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**RESOLUTION #16 of 2025  
TO ENACT LOCAL LAW NO. 2 – 2025**

WHEREAS a public hearing was held the 9th day of December, 2025 by the Board of Trustees of the Village of Brownville, notice of which was given as required by the Municipal Home Rule Law, the Open Meetings Law and the Village Law of the State of New York;

WHEREAS at said public hearing the Board of Trustees considered the enactment of proposed Local Law No. 2 -2025, entitled A LOCAL LAW TO PROVIDE FOR THE CODIFICATION OF THE LOCAL LAWS, ORDINANCES AND CERTAIN RESOLUTIONS OF THE VILLAGE OF BROWNVILLE INTO A MUNICIPAL CODE TO BE DESIGNATED THE “CODE OF THE VILLAGE OF BROWNVILLE”;  
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. 2 -2025 be enacted as follows:

(copy of local law attached)

A motion to adopt the resolution was made by Trustee Michael Walrath and seconded by Trustee Robert Gouremout, and upon a roll call vote of the Board was duly adopted as follows:

<b>ROLL CALL VOTE:</b>	Yes	No	ABSENT
Mayor Patrick Connor	<u>✓</u>	<u>      </u>	<u>      </u>
Trustee Amy Baker	<u>      </u>	<u>      </u>	<u>✓</u>
Trustee Robert Gouremout	<u>✓</u>	<u>      </u>	<u>      </u>
Trustee Michael Walrath	<u>✓</u>	<u>      </u>	<u>      </u>
Trustee Steve Mott	<u>✓</u>	<u>      </u>	<u>      </u>

December 9, 2025

  
\_\_\_\_\_  
Amber Kluşacek, Village Clerk-Treasurer, RMC, CMFO

**PROPOSED CODE ADOPTION LOCAL LAW**  
**for the**  
**CODE OF THE VILLAGE OF BROWNVILLE, NEW YORK**  
**October 2025**

GENERAL CODE  
3490 Winton Place  
Rochester, New York 14623  
800 836-8834  
[www.generalcode.com](http://www.generalcode.com)

**ARTICLE I**  
**Adoption of Code**

**§ 1-1. Code adopted; continuation of existing provisions.**

In accordance with Subdivision 3 of § 20 of the Municipal Home Rule Law, the local laws, ordinances and certain resolutions of the Village of Brownville, as codified and consisting of Chapters 1 through 88, are hereby approved, adopted, and enacted as the Code of the Village of Brownville, hereinafter referred to as the "Code." 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. This local law and the Code adopted hereby shall supersede and replace the 1984 Code of the Village of Brownville, as amended and supplemented.

**§ 1-2. Code on file; additions and amendments.**

- A. A copy of the Code has been filed in the office of the Village Clerk and shall remain there for use and examination by the public until final action is taken on this local law. Following adoption of this local law such copy shall be certified to by the Clerk of the Village of Brownville by impressing thereon the Seal of the Village, as provided by law, and such certified copy shall remain on file in the office of the Village Clerk, to be made available to persons desiring to examine the same during all times while said Code is in effect.
- B. Additions or amendments to the Code, when adopted in such form as to indicate the intent of the Board of Trustees to make them a part thereof, shall be deemed to be incorporated into such Code so that reference to the "Code of the Village of Brownville" shall be understood and intended to include such additions and amendments. Nothing contained in this local law shall affect the status of any local law, ordinance or resolution contained in the Code, and such local laws, ordinances or resolutions may be amended, deleted or changed from time to time as the Board of Trustees deems desirable.

**§ 1-3. Notice; publication.**

In the event that notice of enactment of this local law is required due to amendments adopted by way of this local law to zoning or land use provisions, or is otherwise required by law, the Clerk of the Village of Brownville shall cause notice of the enactment of this local law to be given in the manner required by law. The notice of the enactment 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.

**§ 1-4. Severability.**

Each section of this local law and of the Code and every part of each section is an independent section or part of a section, and the holding of any section or a part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

**§ 1-5. Repealer.**

- A. Repeal of inconsistent enactments. All local laws and ordinances of a general and permanent nature, or parts of such local laws or ordinances, inconsistent with the provisions contained in the Code adopted by this local law are hereby repealed; provided, however, that such repeal shall only be to the extent of such inconsistency, and any valid legislation of the Village of Brownville which is not in conflict with the provisions of the Code shall be deemed to remain in full force and effect.
- B. Repeal of specific enactments. The Board of Trustees of the Village of Brownville has determined that the following local laws and/or ordinances are no longer in effect and hereby specifically repeals the following legislation:
- (1) Former Ch. 9, Officers and Employees, Art. I, Residency Requirements for Village Justice, of the 1984 Code, adopted 3-8-2025 by L.L. No. 1-2005.
  - (2) Former Ch. 11, Personnel Policies, of the 1984 Code, adopted 2-7-1983, as amended.
  - (3) Former Ch. 14, Planning Board, of the 1984 Code, adopted 4-3-1961
  - (4) Former Ch. 15, Publication of Zoning Laws, of the 1984 Code, adopted 12-2-1985 by L.L. No. 2-1985.
  - (5) Former Ch. 32, Curfew, of the 1984 Code, adopted 8-29-1977 by L.L. No. 3-1997, as amended.
  - (6) Former Ch. 44, Floodplain Management, of the 1984 Code, adopted 7-21-1975 by L.L. No. 1-1975.
  - (7) Former Ch. A90, Cable Television Franchise, of the 1984 Code, adopted 11-17-1975.

**§ 1-6. Enactments saved from repeal; matters not affected.**

The repeal of local laws and ordinances provided for in § 1-5 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 Village of Brownville 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 Village of Brownville 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 Village of Brownville.
- D. Any agreement entered into or any franchise, license, right, easement or privilege heretofore granted or conferred by the Village of Brownville.

- E. Any local law or ordinance of the Village of Brownville 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 Village of Brownville or any portion thereof.
- F. Any local law or ordinance of the Village of Brownville 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 Brownville or other instruments or evidence of the Village'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 Village 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 Village.
- N. Any local law or adopted subsequent to December 10, 2024.

**§ 1-7. Changes in previously adopted legislation.**

- A. In compiling and preparing the local laws, ordinances and resolutions for publication as the Code of the Village of Brownville, 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 Board of Trustees 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.)

**§ 1-8. Titles and headings; editor's notes.**

- A. Chapter and article titles, headings and titles of sections and other divisions of the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.

- B. Editor's notes indicating sources of sections, giving other information or referring to the statutes or to other parts of the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.

**§ 1-9. Penalties for tampering with Code.**

Any person who alters or tampers with the Code of the Village of Brownville in any manner whatsoever which will cause the legislation of the Village of Brownville 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.

**§ 1-10. When effective.**

This local law shall take effect immediately upon filing with the Secretary of State of the State of New York.

**Village of Brownville  
Code Adoption Local Law**

**Schedule A  
Specific Revisions at Time of Adoption of Code**

**Chapter 5, Ethics, Code of.**

This chapter is amended in its entirety to read as follows:

**§ 5-1. Purpose.**

*Officers and employees of the Village of Brownville hold their positions to serve and benefit the public, and not for obtaining unwarranted personal or private gain in the exercise and performance of their official powers and duties. The Village Board of Trustees recognizes that, in furtherance of this fundamental principle, there is a need for clear and reasonable standards of ethical conduct. This Code of Ethics establishes those standards.*

**§ 5-2. Definitions.**

*BOARD — The governing board of a municipality and any municipal administrative board (e.g., Planning Board, Zoning of Board of Appeals), commission, or other agency or body comprised of two or more municipal officers or employees.*

*CODE — This Code of Ethics.*

*INTEREST — A direct or indirect financial or material benefit, but does not include any benefit arising from the provision or receipt of any services generally available to the residents or taxpayers of the municipality or an area of the municipality, or a lawful class of such residents or taxpayers. A municipal officer or employee is deemed to have an interest in any private organization when he or she, his or her spouse, or a member of his or her household is an owner, partner, member, director, officer, employee, or directly or indirectly owns or controls more than 5% of the organization's outstanding stock.*

*MUNICIPAL OFFICER OR EMPLOYEE — A paid or unpaid officer or employee of the Village of Brownville, including, but not limited to, the members of any municipal board.*

*MUNICIPALITY — The Village of Brownville. The word "municipal" refers to the municipality.*

*RELATIVE — A spouse, parent, step-parent, sibling, step-sibling, sibling's spouse, child, step-child, uncle, aunt, nephew, niece, first cousin, or household member of a municipal officer or employee, and individuals having any of these relationships to the spouse of the officer or employee.*

**§ 5-3. Applicability.**

*This Code of Ethics applies to the officers and employees of the Village of Brownville, and shall supersede any prior municipal Code of Ethics. The provisions of this Code of Ethics shall apply in addition to all applicable state and local laws relating to conflicts of interest and ethics including, but not limited to, Article 18 of the General Municipal Law and all rules, regulations, policies and procedures of the Village of Brownville.*

**§ 5-4. Prohibition on use of municipal position for personal or private gain.**

*No municipal officer or employee shall use his or her municipal position or official powers and duties to secure a financial or material benefit for himself or herself, a relative, or any private organization in which he or she is deemed to have an interest.*

**§ 5-5. Disclosure of interest in legislation and other matters.**

- A. Whenever a matter requiring the exercise of discretion comes before a municipal officer or employee, either individually or as a member of a board, and disposition of the matter could result in a direct or indirect financial or material benefit to himself or herself, a relative, or any private organization in which he or she is deemed to have an interest, the municipal officer or employee shall disclose in writing the nature of the interest.*
- B. The disclosure shall be made when the matter requiring disclosure first comes before the municipal officer or employee, or when the municipal officer or employee first acquires knowledge of the interest requiring disclosure, whichever is earlier.*
- C. In the case of a person serving in an elective office, the disclosure shall be filed with the governing board of the municipality. In all other cases, the disclosure shall be filed with the person's supervisor or, if the person does not have a supervisor, the disclosure shall be filed with the municipal officer, employee or board having the power to appoint to the person's position. In addition, in the case of a person serving on a municipal board, a copy of the disclosure shall be filed with the Board. Any disclosure made to a board shall be made publicly at a meeting of the Board and must be included in the minutes of the meeting.*

**§ 5-6. Recusal and abstention.**

- A. No municipal officer or employee may participate in any decision or take any official action with respect to any matter requiring the exercise of discretion, including discussing the matter and voting on it, when he or she knows or has reason to know that the action could confer a direct or indirect financial or material benefit on himself or herself, a relative, or any private organization in which he or she is deemed to have an interest.*
- B. In the event that this section prohibits a municipal officer or employee from exercising or performing a power or duty:
  - (1) If the power or duty is vested in a municipal officer as a member of a board, then the power or duty shall be exercised or performed by the other members of the Board; or**

- (2) *If the power or duty that is vested in a municipal officer individually, then the power or duty shall be exercised or performed by his or her deputy or, if the officer does not have a deputy, the power or duty shall be performed by another person to whom the officer may lawfully delegate the function.*
- (3) *If the power or duty is vested in a municipal employee, he or she must refer the matter to his or her immediate supervisor, and the immediate supervisor shall designate another person to exercise or perform the power or duty.*

**§ 5-7. Prohibition inapplicable; disclosure, recusal and abstention not required.**

- A. *This chapter's prohibition on use of a municipal position (§ 5-4), disclosure requirements (§ 5-5), and requirements relating to recusal and abstention (§ 5-6), shall not apply with respect to the following matters:*
  - (1) *Adoption of the municipality's annual budget;*
  - (2) *Any matter requiring the exercise of discretion that directly affects any of the following groups of people or a lawful class of such groups:*
    - (a) *All municipal officers or employees;*
    - (b) *All residents or taxpayers of the municipality or an area of the municipality; or*
    - (c) *The general public; or*
  - (3) *Any matter that does not require the exercise of discretion.*
- B. *Recusal and abstention shall not be required with respect to any matter:*
  - (1) *Which comes before a board when a majority of the board's total membership would otherwise be prohibited from acting by § 5-6 of this chapter;*
  - (2) *Which comes before a municipal officer when the officer would be prohibited from acting by § 5-6 of this chapter and the matter cannot be lawfully delegated to another person.*

**§ 5-8. Investments in conflict with official duties.**

- A. *No municipal officer or employee may acquire the following investments:*
  - (1) *Investments that can be reasonably expected to require more than sporadic recusal and abstention under § 5-6 of this chapter; or*
  - (2) *Investments that would otherwise impair the person's independence of judgment in the exercise or performance of his or her official powers and duties.*
- B. *This section does not prohibit a municipal officer or employee from acquiring any other investments or the following assets:*

- (1) *Real property located within the municipality and used as his or her personal residence;*
- (2) *Less than 5% of the stock of a publicly traded corporation; or*
- (3) *Bonds or notes issued by the municipality and acquired more than one year after the date on which the bonds or notes were originally issued.*

**§ 5-9. Private employment in conflict with official duties.**

*No municipal officer or employee, during his or her tenure as a municipal officer or employee, may engage in any private employment, including the rendition of any business, commercial, professional or other types of services, when the employment:*

- A. *Can be reasonably expected to require more than sporadic recusal and abstention pursuant to § 5-6 of this chapter;*
- B. *Can be reasonably expected to require disclosure or use of confidential information gained by reason of serving as a municipal officer or employee;*
- C. *Violates § 805-a, Subdivision (1)(c) or (d), of the General Municipal Law; or*
- D. *Requires representation of a person or organization other than the municipality in connection with litigation, negotiations or any other matter to which the municipality is a party.*

**§ 5-10. Future employment.**

- A. *No municipal officer or employee may ask for, pursue or accept a private post-government employment opportunity with any person or organization that has a matter requiring the exercise of discretion pending before the municipal officer or employee, either individually or as a member of a board, while the matter is pending or within the 30 days following final disposition of the matter.*
- B. *No municipal officer or employee, for the two-year period after serving as a municipal officer or employee, may represent or render services to a private person or organization in connection with any matter involving the exercise of discretion before the municipal office, board, department or comparable organizational unit for which he or she serves.*
- C. *No municipal officer or employee, at any time after serving as a municipal officer or employee, may represent or render services to a private person or organization in connection with any particular transaction in which he or she personally and substantially participated while serving as a municipal officer or employee.*

**§ 5-11. Personal representations and claims permitted.**

*This chapter shall not be construed as prohibiting a municipal officer or employee from:*

- A. *Representing himself or herself, or his or her spouse or minor children, before the municipality; or*

- B. *Asserting a claim against the municipality on his or her own behalf, or on behalf of his or her spouse or minor children.*

**§ 5-12. Use of municipal resources.**

- A. *Municipal resources shall be used for lawful municipal purposes. Municipal resources include, but are not limited to, municipal personnel, and the municipality's money, vehicles, equipment, materials, supplies or other property.*
- B. *No municipal officer or employee may use or permit the use of municipal resources for personal or private purposes, but this provision shall not be construed as prohibiting:*
- (1) *Any use of municipal resources authorized by law or municipal policy;*
  - (2) *The use of municipal resources for personal or private purposes when provided to a municipal officer or employee as part of his or her compensation; or*
  - (3) *The occasional and incidental use during the business day of municipal telephones and computers for necessary personal matters, such as family care and changes in work schedule.*
- C. *No municipal officer or employee shall cause the municipality to spend more than is reasonably necessary for transportation, meals or lodging in connection with official travel.*

**§ 5-13. Interests in contracts.**

- A. *No municipal officer or employee may have an interest in a contract that is prohibited by § 801 of the General Municipal Law.*
- B. *Every municipal officer and employee shall disclose interests in contracts with the municipality at the time and in the manner required by § 803 of the General Municipal Law.*

**§ 5-14. Nepotism.**

*Except as otherwise required by law:*

- A. *No municipal officer or employee, either individually or as a member of a board, may participate in any decision specifically to appoint, hire, promote, discipline or discharge a relative for any position at, for or within the municipality or a municipal board.*
- B. *No municipal officer or employee may supervise a relative in the performance of the relative's official powers or duties.*

**§ 5-15. Political solicitations.**

- A. *No municipal officer or employee shall directly or indirectly to compel or induce a subordinate municipal officer or employee to make, or promise to make, any political contribution, whether by gift of money, service or other thing of value.*
- B. *No municipal officer or employee may act or decline to act in relation to appointing, hiring or promoting, discharging, disciplining, or in any manner changing the official rank, status or compensation of any municipal officer or employee, or an applicant for a position as a municipal officer or employee, on the basis of the giving or withholding or neglecting to make any contribution of money or service or any other valuable thing for any political purpose.*

**§ 5-16. Confidential information.**

*No municipal officer or employee who acquires confidential information in the course of exercising or performing his or her official powers or duties may disclose or use such information unless the disclosure or use is required by law or in the course of exercising or performing his or her official powers and duties.*

**§ 5-17. Gifts.**

- A. *No municipal officer or employee shall solicit, accept or receive a gift in violation of § 805-a, Subdivision (1)(a), of the General Municipal Law as interpreted in this section.*
- B. *No municipal officer or employee may directly or indirectly solicit any gift.*
- C. *No municipal officer or employee may accept or receive any gift, or multiple gifts from the same donor, having an annual aggregate value of \$75 or more when:*
  - (1) *The gift reasonably appears to be intended to influence the officer or employee in the exercise or performance of his or her official powers or duties;*
  - (2) *The gift could reasonably be expected to influence the officer or employee in the exercise or performance of his or her official powers or duties; or*
  - (3) *The gift is intended as a reward for any official action on the part of the officer or employee.*
- D. *For purposes of this section, "gift" includes anything of value, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form. The value of a gift is the gift's fair market value, determined by the retail cost of the item or a comparable item. The fair market value of a ticket entitling the holder to food, refreshments, entertainment, or any other benefit is the face value of the ticket, or the actual cost to the donor, whichever is greater. Determination of whether multiple gifts from a single donor exceed \$75 must be made by adding together the value of all gifts received from the donor by an officer or employee during the twelve-month period preceding the receipt of the most recent gift.*
- E. *Gifts intended to influence or reward.*

- (1) *A gift to a municipal officer or employee is presumed to be intended to influence the exercise or performance of his or her official powers or duties when the gift is from a private person or organization that seeks municipal action involving the exercise of discretion by or with the participation of the officer or employee.*
- (2) *A gift to a municipal officer or employee is presumed to be intended as a reward for official action when the gift is from a private person or organization that has obtained municipal action involving the exercise of discretion by or with the participation of the officer or employee during the preceding 12 months.*

*F. This section does not prohibit any other gift, including:*

- (1) *Gifts made to the municipality;*
- (2) *Gifts from a person with a family or personal relationship with the officer or employee when the circumstances make it clear that the personal relationship, rather than the recipient's status as a municipal officer or employee, is the primary motivating factor for the gift;*
- (3) *Gifts given on special occasions, such as marriage, illness, or retirement, which are modest, reasonable and customary;*
- (4) *Unsolicited advertising or promotional material of little intrinsic value, such as pens, pencils, note pads, and calendars;*
- (5) *Awards and plaques having a value of \$75 or less which are publicly presented in recognition of service as a municipal officer or employee, or other service to the community; or*
- (6) *Meals and refreshments provided when a municipal officer or employee is a speaker or participant at a job-related professional or educational conference or program and the meals and refreshments are made available to all participants.*

#### **§ 5-18. Board of Ethics.**

- A. *There is hereby established a Board of Ethics for the municipality. The Board of Ethics shall consist of four members, a majority of whom shall not be officers or employees of the municipality, but at least one of whom must be a municipal officer or employee. The members of such Board of Ethics shall be appointed by the Village Board of Trustees, serve at the pleasure of the appointing authority, and receive no salary or compensation for their services as members of the Board of Ethics.*
- B. *The Board of Ethics shall render advisory opinions to the officers and employees of the Village of Brownville with respect to Article 18 of the General Municipal Law and this chapter. Such advisory opinions must be rendered pursuant to the written request of any such officer or employee under such rules and regulations as the Board of Ethics may prescribe. The Board of Ethics shall have the advice of legal counsel employed by the Board, or, if none, the municipality's legal counsel. In addition, the Board of Ethics may make recommendations with*

*respect to the drafting and adoption of a code of ethics, or amendments thereto, upon the request of the Village Board of Trustees.*

**§ 5-19. Posting and distribution.**

- A. The Village Mayor must promptly cause a copy of this chapter, and a copy of any amendment to this chapter, to be posted publicly and conspicuously in each building under the municipality's control. The code must be posted within 10 days following the date on which the code takes effect. An amendment to the code must be posted within 10 days following the date on which the amendment takes effect.*
- B. The Village Mayor must promptly cause a copy of this chapter, including any amendments to the code, to be distributed to every person who is or becomes an officer and employee of the Village of Brownville.*
- C. Every municipal officer or employee who receives a copy of this chapter or an amendment to the code must acknowledge such receipt in writing. Such acknowledgments must be filed with the Village Clerk, who must maintain such acknowledgments as a public record.*
- D. The failure to post this chapter or an amendment to the code does not affect either the applicability or enforceability of the code or the amendment. The failure of a municipal officer or employee to receive a copy of this Code of Ethics or an amendment to the code, or to acknowledge receipt thereof in writing, does not affect either the applicability or enforceability of the code or amendment to the code.*

**§ 5-20. Enforcement.**

*Any municipal officer or employee who violates this chapter may be censured, fined, suspended or removed from office or employment in the manner provided by law.*

**§ 5-21. Effective date.**

*This chapter takes effect on May 30, 2024.*

**Chapter 22, Bingo and Games of Chance.**

**Article I, Bingo.**

Section 22-1 is amended to change “Bingo Control Commission” to “Gaming Commission.”

**Article II, Games of Chance.**

Section 22-3 is amended to change “Racing and Wagering Board” to “Gaming Commission.”

## **Chapter 26, Buildings, Unfit.**

A. Section 26-3 is amended to read as follows:

*Jefferson County Code Enforcement carries out all of the obligations and duties in this chapter on behalf of the Village.*

B. Section 26-13 is amended as indicated: "...as set forth and provided in §§ 1440 ~~and 1450~~ of the Real Property Tax Law..."

## **Chapter 31, Checks, Returned.**

Section 31-1 is amended to change "\$15" to "\$20."

## **Chapter 33, Dogs and Other Animals.**

### **Article I, Chickens, Ducks and Poultry.**

Section 33-1 is amended as indicated: "...and properly disposed of. A combined total of not more than six chickens, ducks, turkeys or poultry may be kept per residence."

## **Chapter 38, Firearms.**

Section 38-1 is amended as indicated: "...except in ~~the protection of person~~ self-defense or in the discharge of official duty."

## **Chapter 46, Furnaces, Outdoor.**

A new § 46-5 is added to read as follows:

*Any person who violates or permits a violation of this chapter shall, upon conviction, be guilty of a violation, punishable by a maximum fine of \$250 or by imprisonment for not more than 15 days, or both.*

## **Chapter 48, Garbage, Rubbish and Refuse.**

### **Article I, Refuse Collection.**

A. Section 48-4 is amended to change "five twenty-gallon cans" to "five twenty-gallon bags."

B. Section 48-7 is amended as indicated: "...and paying the fee, ~~of \$25 per year,~~ in an amount as set from time to time by resolution of the Board of Trustees for such license."

C. Section 48-10G is amended to read as follows:

*All trucks must meet the NYS minimum for liability insurance for personal injury, accident and property damage coverage.*

### **Article II, Service Charges.**

Section 48-21, Initial charge, of the 1984 Code is repealed.

## **Chapter 54, Noise.**

This chapter is adopted to read as follows:

**§ 54-1. Purpose.**

*The purpose of this article is to establish noise limits within the Village of Brownville.*

**§ 54-2. Prohibited noises.**

*The creation of any unreasonable loud or disturbing or unnecessary noise in the Village of Brownville is prohibited. The source of the sound to be prohibited can either be human, animal, mechanical or electronic in origin.*

**§ 54-3. Issuance of permits for exceptions.**

*The Village Board may issue permits for certain events which may generate sounds in excess of the stated level.*

**§ 54-4. Nighttime hours.**

*Nighttime hours shall be the hours between 10:00 p.m. and 7:00 a.m.*

**§ 54-5. Intent.**

*The Board of Trustees finds that:*

- A. *Unnecessary noise degrades the environment of the Village to a degree which:
  - (1) *Is harmful to the health, safety and well-being of its inhabitants.*
  - (2) *Interferes with the enjoyment of life, property and recreation and with the successful operation of business and industry.*
  - (3) *Causes nuisances.**
- B. *No one has any right to create unnecessary noise.*
- C. *Effective control and elimination of unnecessary noise is an essential goal of the Village government.*

**§ 54-6. Prohibited acts and exceptions.**

- A. *It shall be unlawful for any person within the Village of West Brownville to make, continue or cause to be made or continued any loud, unnecessary or unusual noise which either annoys, disturbs or endangers the comfort, repose, health, peace or safety of others within the Village limits.*
- B. *The following acts are declared loud, disturbing and unnecessary in violation of this section:
  - (1) *Vehicles.
    - (a) *Horns and signaling devices. The sounding of any horn or signaling device on any vehicle on any street or public place in***

- the Village, except as a warning. Authorized emergency vehicles may use warning sounds.*
- (b) *Engine exhausts. The operation of any type of engine except through a device, such as a muffler, which silences loud or explosive noises issuing from said engine.*
- (2) *Building construction; power equipment.*
- (a) *Operating or permitting the operation of any tool or equipment used in construction, including but not limited to the excavation, alteration, construction or repair of any building, between the hours of 10:00 p.m. and 7:00 a.m., except in the case of an emergency or activities in the interest of public safety.*
- (b) *Refuse compacting. The operation of a refuse compacting vehicle in the process of collecting refuse between the hours of 10:00 p.m. and 7:00 a.m.*
- (c) *Certain power equipment. Operating or permitting to be operated a lawn mower, chain saw, log splitter or other power equipment between the hours of 10:00 p.m. and 7:00 a.m. An exception is granted for emergency uses of said power equipment, such as but not limited to removal of debris from streets and snow removal. Furthermore, no provision contained in this article shall prohibit the operation of snow blowers for their intended purpose at any time.*
- (3) *Loudspeakers, amplifiers, paging systems, portable radios and portable tape players; sound on the streets. The playing, using or operating or permitting to be played, used or operated of any radio receiver, musical instrument, phonograph, loudspeakers, sound amplifier or other machine or device for the producing or reproducing of any sound which is heard upon the public streets, sidewalks, parks, plaza areas or any public areas of the Village. Permits for the operation of these devices may be obtained for the conduct of any approved event or celebration. Practice sessions by school bands or loudspeakers used at organizational athletic or scholastic events are exempt from the operation of this article.*
- (4) *Radios and phonographs. Playing, using, operating or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph, tape player, television receiving set or other machine or device for the producing or reproducing of sound is prohibited if such sound is loud enough to be clearly heard 25 feet from the boundary of the property on which the sound is produced or reproduced.*
- (5) *Yelling and shouting. Yelling, shouting, loudly conversing, screaming or singing on the public streets of the Village or at any time or place so as to annoy the peace, quiet, comfort or repose of persons in any office or any dwelling or any other type of residence or of persons within the vicinity, within the limits of the Village.*

- (6) *Other noises. Any other unnecessary or unauthorized noise which disturbs the peace, repose and daily activities of the inhabitants of the Village is prohibited.*

**§ 54-7. Standards.**

*A. Standards for determining violations.*

- (1) *It shall be unlawful for any person to willfully make or continue or cause to be made or continued any loud or unnecessary or unusual noises, hereinabove defined, which disturb the peace and quiet of any neighborhood or which cause discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area.*
- (2) *It shall be unlawful for any person to willfully make or continue or cause to be made or continued any loud or unnecessary or unusual noises which cause discomfort to any person of unusual sensitiveness when the person generating the noise knows or has reason to know of the other person's unusual sensitiveness and fails to take reasonable measures to reduce or eliminate said noises.*

*B. The standard which may be considered in determining whether a violation of the provisions of this section exist may include but are not limited to the following:*

- (1) *The level of the noise.*
- (2) *Whether the nature of the noise is usual or unusual.*
- (3) *Whether the origin of the noise is natural or unnatural.*
- (4) *The level and intensity of the background noise, if any.*
- (5) *The proximity of the noise to residential sleeping facilities.*
- (6) *The nature and zoning of the area within which the noise emanates.*
- (7) *The density of the inhabitation of the area within which the noise emanates.*
- (8) *The time of the day and night the noise occurs.*
- (9) *The duration of the noise.*
- (10) *Whether the noise is recurrent, intermittent or constant.*

**§ 54-8. Penalties for offenses.**

*Any person, firm or corporation violating any provision of this article shall be fined not less than \$50 nor more than \$500 for each offense when a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. The Police Department may, in its discretion, confiscate the offending device at the scene of the offense, and the return of said device shall be in the sound discretion of the court.*

**Ch. 56, Peddling and Soliciting.**

- A. Section 56-4C is amended as indicated: "...granted pursuant to ~~§ 30~~ § 32 of the General Business Law."
- B. A new § 56-6 is added to read as follows:

*Peddling and soliciting shall only be permitted during the following days and times:  
Monday through Saturday, between the hours of 9:00 a.m. and 9:00 p.m.*

**Chapter 59, Plumbing.**

Section 59-11C is amended as indicated: "...shall be either cast iron, PVC, galvanized, wrought iron..."

**Chapter 65, Slaughterhouses.**

Section 65-1 is amended as indicated: "...livestock or maintaining a slaughterhouse ~~unless such building, structure or plot of ground is situated more than 1,000 feet from any dwelling or apartment house or place of human habitation or building used for business purposes and located more than 1,000 feet from any highway or street within the Village limits.~~"

**Chapter 67, Small Motorized Vehicles.**

Section 67-1 is amended to read as follows:

*No person shall operate a snowmobile, ATV, UTV, minibike, golf cart or electric scooter on any public sidewalks within the Village of Brownville nor on any other property of said Village, nor on the property of another unless prior permission to do so has been obtained from the owner of such property, nor unless such snowmobile, ATV, UTV, minibike, golf cart or electric scooter is properly equipped with an original-equipment, exhaust-muffling device, nor between the hours of 11:00 p.m. and 8:00 a.m. The following portions of streets are hereby designated, pursuant to Article 25 of the Parks and Recreation Law, as those upon which snowmobiles, ATVs, UTVs, minibikes, golf carts and electric scooters may be driven or operated: on the shoulders and inside banks, as defined in such Article 25, of St. Lawrence Avenue West, also known as "St. Lawrence Street West," from the westerly boundary of the Village to Brown Boulevard or Public Square; of Brown Road from Brown Boulevard or Public Square to the easterly boundary of the Village; and of Washington Street, also known as "Church Street," from the northerly boundary of the Village to Main Street, also known as "Basin Street" or "Sand Street."*

**Chapter 68, Storm Sewers.****Article I, Illicit Discharges, Activities and Connections.**

Section 68-16 is amended to insert "30" into the unfilled blank.

**Chapter 71, Subdivision of Land.**

- A. In § 71-8, a new definition for the term "lot line adjustment" is added to read as follows:

*The act of moving or creating a new line between two existing tax parcels. The new line being created cannot make either existing tax parcel nonconforming to the lot size regulations in that district. The new line being created can make an existing nonconforming lot less nonconforming than its current size. Lot line adjustments can be approved by the Mayor or Zoning Office and also be signed by the Village Clerk with their approval.*

B. Section 71-13A is amended to read as follows:

*Review of subdivision. Following the review of the preliminary plat and supplementary material submitted for conformity with this chapter, and following negotiations with the subdivider on changes deemed advisable and the kind and extent of improvements to be made, the Planning Board shall hold a public hearing. The Planning Board shall conduct a public hearing and render its decision on an application for preliminary plat approval in accordance with the procedures and requirements of Subdivision 5 of § 7-728 of the Village Law.*

C. In § 71-14:

- (1) Subsection F is amended to change “60 days” to “62 days.”
- (2) Subsection G is amended as indicated: “...however, extend the expiration time ~~not to exceed two~~ by additional periods of 90 days each.”

D. A new § 71-14.1 is added to read as follows:

*Notice of the application for preliminary or final plat approval shall be provided to state and county agencies, adjacent municipalities and affected property owners as required by law, including but not limited to § 7-728 of the Village Law and §§ 239-l, 239-m, 239-n and 239-nn of the General Municipal Law.*

E. Section 71-22 is amended as indicated: “...have a minimum width of ~~four feet in residential areas and~~ five feet in residential, commercial and industrial areas.”

F. Section 71-38A is amended as indicated: “...be subject to a maximum fine of ~~\$500~~ \$250 or by imprisonment for not more than 15 days, or both, for each such offense...”

## **Chapter 72, Swimming Pools, Spas and Hot Tubs.**

This chapter is amended in its entirety to read as follows:

### **§ 72-1. Swimming pools.**

- A. *For the purposes of this chapter, the term "swimming pool" shall mean any structure, basin, chamber or tank which is intended for swimming, diving, recreational bathing or wading and which contains, is designed to contain, or is capable of containing water more than 24 inches (610 mm) deep at any point. This includes in-ground, above-ground and on-ground pools; indoor pools; hot tubs; spas; and fixed-in-place wading pools.*
- B. *Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.*

### **§ 72-2. Enclosures.**

*The provisions of this section shall control the maintenance of barriers for swimming pools, spas and hot tubs installed, constructed or substantially modified after December 14, 2006. Design controls are intended to provide protection against potential drowning and near drowning by restricting access to swimming pools, spas and hot tubs. All outdoor residential swimming pools must conform to the New York State Property Maintenance Code for enclosures (Section 303.2) regardless of the year the pool was built.*

- A. Compliance with other codes. Enclosures for residential swimming pools, spas and hot tubs shall be in compliance with Section R326 of the Residential Code of New York State. Enclosures for public swimming pools, spas and hot tubs shall be in compliance with Section 3109 of the Building Code of New York State.*
- B. Temporary barriers. An outdoor swimming pool, including an in-ground, above-ground or on ground pool, hot tub or spa shall be surrounded by a temporary barrier during installation or construction in compliance with Section R326.4 of the Residential Code New York State or Section 3109.3.2 of the Building Code of New York State, as applicable.*

**§ 72-3. Swimming pool and spa alarms.**

*A swimming pool or spa installed, constructed or substantially modified after December 14, 2006, shall be equipped with an approved pool alarm in compliance with Section R326.7 of the Residential Code of New York State or Section R3109.5 of the Building Code of New York State.*

- A. Exceptions:*
  - (1) A hot tub or spa equipped with a safety cover that complies with ASTM F1346.*
  - (2) A swimming pool (other than a hot tub or spa) equipped with an automatic power safety cover that complies with ASTM F1346.*

**§ 72-4. Penalties for offenses.**

- A. Any violation of any of the provisions of this chapter shall constitute an offense punishable by a fine not exceeding \$250 or by imprisonment not exceeding 15 days; and each week that such violation is carried on or continued shall constitute a separate violation.*
- B. In addition, the Village of Brownville may institute an appropriate action or proceeding to compel compliance with or to restrain by injunction the violation of any of the provisions of this chapter.*

**§ 72-5. Applicability.**

*The provisions of this chapter shall apply to all swimming pools within the Village of Brownville now in existence or which may hereafter be installed, constructed or maintained.*

## Chapter 74, Taxation.

### Article I, Utilities Tax.

A. Section 74-1 is amended to change “§ 6-640 of the Village” to “§ 5-530 of the Village Law” and to change “Article 3-B of the Public Service Law” to “Transportation Law Article 8, § 170 et seq.”

B. Section 74-2 is amended to read as follows:

*Words and phrases used in this article, unless otherwise noted, shall have the same meanings as ascribed to them in § 186-a of the Tax Law.*

C. Section 74-4 is amended to read as follows:

*Every utility subject to tax hereunder shall file, on or before March 15 of each year, a return for the year ended on the preceding December 31, for taxable years beginning before January first, 2016, except that the year ended on December 31, 1976, shall be deemed, for the purposes of this subsection, to have commenced on June first, 1976, and shall file, on or before April 15 of each year, a return for the year ended on the preceding December 31, for taxable years beginning on or after January first, 2016, including any period for which the tax imposed hereby or by any amendment hereof is effective, each of which returns shall state the gross income or gross operating income for the period covered by each such return. Returns shall be filed with the Village Treasurer on a form to be furnished by the Treasurer for such purpose, and shall contain such other data, information or matter as the Treasurer may require to be included therein. The Village Treasurer, in order to ensure payment of the tax imposed, may require at any time a further or supplemental return, which shall contain any data that may be specified by the Treasurer, and he may require any utility doing business in the Village of Brownville, New York, to file an annual return, which shall contain any data specified by him, regardless of whether the utility is subject to tax under this article. Every return shall have annexed thereto an affidavit of the head of the utility making the same, or of the owner or of a copartner thereof, or of a principal officer of the corporation if such business is conducted by a corporation, to the effect that the statements contained therein are true.*

D. Section 74-10 is amended as indicated: “...paid by the utility and ~~shall not~~ may be added as a separate item to bills rendered by the utility to customers...”

E. Section 74-13B is amended to change “\$1,000” to “\$250” and to change “one year” to “15 days.”

## Chapter 77, Trailers.

Section 77-1 is amended as indicated: “...as living or sleeping quarters; provided, however, that the location of an individual mobile home may be permitted outside an authorized mobile home park upon authorization of a permit by the Planning Board in accordance with § 88-7, Individual mobile homes, of Chapter 88, Zoning, of this Code.”

## Chapter 82, Vehicles and Traffic.

A. Section 82-14A is amended to change “15 miles per hour” to “25 miles per hour.”

B. Section 82-49B is amended to read as follows:

*Such owner or person in charge of the vehicle may redeem the same upon the payment to the towing, storage, or impound company of the amount of all expenses actually and necessarily incurred in effecting such removal or towing, together with any charges for storage.*

C. Section 82-51B is amended as indicated: “...shall be punished by ~~a fine of not more than \$20 for a first conviction, and by a fine of not more than \$50 for a second conviction within one year, and by a fine of not more than \$100 for a third conviction within one year~~ a fine of not more than \$250 or by imprisonment for a term of not more than 15 days, or both.”

D. In § 82-57:

(1) In Subsection A, the table entry for “Washington Street and Brown Road” is repealed.

(2) In Subsection B:

(a) A new table entry for “Patricial Lane” is added to read as follows:

<i>Patricia Lane</i>	<i>East and east (2)</i>	<i>Franklin Street</i>
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(b) A new table entry for “Rice Street” is added to read as follows:

<i>Rice Street</i>	<i>North</i>	<i>Patrician Lane</i>
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(c) A new entry for “Washington Street” is added to read as follows:

<i>Washington Street</i>	<i>South</i>	<i>Main Street</i>
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(d) A new entry for “Watertower Drive” is added to read as follows:

<i>Watertower Drive</i>	<i>South</i>	<i>St. Lawrence Ave. W.</i>
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(e) The table entry for “Potter Avenue / East / Franklin Street” is amended to change “East” to “West.”

E. Section 82-62 is amended to delete the table entry for “Mill Street.”

F. Section 82-66 is amended to delete the table entry for “Maple Street.”

## **Chapter 85, Water.**

### **Article I, Use of Public Water System.**

A. Section 85-3 is amended to read as follows:

*No water shall be used on any premises or for any purpose except through meters installed by the Village, and no connection with the Village water system shall be made unless covered by such meter or meters.*

B. Section 85-4 is amended to read as follows:

*The Village will install and keep in repair all water meters used with the Village water system; the costs of such shall be at the expense of the owner or occupant of the premises.*

**Article II, Contamination of Water Supply.**

Section 85-12 is amended to change "Section 5-1-1933" to "§ 5-1.31."

**Chapter 88, Zoning.**

A. Section 88-15A is amended as indicated: "Fences and walls are acceptable in all districts and a permit ~~is not required for their construction~~ fee of \$15 is required for their construction. They shall not be placed..."

B. Section 88-16B is amended to read as follows:

*A zoning permit shall not be required for chimneys, placement of posts, and other similar accessory uses.*

C. In § 88-19:

(1) A new Subsection E is added to read as follows:

*Notification of adjoining municipalities of granting of use variance for property within 500 feet shall be given where required by General Municipal Law § 239-nn.*

(2) Former Subsection E, regarding Board of Appeals guidelines for the issuance of variances, is redesignated as Subsection F.

D. Section 88-23B is amended to change "§ 7-725 of the Village Law" to "§ 7-725-a of the Village Law."

E. In § 88-24:

(1) Subsection C is amended to change "120 days" to "124 days."

(2) Subsection D is amended to change "60 days" to "62 days."

(3) Subsection E is amended to change "60 days" to "62 days."

(4) A new Subsection G is added to read as follows:

*Notification of adjoining municipalities of site plan review and approval for property within 500 feet shall be given where required by General Municipal Law § 239-nn.*

(5) Former Subsections G and H, regarding the requirement for performance bonds and appeals from decisions of the Planning Board, respectively, are redesignated as Subsections H and I.

(6) A new Subsection J is added to read as follows:

*Compliance with State Environmental Quality Review Act. The Planning Board shall comply with the provisions of the State Environmental Quality Review Act under Article 8 of the Environmental Conservation Law and its implementing regulations.*

F. In § 88-26, Subsection C, regarding mobile homes, is repealed.

G. In § 88-28B:

(1) The definition of "family" is amended to read as follows:

*One or more persons who live together in one dwelling unit and maintain a common household, which may consist of a single person or of two or more persons, whether or not related by blood, marriage or adoption and may also include domestic servants and gratuitous guests.*

- (2) The definition of “kennel” is amended to change “six months” to “four months.”