

PART I

**ADMINISTRATIVE
LEGISLATION**

Chapter 1
GENERAL PROVISIONS

ARTICLE I
Adoption of Code

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[HISTORY: Adopted by the Board of Trustees of the Village of Sodus Point as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Adoption of Code

[Adopted 12-18-1997 by L.L. No. 6-1997]

§ 1-1. Legislative intent.

In accordance with Subdivision 3 of § 20 of the Municipal Home Rule Law, the local laws, ordinances and certain resolutions of the Village of Sodus Point, as codified by General Code Publishers Corp., and consisting of Chapters 1 through 190, together with an Appendix, shall be known collectively as the "Code of the Village of Sodus Point," hereafter termed the "Code." Wherever reference is made in any of the local laws, ordinances and resolutions contained in the "Code of the Village of Sodus Point" to any other local law, ordinance or resolution appearing in said Code, such reference shall be changed to the appropriate chapter title, chapter number, article number or section number appearing in the Code as if such local law, ordinance or resolution had been formally amended to so read.

§ 1-2. Continuation of existing provisions.

The provisions of the Code, insofar as they are substantively the same as those of local laws, ordinances and resolutions in force immediately prior to the enactment of the Code by this local law are intended as a continuation of such local laws, ordinances and resolutions and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior local law, ordinance or resolution. All such provisions are hereby continued in full force and effect and are hereby reaffirmed as to their adoption by the Board of Trustees of the

Village of Sodus Point, and it is the intention of said Board that each such provision contained within the Code is hereby reaffirmed as it appears in said Code. Only such provisions of former local laws and ordinances as are omitted from this Code shall be deemed repealed or abrogated by the provisions of § 1-3 below.

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

All local laws and ordinances of a general and permanent nature of the Village of Sodus Point in force on the date of the adoption of this local law and not contained in such Code or recognized and continued in force by reference therein are hereby repealed from and after the effective date of this local law.

§ 1-4. Enactments saved from repeal; matters not affected.

The repeal of local laws and ordinances provided for in § 1-3 of this local law shall not affect the following classes of local laws, ordinances, rights and obligations, which are hereby expressly saved from repeal:

- A. Any right or liability established, accrued or incurred under any legislative provision of the Village of Sodus Point 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 Sodus Point 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 Sodus Point.
- D. Any franchise, license, right, easement or privilege heretofore granted or conferred by the Village of Sodus Point.
- E. Any local law or ordinance of the Village of Sodus Point 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 Sodus Point or any portion thereof.
- F. Any local law or ordinance of the Village of Sodus Point 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 Sodus Point 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 or obligation.
- H. The levy or imposition of special assessments or charges.
- I. The annexation or dedication of property.
- J. Any legislation relating to salaries.

- K. Any local law or ordinance amending the Zoning Map.
- L. Any legislation adopted subsequent to August 31, 1997.
- M. Any ordinance relating to or establishing a pension plan or pension fund for municipal employees.

§ 1-5. Severability.

If any clause, sentence, paragraph, section, article, chapter or part of this local law or of any local law, ordinance or resolution included in this Code now or through supplementation shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section, article, chapter or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§ 1-6. Copy of Code on file.

A copy of the Code, in loose-leaf form, has been filed in the office of the Village Clerk of the Village of Sodus Point and shall remain there for use and examination by the public until final action is taken on this local law; and, if this local law shall be adopted, such copy shall be certified by the Village Clerk of the Village of Sodus Point by impressing thereon the Seal of the Village of Sodus Point, and 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 said Code is in effect. The enactment and publication of this local law, coupled with the availability of a copy of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

§ 1-7. Amendments to Code.

Any and all additions, deletions, amendments or supplements to any of the local laws, ordinances and resolutions known collectively as the "Code of the Village of Sodus Point" or any new local laws or resolutions, when enacted or adopted in such form as to indicate the intention of the Board of Trustees 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 Board of Trustees deems desirable.

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

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 Sodus Point required to be filed in the office of the Village Clerk for use by the public. All changes in said Code and all local laws and resolutions adopted by the Board of Trustees subsequent to the enactment of this local law in such form as to indicate the intention of said Board to be a part of said Code shall, when finally enacted or adopted, be included therein by temporary attachment of copies of such changes, local laws or resolutions until such changes, local laws 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 Village Clerk of the Village of Sodus Point upon the payment of a fee to be set by resolution of the Board of Trustees, which Board 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 Village Clerk, changes or amends, by additions or deletions, any part or portion of the Code of the Village of Sodus Point or who alters or tampers with such Code in any manner whatsoever which will cause the legislation of the Village of Sodus Point to be misrepresented thereby or who violates any other provision of this local law shall be guilty of an offense and shall, upon conviction thereof, be subject to a fine of not more than \$250 or imprisonment for a term of not more than 15 days, or both.

§ 1-11. Changes in previously adopted legislation; new provisions.

In compiling and preparing the local laws, ordinances and resolutions for publication as the Code of the Village of Sodus Point, 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.¹ In addition, certain grammatical changes and other minor nonsubstantive changes were made in one or more of said pieces of legislation. It is the intention of the 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.

§ 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 Village of Sodus Point, 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 Editor's Note: No substantive changes were made.

§ 1-13. When effective.

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

Chapter 5

APPEARANCE TICKETS

§ 5-1. Authorized issuing agents.

§ 5-2. Tickets to be served personally.

[HISTORY: Adopted by the Board of Trustees of the Village of Sodus Point 2-15-1979 by L.L. No. 1-1979. Amendments noted where applicable.]

§ 5-1. Authorized issuing agents.

The following public servants of the Village of Sodus Point are hereby authorized to issue and serve an appearance ticket with respect to violation of a state statute, local law, ordinance, rule or regulation of the Village of Sodus Point that such public servants are required or authorized to enforce: Building Inspector and Sewer Inspector.

§ 5-2. Tickets to be served personally.

Appearance tickets, other than a parking violation, shall be served personally.

Chapter 9 ASSESSMENT

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| <p>§ 9-1. Legislative intent.</p> <p>§ 9-2. Termination of village's status as assessing unit.</p> <p>§ 9-3. Position of Assessor abolished.</p> <p>§ 9-4. Board of Assessment Review abolished.</p> | <p>§ 9-5. Village taxes to be part of town assessment.</p> <p>§ 9-6. Filing with Town Clerk and Assessor.</p> <p>§ 9-7. When effective; referendum.</p> |
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[HISTORY: Adopted by the Board of Trustees of the Village of Sodus Point 3-1-1984 by L.L. No. 1-1984. Amendments noted where applicable.]

GENERAL REFERENCES

Taxation — See Ch. 168.

§ 9-1. Legislative intent.

The intent of the Board of Trustees of the Village of Sodus Point is to implement § 1402, Subdivision 3, of the Real Property Tax Law, providing for the voluntary termination of the village's status as an assessing unit, as now provided in the Village Law and the Real Property Tax Law. It is also the intent of this chapter to abolish the position of Board of Assessors and to terminate any and all responsibility as provided by law for the review of the assessments of real property located within the Village of Sodus Point.

§ 9-2. Termination of village's status as assessing unit.

On or after the effective date of this chapter, the Village of Sodus Point shall cease to be an assessing unit.

§ 9-3. Position of Assessor abolished.

The position of Assessor in the Village of Sodus Point is hereby abolished.

§ 9-4. Board of Assessment Review abolished.

The Board of Assessment Review in the Village of Sodus Point is hereby abolished.

§ 9-5. Village taxes to be part of town assessment.

On or after the effective date of this chapter, taxes in the Village of Sodus Point shall be levied on a copy of the applicable part of the assessment roll of the Town of Sodus with the taxable status date of such town controlling for the village purposes.

§ 9-6. Filing with Town Clerk and Assessor.

Within five days of the effective date of this chapter, the Board of Trustees of the Village of Sodus Point shall file a copy of such chapter with the Clerk and Assessor of the Town of Sodus and with the State Board of Equalization and Assessment.¹

§ 9-7. When effective; referendum.

This chapter shall take effect immediately upon filing with the Secretary of State; provided, however, that such chapter is subject to a permissive referendum and the Village Clerk shall forthwith proceed to notice such fact and conduct such referendum if required by petition.²

¹ Editor's Note: The State Board of Equalization and Assessment was changed to the State Board of Real Property Services by L.1994, c. 385.

² Editor's Note: No valid petition was filed, and this chapter was approved March 1, 1984.

Chapter 16
DEFENSE AND INDEMNIFICATION

- § 16-1. Benefits to officers and employees.** **§ 16-3. Benefits deemed supplemental.**
§ 16-2. Benefits to other public entities.

[HISTORY: Adopted by the Board of Trustees of the Village of Sodus Point 2-19-1987. Amendments noted where applicable.]

§ 16-1. Benefits to officers and employees.

The Board of Trustees of the Village of Sodus Point hereby agrees to confer the benefits of § 18 of the Public Officers Law upon its officers and employees and to be held liable for costs incurred under the provisions of said section.

§ 16-2. Benefits to other public entities.

The Board of Trustees hereby agrees to confer the benefits of § 18 of the Public Officers Law upon the officers and employees of any public entity established for the benefit of the Village of Sodus Point and to be held liable for costs incurred under the provisions of said section.

§ 16-3. Benefits deemed supplemental.

Any benefits accorded to officers and employees under § 18 of the Public Officers Law shall supplement, and be available in addition to, defense or indemnification protection conferred by any other enactment.

Chapter 25

INVESTMENT POLICY

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| <p>§ 25-1. Applicability.</p> <p>§ 25-2. Objectives.</p> <p>§ 25-3. Delegation of authority.</p> <p>§ 25-4. Prudence.</p> <p>§ 25-5. Diversification.</p> <p>§ 25-6. Internal controls.</p> <p>§ 25-7. Designation of depositaries.</p> | <p>§ 25-8. Collateralizing of deposits.</p> <p>§ 25-9. Safekeeping and collateralization.</p> <p>§ 25-10. Permitted investments.</p> <p>§ 25-11. Authorized financial institutions and dealers.</p> <p>§ 25-12. Purchase of investments.</p> <p>§ 25-13. Repurchase agreements.</p> |
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[HISTORY: Adopted by the Board of Trustees of the Village of Sodus Point 7-20-1995. Amendments noted where applicable.]

§ 25-1. Applicability.

This investment policy applies to all moneys and other financial resources available for investment on its own behalf of any other entity or individual.

§ 25-2. Objectives.

The primary objectives of the local government's investment activities are, in priority order:

- A. To conform with all applicable federal, state and other legal requirements (legal).
- B. To adequately safeguard principal (safety).
- C. To provide sufficient liquidity to meet all operating requirements (liquidity).
- D. To obtain a reasonable rate of return (yield).

§ 25-3. Delegation of authority.

The governing board's responsibility for administration of the investment program is delegated to the chief fiscal officer and other officers having custody of money who shall establish written procedures for the operation of the investment program consistent with these investment guidelines. Such procedures shall include an adequate internal control structure to provide a satisfactory level of accountability based on a data base or records incorporation description and amounts of investments, transaction dates and other relevant information and regulate the activities of subordinate employees.

§ 25-4. Prudence.

- A. All participants in the investment process shall seek to act responsibly as custodians of the public trust and shall avoid any transaction that might impair public confidence in the village to govern effectively.
- B. Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the safety of the principal as well as the probable income to be derived.
- C. All participants involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program or which could impair their ability to make impartial investment decisions.

§ 25-5. Diversification.

It is the policy of the village to diversify its deposits and investments by financial institution, by investment instrument, and by maturity scheduling.

§ 25-6. Internal controls.

- A. It is the policy of the village for all moneys collected by any officer or employee of the government to transfer those funds to the chief fiscal officer within 30 days of deposit, or within the time period specified in law, whichever is shorter.
- B. The chief fiscal officer and other officers having custody of money is responsible for establishing and maintaining an internal control structure to provide reasonable, but not absolute, assurance that deposits and investments are safeguarded against loss from unauthorized use or disposition, that transactions are executed in accordance with management’s authorization and recorded properly and are managed in compliance with applicable laws and regulations.

§ 25-7. Designation of depositaries.

The banks and trust companies authorized for the deposit of moneys up to the following maximum amounts are:

| Depository Name | Maximum Amount | Officer |
|------------------------|-----------------------|-----------------|
| Marine Midland | \$1,300,000 | Clerk-Treasurer |

§ 25-8. Collateralizing of deposits.

In accordance with the provisions of General Municipal Law § 10, all deposits of the village, including certificates of deposits and special time deposits, in excess of the amount insured under the provisions of the Federal Deposit Insurance Act shall be secured:

- A. By a pledge of eligible securities with an aggregate market value, or provided by General Municipal Law § 10, equal to the aggregate amount of deposits from the categories designated in Appendix A to this policy.¹
- B. By an eligible irrevocable letter of credit issued by a qualified bank other than the bank with the deposits in favor of the government for a term not to exceed 90 days with an aggregate value equal to 140% of the aggregate amount of deposits and the agreed upon interest, if any. A qualified bank is one whose commercial paper and other unsecured short-term debt obligations are rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization or by a bank that is in compliance with applicable federal minimum risk-based capital requirements.
- C. By an eligible surety bond payable to the government for an amount at least equal to 100% of the aggregate amount of deposits and the agreed upon interest, if any, executed by an insurance company authorized to do business in New York State, whose claims-paying ability is rated in the highest rating category by at least two nationally recognized statistical rating organizations.

§ 25-9. Safekeeping and collateralization.

Eligible securities used for collateralizing deposits shall be held by the depository and/or a third-party bank or trust company subject to security and custodial agreements.

- A. The security agreement shall provide that eligible securities are being pledged to secure local government deposits together with agreed upon interest, if any, and any costs or expenses arising out of the collection of such deposits upon default. It shall also provide the conditions under which the securities may be sold, presented for payment, substituted or released and the events which will enable the local government to exercise its rights against the pledged securities. In the event that the securities are not registered or inscribed in the name of the local government, such securities shall be delivered in a form suitable for transfer or with an assignment in blank to the village or its custodial bank.
- B. The custodial agreement shall provide that securities held by the bank or trust company or agent of and custodian for the local government will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement should also describe that the custodian shall confirm the receipt, substitution or release of the securities. The agreement shall provide for the frequency of revaluation of eligible securities and for the substitution of securities when a change in the rating of a security may cause ineligibility. Such agreement shall include all provisions necessary to provide the local government a perfected interest in the securities.

§ 25-10. Permitted investments.

- A. As authorized by General Municipal Law § 11, the Board of Trustees authorizes the chief fiscal officer and other officer having custody of money to invest moneys not required for

¹ Editor's Note: Appendix A is on file in the village offices.

immediate expenditure for terms not to exceed its projected cash flow needs in the following types of investments:

- (1) Special time deposit accounts.
- (2) Certificates of deposit.
- (3) Obligations of the United States of America.
- (4) Obligations guaranteed by agencies of the United States of America where the payment of principal and interest are guaranteed by the United States of America.
- (5) Obligations of the State of New York.
- (6) Obligations issued pursuant to Local Finance Law § 24.00 or 25.00 (with approval of the State Comptroller) by any municipality, school district or district corporation other than the village.
- (7) Obligations of public authorities, public housing authorities, urban renewal agencies and industrial development agencies where the general state statutes governing such entities or whose specific enabling legislation authorizes such investments.
- (8) Certificates of participation (COPs) issued pursuant to General Municipal Law § 109-b.
- (9) Obligations of this local government, but only with any moneys in a reserve fund established pursuant to General Municipal Law § 6-c, 6-d, 6-e, 6-g, 6-h, 6-j, 6-k, 6-l, 6-m or 6-n.

B. All investment obligations shall be payable or redeemable at the option of the village within such times as the proceeds will be needed to meet expenditures for purposes for which the moneys were provided and, in the case of obligations purchased with the proceeds of bonds or notes, shall be payable or redeemable at the option of the village within two years of the date of purchase.

§ 25-11. Authorized financial institutions and dealers.

The village shall maintain a list of financial institutions and dealers approved for investment purposes and establish appropriate limits to the amount of investments which can be made with each financial institution or dealer. All financial institutions with which the local government conducts business must be creditworthy. Banks shall provide their most recent Consolidated Report of Condition (Call Report) at the request of the village. Security dealers not affiliated with a bank shall be required to be classified as reporting dealers affiliated with the New York Federal Reserve Bank as primary dealers. The chief fiscal officer and other officers having custody of money is responsible for evaluating the financial position and maintaining a listing of proposed depositories, trading partners and custodians. Such listing shall be evaluated at least annually.

§ 25-12. Purchase of investments.

- A. The chief fiscal officer and other officer having custody of money is authorized to contract for the purchase of investments:
- (1) Directly, including through a repurchase agreement, from an authorized trading partner.
 - (2) By participation in a cooperative investment program with another authorized governmental entity pursuant to Article 5-G of the General Municipal Law where such program meets all the requirements set forth in the Office of the State Comptroller Opinion No. 88-46, and the specific program has been authorized by the governing board.
 - (3) By utilizing an ongoing investment program with an authorized tracking partner pursuant to a contract authorized by the governing board.
- B. All purchased obligations, unless registered or inscribed in the name of the local government, shall be purchased through, delivered to and held in the custody of a bank or trust company. Such obligations shall be purchased, sold or presented for redemption or payment by such bank or trust company only in accordance with prior written authorization from the office authorized to make the investment. All such transactions shall be confirmed in writing to the village by the bank or trust company. Any obligation held in the custody of a bank or trust company shall be held pursuant to a written custodial agreement as described in General Municipal Law § 10.
- C. The custodial agreement shall provide that securities held by the bank or trust company as agent of and custodian for the local government will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement shall describe how the custodian shall confirm the receipt and release of the securities. Such agreement shall include all provisions necessary to provide the local government a perfected interest in the securities.

§ 25-13. Repurchase agreements.

Repurchase agreements are authorized subject to the following restrictions:

- A. All repurchase agreements must be entered into subject to a master repurchase agreement.
- B. Trading partners are limited to banks or trust companies authorized to do business in New York State and primary reporting dealers.
- C. Obligations shall be limited to obligations of the United States of America and obligations of agencies of the United States of America where principal and interest are guaranteed by the United States of America.
- D. No substitution of securities will be allowed.
- E. The custodian shall be a party other than the trading partner.

