

PART I – ADMINISTRATIVE LEGISLATION

Chapter 1 – General Provisions

[Amended and Adopted, December 27, 2012, as Chapter 1 of the Code]

Article I Adoption of Code

Sections 1-1 – 1-12

Article I – Adoption of Code

Section 1-1 – Purpose – It is hereby declared that the adoption of this local law has for its purpose the compilation by chapter and article of the local laws of the Village of Marcellus, Onondaga County, New York. With certain amendments and deletions, the same have been codified into a single collection of laws to be known as the "Code of the Village of Marcellus, New York."

Section 1-2 – Adoption of Code – In accordance with Subdivision 3 of § 20 of the Municipal Home Rule Law, the local laws, ordinances and certain resolutions of the Village of Marcellus, as codified by the Board of Trustees and consisting of two parts – Administration Legislation (Chapters 1 to 30), General Legislation (Chapters 31 to 250) – shall be known collectively as the "Code of the Village of Marcellus." Whenever reference is made in any of the local laws, ordinances and resolutions contained in the "Code of the Village of Marcellus" 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. This Code shall be treated and considered as a new and original comprehensive compilation of the ordinances and local laws and resolutions of the village which shall supersede all other general and permanent local laws passed by the Village Board prior to the enactment of this Code, except such as by reference thereto are expressly saved from repeal or continued in force and effect for any purpose.

Section 1-3 – Rules of construction – In the construction of this Code, and of all local laws, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the village board of trustees:

Computation of time – Whenever a notice is required to be given or an act to be done, a certain length of time before any proceeding shall be had, the day on which such notice given, or such act is done, shall be counted in computing the time, but the day on which such proceeding is to be had shall not be counted.

Corporate limits, corporation limits – Whenever the word "corporate limits," "corporation limits" or "village limits" are used they shall mean the legal boundary of the Village of Marcellus.

County – The words "the county" or "this county" shall mean the County of Onondaga in the State of New York.

Delegation of authority – Whenever a provision appears requiring the head of a department of the village to do some act or make certain inspections, it is to be construed to authorize the head of the department to designate, delegate and authorize subordinates to perform the required act or make the required inspection unless the terms of the provision or section designate otherwise.

Gender – A word importing the masculine gender only shall extend and be applied to females and to firms, partnerships and corporations as well as to males.

Interpretation – In the interpretation and application of any provision of this Code, it shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Where any provision of this Code imposes greater restrictions upon the subject matter than the general provision imposed by this Code, the provision imposing the greater restriction or regulation shall be deemed to be controlling.

Keeper and proprietor – The words "keeper" and "proprietor" shall mean and include persons, firms, associations, corporations, clubs and partnerships, whether acting by themselves or through a servant, agent or employee.

Month – The word "month" shall mean a calendar month.

Name of officer – Whenever the name of an officer is given it shall be construed as though the words "of the Village of Marcellus" were added.

Non-technical and technical words – Words and phrases shall be construed according to the common and approved usage of the language; but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning. Number. A word importing the singular number only may extend and be applied to several persons and things as well as to one person and thing.

Oath – The word "oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."

Or, and – "Or" may be read "and," and "and" may be read "or" if the sense requires it.

Owner. The word "owner" applied to a building or land shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant, life tenant or tenant by the entirety, of the whole or of a part of such building or land.

Person – The word "person" shall extend and be applied to associations, clubs, societies, firms, partnerships and bodies politic and corporate as well as to individuals. Personal property. The term "personal property" includes every species of property except real property, as herein described.

Preceding and following – The words "preceding" and "following" mean next before and next after, respectively.

Premises – Whenever the word "premises" is used it shall mean place or places.

Property – The word "property" shall include real and personal property.

Public place – The term "public place" shall mean any park, cemetery, schoolyard or open space adjacent thereto, all streets and parking fields and all public waterways and streams.

Real property – The term "real property" shall include lands, tenements and hereditaments.

Residence – The term "residence" shall be construed to mean the place adopted by a person as his place of habitation, and to which, whenever he is absent, he has the intention of returning. When a person eats at one place and sleeps at another, the place where such person sleeps shall be deemed his residence.

Seal – Whenever the word "seal" is used it shall mean the village or corporate seal.

Sidewalk – The word "sidewalk" shall mean any portion of a street between the curblin and the adjacent property line, intended for the use of pedestrians, excluding parkways.

Signature or subscription – The "signature" or "subscription" of a person shall include a mark when the person cannot write.

State – The words "the state" shall be construed to mean the State of New York.

Street – The word "street" shall be construed to embrace streets, avenues, boulevards, roads, alleys, lanes, and all other public highways in the village.

Tenant, occupant – The word "tenant" or "occupant" applied to a building or land shall include any person holding a written or oral lease or who occupies the whole or a part of such building or land, either alone or with others.

Tense – Words used in the past or present tense include the future as well as the past and present.

Village Board of Trustees – Whenever the phrase "Village Board of Trustees" is used, it shall be construed to mean the Board of Trustees of the Village of Marcellus.

Village; corporation – Whenever the words "the village," "this village," "the corporation" or "this corporation" are used they shall be construed as if the words "of Marcellus, New York" followed them.

Week – The word "week" shall be construed to mean seven (7) days.

Written, in writing – The term "written" or "in writing" shall be construed to include any representation of words, letters or figures, whether by printing or otherwise.

Year – The word "year" shall mean a calendar year.

State law reference – Meaning of terms, General Construction Law, 10-61.

Section 1-4 – Catchlines of sections – The catchlines of the several sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the section and shall not be deemed or taken to be titles of such sections, nor as any part of the section, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted.

Section 1-5 – Repeal of other enactments – All provisions of such Code shall be in full force and effect the date this local law becomes law, and all ordinances and local laws of a general and permanent nature of the Village of Marcellus, not 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. No resolution of the village, not specifically mentioned, is hereby repealed.

Section 1-6 – Local laws saved from repeal; matters not affected by repeal – The adoption of this Code and the repeal of ordinances and local laws provided for in § 1-5 of this local law shall not affect the following 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 Marcellus 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 Marcellus 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 Marcellus.

D. Any franchise, license, right, easement or privilege heretofore granted or conferred by the Village Board.

E. Local law or ordinance of the Village of Marcellus providing for the laying out, opening, altering, widening, relocation, straightening, establishing grade, change name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place within the Village of Marcellus or any portion thereof.

Section 1-7 – Additions and amendments to Code – Any and all additions or amendments to such Code, when passed in such form as to indicate the intention of the Village Board 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 1-8 – Village Clerk to maintain office copy – A copy of such Code shall be kept on file in the office of the Village Clerk, preserved in loose-leaf form, or in 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 the Clerk, to insert in their designated places all amendments or ordinances which indicate the intention of the Village Board, to make the same a part of such Code when the same shall have been printed or reprinted in page form, and to extract from such Code all provisions which may be from time to time repealed by the Village Board. This copy of such Code shall be available for all persons desiring to examine the same and shall be considered the official Code of the Village of Marcellus, New York.

Section 1-9 – Unauthorized insertion or deletion of pages – It shall be unlawful for any person, firm or corporation to change or amend, 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.

Section 1-10 – Severability of parts of Code – The sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code.

Section 1-11 – When effective – This local law shall take effect and be enforced from and after its approval as required by law.

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