

GENERAL PROVISIONS

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Chapter 1

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§ 1-1. Legislative intent

This ordinance is hereby adopted as the General Village Ordinance of the Incorporated Village of Saltaire and, together with the Zoning Ordinance adopted May 21, 1923, as revised, amended and supplemented, shall be known as the "Code of the Village of Saltaire," hereinafter referred to as the "Code."

§ 1-2. Effect on prior ordinances.

- A. This Code shall supersede all other general and permanent legislation of the Village of Saltaire enacted prior to the enactment of this Code, except such legislation as is hereinafter expressly saved from repeal or continued in effect.
- B. Insofar as provisions may be the same, this Code shall be considered as a reenactment of the Village ordinances adopted June 27, 1954, as amended, revised and supplemented.

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- C. Except as provided in § 1-3 of this chapter, adoption of this Code shall in no way affect the Zoning Ordinance adopted May 21, 1923, as revised, amended and supplemented.

**§ 1-3. Zoning Ordinance.**

The Zoning Ordinance of the Village of Saltaire adopted May 21, 1923, as revised, amended and supplemented, is hereby continued in full force and effect. Said Zoning Ordinance shall be designated as Chapter 55 of the Code.

**§ 1-4. Repeal of enactments not included in Code.**

All legislation of a general and permanent nature of the Village of Saltaire, in force on the date of the adoption of this Code and not contained herein or recognized and continued in force by reference therein, is hereby repealed from and after the effective date of this Code.

**§ 1-5. Enactments saved from repeal; matters not affected.**

The repeal of legislation provided for in §1-4 of this chapter shall not affect the following classes of ordinances, resolutions, rights and obligations, which are hereby expressly saved from repeal:

- A. Any right of liability established, accrued or incurred under any legislative provision of the Village of Saltaire prior to the effective date of this Code 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 Code in violation of any legislative provision of the Village of Saltaire 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 Code brought pursuant to any legislative provision of the Village of Saltaire.
- D. Any franchise, license, right, easement or privilege heretofore granted or conferred by the Village of Saltaire.
- E. Any ordinance or resolution of the Village of Saltaire providing for the laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, walkway, easement, park or other public place within the Village of Saltaire, or any portion thereof.

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- F. Any ordinance or resolution of the Village of Saltaire appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond of the Village of Saltaire, or other instruments or evidence of the village's indebtedness.
- G. 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 ordinances or resolutions relating to salaries.
- K. Any ordinance or resolution amending the maps described by the Zoning Ordinance of 5-21-1923, as subsequently amended.

**§ 1-6. Filing of copy of Code.**

A copy of the Code in loose-leaf form shall be filed in the office of the Village Clerk of the Village of Saltaire and, upon final adoption of the Code, such copy shall be certified to by the Village Clerk of the Village of Saltaire by impressing thereon the seal of the village. Such certified copy shall remain on file in the office of said Village 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.**

- A. Any and all additions, deletions, amendments or supplements to the Code, or any new local laws or ordinances, when enacted or adopted in such form as to indicate the intention of the Village 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 in § 1-8 of this chapter, inserted in the loose-leaf book containing the Code, as amendments and supplements thereto.
- B. This Code may be amended or changed from time to time as the Village Board deems desirable. Such amendments or changes may be adopted by local law or ordinance.

**§ 1-8. Maintenance of Code books.**

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It shall be the duty of the Village Clerk to keep up-to-date the certified copy of the book containing the Code of the Village of Saltaire required to be filed in the office of the Village Clerk for the use of the public. All changes in said Code and all local laws and ordinances adopted by the Board subsequent to the enactment of this Code 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 local laws or ordinances until such local laws or ordinances are printed as supplements to said Code book, at which time such supplements shall be inserted therein.

### § 1-9. Unauthorized insertion or deletion of pages.

It shall be unlawful for any person to change or amend by additions or deletions any part or portion of this Code or to insert or delete pages or portions thereof or to alter or tamper with this Code in any manner whatsoever which will cause the law of the Village to be misrepresented thereby.

### § 1-10. Sale of Code books; supplementation.

Copies of Code books may be purchased from the Clerk upon the payment of a fee to be set by resolution of the Board, which may also arrange by resolution for procedures for the periodic supplementation thereof.

### § 1-11. Definitions and interpretation.

- A. In this Code and in other ordinances of the Village, the usage of various words and phrases shall, unless the context clearly indicates otherwise, be interpreted as follows:
- (1) A word importing the masculine gender only shall also include and mean the feminine and neuter.
  - (2) A word importing the singular number only shall also include and mean the plural.
  - (3) The word "shall" is mandatory and the word "may" is permissive.
  - (4) Dates marking the beginning and end of a time period shall be inclusive unless otherwise specified. [Added 4-21-1990 by L.L. No. 1, 1990]
- B. For the purposes of this Code, the terms used herein shall be defined as follows, unless the context clearly indicates another meaning:

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BOARD -- The Board of Trustees of the Incorporated Village of Saltaire.

CLERK -- The Clerk of the Village of Saltaire.

CODE -- The Code of the Village of Saltaire.

PERSON -- Any firm, association, club, or other organized group, partnership, corporation, governmental agency or entity capable of being sued, as well as a natural person.

VILLAGE [Amended 4-21-1990 by L.L. No. 1, 1990]:

- (1) In upper case ("Village"), the government of the Incorporated Village of Saltaire.
- (2) In lower case ("village"), the geographical limits or community encompassed by the Incorporated Village of Saltaire.

**§ 1-12. Fees. [Added 12-1-1990 by L.L. No. 11, 1990]**

Notwithstanding anything in this Code to the contrary, in any instance where the Village is authorized by the Village Law, this Code or otherwise to issue permits, the Board may, by resolution, set a schedule of fees, as it may from time to time modify, the payment of which shall constitute a precondition for the issuance of the permit.

**§ 1-13. Penalties for offenses.**

- A. In addition to any civil penalties or remedy specifically provided in any chapter of this Code for violation of any of the provisions thereof or for the abatement of the same, and except where a criminal or quasi-criminal penalty shall be specifically set forth in any chapter of this Code for violation of any of the provisions thereof, any person who shall violate any of the provisions of this Code shall be guilty of a violation pursuant to the Penal Law of the State of New York and shall, upon conviction by a court of competent jurisdiction, be punishable by a fine not to exceed two hundred fifty dollars (\$250) or a term of imprisonment not to exceed fifteen (15) days, or both such fine and imprisonment. The continuation of an offense against the provisions of this Code may constitute, for each day the offense is continued, a separate and distinct offense hereunder.
- B. Violations of any new chapters adopted as additions or supplements to this Code shall be subject to the penalties provided herein.

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- C. Except to the extent otherwise prohibited by law, every fine and/or penalty imposed by any court of competent jurisdiction for the violation of this Code or of any other local law, ordinance, order, rule or regulation of the Village or any of its duly authorized agents or agencies, boards, commissions or other bodies, shall be the property of the Village and paid to it in the manner prescribed by law.

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#### **§ 1-14. Severability.**

If any chapter, article, section, paragraph, sentence, part, clause or provision of this Code shall be adjudged by any court of competent jurisdiction to be unconstitutional or otherwise invalid, said judgment shall not affect, impair or invalidate any other provision or the remainder of this Code but shall be confined in its operation to the chapter, article, section, paragraph, sentence, part, clause or provision of this Code to which said judgment shall have been made specifically applicable by said court of competent jurisdiction.

#### **§ 1-15. When effective.**

This Code shall take effect after final adoption and publication of the notice of adoption as provided by law.