

**Special Town Board Meeting  
Local Law #4-2011 Code of the Town of Hamlin  
August 2, 2011**

A Special Town Board Meeting was held on Tuesday, August 2, 2011 in the Hamlin Town Hall located at 1658 Lake Road, Hamlin, New York. The meeting was called to order at 7:15 pm by Supervisor Terry.

Present: Councilperson Thomas Breslawski, Councilperson Craig Goodrich, Councilperson Paul S. Rath, Councilperson David Rose, Supervisor Peter Terry.

Also present: Attorney Ken Licht; Building Inspector Lee Nettin; Conservation Board Member Jason Baxter and Planning Board Member Tom Jensen.

**MUNICIPAL CODE TO BE A SEQR TYPE II ACTION**

**Resolution # 148** Motion was made by Councilperson Breslawski, seconded by Councilperson Rath, requesting Town Board resolution to approve the determination of the codification of the local laws of the Town of Hamlin into a municipal code to be a SEQR Type II action.

Polled Votes: Councilperson Breslawski aye, Councilperson Goodrich aye, Councilperson Rath aye, Councilperson Rose aye, Supervisor Terry aye. Motion carried.

**L.L. #4-2011 CODIFICATION OF THE LOCAL LAWS OF THE TOWN OF HAMLIN**

**Resolution # 149** Motion was made by Councilperson Rose, seconded by Councilperson, Goodrich, requesting Town Board resolution to enact Local Law No. 4-2011.

WHEREAS a public hearing was held the 2<sup>nd</sup> day of August, 2011 by the Town Board of the Town of Hamlin, notice of which was given as required by the Municipal Home Rule Law, the Open Meetings Law and the Town Law of the State of New York;

WHEREAS at said public hearing the Town Board considered the enactment of proposed Local Law No. 4-2011, entitled A LOCAL LAW TO PROVIDE FOR THE CODIFICATION OF THE LOCAL LAWS OF THE TOWN OF HAMLIN INTO A MUNICIPAL CODE TO BE DESIGNATED THE "CODE OF THE TOWN HAMLIN"; and

WHEREAS all interested persons were given an opportunity to be heard with respect to the enactment of said local law;

NOW, THEREFORE, BE IT RESOLVED, that Local Law No. 4-2011 be enacted as follows:

ARTICLE I  
**Adoption of Code**

**§ 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 Town of Hamlin, as codified by General Code, and consisting of Chapters 1 through 520, together with an Appendix, shall be known collectively as the “Code of the Town of Hamlin,” hereafter termed the “Code.” Wherever reference is made in any of the local laws, ordinances and resolutions contained in the “Code of the Town of Hamlin” 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 Town Board of the Town of Hamlin, 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.**

All local laws and ordinances of a general and permanent nature of the Town of Hamlin 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 Town of Hamlin 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 Town of Hamlin 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 Town of Hamlin.
- D. Any agreement entered into or any franchise, license, right, easement or privilege heretofore granted or conferred by the Town of Hamlin.
- E. Any local law or ordinance of the Town of Hamlin 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 Town of Hamlin or any portion thereof.
- F. Any local law or ordinance of the Town of Hamlin appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond of the Town of Hamlin or other instruments or evidence of the Town's indebtedness.
- G. Local laws or ordinances authorizing the purchase, sale, lease or transfer of property or any lawful contract, agreement or obligation.
- H. The levy or imposition of special assessments or charges.
- I. The annexation or dedication of property.
- J. Any local law or ordinance relating to salaries and compensation.
- K. Any local law or ordinance amending the Zoning Map.
- L. Any local law or ordinance relating to or establishing a pension plan or pension fund for Town employees.
- M. Any local law or ordinance or portion of a local law or ordinance establishing a specific fee amount for any license, permit or service obtained from the Town.
- N. The Development Regulations for the Town of Hamlin, approved by the Town Board 7-14-2008.
- O. Any local law adopted subsequent to 5-18-2011.

**§ 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 Town Clerk of the Town of Hamlin 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 Town Clerk of the Town of Hamlin by impressing thereon the Seal of the Town, and such certified copy shall remain on file in the office of said Town 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 Town of Hamlin” or any new local laws, ordinances or resolutions, when enacted or adopted in such form as to indicate the intention of the Town Board 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 Town Board deems desirable.

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

It shall be the duty of the Town Clerk to keep up-to-date the certified copy of the book containing the Code of the Town of Hamlin required to be filed in the office of the Town Clerk for use by the public. All changes in said Code and all local laws, ordinances and resolutions adopted by the Town Board 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, ordinances or resolutions until such changes, local laws, ordinances 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, or any chapter or portion of it, may be purchased from the Town Clerk, or an authorized agent of the Clerk, upon the payment of a fee to be set by resolution of the Town Board. The Clerk may also arrange for procedures for the periodic supplementation of the Code.

**§ 1-10. Penalties for tampering with Code.**

Any person who alters or tampers with the Code of the Town of Hamlin in any manner whatsoever which will cause the legislation of the Town of Hamlin 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 \$250 or imprisonment for a term of not more than 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 Town of Hamlin, no changes in the meaning or intent of such local laws, ordinances and resolutions have been made, except as provided for in Subsection B hereof. In addition, certain grammatical changes and other minor nonsubstantive changes were made in one or more of said pieces of legislation. It is the intention of the Town Board 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. In addition, the amendments and/or additions as set forth in Schedule A attached hereto and made a part hereof 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.)

**§ 1-12. Incorporation of provisions into Code.**

The provisions of this local law are hereby made Article I of Chapter 1 of the Code of the Town of Hamlin, 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.

Polled Votes: Councilperson Breslawski aye, Councilperson Goodrich aye, Councilperson Rath aye, Councilperson Rose aye, Supervisor Terry aye. Motion carried.

**ADJOURNMENT**

A motion was made by Councilperson Rose, seconded by Councilperson Rath, to adjourn the meeting at 7:19 pm as all business has been concluded.

Polled Votes: Councilperson Breslawski aye, Councilperson Goodrich aye, Councilperson Rath aye, Councilperson Rose aye, Supervisor Terry aye. Motion carried.

Respectfully Submitted,

Kathi A. Rickman, MMC  
Hamlin Town Clerk