

**TOWN BOARD RESOLUTION  
TOWN OF ONONDAGA**

**June 3, 2024**

**PROPOSED LOCAL LAW NO. A-2024**

**(A Local Law Amending Chapter 129 of the Town Code to Regulate Handbills)**

The following resolution was offered by Councilor Fedrizzi, who moved its adoption, seconded by Councilor Ryan, to wit:

**WHEREAS**, pursuant to the provisions of the Municipal Home Rule Law and Town Law a proposed local law titled, Local Law No. A of 2024 “A Local Law Amending Chapter 129 of the Town Code to Regulate Handbills,” was presented and introduced at a regular meeting of the Town Board of the Town of Onondaga held on May 20, 2024; and

**WHEREAS**, a public hearing was held on such proposed Local Law on the 3rd day of June, 2024 by the Town Board of the Town of Onondaga and proof of publication of notice of such public hearing, as required by law, having been submitted and filed, and all persons desiring to be heard in connection with said proposed Local Law having been heard, and said proposed Local Law having been in the possession of the members of the Town Board of the Town of Onondaga in its final form in the manner required by Section 20 of the Municipal Home Rule of the State of New York; and

**WHEREAS**, at its May 20, 2024 meeting this Board determined that the enactment of Proposed Local Law No. A of 2024 is an unlisted action that there are no other involved agencies, and that this Board will act as lead agency for this application; and

**WHEREAS**, it is in the public interest to enact said Proposed Local Law No. A-2024.

**NOW, THEREFORE**, it is

**RESOLVED**, that the Town Board of the Town of Onondaga, Onondaga County, New York, has determined this action shall have no significant adverse impact on the environment; that, accordingly, an environmental impact statement (EIS) shall not be required; and that this resolution shall constitute a negative declaration under SEQRA; and it is further

**RESOLVED**, that the Town Board of the Town of Onondaga, Onondaga County, New York, does hereby enact proposed Local Law No. A of 2024 is hereby enacted as Local Law No. 2 of 2024, as follows:

**“TOWN OF ONONDAGA  
LOCAL LAW NO. 2 OF 2024**

**A Local Law Amending Chapter 129 of the Town Code  
to Regulate Handbills**

Be it enacted by the Town of Onondaga Town Board, as follows:

**Section 1. Legislative Intent.**

It is the intent of this Local Law to prohibit the distribution of unsolicited print or other written materials to residents of the Town of Onondaga who filed a notice with the Town Clerk requesting that all such materials not be delivered to their homes. The purpose of this Local Law is to protect the privacy of Town residents who do not wish to receive unwanted or other written materials. The Town Board of the Town of Onondaga is cognizant of its responsibility to protect the public health, safety, and welfare of its residents. Therefore, it is the further intent of this Local Law to deter the accumulation of unsolicited literature that might signal a house is unoccupied and thus, precipitate a burglary. This Local Law seeks to prevent littering and protect the aesthetic appearance of the Town.

**Section 2.**

So that Section 129-2 of Chapter 129 shall be amended so as to include the following definitions:

“COMMERICAL HANDBILL – any printed or written matter, any sample or device, circular, leaflet, pamphlet, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter or literature:

- (1) Which advertises for sale any merchandise, product, commodity, or thing;

(2) Which directs attention to any business or mercantile or commercial establishment, or other activity, for the purpose of either directly or indirectly promoting the interests thereof by sales; or

(3) Which, while containing reading matter other than advertising matter, is predominantly and essentially an advertisement, and is distributed or circulated for advertising purposes, or for the private benefit and gain of any person so engaged as advertiser or distributor.

NON-COMMERCIAL HANDBILL — any printed or written matter, any sample or device, circular, leaflet, pamphlet, newspaper, magazine, paper booklet, or any other printed or otherwise reproduced original or copies of any matter or literature not included in the aforesaid definitions of a commercial handbill.”

### **Section 3.**

A new Section 129-3.1, titled “Handbill Regulations,” shall be added to Chapter 129, which shall read, in its entirety, as follows:

“§129-3.1. Handbill regulations.

A. Distribution on public property. No person shall throw or deposit any commercial handbill in or upon any sidewalk, street, or other public property within the Town.

B. Distribution on private property.

1. No person shall throw or deposit any commercial handbill in or upon any private property which is temporarily or continuously unoccupied or vacant.

2. No person shall throw, deposit, or distribute any commercial handbill in or upon private property within the Town unless the person distributing such handbill obtains the written consent of the person owning or occupying the property. This prohibition shall not apply to the distribution of advertising materials through the mail.”

### **Section 4. Severability.**

If any section or subsection, paragraph, clause, phrase, or provision of this Local Law shall be adjudged invalid or held unconstitutional by any court of competent jurisdiction, any judgment made thereby shall not affect the validity of this Local Law as a whole or any part thereof other than the part or provisions so adjudged to be invalid or unconstitutional.

### **Section 5. Effective Date.**

This Local Law shall take effect upon filing with the office of the Secretary of State of the State of New York, as provided in Section 27 of the Municipal Home Rule Law.”

The question of the enactment of the foregoing resolution was duly put to a vote and upon roll call, the vote was as follows:

<b>John Wheatley</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Lisa Goodwin</b>	<b>Councilor</b>	<b>Excused</b>	
<b>Kathy Fedrizzi</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Mary Ryan</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>John P. Mahar</b>	<b>Supervisor</b>	<b>Voted</b>	<b>Yes</b>

The foregoing resolution was thereupon declared duly adopted.

**DATED: June 3, 2024**

**CERTIFICATE**

**STATE OF NEW YORK            )**  
**COUNTY OF ONONDAGA        )**

I, the undersigned Town Clerk of the Town of Onondaga, Onondaga County, New York,

**DO HEREBY CERTIFY:**

That I have compared the foregoing Resolution with the original thereof on file in the Office of the Town Clerk of the Town of Onondaga, and that the same is a true and correct copy of said original and of the whole of said original so far as the same relates to the subject matters therein referred to.

**I FURTHER CERTIFY** that all members of said Board had due notice of said meeting and that, pursuant to Section 103 of the Public Officers Law, said meeting was open to the general public.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the seal of said Town on June \_\_\_\_, 2024.

\_\_\_\_\_  
**JANET HILLERY**  
**Town Clerk**

**(SEAL)**