly. Sick leave may not be accumulated from one year to the next. ~~In the event of a serious or long-term illness, the Board, at its option, may extend the period of paid sick leave up to the number of unused sick leave days during the time the employee has worked for the Village.~~"
8. Section 25-3F is amended as follows: "Village employees shall be granted a floating holiday as ~~one of their vacation days~~, which may be granted at the ~~Superintendent's~~ department head's discretion, dependent upon the Village work schedule.
9. The second sentence of § 25-3I is amended as follows: "Employees shall be allowed up to three days' leave with pay for a death in the immediate family: mother, father, spouse, son or daughter, sister or brother, mother-in-law, father-in-law, sister-in-law or brother-in-law, stepmother, stepfather, stepson, stepdaughter, stepsister, stepbrother, grandparents and domestic partner."

#### Chapter 32, Procurement Policy

Section 32-2A(2) is amended to delete "pursuant to § 175-b of the State Finance Law."

#### Chapter 49, Animals

Section 49-14 is amended to read as follows: "Except as otherwise provided in the Agriculture and Markets Law of the State of New York, any person convicted of a violation of this article shall be subject to a fine of not more than \$250, imprisonment for not more than 15 days, or both such fine and imprisonment."

Chapter 62, Building Construction and Fire Prevention

1. Article I is amended in its entirety to read as follows:

ARTICLE I

Administration and Enforcement of State Standards

**§ 62-1. Purpose and intent.**

This article shall provide for administration and enforcement of the New York State Uniform Fire Prevention and Building Code (Uniform Code) in the Village of Newark Valley. This article is adopted pursuant to § 10 of Article 2 of the Municipal Home Rule Law. Except as otherwise provided within this article, state law, or within the Uniform Code, all premises, regardless of use, are subject to the provisions which follow.

**§ 62-2. Intermunicipal contracts.**

The Village Board may, by resolution, authorize the Mayor to enter into a contract with other governments to carry out the terms of this article.

**§ 62-3. Partial invalidity.**

If any section of this article shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder thereof.

**§ 62-4. Code Enforcement Official, duties and powers.**

- A. The office of Code Enforcement Official is hereby created and shall be filled by an appointment of the Village Board. The Code Enforcement Official shall possess background experience related to building construction or fire prevention and shall, within the time constraints proscribed by law, obtain such training as the State of New York shall require for code enforcement personnel.
- B. In the absence of the Code Enforcement Official, or in the case of his inability to act for any reason, the Mayor shall have the power, with the consent of the Village Board, to designate a person to act on behalf of the Code Enforcement Official and to exercise all the powers conferred upon him by this article.
- C. The Mayor, with the approval of the Village Board, may appoint one inspector or more, as the need may appear, to act under the supervision and direction of the Code Enforcement Official and to exercise any portion of the powers and duties of the Code Enforcement Official as directed by him.
- D. The compensation for the Code Enforcement Official, acting Code Enforcement Official and inspectors shall be fixed and adjusted as needed by the Village Board.
- E. The Code Enforcement Official shall administer and enforce all the provisions of the Uniform Code and the provisions of this article, including receiving building permit applications, reviewing plans and specifications, conducting inspections, issuing permits for the erection, alteration, relocation, addition, repair and/or demolition of buildings and structures, issuing certificates of occupancy, collecting

fees as set forth by the Village Board and maintaining and filing all records necessary for the administration of the office to the satisfaction of the Village Board. The Code Enforcement Official is authorized to pursue administrative actions and in consultation with the Village Attorney, legal action as necessary to abate conditions not in compliance with the New York State Uniform Fire Prevention and Building Code, this article, or other laws, rules or regulations of the Village of Newark Valley or of the State of New York.

**§ 62-5. Building permit.**

**A. Permits required.**

- (1) Except as hereinafter provided, no person, firm, corporation, association or partnership shall commence the construction, enlargement, alteration, improvement, removal, relocation or demolition of any building or structure or any portion thereof, or install a solid fuel burning heating appliance, chimney or flue in any dwelling unit, without first having obtained a permit from the Code Enforcement Official.
- (2) No permit shall be required for:
  - (a) Necessary repairs which do not materially affect structural features;
  - (b) Alterations to existing buildings, provided that the alterations:
    - [1] Do not materially affect structural features;
    - [2] Do not affect fire safety features such as smoke detectors, sprinklers, required fire separations and exits;
    - [3] Do not involve the installation or extension of electrical systems; and
    - [4] Do not include the installation of solid fuel burning heating appliances and associated chimneys and flues.

**B. Application for a permit.**

- (1) The application for a building permit, and its accompanying documents, shall contain sufficient information to permit a determination that the intended work accords with the requirements of the Uniform Code.
- (2) The form of the permit and application therefore shall be prescribed by the Code Enforcement Official. The application shall be signed by the owner (or his authorized agent) of the building and shall contain at least the following:
  - (a) Full name and address of the owner and if by a corporation, the name and addresses of the responsible officials;
  - (b) Identification and/or description of the land on which the work is to be done;
  - (c) Description of use or occupancy of the land and existing or proposed

building;

- (d) Description of the proposed work;
  - (e) Three sets of plans and specifications for the proposed work;
  - (f) The required fee.
- (3) The Code Enforcement Official may waive the requirement of plans and specifications when the work to be done involves minor alterations or is otherwise unnecessary.
- (4) Applicant shall notify the Code Enforcement Official of any changes in the information contained in the application during the period for which the permit is in effect. A permit will be issued when the application has been determined to be complete and when the proposed work has been determined to conform to the requirements of the Uniform Code. The authority conferred by such permit may be limited by conditions, if any, contained therein. Amendments, if any, to the application or to the plans and specifications accompanying the same shall be filed with the Code Enforcement Official and approval shall be received from the Code Enforcement Official prior to the commencement of such change of work.

C. General requirements.

- (1) A building permit issued pursuant to this article shall be prominently displayed on the property or premises to which it pertains.
- (2) A building permit issued pursuant to this article may be suspended or revoked if it is determined that the work to which it pertains is not proceeding in conformance with the Uniform Code or with any condition attached to such permit, or if there has been misrepresentation or falsification of a material fact in connection with the application for the permit.
- (3) A building permit issued pursuant to this article shall expire one year from the date of issuance or upon the issuance of a certificate of occupancy (other than a temporary certificate of occupancy), whichever occurs first. The permit may, upon written request, be renewed for successive one-year periods, provided that:
  - (a) The permit has not been revoked or suspended at the time the application for renewal is made;
  - (b) The relevant information in the application is up to date;
  - (c) Significant progress in construction has been made or in lieu thereof of a reasonable explanation of why such has not occurred; and
  - (d) The renewal fee is paid.

**§ 62-6. Fees.**

A fee schedule shall be established, and changed as needed, by resolution of the Village

Board. Such fees may be charged for the issuance of permits, certificates of occupancy, temporary certificates of occupancy, and for fire safety inspections.

**§ 62-7. Certificate of occupancy.**

- A. No building erected subject to the New York State Uniform Fire Prevention and Building Code shall be used or occupied, except to the extent authorized hereunder, until a certificate of occupancy has been issued. No building similarly enlarged, extended, or altered, or upon which work has been performed which requires the issuance of a building permit shall be occupied or used more than 30 days after the completion of the alteration or work unless a certificate of occupancy has been issued. No change shall be made in the nature of the occupancy of an existing building unless a certificate of occupancy authorizing the change has been issued. The owner or his agent shall make application for a certificate of occupancy.
- B. The Village of Newark Valley shall require certificates of occupancy to be issued prior to the final transfer of property located within the Village limits to another owner.
- C. A temporary certificate of occupancy may be issued if the building or structure or a designated portion of a building or structure is sufficiently complete that it may be put to the use for which it is intended. A temporary certificate of occupancy shall expire six months from the date of issuance or at an earlier date if so specified. A temporary certificate of occupancy may, at the discretion of the Code Enforcement Official and upon payment of an additional fee as specified for a temporary certificate of occupancy, be renewed. The Code Enforcement Official may place special conditions on temporary certificates of occupancy as necessary to insure safety and to protect the interest of the Village.

**§ 62-8. Inspection.**

- A. Inspections during construction.
  - (1) Work for which a building permit has been issued hereunder shall be inspected for approval prior to enclosing or covering any portion thereof and upon completion of each stage of construction, including, but not limited to, building location, site preparation, excavation, foundation, framing, superstructure, electrical, plumbing, and heating and air conditioning. It shall be the responsibility of the owner, applicant, or his agent to inform the inspector that the work is ready for inspection and to schedule such inspection.
  - (2) Work which requires special inspections during construction shall be the responsibility of the owner, applicant, or his agent to provide a list, at their expense. A statement of the special inspections, including a complete list of materials and work requiring such inspections, and a list of the individuals, and approved agencies shall be provided to the Code Enforcement Official for the permit application file. The reports of such special inspections shall be provided to the Code Enforcement Official for the permanent record.

- (3) If entrance to make an inspection is refused or cannot be obtained, the Village Board, after being notified by the inspector of the situation, may apply to any court of competent jurisdiction for an order to make an inspection.

B. Fire prevention and property maintenance inspections.

- (1) Multiple dwellings shall be inspected for the purpose of determining compliance with fire prevention and property maintenance requirements of the Uniform Code at least once in every 12 months. Inspections of such buildings shall include the common areas such as halls, foyers, staircases, etc., and vacant dwelling units. Where the tenants of occupied dwelling units allow, the inspection may include such units.
- (2) Fire safety inspections of buildings or structures having areas of public assembly, defined as "all buildings or portions of buildings used for gathering together 50 or more persons for amusement, athletic, civic, dining, educational, entertainment, patriotic, political, recreational, religious, social, or similar purposes, the entire fire area of which they are a part, and the means of egress therefrom" shall be performed at least once in every 12 months.
- (3) All other buildings, uses and occupancies (except one- or two-family dwellings) shall be inspected at least once in every 24 months.
- (4) An inspection of a building or dwelling unit may also be performed at any other time upon:
  - (a) The request of the owner, authorized agent, or tenant;
  - (b) Receipt of a written statement alleging that conditions or activities failing to comply with the Uniform Code exist; or
  - (c) Other reasonable and reliable information that such a violation exists.

**§ 62-9. Penalties for offenses.**

- A. Upon determination that a violation of the Uniform Code or this article exists in, on, or about any building or premises, the Code Enforcement Official shall order in writing the remedying of the condition. Such order shall state the specific provision of the Uniform Code which the particular condition violates and shall grant such time as may be reasonably necessary for achieving compliance before proceedings to compel compliance shall be instituted. Such order shall be served personally or by notification by certified mail.
- B. In addition to those penalties proscribed by state law, any person, firm or corporation who violates any provision of the Uniform Code or any rule or regulation of this article, or the terms or conditions of any certificate of occupancy issued by the Code Enforcement Official, shall be liable to a civil penalty of not more than \$200 for each day or part thereof during which such violation continues. The civil penalties provided by this subsection shall be recoverable in an action instituted in the name of the Village Board on its own initiative or at the request of the Code Enforcement Official.

- C. Alternatively or in addition to an action to recover the civil penalties provided by Subsection B, the Village Board may institute any appropriate action or proceeding to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of the Uniform Code or the terms or conditions of any certificate of occupancy issued by the Code Enforcement Official.

**§ 62-10. Stop-work orders.**

Whenever the Code Enforcement Official has reason to believe that the work on any building or structure is being performed in violation of the provisions of the applicable building laws, ordinances, rules or regulations, or not in conformity with the provisions of an application, or in an unsafe and dangerous manner, he shall notify the owner of the property, or the owner's agent, to suspend all work and suspend all building activities until the stop-work order has been rescinded. Such order and notice shall appear in writing, shall state the conditions under which the work may be resumed and may be served upon a person to whom it is directed either by delivering it personally to him, or by posting the same upon a conspicuous portion of the building where the work is being performed and sending a copy of the same to him by certified mail at the address set forth in the application for the permission of the construction of such building.

**§ 62-11. Department records and reports.**

- A. The Code Enforcement Official shall keep permanent official records of all transactions and activities conducted by him, including all applications received, plans approved, permits and certificates issued, fees charged and collected, inspection reports, all rules and regulations promulgated by him with the consent of the Village Board, and notices and orders issued. All such records shall be public records open for public inspection during normal business hours. All plans and records pertaining to buildings or structures, or appurtenances thereto, shall be retained for at least the minimum time period so required by state law and regulation.
- B. The Code Enforcement Official shall annually submit to the Village Board a written report and summary of all business conducted by his office, including approvals, permits and certificates issued, fees collected, orders and notices promulgated, inspections and tests made, and appeals or litigation pending or concluded.

**§ 62-12. (Reserved)**

2. Subsection B of § 62-15 is deleted.
3. Section 62-15, Subsections B(1) through (3), are amended as follows:
- (1) Accessory buildings must be at least ~~five~~ three feet from the rear property line and ~~five~~ three feet from side property lines.
- (2) Any detached accessory building larger than 144 square feet shall be at least ~~10~~ three feet from a side and/or rear property line.

- (3) Any detached accessory building smaller than 144 square feet shall be a minimum of ~~four~~ three feet from a side and/or rear property line.

Chapter 66, Buildings, Unsafe

Section 66-13B is amended to change "30 days" to "60 days."

Chapter 71, Burning, Open

Section 71-3 is amended to change "a fine not exceeding \$100 for each offense or imprisonment for a period not exceeding five days" to "a fine not exceeding \$250 for each offense or imprisonment for a period not exceeding 15 days."

Chapter 72, Business Regulations

Section 72-14B is amended to read as follows: "Any person or entity who or which violates this chapter shall, upon conviction, be punishable by a fine of up to \$250 or imprisonment for not more than 15 days, or both."

Chapter 76, Curfew

1. In § 76-3, the definition of "remain and loiter" is changed to "remain or loiter."
2. In § 76-4, "loiter or remain" is changed to "remain or loiter."

Chapter 83, Flood Damage Prevention

Section 83-16 is amended to change "Planning Board" to "Village Board of Appeals" throughout.

Chapter 95, Junkyards and Unlicensed Vehicles

1. In § 95-3, the definition of "special use permit" is amended to change "Restoring classic or antique motor vehicles for seasonal use" to "Restoring classic or antique motor vehicles or for seasonal use."
2. Section 95-7B is amended to change "civil penalties/fees" to "fees."
3. Section 95-7C is amended to delete "and may be issued without additional notice" from the end thereof.

Chapter 101, Mobile Homes and Mobile Home Parks

1. Section 101-4A(2)(d) is deleted.

2. Section 101-4A(2)(e), which is redesignated as (d), is amended to add "after a public hearing" to the end thereof.
3. Section 101-5A is amended to change "Town-Village Planning Board" to "Village Planning Board."
4. Section 101-8C(3) is amended to change "Payment of a fee of \$25 to the Village Clerk" to "Payment of a fee as set from time to time by resolution of the Board of Trustees to the Village Clerk-Treasurer."
5. Section 101-11B is amended to change "The Village Board will act as the appeal board for the purpose of administering this chapter until such time as a Zoning Board of Appeals is appointed as authorized by a local zoning law" to "The Village Board of Appeals will act as the appeal board for the purpose of administering this chapter."

#### Chapter 112, Parks and Public Places

1. Section 112-6D(2)(d) is amended as follows: "Possess or set off fireworks except by permission of the Village Board."
2. Section 112-6D(2)(k) is amended as follows: "Hunt, trap, drive or molest any game within the park areas except by permission of the Village Board. Fishing is also ~~prohibited in the park areas~~ will only be allowed in the East Branch of the Owego Creek."
3. Section 112-8A is amended to read as follows: "No person shall be in or upon the Village park designated as Trout Ponds between the hours of 9:00 p.m. and 7:00 a.m., except in attendance at a meeting, game, fair or other activity which is being held pursuant to a written permit issued by the Village Clerk-Treasurer."

#### Chapter 124, Records

This chapter is adopted to read as follows:

### ARTICLE I Public Access to Records

#### **§ 124-1. Purpose and scope.**

- A. The people's right to know the process of government decisionmaking and the documents and statistics leading to determinations can be thwarted by shrouding it with the cloak of secrecy or confidentiality.
- B. This article provides information concerning the procedures by which records may be obtained from an agency defined by Subdivision 3 of § 86 of the Public Officers Law. No agency regulations shall be more restrictive than this article.
- C. Agency personnel shall furnish to the public the information and records required

by the Freedom of Information Law, as well as records otherwise available by law.

- D. Any conflicts among laws governing public access to records shall be construed in favor of the widest possible availability of public records.

**§ 124-2. Designation of records access officers.**

- A. The Board of Trustees ("Board") of the Village shall be responsible for ensuring compliance with the regulations herein and designates the Village Clerk-Treasurer as the principal records access officer who shall have the duty of coordinating the Village response to public requests for access to records. The designation of the Village Clerk-Treasurer shall not be construed to prohibit officials who have in the past been authorized to make records or information available to the public from continuing to do so.
- B. The Village Clerk-Treasurer is responsible for assuring that Village personnel:
- (1) Maintain an up-to-date subject matter list.
  - (2) Assist the requester in identifying requested records, if necessary.
  - (3) Upon locating the records, take one of the following actions:
    - (a) Make records available for inspection; or
    - (b) Deny access to the records in whole or in part and explain, in writing, the reasons therefor.
  - (4) Upon request for copies of records:
    - (a) Make a copy available upon payment or offer to pay established fees, if any; or
    - (b) Permit the requester to copy those records.
  - (5) Upon request, certify that a record is a true copy.
  - (6) Upon failure to locate records, certify that:
    - (a) The Village is not the custodian for such records; or
    - (b) The records of which the Village is a custodian cannot be found after diligent search.

**§ 124-3. Location.**

The Board hereby designates the office of the Village Clerk-Treasurer as the location where public records shall be available for public inspection and copying.

**§ 124-4. Hours for public inspection.**

The Village Clerk-Treasurer shall accept requests for public access to records and produce records during all hours during which the Clerk-Treasurer's office is regularly open for business.

**§ 124-5. Requests for records.**

- A. The Village Clerk-Treasurer may require that a request be made in writing or may make records available upon oral request.
- B. The Village Clerk-Treasurer shall respond to any request reasonably describing the record or records sought within five business days of receipt of the request.
- C. A request shall reasonably describe the record or records sought. Whenever possible a person requesting records should supply information regarding dates, file designations or other information that may help to describe the records sought.
- D. If the Village Clerk-Treasurer does not provide or deny access to the records sought within five business days of receipt of a request, the Village Clerk-Treasurer shall furnish a written acknowledgment of receipt of the request and a statement of the approximate date when the request will be granted or denied. If access to records is neither granted nor denied within 10 business days after the date of acknowledgment of receipt of a request, the request may be construed as a denial of access that may be appealed.

**§ 124-6. Subject matter list.**

- A. The Village Clerk-Treasurer shall maintain a reasonably detailed current list by subject matter of all records in his/her possession, whether or not records are available pursuant to Subdivision 2 of § 87 of the Public Officers Law.
- B. The subject matter list shall be sufficiently detailed to permit identification of the category of the record sought.
- C. The subject matter list shall be updated not less than twice per year. The most recent update shall appear on the first page of the subject matter list.

**§ 124-7. Denial of access to records; appeals.**

- A. The Board shall hear appeals or shall designate a person or body to hear appeals regarding denial of access to records under the Freedom of Information Law.
- B. Denial of access shall be in writing stating the reason therefor and advising the person denied access of his or her right to appeal to the person or body established to hear appeals, and that person or body shall be identified by name, title, business address and business telephone number. The records access officer shall not be the appeals officer.
- C. If the Board fails to respond to a request within five business days of receipt of a request as required in § 124-5 of this article, such failure shall be deemed a denial of access by the agency.
- D. Any person denied access to records may appeal within 30 days of a denial.
- E. The time for deciding an appeal by the Board or the person or body designated to hear appeals shall commence upon receipt of a written appeal identifying:
  - (1) The date and location of a request for records;
  - (2) The records that were denied; and

- (3) The name and return address of the appellant.
- F. The Board shall transmit to the Committee on Open Government copies of all appeals upon receipt of an appeal. Such copies shall be addressed to:  
  
Committee on Open Government Department of State 162 Washington Avenue  
Albany, New York 12231
- G. The Board or the person or body designated to hear appeals shall inform the appellant and the Committee on Open Government of its determination, in writing, within seven business days of receipt of an appeal. The determination shall be transmitted to the Committee on Open Government in the same manner as set forth in Subsection F of this section.
- H. A final denial of access to a requested record, as provided for in Subsection G of this section, shall be subject to court review, as provided for in Article 78 of the Civil Practice Law and Rules.

**§ 124-8. Fees.**

Except when a different fee is otherwise prescribed by law:

- A. There shall be no fee charged for the following:
  - (1) Inspection of records;
  - (2) Search for records; or
  - (3) Any certification pursuant to this article.
- B. The Village Clerk-Treasurer may provide copies of records without charging a fee.
- C. The Village Clerk-Treasurer may charge a fee for copies of records, provided that:
  - (1) The fee for copying records shall not exceed \$0.25 per page for photocopies not exceeding nine inches by 14 inches.
  - (2) The fee for copies of records not covered by Subsection C(1) shall not exceed the actual reproduction cost, which is the average unit cost for copying a record, excluding fixed costs of the Village such as operator salaries.

**ARTICLE II  
Retention and Disposition**

**§ 124-9. Adoption of Schedule MU-1.**

Records Retention and Disposition Schedule MU-1, issued pursuant to Article 57-A of the Arts and Cultural Affairs Law and containing legal minimum retention periods for municipal government records, is hereby adopted for use by all municipal officers in disposing of municipal government records listed therein.

**§ 124-10. Minimum retention period; criteria for disposal.**

In accordance with Article 57-A:

- A. Only those records will be disposed of that are described in Records Retention and Disposition Schedule MU-1 after they have met the minimum retention period prescribed therein.
- B. Only those records will be disposed of that do not have sufficient administrative, fiscal, legal or historical value to merit retention beyond established time periods.

#### Chapter 129, Signs

The definition of "wall sign" in § 129-2 is amended to change "15 inches" to "nine inches."

#### Chapter 130, Site Plan Review

1. Section 130-5A is amended to change "All new land use activities within the Village" to "Any change in occupancy classification group as per New York State Code."
2. Section 130-9 is amended as follows: Prior to undertaking ~~understanding~~ any new land use activity, except those activities specifically enumerated ~~excepted~~ in § 130-5 of this chapter, a site plan approval by the Board of Trustees is required.
3. Section 130-12 is amended to change "a fee of \$10" to "a fee as established from time to time by resolution of the Village Board."
4. Section 130-15 is amended as follows: "The Board of Trustees shall conduct a public hearing on the site plan within 62 days of the acceptance ~~accepted~~ by the Board of Trustees of a completed application for site plan review ~~and~~ . Notice of the public hearing shall be advertised in the Village's official newspaper at least five days before the public hearing."
5. Section 130-22E is added to read as follows: "In addition to those penalties prescribed by state law, any person, firm or corporation who violates any provision of the Uniform Code or any rule or regulation of this chapter shall be liable to a civil penalty of not more than \$200 for each day or part thereof during which such violation continues. The civil penalties provided by this subsection shall be recoverable in an action instituted in the name of the Village Board on its own initiative or at the request of the Code Enforcement Official."

#### Chapter 135, Solid Waste

1. Section 135-4A is amended to delete "after public hearing" in the second sentence.
2. Section 135-4D(8) is deleted.

3. Section 135-5 is amended to add "and dumpster use fees" following the words "unit charges" in the first and second sentences.
4. Section 135-6 is deleted.
5. In § 135-11B, the definition of "prohibitive materials" is changed to "prohibited materials."
6. In § 135-12C(5) "Village Enforcement Officer" is changed to "Village Code Enforcement Officer."

#### Chapter 140, Streets and Sidewalks

1. Section 140-1 is amended to change "highway, bridge or culvert" to "street, highway, bridge, culvert, sidewalk or crosswalk."
2. Section 140-16D(2) is amended to change "2 ½ inches of Type 3 binder course" to "3 ½ inches of Type 3 binder."
3. Section 140-16D(3) is amended to change "Type 6 top course" to "Type 6 or 7 top course."
4. Section 140-22 is amended to add "or imprisonment for not more than 15 days, or both" to the end of the first sentence.
5. Section 140-29I(1) is amended to change the references to "this code" to "this section."

#### Chapter 144, Subdivision of Land

1. In § 144-2, the definition of "Code Enforcement Officer or Zoning Officer" is changed to simply "Code Enforcement Officer."
2. In § 144-2, the definition of "Village Master Plan or Comprehensive Plan" is changed to simply "Village Master Plan."
3. Section 144-6D is amended to add the word "Village" in the following sentence: "Applications for approval of plans for sewer or water facilities will be filed by the subdivider with all necessary Village, town, county and state agencies."
4. Section 144-6F is amended to read as follows: "The Planning Board shall follow the procedures of Village Law § 7-728 to approve, approve with conditions or disapprove the subdivision plat for a minor subdivision."
5. Section 144-6G is deleted.

6. Section 144-6H is amended to add "or the proposed development" to the following phrase: "as to the date of the submission of the plat or the proposed development thereof."
7. Section 144-7F is amended to read as follows: "The Planning Board shall follow the procedures of Village Law § 7-728 to approve, approve with conditions or disapprove the preliminary plat for a major subdivision."
8. Section 144-7G is deleted.
9. Section 144-7H is amended to change "such sixty-day period" to "the time prescribed therefor."
10. Section 144-8F is amended to read as follows: "The Planning Board shall follow the procedures of Village Law § 7-728 to approve, approve with conditions or disapprove the final plat for a major subdivision."
11. Section 144-8G is deleted.
12. Section 144-8H is amended to change "Failure of the Planning Board to act on a proposed final subdivision plat shall be deemed to have been approved" to "Failure of the Village Board of Appeals to act on a proposed final subdivision plat within the time prescribed therefor shall be deemed approval of the plat."
13. Section 144-11G(2) is amended to change "90 days" to "62 days" and to delete the following sentence: "The Village Board of Appeals may extend the time for filing and recording such plat if, in its opinion, such extension is warranted by the particular circumstances thereof, not to exceed two additional periods of 90 days each."
14. Section 144-28B is amended to add "or imprisonment for not more than 15 days, or both" to the first sentence.
15. Section 144-28C is amended to read as follows: "In addition to those penalties prescribed by state law, any person, firm or corporation who violates any provision of the Uniform Code or any rule or regulation of this chapter shall be liable to a civil penalty of not more than \$200 for each day or part thereof during which such violation continues. The civil penalties provided by this subsection shall be recoverable in an action instituted in the name of the Village Board on its own initiative or at the request of the Code Enforcement Official."

#### Chapter 157, Vehicles and Traffic

1. Section 157-28 is amended to increase the fine amounts from \$100, \$200 and \$300 to \$150, \$300 and \$450, respectively.

2. Section 157-40, Schedule XII is amended to:
  - (a) Delete entries for Marble Street - Both sides - West side of Maple Avenue, and Marble Street - Both sides - Entire length; and to insert an entry for Marble Street - East side - Entire length.
  - (b) Delete the entry to Rewey Avenue - North - From the railroad tracks to Clinton Street.

#### Chapter 163, Water

1. Section 163-8 is amended to read as follows: "The amount of the unit charges shall be adopted by the Village Board annually or at other times as such is made necessary by increased costs billed to the Village or increased costs of operation incurred by the Village of Newark Valley to perform the services set forth in this article. Hereafter, determination of unit charges shall be made by resolution and filed with the Village Clerk-Treasurer at the same time and in the same manner as other charges."
2. Section 163-9 is amended to change "May 15 and November 15" to "March 1, June 1, September 1 and December 1" and to change "November 15, 1984" to "September 1, 2006."
3. Section 163-11E is deleted.
4. Section 163-13 is amended to change "Village Superintendent" to "Superintendent of Public Works" and to change "separately set forth and published as provided in § 163-8" to "set by the Board by a separate fee schedule."
5. Section 163-14C is amended to change "semiannually" to "quarterly" in both instances.
6. Section 163-16, the definition of "bill-processing deadline" is amended to change "May 1 and November 1" to "February 15, May 15, August 15 and November 15" and to change "1999, on May 1 of that year" to "2006, on August 15 of that year."
7. Section 163-17A is amended to delete the following wording from the beginning thereof: "Commencing with the May 1, 1999, bill-processing deadline."
8. Section 163-18A is amended as follows: "Bills for water usage shall ~~continue to~~ be sent to customers on ~~May 15 and November 15~~ March 1, June 1, September 1 and December 1 of each successive year immediately following the ~~May 1 and November 1~~ February 15, May 15, August 15 and November 15 bill-processing deadlines herein established."

9. Section 163-18B(3)(b) is amended to change "an administrative fee of \$15" to "as set by the Village Board by resolution."
10. Section 163-20 is amended to change "November 15, 1998, to May 15, 1999, for the bill-processing deadline of May 1, 1999" to "June 1, 2006, to September 1, 2006, for the bill-processing deadline of August 15, 2006."

Chapter 166, Wireless Telecommunications Facilities

Section 166-20A is amended to change "fee of \$5,000" to "fee as set by resolution of the Village Board" and to change "the nonrefundable fee shall be \$2,000" to "the nonrefundable fee shall be as set by resolution of the Village Board."