

**Code of the**

**VILLAGE OF MARCELLUS**

**NEW YORK**

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**Adopted – December 27, 2012**

**Effective – January 15, 2013**

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**PUBLISHED BY ORDER OF THE BOARD OF TRUSTEES**

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**Marcellus, New York**  
**2013**

**Compiled and Edited by  
Re-Zoning Commission of the Village of Marcellus**

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**John P. Curtin, Chair  
G. Richard Kelley  
Sara Tallman  
James F. Dwyer/Jeffrey D. Brown  
Guy Donohoe  
Diana Bird  
Daniel Kwasnowski**

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**Special Acknowledgement to  
Former Mayor Michael E. Plochocki  
Former Trustee Mary Jo Paul**

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**Marcellus, New York**

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**OFFICIALS**  
**of the**  
**VILLAGE OF MARCELLUS**  
**NEW YORK**  
**AT THE TIME OF THIS RE-CODIFICATION**

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**Mayor John P. Curtin**

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**Trustees**

**Patrick W. Cox**

**Sara N. Tallman**

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**Village Clerk**

**Dawn M. O'Hara**

**Village Treasurer**

**Antonino J. Provvidenti**

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**Village Attorney**

**Jeffrey D. Brown**

## HISTORY OF THE VILLAGE OF MARCELLUS

The Village of Marcellus is one of 15 villages in Onondaga County. Situated between the cities of Syracuse and Auburn and a few miles from Otisco and Skaneateles Lakes, Marcellus was incorporated as a Village on June 4, 1853. It is part of the Town of Marcellus, one of the original five towns of Onondaga County, its history dating back to 1794 and post revolutionary America.

Marcellus developed at the crossroads of two major transportation routes, Nine Mile Creek and Seneca Turnpike, at one time called the Great Genesee Road. The waterpower provided by Nine Mile Creek, an outlet of Otisco Lake, attracted many who built mills on the creek and the products of these mills attracted more people to the valley to work in the mills and provide services for area farmers.

Seneca Turnpike, an outgrowth of the Great Native American Trail that stretched across the State of New York, was a major highway in New York for people and products moving west, passing through what would become Marcellus Village. Stagecoach lines operating on the turnpike would help the area to develop as a trading and manufacturing center, including a number of businesses that serviced those who traveled the highway.

As this expansion increased, inhabitants of the valley increased in number, living closer and closer together. They began to realize the need for some sort of organization, and out of this urgency a village of 282 acres would be incorporated in 1853. Except on the north, the boundaries of the Village have changed little since that time. A 1906 annexation would add about 70 acres to the northern boundary of the Village including what is today commonly referred to as Scotch Hill. There were additional, although smaller annexations on the north in 1968 and 1969 as well as another on the south in 1978 that added about 6 acres of land to that boundary.

The Village of Marcellus once served as a commercial center and mill town for much of the rural population of the surrounding town. Today, Marcellus is more like a bedroom community, serving the larger metropolitan area of Syracuse, NY.

The Village has a population of less than 2,000 inhabitants in 2009 and has experienced modified growth since 1950. There is limited space for residential development and little desire for annexation. The trend for Marcellus, as for most villages in Onondaga County, is to develop planning programs to structure future development of land that already exists in the Village.

In front of the Methodist Church, across from the Village Office, a space of green marks the village commons and its history. It was a gathering place for pioneers, many moving west on the Native American trail known today as Seneca Turnpike. That spot remains the heart of the village today.





# CHARTER OF THE VILLAGE OF MARCELLUS

## Charter\*

### Section 1 – Incorporation, Boundaries, Corporate Name

**a. Incorporation** – “In the Matter of the Incorporation of Marcellus Village. At a court of sessions held at the Courthouse in the City of Syracuse in and for the County of Onondaga, on the 29th day of April 1853. Present - Hon. I. S. Spencer, County Judge and Associate Justice . . . on reading and filing the petitions of Samuel R. Ball, Nathan G. Hoyt and George N. Kennedy, the map and survey of the territory therein embraced and proposed to be incorporated, the affidavit of Wheeler Treusdall duly verifying the same, a census of the resident population on said territory on the 14th day of March last, and the affidavit of Samuel R. Ball duly verifying the same . . . it is ordered that the following described territory, that is to say, the same being situate on Lots number 15 & 24 in the Town of Marcellus, once bounded and described as follows:

**b. Boundaries** – “Beginning on the West line of Lot 15, Marcellus, and at the North West corner of a farm once owned by Hiram Reed, thence South 21 chains and 96 links, thence East 3 chains and 29 links, thence South 4 chains and 50 links to the center of the Seneca Turnpike, thence North  $74\frac{1}{4}^{\circ}$  East 3 chains and 70 links, thence South  $30\frac{1}{2}^{\circ}$  East 5 chains and 76 links, thence South 34 chains and 90 links, thence East 17 chains and 45 links to the center of South Street, thence along the center of said street South 1 chain and 49 links to the North line of the Slate Hill Road, thence along the North line of said road South  $89^{\circ}$  East 18 chains, thence North  $3\frac{1}{4}^{\circ}$  East 71 chains and 62 links, thence West 20 chains and 24 links to the center of North Street, thence along the center of said street South 4 chains and 46 links, thence West 29 chains and 50 links to the place of beginning containing  $282\frac{16}{100}$  acres of land, be and the same:

**c. Corporate Name** – “Is hereby incorporated as a village under the name of Marcellus, if the electors of said territory shall assent to said incorporation as provided by an act entitling an act to provide for the Incorporation of Villages passed December 7, 1847, and it is further ordered that Harry Fellows, Ira Bishop and James W. Herring, three of the inspectors of election in the Town of Marcellus, shall perform all the duties required of them by the provisions of the act aforesaid.”

**d. Vote to Incorporate** – “To the County Judge of Onondaga County. We the inspectors of election . . . hereby certify that an election was held on the 4th day of June 1853 at the house of John Carpenter in the village of Marcellus, and within the territory described, . . . the polls were open from about 10 o'clock in the forenoon until 4 o'clock in the afternoon of that day, . . . and the whole number of ballots voted was fifty one, and that of that number forty one thereof had thereon the word yes, and ten had thereon the word no. Majority thirty one in favor of corporation.”

\*Editor's Note: The above can be found in the original Corporation Book of Marcellus Village, 1853.

**Section 2 – Corporate Powers** – Said territory, together with the inhabitants residing therein, shall be a municipal corporation and known as the “Village of Marcellus,” and shall be vested with and in possession of all the estate, real and personal, rights and privileges and immunities which appertain and belong to the Village of Marcellus; and by the name of the Village of Marcellus it and its successors shall have perpetual succession capable in law of suing and being sued, complaining and defending in any court of law or equity and may adopt and use a common seal and alter the same at will and take, hold, convey, lease, purchase, sell or assign any real or personal estate as to the purpose of the corporation may require. It may take by gift, grant, bequest and devise and hold real and personal estate in trust for any purpose of education, art, health, charity or amusement; for parks, gardens and grounds, for the burial of the dead or the public use and for the erection of statues, monuments and public buildings, upon such terms as may be prescribed by the grantor or donor and accepted by said corporation; and it may provide for the proper execution of such trusts. The title “Village of Marcellus” hereby supersedes the title “President and Trustees of the Village of Marcellus” wherever the same has been or is used.





## **PREFACE**

Since the time of its incorporation, the Village of Marcellus has passed through a process of legislative change common to many American communities. While only a few simple laws were necessary at the time of the establishment of the Village, subsequent growth of the community, together with the complexity of modern life, has created the need for new and more detailed legislation for the proper function and government of the Village. The recording of local laws is an aspect of municipal history, and as the community develops and changes, review and revision of old laws and consideration of new laws, in the light of current trends, must keep pace. The orderly collection of these records is an important step in this ever-continuing process. Legislation must be more than mere chronological enactments reposing in the pages of old records. It must be available and logically arranged for convenient use and must be kept up-to-date.

### **Contents of Code**

The various chapters of the Code contain currently effective legislation of a general and permanent nature enacted by the Village of Marcellus. Each piece of legislation has been included as a separate chapter, part or article, renumbered and stylized consistent with the style of the Code, some with substantive change and some without any substantive change. As a result, said volume is an entire new codification (or re-codification), and as expressed in the Adopting Local Law (Chapter 1), supersedes all local laws, not included herein or expressly saved from repeal by the Adopting Local Law.

### **Division of Code**

The Code is divided into two parts and the provisions have been classified as to subject matter, edited, revised and in many instances rewritten.

Part I, Administrative Legislation, contains all Village legislation of an administrative nature – namely, that dealing with the administration of government, that establishing or regulating municipal departments and that affecting officers and employees of the municipal government and its departments.

Part II, General Legislation, contains other Village legislation of a regulatory nature, including Zoning. Items of legislation in this part generally impose penalties for violation of their provisions, whereas those in Part I generally do not.

### **Grouping of Legislation and Arrangement of Chapters**

The various items of legislation in both parts are organized into chapters, their order being an alphabetical progression from one subject to another. Wherever there are two or more items of legislation dealing with the same subject, an attempt has been made to combine them into a single chapter. Thus, for example, all legislation pertaining to the Administration of the Village may be found in Part I, in Chapter 3 entitled Administration, and all legislation pertaining to the regulation of streets and sidewalks may be found in Part II, in Chapter 221



entitled "Streets and Sidewalks and Public Places." In such chapters, use of article or part designations has preserved the identity of the individual items of legislation.

### **Table of Contents**

The Table of Contents details the alphabetical arrangement of material by Chapter as a means of identifying specific areas of legislation. Whenever two or more items of legislation have been combined by the editor into a single Chapter, titles of the several articles are listed beneath the chapter title in order to facilitate the location of the individual item of legislation.

### **Reserved Chapters**

Space has been provided in the Code for the convenient alphabetical insertion of later enactments. In the Table of Contents such space appears as Chapters entitled "(Reserved)." In the body of the Code, reserved space is provided by breaks in the page-numbering sequence between Chapters.

### **Pagination**

A page-numbering system has been used in which each Chapter forms an autonomous unit. One hundred pages have been allotted to each Chapter, and the first page of each is the number of that Chapter followed by the numerals "01." Thus, Chapter 3 begins on page 301, Chapter 44 on page 4401, Chapter 212 on page 21201, and Chapter 250 (Zoning) on page 25001, etc. By use of this system, it is possible to add or to change pages in any chapter without affecting the sequence of subsequent pages in other chapters, and to insert new chapters without affecting the existing organization.

### **Numbering of Sections**

In both parts, a chapter-related section-numbering system is employed, in which each section of every item of legislation is assigned a number, which indicates both the number of the chapter in which the legislation is located and the location of the section within that chapter. Thus, the first section of Chapter 3 is § 3-1, while the fourth section of Chapter 44 is § 44-4 and the tenth section of Chapter 212 is § 212-10. New sections can then be added, if necessary, between existing sections using a decimal system. Thus, for example, if two sections were to be added between §§ 44-4 and 44-5, they would be numbered as §§ 44-4.1 and 44-4.2.

### **Histories**

Following each chapter title is the legislative history, if identified, for that chapter. This History indicates the specific legislative source from which the chapter was derived, including the enactment number (e.g., ordinance number, local law number, resolution number, etc.), if pertinent, and the date of adoption and or amendment. In the case of chapters containing parts or articles derived from more than one item of legislation, the source of each part or article is indicated in the text, under its title. Amendments to individual sections or subsections are indicated by histories where appropriate in the text.



### **Scheme**

The Scheme is the list of section titles that precedes the text of each chapter. These titles are written so that, taken together, they may be considered as a summary of the content of the chapter. Taken separately, each describes the content of a particular section. For ease and precision of reference, the Scheme titles are repeated as section headings in the text.

### **General References; Editor's Notes**

In each chapter containing material related to other chapters in the Code, a table of General References is sometimes included to direct the reader's attention to such related chapters. On occasion, Editor's Notes are used in the text to provide supplementary information and cross-references to related provisions in other chapters.

### **Village Documents**

Certain forms of local legislation are not included in the Village Code but are of such significance that their application is community-wide or their provisions are germane to the conduct of municipal government. Village Documents reserved for such legislation are on file in the Village Office and are subject to change by Board of Trustees Resolution.

### **Instructions for Amending the Code**

All changes to the Code, whether they are amendments, deletions or complete new additions, should be adopted as amending the Code. In doing so, existing material that is not being substantively altered should not be renumbered.

In making changes, it might be noted that the font used is "Times," while the size is "12." In addition, the alignment is "left," the indentation is "none," and the line spacing is "At least 16 pt." This is a "Word Document," and the margins are 0.9" on top, 0.7" on bottom, left and right, 0.7" on the gutter, and the header and footer, from the edge, are 0.6. In the layout, the Section start is "continuous," and the header and foot are "different, odd and even." When inserting page numbers, the position is top of the page (header), and alignment "outside."

### **Adding new sections**

Where new sections are to be added to a chapter, they can be added at the end of the existing material (continuing the numbering sequence) or, if necessary, inserted between existing sections as decimal numbers (e.g., a new section between §§ 65-5 and 65-6 should be designated § 65-5.1). An attempt has also been made to provide space within each chapter for adding sections. These are labeled "Sections – Reserved."

### **Adding new chapters**

New chapters should be added in the proper alphabetical sequence in the appropriate division or part (e.g., Part I, Administrative Legislation, or Part II, General Legislation), utilizing the reserved chapter numbers. New chapter titles should begin with the key word for the alphabetical listing (e.g., new legislation on abandoned vehicles should be titled "Vehicles, Abandoned" under "V" in the table of contents, and a new enactment on coin-operated



amusement devices should be "Amusement Devices" or "Amusement Devices, Coin-Operated" under "A" in the table of contents). Where a reserved number is not available, an "A" chapter should be used (e.g., a new chapter to be included between Chapters 166 and 167 should be designated Chapter 166A).

### **Adding new articles**

New articles may be inserted between existing articles in a chapter (e.g. adding a new district to the Zoning Regulations) by the use of "A" articles (e.g., a new article to be included between Articles XVI and XVII should be designated Article XVIA). The section numbers would be as indicated above (e.g., if the new Article XVIA contains six sections and existing Article XVI ends with § 166-30 and Article XVII begins with § 166-31, Article XVIA should contain §§ 166-30.1 through 166-30.6). **NOTE:** In chapters where articles appear on the Table of Contents, simply add new articles to the end of the chapter since they are not arranged by subject matter.

### **Supplementation**

Supplementation of the Code will follow the adoption of new legislation. New legislation or amendments to existing legislation will be included and repeals will be indicated as soon as possible after passage. Supplemental pages should be inserted as soon as they are received and old pages removed, in accordance with these instructions, using appropriate font, size, layout, etc.

### **Special Features**

Special features of this volume, which might be noted, include the 8½" x 11" standard size paper and the loose-leaf system of binding and supplemental servicing for the Code. With this loose-leaf system, this volume will be kept up-to-date periodically. Local Laws of the Village can be inserted after reprinting the pages affected, adding new pages or deleting pages in case of repeal. Likewise, upon the final passage of amendatory local laws, they will be edited and the appropriate page or pages affected will be reprinted for insertion in the Code. The new or reprinted pages will be distributed to the holders of the Codes with instructions for the manner of inserting the new pages and deleting the obsolete pages. The indices will be treated in the same manner. To each such amendment will be attached an amendment or editorial note explaining briefly the effect of the amendment upon the section or sections amended and the derivation of such amendment. Each such subsequent amendment, when incorporated into this Code, may be cited as a part hereof, as provided in Section 5 of the Adopting Ordinance.

### **Up To Date**

The successful maintenance of this Code up-to-date at all times will depend largely upon the holder of the volume. As revised sheets are received it will then become the responsibility of the holder to insert the amendments according to the attached instructions. It is recommended that all amendments be inserted immediately upon receipt to avoid misplacement and that all deleted pages saved and filed for historical reference purposes. Time and effort



have not been spared in the preparation of this Code and the Village of Marcellus is most grateful to the Re-Zoning Commission for its interest and dedication to task. This Code is presented for the use and benefit of the citizens of the Village of Marcellus, New York.

### **PUBLIC NOTICE OF LOCAL LAW ADOPTING VILLAGE CODE**

Please take notice that in accordance with Section 95 of the Village Law, that the following is an ordinance duly adopted by the Board of Trustees of the Village of Marcellus, New York, on **December 27, 2012**, in connection with the re-codification of the code, of said Village, official copies of which are on file with the Village Clerk, and which adopting local law, was entered in the minutes of a meeting of said Board, and is set forth as follows:

### **LOCAL LAW ADOPTING CODE**

*An Local Law Adopting and Enacting a New Code, of the Village of Marcellus, New York; establishing the same; providing for the Repeal of Certain Ordinances and Local Laws, not included therein, except as herein expressly provided providing for the manner of amending such Code; providing a penalty for the violation thereof; and providing when this Local Law shall become effective.*

*Be It Ordained by the Board of Trustees of the Village of Marcellus, New York, and it is hereby Ordained by the authority of the same:*

Section 1. That the Code of the Village of Marcellus consisting of Parts I and II, each inclusive, is hereby adopted and enacted as the "Code of the Village of Marcellus, New York," and shall be treated and considered as a new and original comprehensive set of local laws which shall supersede all other general and permanent ordinances and local laws of the Village passed on or before **January 11, 1968**, to the extent provided in Section 2 hereof.

Section 2. That all provisions of such Code shall be in full force and effect from and after the **15<sup>th</sup> day of January 2013**, and all ordinances and local laws of a general and permanent nature of the Village of Marcellus, enacted on final passage on or before **January 11, 1968**, and not included in such Code or recognized and continued in force by reference therein are hereby repealed from and after the **15<sup>th</sup> day of January 2013**, except as hereinafter provided. No resolution of the Village, not specifically mentioned, is hereby repealed.

Section 3. That the repeal provided for in Section 2 hereof shall not affect the following:

- (a) Any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this ordinance;
- (b) Any ordinance or local law promising or guaranteeing the payment of money for the Village, or authorizing the issuance of any bonds of the Village or any evidence of the Village's indebtedness, or any contract or obligations assumed by the Village;



- (c) The administrative ordinances of the Village, not in conflict or inconsistent with the provisions of such Code;
- (d) Any ordinance or local law fixing salaries of officers or employees of the Village;
- (e) Any appropriation ordinance or local law;
- (f) Any right or franchise granted by the board of trustees of the Village to any person, firm or corporation;
- (g) Any ordinance or local law dedicating, naming, establishing, locating, relocating, opening, closing, paving, widening, vacating, etc., any street or public way in the Village;
- (h) Any ordinance or local law establishing and prescribing the street grades of any street in the Village;
- (i) Any ordinance or local law providing for local improvements or assessing taxes therefor;
- (j) Any ordinance or local law dedicating or accepting any plat or subdivision in the Village, or providing regulations for the same;
- (k) Any ordinance or local law annexing property to the Village;
- (l) Any zoning ordinance or local law of the Village not in conflict or inconsistent with the provisions of this Code;
- (m) Any ordinance or local law regulating the erection, alteration, repair, demolition, moving or removal of buildings or other structures, not in conflict or inconsistent with the provisions of this Code;
- (n) Any ordinance or local law prescribing traffic regulations for specific locations, prescribing through streets, parking, limitations, parking prohibitions, one-way traffic, limitations on loads of vehicles or loading zones, not in conflict or inconsistent with this Code;
- (o) Any ordinance or local law fixing utility rates and charges;
- (p) Any ordinance or local law enacted after *January 11, 1968*;

Such repeal shall not be construed to revive any ordinance or local law or part thereof, that has been repealed by a subsequent ordinance or local law, which is repealed by this local law.

Section 4. That whenever in such Code an act is prohibited is made or declared to be unlawful or an offense or a misdemeanor by the board of trustees, or whenever in such Code the doing of any act is required or the failure to do any act is declared to be unlawful by the board of trustees, and no specific penalty is provided therefor, the violation of any such provisions of such Code shall be punished as provided in Section 1-8 of such Code.

Section 5. That any and all additions and amendments to such Code when passed in such form as to indicate the intention of the board of trustees to make the same a part thereof shall be deemed to be incorporated in such Code so that reference to the "Code of the Village of

Marcellus, New York," shall be understood and intended to include such additions and amendments.

Section 6. That in case of the amendment by the board of trustees of any section of such Code for which a penalty is not provided, the general penalty as provided in Section 1-8 of such Code shall apply to the section as amended; or in case such amendment contains provisions for which a penalty other than the aforementioned general penalty is provided in such other section shall be held to relate to the section so amended unless such penalty is specifically repealed therein.

Section 7. That a copy of such Code shall be kept on file in the office of the Village Clerk, preserved in loose-leaf form or such other form as the Village Clerk may consider most expedient. It shall be the express duty of the Village Clerk, or someone authorized by him/her, to insert in their designated places all amendments and all ordinances or resolutions which indicate the intention of the board of trustees to make the same part of such Code when the same have been printed or reprinted in page form, and to extract from such Code all provisions which from time to time may be repealed by the board of trustees. This copy of such Code shall be available for all persons desiring to examine the same.

Section 8. That it shall be unlawful for any person to change alter by additions or deletions, any part or portion of such Code, or to insert or delete pages or portions thereof, or to alter or tamper with such Code in any manner whatsoever which will cause the law of the Village of Marcellus to be misrepresented thereby. Any person violating this section shall be punished as provided in Section 1-8 of the "Code of the Village of Marcellus, New York."

Section 9. That all ordinances or local laws or parts thereof, in conflict herewith, are to the extent of such conflict hereby repealed.

Section 10. That this local law shall become effective on the *15<sup>th</sup> day of January 2013*.

The question of the adoption of the foregoing ordinance was duly put to a vote on roll call, which resulted as follows:

The Mayor and two trustees

John P. Curtin

Voting: Yes

Patrick W. Cox

Voting: Yes

Sara N. Tallman

Voting: Yes

The local law was thereupon declared duly adopted.

State of New York )

) ss.

County of Onondaga )



CERTIFICATE

I, the undersigned, Clerk of the Village of Marcellus, Onondaga County, New York, do CERTIFY:

That I have compared the annexed abstract of the minutes of the Board of Trustees of said Village, including the ordinance contained therein, held on the 27<sup>th</sup> day of December, 2012 with the original thereof on file in my office, and that the same is a true and correct transcript therefrom and of the whole of said original so far as same relates to the subject matter therein referred to.

I further CERTIFY that all members of said Board had due notice of said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand I and affixed the seal of said Village this 27<sup>th</sup> **day of December 2012.**

Dawn O'Hara

Village Clerk

(SEAL)

