

(Please Use this Form for Filing your Local Law with the Secretary of State)

Text of law should be given as amended. Do not use brackets for matter to be eliminated and do not use italics for new matter.

~~County~~
~~City~~ = of Cohocton.....
~~Town~~
Village

Local Law No.1..... of the year 19 ..70.....

A local law Calling for the codification of village ordinances
(Insert title)

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

~~County~~
~~City~~ of Cohocton..... as follows:
~~Town~~
Village

Section 1. Authority, scope and purpose.

To coordinate and classify the ordinances of a general and permanent nature of the Village of Cohocton, the better to regulate the conduct of its inhabitants and to protect their property, safety and health, the Board of Trustees of said Village, after public hearing and from time to time as it deems proper, shall be empowered to compile, revise and codify the ordinances of the Village of Cohocton, and to make such changes, alterations, modifications, additions, deletions, and substitutions therein as it deems best, to the end that a complete Code of Ordinances shall be adopted, containing all of the ordinances of a general and permanent nature of said Village, with errors, inconsistencies, repetitions, ambiguities and conflicts eliminated.

Section 2. Designation, content, effect.

The compilation, revision and codification provided for in Section 1 hereof shall constitute one ordinance, designated "Code of Ordinances, Village of Cohocton, New York." Such ordinance shall embrace all ordinances preserved, changed or added to by such compilation, revision and codification and except as otherwise provided, shall operate to repeal all ordinances not included therein and all ordinances in conflict therewith or repetitive thereof; provided however, that all ordinances in force at the time of adoption of such compilation, revision and codification shall remain in full force and effect thereafter, insofar as they involve rights accrued or fines, forfeitures, penalties and liabilities incurred for any act or omission, civil or criminal, occurring prior to the effective date of such compilation, revision and codification.

Section 3. Classification, designation, arrangement of provisions:

The ordinances in the compilation, revision and codification provided for in section 1 hereof shall be classified as to subject matter, and shall be designated and arranged in such manner that every section included in such compilation, revision and codification, or to be added thereto, shall be numbered according to the numbering system used throughout said compilation, revision and codification. Under such numbering system each section number shall consist of two component parts separated by a dash, the number preceeding the dash referring to and being the chapter number, and the number following the dash, referring to and being the position of the section within the chapter.

Section 4. Effective date.

This local law shall take effect immediately.

(Complete the certification in the paragraph which applies to the filing of this local law and strike out the matter therein which is not applicable.)

(Final adoption by local legislative body only.)

1. I hereby certify that the local law annexed hereto, designated as local law No. 1 of 1977.
County of Cohocton was duly passed by Village Board Trustees
of the Town of Cohocton (Name of Legislative Body)
Village Cohocton on 11/23, 1977 in accordance with the applicable provisions of law.

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

2. I hereby certify that the local law annexed hereto, designated as local law No. 1 of 1977.
~~CORRECT~~
City of Cohocton was duly passed by Board of Trustees
of the Town of Cohocton (Name of Legislative Body)
Village Cohocton on October 15, 1977 and was approved ~~not disapproved~~
by the Mayor Elective Chief Executive Officer
on October 15, 1977 and was approved ~~repassed after disapproval~~
and was deemed duly adopted on November 23, 1977, in accordance with the applicable provisions of law.

(Final adoption by referendum.)

3. I hereby certify that the local law annexed hereto, designated as local law No. 1 of 1977.
County of Cohocton was duly passed by the Village Board Trustees
of the Town of Cohocton (Name of Legislative Body)
Village Cohocton on 11/23, 1977 and was approved ~~not disapproved~~
by the Mayor Elective Chief Executive Officer
on 11/23, 1977 and was approved ~~repassed after disapproval~~
on 11/23, 1977. Such local law was submitted to the people by reason of a mandatory referendum and received the affirmative vote of a majority of the qualified electors voting thereon at the special election held on 11/23, 1977, in accordance with the applicable provisions of law.

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

4. I hereby certify that the local law annexed hereto, designated as local law No. 1 of 1977.
County of Cohocton was duly passed by the Village Board Trustees
of the Town of Cohocton (Name of Legislative Body)
Village Cohocton on 11/23, 1977 and was approved ~~not disapproved~~
by the Mayor Elective Chief Executive Officer
on 11/23, 1977. Such local law being subject to a permissive referendum and no valid petition requesting such referendum having been filed, said local law was deemed duly adopted on 11/23, 1977, 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 chairman of the board of supervisors, the mayor of a city or village or the supervisor of a town, where such officer is vested with power to approve or veto local laws or ordinances.

(City local law concerning Charter revision proposed by petition.)

5. I hereby certify that the local law annexed hereto, designated as local law No. 1 of 1970 of the City of Village of Cohocton having been submitted to referendum pursuant to the provisions of § 36 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 the
..... 19 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.

Marie Spivey Village Clerk
Clerk of the Board of Supervisors, City, Town or Village Clerk or Officer
designated by Local Legislative Body

Date: January 14, 1971

(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 Steuben.....

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.

Charles J. Sullivan
(Title of Officer) Village Attorney
~~County~~ of Cohocton
~~City~~ ~~of~~ ~~New~~ Village

Dated: January 14, 1971

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

(p) Any ordinance, resolution, rule or regulation pertaining to or regulating the use of water within the Village or prescribing rates and charges for such use;

(q) Any ordinance enacted after October 6, 1969.

Nor shall such repeal be construed to revive any ordinance or part of an ordinance that has been repealed by a subsequent ordinance which is repealed by this ordinance.

Section 4. That whenever in such Code an act is prohibited or 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 therefore, 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 Ordinances of the Village of Cohocton, 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 another section in the same chapter, the penalty so 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-Treasurer preserved in looseleaf form or in such other form as the Village Clerk-Treasurer may consider most expedient. It shall be the express duty of the Village Clerk-Treasurer, or someone authorized by him, 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 a 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 or 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 Cohocton to be misrepresented thereby. Any person violating this section shall be punished as provided in Section 1-8 of the "Code of Ordinances of the Village of Cohocton, New York."

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

Section 10. That this ordinance shall become effective from and after publication and posting according to statute.

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PASSED, APPROVED AND ADOPTED BY THE BOARD OF TRUSTEES on this
25th. day of February, 1971.

Mayor

ATTEST:

Village Clerk-Treasurer

Marie Spear

Code of Ordinances

OF THE

VILLAGE OF COHOCTON

NEW YORK

CONTAINING
LOCAL LAWS

AND

THE GENERAL ORDINANCES AND RESOLUTIONS
OF THE VILLAGE

ADOPTED, FEBRUARY 25, 1971
EFFECTIVE, APRIL 1, 1971

PUBLISHED BY ORDER OF THE BOARD OF TRUSTEES



MUNICIPAL CODE CORPORATION

TALLAHASSEE, FLORIDA

1971

OFFICIALS

of the

VILLAGE OF COHOCTON

NEW YORK

AT THE TIME OF THIS CODIFICATION

HARRY E. RUNG

Mayor

THEODORE BOLSTER
ERWIN MEHLINBACHER
GRATTON WALLACE
LEON STROBEL

Trustees

DORIS B. SPAS

Village Clerk-Treasurer

CHARLES J. SULLIVAN

Village Attorney

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STREETS, SIDEWALKS AND PUBLIC PLACES*

- Art. I. In General, §§ 10-1—10-23
- Art. II. Excavations, §§ 10-24—10-30

Article I. In General

Sec. 10-1. Manner, expense of constructing streets, sidewalks.

All streets and sidewalks within the village shall be constructed in such manner and according to such plans and specifications as shall be determined by the board of trustees and the expense and cost of such construction shall be paid for as determined by said board.

State law references—Authority to construct, repair streets, sidewalks, public places, Vill. Law, § 89(40), (41); construction, repair of crosswalks, curbs and gutters, Vill. Law, § 161.

Sec. 10-2. Obstructing work on streets, sidewalks prohibited.

It shall be unlawful for any person to hinder or obstruct the making or repairing of any street, pavement, sidewalk or crosswalk. (Ord. of 12-12-57, § 30)

Cross reference—Interference with village officers in discharge of duties prohibited, § 9-6.

Sec. 10-3. Depositing rubbish on streets, sidewalks, etc., prohibited.

No person shall unload, dump, throw, place or deposit any rubbish of any kind in any street, sidewalk, lane, alley, public square or public place in the village. (Ord. of 12-12-57, § 16)

Cross references—Sidewalks to be kept free of litter, § 6-34; sweeping litter into gutters, street prohibited, § 6-38.

State law reference—Authority to prevent deposits of rubbish upon streets and public places, Vill. Law, § 89(44).

*Cross references—Streets and water superintendent generally, § 2-59 et seq.; dogs prohibited on public streets, roads or highway unless leashed, § 3-12; clearance of brush and like matter, § 6-16 et seq.; litter in public places regulated generally, § 6-33.

State law references—Provisions as to highways and streets, Vill. Law, §§ 140—174-a; master plan to show highways and streets, Vill. Law, § 179-gg; power to pave, repair streets, Vill. Law, § 89(40); to regulate use, Vill. Law, § 89(44); to prohibit destructive matter in streets, Vill. Law, § 89(49); liability of village for damages sustained in consequence of streets, etc., being out of repair, Vill. Law, § 341-a.

Sec. 10-4. Playing ball in streets.

No person shall play ball or engage in the amusement known as ball playing or play with a ball by throwing or catching the same or knocking the same with a club or in any other manner in any public street or on any public sidewalk in the village. (Ord. of 8-25-1891, § 57)

Sec. 10-5. Obstructing ditches.

No person shall fill up or place any obstruction in any ditch used for the draining of water from any street. (Ord. of 12-12-57, § 22)

Sec. 10-6. Placing materials on streets, sidewalks so as to obstruct free passage prohibited.

No person shall place or cause to be placed, or kept or suffer to remain, any logs, timber, box, cask, stone, plank, boards, cars, vehicles, railings or other obstructions of any kind in any street or alley, or upon any sidewalk or crosswalk in this village, so as to inconvenience, or obstruct the free and perfect passage, use or enjoyment thereof. (Ord. of 12-12-57, § 22)

Cross reference—Booths, stands, other obstructions placed on streets, sidewalks, by hawkers, peddlers, solicitors, § 7-39(f).

Sec. 10-7. Obstruction of crosswalks by vehicles prohibited.

All crosswalks and marked or indicated street crossings within the village are to be kept and reserved free and clear from any teams, sleighs, wagons, cars or obstructions of any kind, except so far as may be necessary in passing or repassing the same without continuing thereon, any longer than necessary in such passing over same. (Ord. of 12-12-57, § 21)

Sec. 10-8. Removal of snow, ice.

(a) *Duty of owner, etc.* Every owner and every occupant of any house or other building or of any vacant lot, and every person having charge of any church or public building in the village, in front or by the side of which, on the same side of the street, a good and regular sidewalk shall have been con-

structed, shall, during the winter season and during the time snow shall continue on the ground, keep said sidewalk the full width in front and alongside such house or other building or vacant lot free from snow, and ice and it shall be the duty of said owner or occupant to remove such snow and ice by 9:00 a.m. of each day.

(b) *Effect of failure to remove.* In the event of failure on the part of the owner or occupant to remove said snow and ice as provided herein the street and water superintendent shall cause such snow and ice to be removed and the cost thereof shall become a lien on said property. (Ord. of 12-12-57, § 25)

State law reference—Authority to require removal of snow and ice. Vill. Law. §§ 89(42), 163, 173.

Sec. 10-9. Encroachments prohibited.

No person shall erect or cause to be erected, or suffer to remain, any fence or building or other obstruction or structure on or connected with his premises which shall in any manner encroach upon the boundaries of any street within the village. (Ord. of 12-12-57, § 23)

Cross reference—Booths, stands, other obstructions placed on sidewalks, streets, by hawkers, peddlers and solicitors, § 7-39(f).
State law reference—Authority to prohibit encroachments on streets, public places, Vill. Law, § 89(46).

Sec. 10-10. Removal of encroachments.

(a) *Duty to remove; notice.* If any fence, building or other permanent obstruction shall at any time encroach upon the boundaries of any street in the village, the owner or owners thereof, or the occupants of the lot which shall adjoin the same, shall remove the same within ten (10) days after notice in writing to do so shall have been served upon him by the streets and water superintendent.

(b) *Effect of failure to remove.* For neglect or refusal to remove any encroachment after notice as provided herein, the person so neglecting or refusing shall be punished as provided in section 1-8 of this Code and in case of such neglect for said

ten (10) days, the board of trustees shall have power to remove the said obstruction, and the expense of such removal shall be a lien on said premises. (Ord. of 12-12-57, § 24)

Sec. 10-11. Barbed wire fences prohibited.

No person shall build any barbed wire fence next to any street or highway in the village. (Ord. of 12-12-57, § 34)

Sec. 10-12. Trap doors.

All cellarways in sidewalks must have trap doors and such doors shall be kept closed except while in actual use, and while in use, such doors are to be properly guarded by barriers sufficient to protect the public. (Ord. of 12-12-57, § 35)

Sec. 10-13. Hanging, suspending awnings, articles over sidewalks.

No person shall hang or suspend or cause to be hung or suspended over any sidewalk any awning, sign, goods, clothing or other articles, except in such manner as to leave a clear unobstructed space of eight (8) feet between such sidewalk and such suspended thing; provided that nothing herein contained shall be construed to prohibit any person who is erecting or about to erect any building adjoining or near any street in the village from making use of such part of said street for depositing and fitting material to be used in said building, as may for that purpose be assigned by the board of trustees and provided that nothing herein contained shall prohibit merchants and others from placing goods and merchandise and household furniture on the sidewalks for the purpose of loading or unloading the same, provided it be done without unreasonable delay. (Ord. of 12-12-57, § 22)

State law reference—Authority to regulate use of streets and sidewalks generally, Vill. Law, § 89(44).

Secs. 10-14—10-23. Reserved.

Article II. Excavations*

Sec. 10-24. Permit required.

No person shall make any excavation under any sidewalk or in and under a public highway in the village for any purpose without first obtaining a permit as provided by this article.

Sec. 10-25. Application for permit.

Any person who shall plan to excavate under a sidewalk or in and under a public highway in the village for the purpose of alterations, modifications, repairing or installing sewer pipes, water pipes, gas pipes or for any other reason shall file an application in such form and manner as prescribed by the board of trustees, stating the place of excavation, property owner, individual or corporation doing the proposed work, and a detailed description of the work to be performed. Such application shall be filed with the village clerk-treasurer prior to commencing the work on such project.

Sec. 10-26—Permit fee required; exception.

The applicant for a permit issued pursuant to this article shall pay such fee as shall be determined by the board of trustees upon the filing of the application for such permit. Public utilities are excluded from the payment of the fee required by this section.

Sec. 10-27. Bond required.

An applicant seeking a permit under the provisions of this article shall file with the village clerk-treasurer a bond or undertaking in an amount to be fixed by the board of trustees before any work is commenced.

*Cross references—Buildings generally, Ch. 4; swimming pools, Ch. 11
State law references—Power to regulate excavations in streets, Vill Law, § 89(45), (46); to remove or require removal of dirt, Vill. Law § 89(42).

Sec. 10-28. Issuance of permit.

If the conditions prerequisite to the issuance of a permit required by this article have been complied with, the village clerk-treasurer shall issue such permit in such form and manner as prescribed by the board of trustees.

Sec. 10-29. Barricades and lights.

(a) *Required.* All excavations in streets, sidewalks and public places shall be surrounded by suitable barriers or guards for the protection of persons using the streets in the daytime, and in addition thereto by lights or flares from twilight continuously until daylight.

(b) *Removal.* It shall be unlawful for any person to remove or disturb any barricade or light placed under the provisions of this section.

Sec. 10-30. Restoration of surface after excavation.

After completion of the work for which an excavation was made in any street, sidewalk or public place in the village, the excavation shall be backfilled and the surface restored to the same condition that existed at the time the excavation was made.