

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.

FILED
STATE RECORDS

JUN 25 2011

- County
- City of Saratoga
- Town
- Village

Local Law No. 1 of the year 20 11

DEPARTMENT OF STATE

A local law (Insert Title) To provide for the codification of the local laws of Saratoga County into a code to be designated the "Code of Saratoga County"

Be it enacted by the Board of Supervisors of the (Name of Legislative Body)

- County
- City of Saratoga as follows:
- Town
- Village

(Delete this line of text and enter text of local law here)

(Please see attached)

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

SCHEDULE A

**INTRODUCTORY NO. 5 OF 2010
PRINT NO. 1**

COUNTY OF SARATOGA

LOCAL LAW 1 - 2011

**A LOCAL LAW TO PROVIDE FOR THE CODIFICATION OF
THE LOCAL LAWS OF SARATOGA COUNTY INTO A CODE
TO BE DESIGNATED THE "CODE OF SARATOGA COUNTY"**

BE IT ENACTED, by the Board of Supervisors of the County of Saratoga, as follows:

**ARTICLE I
Adoption of Code**

Section 1-1. Legislative intent.

In accordance with Subdivision 3 of § 20 of the Municipal Home Rule Law, the local laws of Saratoga County, as codified by General Code, and consisting of Chapters 1 through 325, together with an Appendix, shall be known collectively as the "Code of Saratoga County," hereafter termed the "Code." Wherever reference is made in any of the local laws contained in the "Code of Saratoga County" to any other local law appearing in said Code, such reference shall be changed to the appropriate chapter title, chapter number, article number or section number where such legislation appears in the Code, as if such local law had been formally amended to so read.

Section 1-2. Continuation of existing provisions.

The provisions of the Code, insofar as they are substantively the same as those of local laws in force immediately prior to the enactment of the Code by this local law, are intended as a continuation of such local laws and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior local

law. All such provisions are hereby continued in full force and effect and are hereby reaffirmed as to their adoption by the Board of Supervisors of Saratoga County, and it is the intention of said Board of Supervisors that each such provision contained within the Code is hereby reaffirmed as it appears in said Code. Only such provisions of former local laws as are omitted from this Code shall be deemed repealed or abrogated by the provisions of § 1-3 below.

Section 1-3. Inconsistent local laws repealed.

All local laws or parts of local laws inconsistent with the provisions contained in the Code adopted by this local law are hereby repealed; provided, however, that such repeal shall only be to the extent of such inconsistency, and any valid legislation of Saratoga County which is not in conflict with the provisions of the Code shall be deemed to remain in full force and effect

Section 1-4. Enactments saved from repeal; matters not affected.

The repeal of local laws provided for in § 1-3 of this local law shall not affect the following classes of local laws, rights and obligations, which are hereby expressly saved from repeal:

A. Any right or liability established, accrued or incurred under any legislative provision of Saratoga County 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 Saratoga County 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 Saratoga County.

D. Any agreement entered into or any franchise, license, right, easement or privilege heretofore granted or conferred by Saratoga County.

E. Any local law of Saratoga County 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 Saratoga County or any portion thereof.

F. Any local law of Saratoga County appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery

of any bond of Saratoga County or other instruments or evidence of the Countys indebtedness.

G. Local laws 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 relating to salaries and compensation.

K. Any local law amending a Zoning Map.

L. Any local law relating to or establishing a pension plan or pension fund for County employees.

M. Any local law or portion of a local law establishing a specific fee amount for any license, permit or service obtained from the County.

N. Any local law adopted subsequent to August 20, 2010.

Section 1-5. Severability.

If any clause, sentence, paragraph, section, article, chapter or part of this local law or of any local law 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. If any provision of this Code or the application thereof to any person or circumstances is held invalid, the remainder of this Code and the application of such provision to other persons or circumstances shall not be affected thereby.

Section 1-6. Copy of Code on file.

A copy of the Code has been filed in the office of the Clerk of the Board of Supervisors 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 to by the Clerk of the Board of Supervisors by impressing thereon the Seal of Saratoga County, and such certified copy shall remain on file in the office of said Clerk 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.

Section 1-7. Amendments to Code.

Any and all additions, deletions, amendments or supplements to any of the local laws known collectively as the "Code of Saratoga County" or any new local laws, when enacted or adopted in such form as to indicate the intention of the County Board of Supervisors 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 inserted in the Code as amendments and supplements thereto. Nothing contained in this local law shall affect the status of any local law contained herein, and such local laws may be amended, deleted or changed from time to time as the County Board of Supervisors deems desirable.

Section 1-8. Code book to be kept up-to-date.

It shall be the duty of the Clerk of the Board of Supervisors to keep up-to-date the certified copy of the Code of Saratoga County required to be filed in the office of the Clerk for use by the public. All changes in said Code and all local laws adopted by the County Board of Supervisors subsequent to the enactment of this local law in such form as to indicate the intention of said County Board of Supervisors to be a part of said Code shall, when finally enacted or adopted, be included therein by temporary attachment of copies of such changes or local laws until such changes or local laws are included as supplements to said Code.

Section 1-9. Sale of Code; supplementation.

Copies of the Code, or any chapter or portion of it, may be purchased from the Clerk of the Board of Supervisors, or an authorized agent of the Clerk, upon the payment of a fee to be set by resolution of the County Board of Supervisors. The Clerk may also arrange for procedures for the periodic supplementation of the Code.

Section 1-10. Penalties for tampering with Code.

Any person who alters or tampers with the Code of Saratoga County in any manner whatsoever which will cause the legislation of Saratoga County 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.

Section 1-11. Changes in previously adopted legislation; new provisions.

A. In compiling and preparing the local laws for publication as the Code of Saratoga County, no changes in the meaning or intent of such local laws have been made, except as provided for in Subsection B hereof. 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 County Board of Supervisors that all such changes be adopted as part of the Code as if the local laws 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 as they have been renumbered and appear in the Code.)

Section 1-12. Incorporation of provisions into Code.

The provisions of this local law are hereby made Article I of Chapter 1 of the Code of Saratoga County, such local law to be titled 'General Provisions, Article I, Adoption of Code,' and the sections of this local law shall be numbered § 1-1 to 1-13, inclusive.

Section 1-13. When effective.

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

(Complete the certification in the paragraph that applies to the filing of this local law and 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 20 11 of the (County)(City)(Town)(Village) of Saratoga was duly passed by the Board of Supervisors on Jan 18 20 11, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ and was deemed duly adopted (Elective Chief Executive Officer*) on _____ 20 _____, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20 _____ (Elective Chief Executive Officer*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general) (special)(annual) election held on _____ 20 _____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) (Name of Legislative Body) (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 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 1, above.

Annula A. Margrave
Clerk of the county legislative body, City, Town or Village Clerk or
~~officer designated by local legislative body~~

Date: 1/19/2011

(Seal)

(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 Saratoga

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.

Stephen M. Domy
Signature
County Attorney
Title

County
City of Saratoga
Town
Village

Date: 1/19/11