

**Chapter 1**  
**GENERAL PROVISIONS**

ARTICLE I  
Adoption of Code

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| <p>§ 1-1. Legislative intent.</p> <p>§ 1-2. Continuation of existing provisions.</p> <p>§ 1-3. Repeal of enactments not included in Code.</p> <p>§ 1-4. Enactments saved from repeal; matters not affected.</p> <p>§ 1-5. Severability.</p> <p>§ 1-6. Copy of Code on file.</p> <p>§ 1-7. Amendments to Code.</p> <p>§ 1-8. Code book to be kept up-to-date.</p> | <p>§ 1-9. Sale of Code book; supplementation.</p> <p>§ 1-10. Penalties for tampering with Code.</p> <p>§ 1-11. Changes in previously adopted legislation; new provisions.</p> <p>§ 1-12. Incorporation of provisions into Code.</p> <p>§ 1-13. When effective.</p> |
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ARTICLE II  
Licenses and Permits

- § 1-14. Incursion of costs.

**[HISTORY: Adopted by the Town Board of the Town of Rochester as indicated in article histories. Amendments noted where applicable.]**

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ARTICLE I  
Adoption of Code  
[Adopted 4-2-1998 by L.L. No. 1-1998]

Be it enacted by the Town Board of the Town of Rochester, County of Ulster, New York, as follows:

**§ 1-1. Legislative intent.**

In accordance with Subdivision 3 of § 20 of the Municipal Home Rule Law, the local laws, ordinances and certain resolutions as hereby amended of the Town of Rochester, as codified by General Code Publishers Corp., and consisting of Chapters 1 through 140, together with an Appendix, shall be known collectively as the "Code of the Town of Rochester," hereafter termed the "Code." Wherever reference is made in any of the local laws, ordinances and resolutions contained in the "Code of the Town of Rochester" 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 Town Board of the Town of Rochester, 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.**

- A. All local laws and ordinances of a general and permanent nature of the Town of Rochester 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.
- B. In addition, the following local laws are specifically repealed:
  - (1) Local Law No. 1-1969.
  - (2) Local Law No. 3-1979.
  - (3) Local Law No. 2-1980.

**§ 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 Town of Rochester 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 Town of Rochester or any penalty, punishment or forfeiture which may result therefrom.
- C. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this local law brought pursuant to any legislative provision of the Town of Rochester.
- D. Any franchise, license, right, easement or privilege heretofore granted or conferred by the Town of Rochester.
- E. Any local law or ordinance of the Town of Rochester providing for the laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name,

improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place within the Town of Rochester or any portion thereof.

- F. Any local law or ordinance of the Town of Rochester 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 Rochester or other instruments or evidence of the town'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 8-30-1996.
- M. Any legislation relating to or establishing a pension plan or pension fund for municipal employees.
- N. Procurement policy, adopted 2-6-1992.
- O. Investment policy, adopted 7-1-1993.

**§ 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 Town Clerk of the Town of Rochester 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 Town Clerk of the Town of Rochester by impressing thereon the Seal of the town, 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 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 Town of Rochester" or any new local laws, ordinances or resolutions, when enacted or adopted in such form as to indicate the intention of the Town Board to be a part thereof, shall be deemed to be incorporated into such Code so that reference to the Code shall be understood and intended to include such additions, deletions, amendments or supplements. Whenever such additions, deletions, amendments or supplements to the Code shall be enacted or adopted, they shall thereafter be printed and, as provided hereunder, inserted in the loose-leaf book containing said Code as amendments and supplements thereto. Nothing contained in this local law shall affect the status of any local law, ordinance or resolution contained herein, and such local laws, ordinances or resolutions may be amended, deleted or changed from time to time as the Town Board deems desirable.

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

It shall be the duty of the Town Clerk to keep up-to-date the certified copy of the book containing the Code of the Town of Rochester 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, local laws, ordinances or resolutions until such changes, 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 Rochester upon the payment of a fee to be set by resolution of the Town Board, 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 Town Clerk, changes or amends, by additions or deletions, any part or portion of the Code of the Town of Rochester or who alters or tampers with such Code in any manner whatsoever which will cause the legislation of the Town of Rochester 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.**

A. In compiling and preparing the local laws, ordinances and resolutions for publication as the Code of the Town of Rochester, no changes in the meaning or intent of such local laws,

ordinances and resolutions have been made, except as provided for in Subsection B hereof. In addition, certain grammatical changes and other minor nonsubstantive changes were made in one or more of said pieces of legislation. It is the intention of the Town Board that all such changes be adopted as part of the Code as if the local laws, ordinances and resolutions had been previously formally amended to read as such.

- B. In addition, substantive changes are made in the following amendments and/or additions that are made herewith, to become effective upon the effective date of this local law as set forth in Schedule A attached hereto and made a part hereof (chapter and section number references are to the local laws, ordinances and resolutions as they have been renumbered and appear in the Code).<sup>1</sup>
- C. Nomenclature changes.
- (1) Throughout Ch. 56, "Building Inspector" is changed to "Code Enforcement Officer."
  - (2) Throughout Ch. 118, "sanitary landfill" is changed to "solid waste transfer station."

#### **§ 1-12. Incorporation of provisions into Code.**

The provisions of this local law are hereby made Article I of Chapter 1 of the Code of the Town of Rochester, such local law to be entitled "General Provisions, Article I, Adoption of Code," and the sections of this local law shall be numbered §§ 1-1 to 1-13, inclusive.

#### **§ 1-13. When effective.**

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

## ARTICLE II

### Licenses and Permits

[Adopted 4-2-1998 by L.L. No. 1-1998]

#### **§ 1-14. Incursion of costs.**

An applicant for a permit, license, approval, appeal or zoning amendment from the Town of Rochester shall pay all costs and expenses including but not limited to fees for professional services incurred by the town associated with the review (including the State Environmental Quality Review process) of the application for such permit, license, approval, appeal or zoning amendment and in administering the Code provisions relating to such permit, license, approval, appeal or zoning amendment, as well as all costs and expenses including but not limited to attorney's fees and expert witness fees of any litigation arising out of the granting or denial of such permit, license, approval, appeal or zoning amendment or the enforcement thereof.

<sup>1</sup> Editor's Note: In accordance with § 1-11B, the chapters, parts and sections which were added, amended, adopted or deleted by this local law are indicated throughout the Code by a footnote referring to Chapter 1, General Provisions, Article I. During routine supplementation, footnotes, indicating amendments, additions or deletions will be replaced with the following history: "Amended (added, deleted) 4-2-1998 by L.L. No. 1-1998." Schedule A, which contains a complete description of all changes, is on file in the town offices.