

Chapter 1

GENERAL PROVISIONS

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[HISTORY: Adopted by the Town Board of the Town of Windsor: Art. I, 1-18-82 as L.L. No. 1-1982. Amendments noted where applicable.]

ARTICLE I
Adoption of Code
[Adopted 1-18-82 as L.L. No. 1-1982]

Be it enacted by the Town Board of the Town of Windsor as follows:

§ 1-1. Legislative intent.

The local laws, ordinances and certain resolutions of the Town of Windsor referred to in § 1-2 of this local law shall be known collectively as the "Code of the Town of Windsor" 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.
[NOT INCLUDED, ON FILE IN THE TOWN CLERK'S OFFICE.]

§ 1-3. (Reserved)

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

All local laws and ordinances of a general and permanent nature of the Town of Windsor, 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of this local law and not contained in such Code or recognized and continued in force by reference herein, are hereby repealed as of the effective date of this local law, except as hereinafter provided.

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

The repeal of local laws and ordinances provided for in § 1-4 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 Windsor 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 Windsor, or any penalty, punishment or forfeiture which may result therefrom.

- C. Any prosecution, indictment, action, suit or other proceeding pending, or any judgement rendered prior to the effective date of this local law, brought pursuant to any legislative provision of the Town of Windsor.
- D. Any franchise, license, permit, right, entitlement, easement or privilege heretofore granted or conferred by the Town of Windsor.
- E. Any local law, ordinance or resolution of the Town of Windsor providing for the laying out, opening, altering, widening, locating, 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 Windsor or any portion thereof.
- F. Any local law, ordinance or resolution of the Town of Windsor 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 Windsor 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.
- H. Any lawful contract or obligation.
- I. The levy or imposition of special assessments or charges, or the establishment of any fee, charge or rate for a permit, license, application or service.
- J. The dedication of property.
- K. Any local law, ordinance or resolution pertaining to any water, sewer, fire, lighting or other special purpose district.
- L. Any rules, regulations, standards or specifications referred to or authorized to be adopted by any local law, ordinance or resolution included in the Code.
- M. Any local law, ordinance or resolution pertaining to the appointment of town personnel or to the compensation, conditions of employment or benefits of town personnel, or any other type of regulation or policy pertaining to personnel.
- N. Local Law No. 1-1977, adopted May 4, 1977, pertaining to Environmental Quality Review.

O. Any local law, ordinance or resolution adopted subsequent to May 6, 1981. Local laws, ordinances and resolutions adopted subsequent to May 6, 1981, but prior to the effective date of this local law are hereby specifically continued in effect to the same extent as if referred to in § 1-2 of this local law, and such local laws, ordinances and resolutions of a Code nature shall hereafter be incorporated into the Code in such manner as is most appropriate.

§ 1-6. Filing of copies of Code.

A copy of the Code, in loose-leaf form, has been filed in the office of the Town Clerk of the Town of Windsor and shall remain there for use and examination by the public until final action is taken on this local law, and upon adoption of this local law, such copy shall be certified to by the Town Clerk of the Town of Windsor, 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 Windsor" or any new local laws, ordinances or resolutions of a general and permanent nature, 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 of the of the Town of Windsor 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, in such manner as is provided by law generally for the amendment of local laws, ordinances and resolutions.

§ 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 Windsor 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 change 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 Windsor 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. Publication; filing.

The Town Clerk of the Town of Windsor, pursuant to law, shall cause to be published, in the manner required, a notice of the introduction and enactment of this local law in the official newspaper of the town. A copy of the Code of the Town of Windsor shall be maintained in the office of the Town Clerk for inspection by the public at all times during regular office hours. The enactment and application 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.

§ 1-11. 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 Windsor or who alters or tampers with such Code in any manner whatsoever which will cause the legislation of the Town of Windsor to be misrepresented thereby or who violates any other provision of this local law shall be guilty of a violation pursuant to the Penal Law of the State of New York,

punishable by a fine of not more than two hundred fifty dollars (\$250.) or by imprisonment for a term of not more than fifteen (15) days, or by both such fine and imprisonment.

§ 1-12. Severability.

If any clause, sentence, paragraph, section, Article or part of this local law or of any local law or ordinance or resolution incorporated into the Code hereafter 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.

§ 1-13. 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 Windsor, to be entitled "Chapter 1, General Provisions, Article I, Adoption of Code," and the sections of this local law shall be numbered §1-1 to §1-14 inclusive.

§ 1-14. When effective.

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