



STATE OF NEW YORK
DEPARTMENT OF STATE
ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001

ANDREW M. CUOMO
GOVERNOR

CESAR A. PERALES
SECRETARY OF STATE

October 2, 2014

RECEIVED

OCT 06 2014

VILLAGE OF MINOA

Lisa L DeVona
Village Clerk/Treasurer
240 N Main Street
Minoa NY 13116

RE: Village of Minoa, Local Law 2 2014, filed on October 2, 2014

Dear Sir/Madam:

The above referenced material was filed by this office as indicated. Additional local law filing forms can be obtained from our website, www.dos.ny.gov.

Sincerely,
State Records and Law Bureau
(518) 474-2755

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.

Village of Minoa

Local Law No. Two (2) of the year 2014.

A local law enacting a new Article VI of Chapter 136 of the Village of Minoa Municipal Code entitled “Streets and Public Places; Sidewalk Maintenance,” relative to the prohibition of certain recreational/sports objects and structures in public rights-of-way.

To be enacted by the Village Board of the Village of Minoa as follows:

Section One (1). LEGISLATIVE INTENT AND PURPOSE.

The Village of Minoa, like many small Villages, includes numerous smaller single family residential and multi-family residential use parcels. Due to the lot and driveway sizes, owners and occupants often will place or install or permit to be placed or installed, sports and recreational equipment within the right-of-way or nearby, thus effecting a use of the Village street, road and highway areas as (a) playing area(s) and creating an obstruction for and interference with public motor vehicle traffic and an unsafe condition for drivers, pedestrians and those children and other individuals using such areas for sports and recreation areas.

Section Two (2). A new Article VI of Chapter 136 entitled “Prohibited Recreational/Sports Related Objects and Structures in Public Rights-of-Ways” is hereby added, reading in its entirety as follows:

Article VI

Prohibited Recreational/Sports Related Objects and Structures in Public Rights-of-Ways

§136-20. Erection or Attachment of Sports and Recreational Equipment and Similar Devices in Public Rights-of-Way and/or Poles Located Within or Near Same Prohibited.

It shall be unlawful for any person to place or erect (or to continue such placement or erection) or any property owner to permit to be placed or erected (or to continue such placement or erection) on his or her or its property, a basketball pole, basketball hoop, hockey or lacrosse goal, playing field, space or area markers, permanent marks, permanent stripes or similar object, structure, or device within or abutting within two (2) feet of the paved (outside) edges of any public highway, roadway or street in the Village of Minoa or attach any of the same to a telephone, utility or other pole located area so that any of same encroaches into or over such portion of the street highway or roadway right-of-way.

§136-21. Removal of Prohibited Objects, Structures or Devices by Property Owner.

- A. Any such object, structure or device permitted or continued to be placed or erected in violation of §136-20 shall be removed by the property owner at his, her or its own expense within seven (7) days after notice of violation of this Article is received by said property owner. Notice of this violation shall be served upon such owner or owners by certified mail, addressed to his, her or their last known address, and/or posting of said notice on the premises and mailing a copy of said notice to the owner at the address or addresses as recorded in the Receiver of Taxes, on the same date as posted.
- B. Emergency Situations. Where any such violative structure or device is of such a nature as to constitute an immediate threat to human health or safety unless abated without delay, the Village may either itself cause the violation to be corrected or order the owner or owners to correct the violation or condition immediately, and upon failure to do so, the condition may be corrected pursuant to and subject to the provisions of this Article. In addition, any other remedies set forth in other provisions of the Minoa Village Code or under New York State law shall be available.

§136-22. Removal of Prohibited Objects, Structures or Devices by Village.

The Village of Minoa shall have the authority in such emergencies or upon failure to remove/correct same after the required notice, to address and correct (remove) any such violative structures or devices. Whenever a notice or notices referred to in §136-21 hereof has or have been served in the manner required under §136-21, and the owner or owners shall neglect or fail to comply with requirements of such notice or notices within the time provided therein, the Village Mayor or Codes Enforcement Officer, may authorize the removal of such violative structures or devices. No such prior notice shall be required in the event of an Emergency Situation as described at §136-21B hereof.

§136-23. Reimbursement of Costs; Assessment Upon Real Property.

Upon review by and a finding of the Village Board of Trustees that the provisions of this Article, including in particular §136-21, have been complied with, the Village Board of Trustees may adopt a resolution authorizing that the costs incurred by the Village in effecting the correction (removal) of the violative structures or devices, including any quantifiable internal administrative costs, be paid for out of the general Village funds appropriated by the Village Board of Trustees for such purpose. The Village shall be reimbursed for the cost of such work performed or services rendered, as herein provided and for any penalties assessed under §136-24 hereof, by assessment and levy upon the lots or parcels of land wherein such work was performed or such services rendered, and the expenses so assessed shall constitute a lien and charge on the real property on which it is levied until paid or otherwise satisfied or discharged and shall be collected in the same manner and at the same time as other Village charges.

§136-24. Violations and penalties.

Anyone found to have constructed or erected or participated in the construction or erection of a structure or device to be in violation of any of the provisions of this Article VI shall, upon conviction thereof, be guilty of a misdemeanor and subject to the penalties provided at §113 of the Village of Minoa Code entitled "Penalties".

Section Three (3) ILLEGALITY/SEVERABILITY

If any clause, sentence, paragraph, subdivision, section or part of this local law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstances is adjudged invalid, illegal or unconstitutional by any court of competent jurisdiction, such order or judgment shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law or in its application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this local law or the application thereof to other persons or circumstances. Further, in adjudging such invalid, illegal or unconstitutional provision, the court shall attempt to modify same to a provision which is not invalid, illegal or unconstitutional and which best achieves the intent of the invalid provision.

Section Four (4). EFFECTIVE DATE

This Local Law shall take effect immediately upon its filing in the office of the Secretary of State.

(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. ___ of 2014 of the (County)(City)(Town)(Village) of Minoa was duly passed by the Board of Trustees of the Village of Minoa on _____, 2014, 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 19__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____, 19__, and was (approved)(not approved)(repassed _____ (Name of legislative Body)

disapproval) by the _____ and was deemed duly adopted on _____, 199__ (Elective Chief Executive Officer*)

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 199__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____, 19__, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____, 19__. Such local law was _____ (Elective Chief Executive Officer*) 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 _____, 19__, 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 19__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____, 19__, and was (approved)(not approved)(repassed after _____ (Name of Legislative Body) disapproval) by the _____ on _____, 19__. Such local law was subject to _____ (Elective Chief Executive Officer*)

permissive referendum and no valid petition requesting such referendum was filed as of _____, 19__, in accordance with the applicable provisions of law.

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

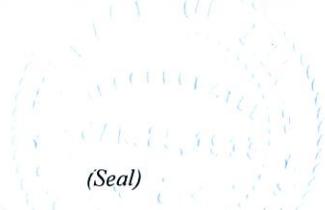
I hereby certify that the local law annexed hereto, designated as local law No _____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 19____, 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 19__ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 19__, 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 one (1) above.



(Seal)

Lisa DeVona

Lisa DeVona, Village Clerk

Date: 9/12, 2014

(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 ONONDAGA

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.

Courtney Hills

Signature

Courtney M. Hills

Attorney for the Village

Title

County

City of Minoa

Town Village

Date: September 10, 2014

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a countywide 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.