

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one.)

of Cicero

Local Law No. 5 of the year 2024

A local law A local law adopting a resolution approving to approve changes to Chapter 210 of the
Town Code related to zoning enforcement.

See attached local law.

Town Board approved on June 26, 2024.

Be it enacted by the Town of Cicero Town Board of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of Cicero, in the County of Onondaga as follows:

LOCAL LAW #5 of 2024:

A local law in the Town of Cicero : to approve changes to Chapter 210 of the Town Code related to zoning enforcement. (see attached local law) To be known as Local Law #5 of 2024.

The effective date shall be upon filing with the NYS Secretary of State and shall be known as Local Law #5 of 2024.
The resolution was approved by the Cicero Town Board on June 26, 2024.

(See attachment #1)

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 5 of 2024 of the (County)(City)(Town)(Village) of Cicero was duly passed by the Town Board on June 26 2024, in accordance with the applicable provisions of law.
(Name of Legislative Body)

~~**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)**~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*~~

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

~~**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.~~

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

LOCAL LAW 5 OF THE YEAR 2024

A LOCAL LAW OF THE TOWN OF CICERO to amend Chapter 210 of the Town Code, in relation to zoning regulations and enforcement.

Be it enacted by the Town Board of Cicero:

SECTION 1. Statutory Authority

This Local Law is adopted pursuant to §10 of the Municipal Home Rule Law.

SECTION 2. Legislative Intent

This Local Law is intended to modify Chapter 210 of the Town Code to modify the currently applicable penalties for violations thereof, to limit the number of certain types of vehicles stored on small residential parcels, and to expressly prohibit the storage of rubbish and/or solid waste within the Town.

SECTION 3. Legislative Findings

The Cicero Town Board hereby finds as follows:

1. The primary purpose of zoning and code enforcement is primarily to educate the public and seek compliance with applicable codes and regulations.
2. The vast majority of Town residents and property owners desire to comply with applicable codes and regulations and upon being notified of a violation will takes steps to remedy it.
3. There is a small but not insignificant number of property owners that commit repeated violations despite attempts by the Town to educate and advise them of their violations and prevent them from continuing.
4. This can result in conditions are unsightly and/or dangerous and can contribute to a breakdown in respect for the law. Moreover, these repeated violations can lead to an understandable sense of frustration among property owners that undertake good faith efforts to maintain their properties and comply with the law. Accordingly, in such cases, punitive measures are justified.
5. It is therefore appropriate to modify the Town Code such that penalties for repeat offenders that have prior convictions for the same offense are subject to fines and penalties that are substantially greater than those who have not been previously convicted.
6. As part of the ongoing process of updating codes both as part of and parallel to the development of the Town's comprehensive plan, additional minor adjustments to Chapter 210 of the Town Code are warranted.
7. Residents with pending code violation charges in justice court, in particular those who have never been charged before, should be given a reasonable amount of time to make good faith efforts to remedy said violations and come into compliance. As the legislative and prosecuting authority, the Town takes the position that in considering how much time is reasonable for such good faith efforts to be made, it necessary to balance the rights of those residents with those of neighboring properties who may have

been exposed to dangerous, unsanitary, and/or unsightly conditions in violation of Town Code, and who have a reasonable expectation that Town Code will be enforced.

SECTION 4. Chapter 210 of the Town Code is hereby amended:

By inserting the following into §210-20 after the words "property line:" "provided further that only one of each of the following items may be stored on a parcel used primarily for residential purposes that is one acre or less in size: camper, RV, boat, and trailer,".

By adding a new subsection, (I), to §210-22 with the following text: "Storage of rubbish or solid waste as the same is defined in §94-1 of the Town Code."

By striking the text of §210-35(B) and its subsections and replacing it with the following:

- (1) A violation of any of the provisions of this chapter by an owner or lessee of land, and/or by a builder or contractor, shall constitute an offense punishable as set forth in said provision, or if no punishment is set forth therein, shall be punishable as follows:
 - (a) For conviction of a first offense, by a fine not exceeding \$350.00;
 - (b) For conviction of a second offense within a 5-year period, by a fine of no less than \$600.00 and no more than \$900.00, or imprisonment for a period not exceeding 10 days, or both; or
 - (c) For conviction of a third or subsequent offense within a 5-year period, by a fine of \$1,000.00 or imprisonment for a period not exceeding 15 days, or both.
- (2) Upon conviction of a second or subsequent offense within a 5-year period, a civil penalty equal to the fine imposed by the Court shall be imposed, which penalty may be assessed and recoverable against the violator in a small claims proceeding instituted by the Town in the Town Justice Court, pursuant to the provisions of Article 18 of the Uniform Justice Court Act.
- (3) Each week that a violation continues shall constitute a separate additional violation for which separate and additional fines and penalties as set forth above shall be imposed.

SECTION 5. Severability

The provisions of this Local Law are severable and if any provision, clause, sentence, subsection, word, or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words, or parts of this Local Law or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Local Law would have been adopted if such illegal, invalid, or unconstitutional provision, clause, sentence, subsection, word, or part had not been included therein, and as if such person or circumstance, to which the Local Law or part thereof is held inapplicable, had been specifically exempt therefrom.

SECTION 6. Supersession

In enacting this local law, it is the intent of the Town of Cicero to use its supersession power pursuant to Municipal Home Rule Law §10(1)(ii)(d)(3) to supersede the penalties for code violations set forth in Town Law

§268. Said supersession power is being used because this local law is necessary to provide for the government, protection, order, conduct, safety, health and well-being of persons or property within the Town.

SECTION 7. Effective Date

This Local Law shall take effect immediately upon filing with the New York State Secretary of State pursuant to §27 of the Municipal Home Rule Law.