

**Code
of the
Village of
Sherburne**

COUNTY OF CHENANGO
STATE OF NEW YORK

SERIAL NO.**3**.....

GENERAL CODE PUBLISHERS CORP.
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PART I

**ADMINISTRATIVE
LEGISLATION**

GENERAL PROVISIONS

Chapter 1

GENERAL PROVISIONS

**ARTICLE I
Adoption of Code**

- § 1-1. **Legislative intent.**
- § 1-2. **Continuation of existing provisions.**
- § 1-3. **Repeal of enactments not included in Code.**
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- § 1-11. **Changes in previously adopted legislation; new provisions.**
- § 1-12. **Incorporation of provisions into Code.**
- § 1-13. **When effective.**

[HISTORY: Adopted by the Board of Trustees of the Village of Sherburne: Art. I, 9-26-1994 as L.L. No. 2-1994. Amendments noted where applicable.]

ARTICLE I

Adoption of Code

[Adopted 9-26-1994 as L.L. No. 2-1994]

Be it enacted by the Board of Trustees of the Village of Sherburne, County of Chenango, New York, as follows:

§ 1-1. 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 Sherburne, as codified by General Code Publishers Corp., and consisting of Chapters 1 through 247, together with an Appendix, shall be known collectively as the "Code of the Village of Sherburne," 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 Sherburne" 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.

§ 1-2. 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 Sherburne, 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 § 1-3 below.

§ 1-3. Repeal of enactments not included in Code.

The provisions of the 1948 Compilation and all local laws and ordinances of a general and permanent nature of the Village of Sherburne 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.

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

The repeal of local laws and ordinances provided for in § 1-3 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 Sherburne 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 Sherburne 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 Sherburne.
- D. Any franchise, license, right, easement or privilege heretofore granted or conferred by the Village of Sherburne.

- E. Any local law or ordinance of the Village of Sherburne 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 Sherburne or any portion thereof.
- F. Any local law or ordinance of the Village of Sherburne 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 Sherburne 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 or obligation.
- H. The levy or imposition of special assessments or charges.
- I. The annexation or dedication of property.
- J. Any legislation relating to salaries.
- K. Any local law or ordinance amending the Zoning Map.
- L. Any legislation adopted subsequent to October 25, 1993.

§ 1-5. 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.

§ 1-6. Copy of Code on file.

A copy of the Code, in loose-leaf form, has been filed in the office of the Village Clerk of the Village of Sherburne 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 of the Village of Sherburne by impressing thereon the Seal of the Village of Sherburne, and such certified copy shall remain on file in the office of said Village 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.

§ 1-7. 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 Sherburne" 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.

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

It shall be the duty of the Village Clerk to keep up-to-date the certified copy of the book containing the Code of the Village of Sherburne required to be filed in the office of the Village Clerk 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.

§ 1-9. Sale of Code book; supplementation.

Copies of the Code may be purchased from the Village Clerk of the Village of Sherburne upon the payment of a fee to be set by resolution of the Board of Trustees, which Board may also arrange by resolution for procedures for the periodic supplementation thereof.

§ 1-10. Penalties for tampering with Code.

Any person who, without authorization from the Village Clerk, changes or amends, by additions or deletions, any part or portion of the Code of the Village of Sherburne or who alters or tampers with such Code in any manner whatsoever which will cause the legislation of the Village of Sherburne 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 two hundred fifty dollars (\$250.) or imprisonment for a term of not more than fifteen (15) days, or both.

§ 1-11. 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 Sherburne, 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 (1) 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. References throughout the legislation contained in the Code of the Village of Sherburne to "he," "him" or "his" are revised to refer to "they," "them" or "their," respectively. In addition, titles such as "Mayor" are revised by repeating the titles rather than using pronouns to refer thereto. (For example, "The Mayor shall...whenever he shall see fit" is revised to read "The Mayor shall...whenever the Mayor shall see fit.")
- C. In addition, the following amendments and/or additions 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.)¹

¹ Editor's Note: Pursuant to § 1-11C, the following Code sections have been added or amended: §§ 20-1, 20-2, 20-5, 69-3, 69-5, 69-7, 69-9, 69-10A, C and D, 69-12, 79-1, 87-5, 97-2A and 97-3, Ch. 120, §§ 129-6, 136-3, 140-2, 150-2, 158-1, 158-2, 164-5, 164-8B(7), 164-9C(5) and (6), 164-10 and 164-11C, Ch. 168, Arts. I and II, §§ 178-1, 178-3, 181-4, 201-3, 201-4, 202-61A, 214-2, 214-4 and 214-7, Ch. 219, §§ 225-1, 225-2, 225-3, 225-5 and 233-6, Ch. 239 and § 247-4. In addition, the following original section was deleted: Section 2.0 of L.L. No. 1-1987, the definitions of "coastal high hazard area" and "sand dunes." A complete description of these changes is on file in the office of the Village Clerk.

§ 1-12

SHERBURNE CODE

§ 1-13

§ 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 the Village of Sherburne, such local law to be entitled "General Provisions, Article I, Adoption of Code," and the sections of this local law shall be numbered §§ 1-1 to 1-13, inclusive.

§ 1-13. When effective.

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

§ 5-1

ASSESSORS

§ 5-1

Chapter 5

ASSESSORS

- § 5-1. **Legislative intent.**
- § 5-2. **Cessation of village as assessing unit.**
- § 5-3. **Position of Assessor abolished.**
- § 5-4. **Board of Assessment Review abolished.**
- § 5-5. **Assessment roll and taxable status date of town to control.**
- § 5-6. **Copies to be filed.**

[HISTORY: Adopted by the Board of Trustees of the Village of Sherburne 3-14-1984 as L.L. No. 2-1984. Amendments noted where applicable.]

GENERAL REFERENCES

Officers and employees — See Ch. 40.
Taxation — See Ch. 225.

§ 5-1. Legislative intent.

The intent of the Board of Trustees of the Village of Sherburne is to implement § 1402, Subdivision 3, of the Real Property Tax Law providing for the termination of the village's status as an assessing unit, as now provided in the Village Law and the Real Property Tax Law. It is also the intent of this chapter to abolish the position of Board of Assessors and to terminate any and all responsibility as provided by law for the review of the assessments of real property located within the Village of Sherburne.

§ 5-2. Cessation of village as assessing unit.

On or after the effective date of this chapter, the Village of Sherburne shall cease to be an assessing unit.

§ 5-3. Position of Assessor abolished.

The position of Assessor in the Village of Sherburne is hereby abolished.

§ 5-4. Board of Assessment Review abolished.

The Board of Assessment Review in the Village of Sherburne is hereby abolished.

§ 5-5. Assessment roll and taxable status date of town to control.

On or after the effective date of this chapter, taxes in the Village of Sherburne shall be levied on a copy of the applicable part of the assessment roll of the Town of Sherburne, with the taxable status date of such town controlling for village purposes.

§ 5-6. Copies to be filed.

Within five (5) days of the effective date of this chapter, the Board of Trustees of the Village of Sherburne shall file a copy of such chapter with the Clerk and the Assessor of the Town of Sherburne and with the State Board of Equalization and Assessment.

§ 15-1

ELECTIONS

§ 15-2

Chapter 15

ELECTIONS

§ 15-1. Purpose.

§ 15-2. Runoff election.

[HISTORY: Adopted by the Board of Trustees of the Village of Sherburne 1-19-1984 as L.L. No. 1-1984. Amendments noted where applicable.]

GENERAL REFERENCES

Code of Ethics — See Ch. 20.
Officers and employees — See Ch. 40.

§ 15-1. Purpose.

The purpose of this chapter is to provide for a runoff election in case of a tie vote between candidates in a general village election.

§ 15-2. Runoff election.

In the event that a tie vote occurs between one (1) or more candidates at a village election that affects the seating of one (1) or more candidates, a runoff election will be held. Such runoff election is to be held on the first Tuesday which is at least ten (10) days following the official certification of a tie vote.

§ 20-1

ETHICS, CODE OF

§ 20-1

Chapter 20

ETHICS, CODE OF

§ 20-1. Purpose.

§ 20-2. Definitions.

§ 20-3. Standards of conduct.

§ 20-4. Effect on filing claims.

§ 20-5. Distribution of copies.

§ 20-6. Penalties for offenses.

[HISTORY: Adopted by the Board of Trustees of the Village of Sherburne 11-9-1970. Amendments noted where applicable.]

GENERAL REFERENCES

Officers and employees — See Ch. 40.

§ 20-1. Purpose. [Amended 9-26-1994 by L.L. No. 2-1994; 2-2-1999 by L.L. No. 3-1999]

Pursuant to the provisions of § 806 of the General Municipal Law, the Board of Trustees of the Village of Sherburne recognizes that there are rules of ethical conduct for public officers and employees which must be obtained if a high degree of moral conduct is to be observed and if public confidence is to be maintained in our unit of local government. It is the purpose of this chapter to promulgate these rules of ethical conduct for the officers and employees of the Village of Sherburne. These rules shall serve as a guide for official conduct of the officers and employees of the Village of Sherburne. The rules of ethical conduct as adopted by this chapter and as amended shall not conflict with, but shall be in addition to, any prohibition of Article 18 of the General Municipal Law or any other general or

special law relating to ethical conduct and interest in contracts of municipal officers and employees.

§ 20-2. Definitions.

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

INTEREST — A pecuniary or material benefit accruing to a municipal officer or employee, unless the context otherwise requires.

MUNICIPAL OFFICER OR EMPLOYEE — An officer or employee of the Village of Sherburne, whether paid or unpaid, including members of any administrative board, commission or other agency thereof. No person shall be deemed to be a “municipal officer or employee” solely by reason of being a volunteer fireman or civil defense volunteer, except a Fire Chief or Assistant Fire Chief. [Amended 9-26-1994 by L.L. No. 2-1994]

§ 20-3. Standards of conduct.

Every officer or employee of the Village of Sherburne shall be subject to and abide by the following standards of conduct:

- A. Gifts. They shall not directly or indirectly solicit any gift or accept or receive any gift having a value greater than the value as set forth in General Municipal Law § 805-a, Subdivision 1, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise or any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence them or could reasonably be expected to influence them in the performance of their official duties or was intended as a reward for any official action on their part. [Amended 2-2-1999 by L.L. No. 3-1999]
- B. Confidential information. They shall not disclose confidential information acquired by them in the course

- of their official duties or use such information to further their personal interest.
- C. Representation before one's own agency. They shall not receive or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any municipal agency of which they are officers, members or employees or of any municipal agency over which they have jurisdiction or to which they have the power to appoint any member, officer or employee.
 - D. Representation before any agency for a contingent fee. They shall not receive or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any agency of their municipality, whereby their compensation is to be dependent or contingent upon any action by such agency with respect to such matter, provided that this subsection shall not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered.
 - E. Disclosure of interest in legislation. To the extent that they know thereof, a member of the Board of Trustees and any officer or employee of the Village of Sherburne, whether paid or unpaid, who participates in the discussion or gives official opinion to the Board of Trustees on any legislation before the Board of Trustees shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest they have in such legislation.
 - F. Investments in conflict with official duties. They shall not invest or hold any investment directly or indirectly in any financial, business, commercial or other private transaction which creates a conflict with their official duties as prescribed in General Municipal Law §§ 801 and 802.

- G. Private employment. They shall not engage in, solicit, negotiate for or promise to accept private employment or render services for private interests when such employment or service creates a conflict with or impairs the proper discharge of their official duties.
- H. Future employment. They shall not, after the termination of service or employment with such municipality, appear before any board or agency of the Village of Sherburne in relation to any case, proceeding or application in which they personally participated during the period of their service or employment or which was under their active consideration.

§ 20-4. Effect on filing claims.

Nothing herein shall be deemed to bar or prevent the timely filing by a present or former municipal officer or employee of any claim, account, demand or suit against the Village of Sherburne or any agency thereof on behalf of themselves or any member of their family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

§ 20-5. Distribution of copies. [Amended 9-26-1994 by L.L. No. 2-1994]

The Mayor of the Village of Sherburne shall cause a copy of this Code of Ethics to be distributed to every officer and employee of the village within 10 days after the effective date of this chapter. Each officer and employee elected or appointed thereafter shall be furnished with a copy before entering upon the duties of their office or employment. Failure to distribute any such copy or failure of any officer or employee to receive such copy shall have no effect on the duty of compliance with such code, nor the enforcement provisions thereof.

§ 20-6. Penalties for offenses.

In addition to any penalty contained in any other provision of law, any person who shall knowingly and intentionally violate any of the provisions of this code may be fined, suspended or removed from office or employment, as the case may be, in the manner provided by law.

Chapter 35

LOCAL LAWS, PUBLICATION OF

§ 35-1. Abstract publication.

[HISTORY: Adopted by the Board of Trustees of the Village of Sherburne 9-8-1986 as L.L. No. 2-1986. Amendments noted where applicable.]

§ 35-1. Abstract publication.¹

The Village of Sherburne may elect to publish, in satisfaction with Village Law publication requirements, an abstract of any or all ordinances, laws and amendments that may be enacted after the adoption of this chapter.

¹ Editor's Note: The preamble which immediately preceded this section read as follows:

"WHEREAS, the Village of Sherburne is required to publish local laws adopted by the Village Board as prescribed by Article 21 of the New York State Village Law, and

"WHEREAS, the Village of Sherburne will consider to adopt additional ordinances and local laws pertaining to village concerns, as well as considering amendments to these regulations, and

"WHEREAS, under present statutes it is mandatory that a full text of such ordinances, laws and amendments enacted by the village be published in the official local newspaper as a public notice to the citizens of the Village of Sherburne for their review, and

"WHEREAS, the publication of future regulations may involve considerable cost and expense to the Village of Sherburne, and

"WHEREAS, the Village Board of Sherburne believes that it would be wise and economical for the village to publish extracts to substitute for the full text of such regulations that will be adopted by the Village of Sherburne in the future."