

**Chapter 1  
GENERAL PROVISIONS**

**ARTICLE I  
Adoption of Code**

- §1-1. Legislative intent.**
- §1-2. Distribution of local laws, ordinances and resolutions.**
- §1-3. Repeal of enactments not included in Code.**
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- §1-9. Sale of Code book; supplementation.**
- §1-10. Penalties for tampering with Code.**
- §1-11. Changes in previously adopted legislation.**
- §1-12. Incorporation of provisions into Code.**
- §1-13. When effective.**

**[HISTORY: Adopted by the Town Board of the Town of New Baltimore: Art. I, 4-8-86 as L.L. No. 2-1986. Amendments noted where applicable.]**

ARTICLE I  
**Adoption of Code**  
**[Adopted 4-8-86 as L.L. No. 2-1986]**

Be it enacted by the Town Board of the Town of New Baltimore as follows:

**§ 1-1. Legislative intent.**

The local laws, ordinances and resolutions of the Town of New Baltimore referred to in § 1-2 of this local law shall be known collectively as the "Code of the Town of New Baltimore," hereafter termed the "Code," and the various parts and sections of such local laws, ordinances and resolutions shall be distributed and designated as provided and set forth in § 1-2 of this local law.

**§ 1-2. Distribution of local laws, ordinances and resolutions.**

Derivation Table

(Sections providing for severability of provisions, repeal of conflicting legislation and effective dates which are covered by provisions of Chapter 1, Article I, or title sections which are not necessary in a codification having chapter and/or Article titles for the various ordinances and local laws included therein have been omitted from the Code, and such sections are indicated as "omitted" in the table which follows.)

New Number (chapter, title, Article, section)	Old Number (source)	Adoption or Amendment Date
Ch. 4, Assessors	L.L. No. 1-1971	2-16-71
§ 4-1	Section 1	
§ 4-2	Section 2	
Omitted	Section 3	
Ch. 9, Ethics, Code of	Resolution	12-8-70
§ 9-1	First unnumbered paragraph	
§ 9-2	Second unnum- bered paragraph (1) and (2)	

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New Number (chapter, title, Article, section)	Old Number (source)	Adoption or Amendment Date
§ 9-3	Third unnumbered paragraph (1) - (8) and fourth unnum- bered paragraph	
§ 9-4	Fifth unnumbered paragraph	
§ 9-5	Sixth unnumbered paragraph	
Omitted	Seventh unnum- bered paragraph	
Ch. 15, Ordinances, Publication of	L.L. No. 2-1977	6-14-77
§ 15-1	Section 1	
§ 15-2	Section 2	
§ 15-3	Section 3	
Ch. 24, Alcoholic Beverages	L.L. No. 2-1981	12-8-81
§ 24-1	Section 1	
§ 24-2	Section 2	
§ 24-3	Section 3	
§ 24-4	Section 4	
§ 24-5	Section 5	
§ 24-6	Section 6	Amended at time of adoption of Code
Ch. 34, Buildings, Unsafe		6-6-61; amended in its entirety 3-10-81
§34-1	Section 1	
§34-2	Section 2	
§34-3	Section 3	
§34-4	Section 4	
§34-5	Section 5	

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New Number (chapter, title, Article, section)	Old Number (source)	Adoption or Amendment Date
§ 34-6	Section 6	
§ 34-7	Section 7	
§ 34-8	Section 8	
§ 34-9	Section 9	
§ 34-10	Section 10	
Omitted	Section 11	
Ch. 42, Dogs and Other Animals		
Art. I, Dog Control		8-14-73
§ 42-1	1	
§ 42-2	2	
§ 42-3	3	
§ 42-4	4	
§ 42-5	5	
§ 42-6	6	
§ 42-7	7	
§ 42-8	8	
§ 42-9	9	
§ 42-10	10	
§ 42-11	11	
§ 42-12	12	
§ 42-13	13	
§ 42-14	14	
§ 42-15	15	
Omitted	16	
Art. II, Animals Running L.L. No. 1-1982 at Large		
§ 42-16	SECTION 1	7-13-82
§ 42-17	SECTION 2	
§ 42-18	SECTION 3	
§ 42-19	SECTION 4	
§ 42-20	SECTION 5	
§ 42-21	SECTION 6	
§ 42-22	SECTION 7	

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New Number (chapter, title, Article, section)	Old Number (source)	Adoption or Amendment Date
Ch. 50, Freshwater Wetlands		8-26-76
§ 50-1	Section 1	
§ 50-2	Section 2	
§ 50-3	Section 3	
§ 50-4	Section 4	
§ 50-5	Section 5	
§ 50-6	Section 6	
§ 50-7	Subsections 7.1 and 7.2	
§ 50-8	Subsections 7.3 and 7.4	
§ 50-9	Subsections 8.1, 8.2, 8.3 and 8.4	
§ 50-10	Subsection 8.5	
§ 50-11	Section 9	
Omitted	Sections 10, 11 and 12	
Ch. 54, Games of Chance	L.L. No. 2-1983	8-9-83
§ 54-1	Section 1	
§ 54-2	Section 2	
§ 54-3	Section 3	
§ 54-4	Section 4	
§ 54-5	Section 5	
Ch. 58, Hazardous Wastes	L.L. No. 1-1981	12-8-81
§ 58-1	Section 1	
§ 58-2	Section 2	
§ 58-3	Section 3	
§ 58-4	Sections 4 and 5	
§ 58-5	Section 6	

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New Number (chapter, title, Article, section)	Old Number (source)	Adoption or Amendment Date
§ 58-6	Section 7	Amended at time of adoption of Code
Ch. 64, Junkyards		2-14-61
§ 64-1	Section 1	
§ 64-2	Section 2	
§ 64-3	Section 3	
§ 64-4	Section 4	
§ 64-5	Section 5	
§ 64-6	Section 6	
§ 64-7	Section 7	
§ 64-8	Section 8	Amended at time of adoption of Code
Omitted	Sections 9, 10 and 11	
Ch. 68, Loitering	L.L. No. 3-1981	12-8-81
§ 68-1	SECTION 1	
§ 68-2	SECTION 2	
§ 68-3	SECTION 3	
§ 68-4	SECTION 4	
Omitted	SECTION 5	
Ch. 73, Mobile Homes	L.L. No. 1-1983	4-12-83
§ 73-1	SECTION 1.0	
§ 73-2	SECTION 2.0	
§ 73-3	SECTION 3.0	
Omitted	SECTION 3.2	
§ 73-4	SECTION 3.3	
§ 73-5	SECTION 3.4	
§ 73-6	SECTION 3.5	
§ 73-7	SECTION 3.6	
§ 73-8	SECTION 4.1	
§ 73-9	SECTION 5.1	
§ 73-10	SECTION 6.1	
§ 73-11	SECTION 7.1	

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New Number (chapter, title, Article, section)	Old Number (source)	Adoption or Amendment Date
§ 73-12	SECTION 8.1	
§ 73-13	SECTION 9.1	
§ 73-14	SECTION 9.2	
§ 73-15	SECTION 10.1	Amended at time of adoption of Code
Omitted	SECTIONS 11.1 and 12.1	
Ch. 81, Records, Public Access to	Resolution	10-14-75
§ 81-1	Section 1	
§ 81-2	Section 2	
§ 81-3	Section 3	Amended 4-8-86
§ 81-4	Section 4	Amended 4-8-86
§ 81-5	Section 5	
§ 81-6	Section 6	
§ 81-7	Section 7	
§ 81-8	Section 8	
§ 81-9	Section 9	
Omitted	Section 10	
Ch. 87, Sewers		
Art. I, Individual Sewage Disposal Systems		11-28-62
§ 87-1	Section 1	
§ 87-2	Section 2	
§ 87-3	Section 3, first unnumbered para- graph, a - d	
§ 87-4	Section 3, second unnumbered paragraph	
§ 87-5	Section 4	
§ 87-6	Section 5	
§ 87-7	Section 6	

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New Number (chapter, title, Article, section)	Old Number (source)	Adoption or Amendment Date
§ 87-8	Section 7	Amended 6-14-83 by resolution
§ 87-9	Section 8	
§ 87-10	Section 9	
§ 87-11	Section 10	
§ 87-12	Section 11	
§ 87-13	Section 12	
§ 87-14	Section 13	Amended at time of adoption of Code
Omitted	Sections 14 and 15	
Ch. 93, Streets and Sidewalks		
Art. I, Laying Out of Streets	5-15-60	
§ 93-1	SECTION 1, first unnumbered paragraph	
§ 93-2	SECTION 1(a), (b) and (c)	
§ 93-3	SECTION 1(d), (e) and (f)	
§ 93-4	SECTION 2	
§ 93-5	SECTION 3	
§ 93-6	SECTION 4	
§ 93-7	SECTION 5	
§ 93-8	SECTION 6	
§ 93-9	SECTION 7	
§ 93-10	SECTION 8	
§ 93-11	SECTION 9	
§ 93-12	SECTION 10	
§ 93-13	SECTION 11	
§ 93-14	SECTION 12	
§ 93-15	SECTION 13	
Omitted	SECTION 14	

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New Number (chapter, title, Article, section)	Old Number (source)	Adoption or Amendment Date
§ 93-16	SECTION 15	
§ 93-17	SECTION 16	
Ch. 98, Taxation		
Art. II, General Business Investment Tax Exemption § 98-1	L.L. No. 1-1977  First paragraph	2-8-77
Art. III, Exemption for Business Certified by State Job Incentive Program § 98-1 § 98-2 Omitted	L.L. No. 2-1982  Section 1 Section 2 Section 3	12-14-82
Ch. 105, Vehicles and Traffic		
Art. I	ARTICLE I	
§ 105-1	§ -1	
§ 105-2	§ -2	
§ 105-3	§ -3	
§ 105-4	§ -4	
§ 105-5	§ -5	
§ 105-6	§ -6	
§ 105-7	§ -7	
Art. II	ARTICLE II	
§ 105-8	§ -8	
§ 105-9	§ -9	
§ 105-10	§ -10	
§ 105-11	§ -11	
§ 105-12	§ -12	
§ 105-13	§ -13	
§ 105-14	§ -14	
§ 105-15	§ -15	

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New Number (chapter, title, Article, section)	Old Number (source)	Adoption or Amendment Date
§ 105-16	§ -16	
§ 105-17	§ -17	
Art. III	ARTICLE III	
§ 105-18	§ -18	
§ 105-19	§ -19	
§ 105-20	§ -20	
§ 105-21	§ -21	
§ 105-22	§ -22	
§ 105-23	§ -23	
§ 105-24	§ -24	
§ 105-25	§ -25	
§ 105-26	§ -26	
Art. IV	ARTICLE IV	
§ 105-27	§ -27	
§ 105-28	§ -28	
§ 105-29	§ -29	
§ 105-30	§ -30	
Art. V	ARTICLE V	
§ 105-31	§ -31	
Art. VI	ARTICLE VI	
§ 105-32	§ -32	
§ 105-33	§ -33	
§ 105-34	§ -34	
§ 105-35	§ -35	
§ 105-36	§ -36	
§ 105-37	§ -37	
§ 105-38	§ -38	
§ 105-39	§ -39	
§ 105-40	§ -40	
§ 105-41	§ -41	
§ 105-42	§ -42	
§ 105-43	§ -43	
§ 105-44	§ -44	
§ 105-45	§ -45	

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New Number (chapter, title, Article, section)	Old Number (source)	Adoption or Amendment Date
§ 105-46	§ -46	
§ 105-47	§ -47	
§ 105-48	§ -48	
§ 105-49	§ -49	
Ch. 112, Zoning		10-11-77
Art. I	ARTICLE I	
§ 112-1	First unnumbered paragraph	
§ 112-2	ARTICLE II	
Art. II	ARTICLE III	
§ 112-3	Section 300	
§ 112-4	Section 301	
§ 112-5	Section 302	
§ 112-6	Section 303, first and second unnumbered paragraphs	
§ 112-7	Section 303, Rural Residential/ Agricultural	
§ 112-8	Section 303, Commercial	
§ 112-9	Section 303, Hamlet Residential	
§ 112-10	Section 303, Developmental	
§ 112-11	Section 304	
§ 112-12	Section 305	
§ 112-13	Section 306	
Art. III	ARTICLE IV	
§ 112-14	Section 400	
§ 112-15	Section 401	
§ 112-16	Section 402	

New Number (chapter, title, Article, section)	Old Number (source)	Adoption or Amendment Date
Art. IV	ARTICLES V and VII	
§ 112-17	Section 500	
§ 112-18	Section 501	
§ 112-19	Section 502	
§ 112-20	Section 503	
§ 112-21	Section 504	
§ 112-22	Section 505	
§ 112-23	Section 700	
§ 112-24	Section 701	
§ 112-25	Section 702	
§ 112-26	Section 703	
§ 112-27	Section 704	
§ 112-28	Section 705	
Art. V	ARTICLE VI	
§ 112-29	Section 600	
§ 112-30	Section 601	
§ 112-31	Section 602	
Art. VI	ARTICLE VIII and IX	
§ 112-32	Section 800	
§ 112-33	Section 900	
Omitted	Section 901	
§ 112-34	Section 902	
Omitted	Section 903	

**§ 1-3. Repeal of enactments not included in Code.**

All local laws, ordinances and resolutions of a general and permanent nature of the Town of New Baltimore 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,

resolutions, 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 New Baltimore prior to the effective date of this local law, or any action or proceeding brought for the enforcement of such right or liability.
- B. An offense or act committed or done before the effective date of this local law in violation of any legislative provision of the Town of New Baltimore, 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 New Baltimore.
- D. Any franchise, license, right, easement or privilege heretofore granted or conferred by the Town of New Baltimore.
- E. Any local law, ordinance or resolution of the Town of New Baltimore 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 New Baltimore or any portion thereof.
- F. Any local law, ordinance or resolution of the Town of New Baltimore 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 New Baltimore or other instruments or evidence of the town's indebtedness.
- G. Local laws, ordinances or resolutions authorizing the purchase, sale, lease or transfer of property, or any lawful contract or obligation.
- H. The levy or imposition of special assessments or charges.
- I. The dedication of property.
- J. Any local laws, ordinances or resolutions relating to salaries.
- K. Any and all Zoning Map amendments.

L. All legislation adopted subsequent to August 1, 1983.

### **§ 1-5. Severability.**

If any clause, sentence, paragraph, section, Article or part of this local law or of any local law, ordinance or resolution cited in the table in § 1-2 hereof, or any local law, ordinance or resolution included in this Code 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 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 New Baltimore 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 to by the Town Clerk of the Town of New Baltimore by impressing thereon the Seal of the Town of New Baltimore, 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 the said Code is in effect.

### **§ 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 New Baltimore," 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 New Baltimore 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 or local laws, ordinances or resolutions until such changes or 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 may be purchased from the Town Clerk of the Town of New Baltimore upon the payment of a fee to be set by resolution of the Town Board, which may also arrange by resolution for procedures for the periodic supplementation thereof.

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

Any person who, without authorization from the Town Clerk, changes or amends, by additions or deletions, any part or portion of the Code of the Town of New Baltimore, or who alters or tampers with such Code in any manner whatsoever which will cause the legislation of the Town of New Baltimore 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 two hundred fifty dollars (\$250.) or imprisonment for a term of not more than fifteen (15) days, or both.

**§ 1-11. Changes in previously adopted legislation.**

- A. In compiling and preparing the local laws, ordinances and resolutions for publication as the Code of the Town of New Baltimore, as distributed and designated in the table in § 1-2 hereof, 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 (1) 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 following changes, amendments or revisions 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.)<sup>1</sup>

**§ 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 New Baltimore, 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.

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<sup>1</sup> Pursuant to §1-11B, the following sections were amended: §§ 24-6, 58-6, 64-8B, 73-15 and 87-14.