CHAPTER 100: PUBLICATION AND PROOF OF ORDINANCES

§ 100.1 Amendment of Section one hundred thirty-three of the Town Law

Section one hundred thirty-three of the Town Law, as last amended by Chapter 958 of the Laws of 1972, is hereby amended in its application to the Town of Camillus, County of Onondaga, and State of New York, to read as follows:

§ 133. When ordinances shall take effect

Every ordinance and every amendment to an ordinance hereafter adopted or approved by the Town Board of the Town of Camillus, shall be entered in its minutes except that it shall not be necessary to enter in its minutes any map adopted or approved in connection with a Zoning Ordinance or Amendment, and a notice setting forth the title and a brief description of every such ordinance or of every such amendment to an ordinance shall be published once in the official newspaper of the Town or, if there is none, in a newspaper designated by the Town Board having general circulation in the Town, once, and the affidavit of such publication shall be filed with the Town Clerk. Such ordinance or amendment shall take effect ten days after such publication; but such ordinance or amendment shall take effect from the date of its service as against a person served personally with a copy thereof, certified by the Town Clerk under the corporate seal of the Town; and showing the date of its passage and entry in the minutes. No ordinance or amendment previously adopted or approved by the Town Board of the Town of Camillus shall be void for failure of posting and/or filing affidavits of posting.

§ 100.2 Amendment of Section one hundred thirty-four of the Town Law

Section one hundred thirty-four of the Town Law, as last amended by Chapter 240 of the Laws of 1973, is hereby amended in its application to the Town of Camillus, County of Onondaga, and State of New York to read as follows:

§ 134. Proof of ordinance

The certificate of the Town Clerk setting forth that the records of the Town show the adoption of one or more ordinances and the publishing of a notice setting forth the title and a brief description thereof as required by this Chapter shall be presumptive evidence of such adoption and publication in any action or special proceeding in any court or otherwise.

§ 100.3 Amendment of Section two hundred sixty-four of the Town Law

Section two hundred sixty-four of the Town Law, as last amended by Chapter 240 of the Laws of 1973, is hereby amended in its application to the Town of Camillus, County of Onondaga, and State of New York, to read as follows:

§ 264. Method of procedure

The Town Board shall provide for the manner in which such regulations and restrictions and the boundaries of such districts shall be determined, established and enforced, and from time to time amended, supplemented or changed. However, no such regulation, restrictions or boundary shall become effective until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least ten days' notice of the time and place of such hearing shall be published in a paper of general circulation in such Town and a written notice of any proposed change or amendment affecting property within the protectively zoned area of a housing project authorized under the public housing law, as such area is shown on an approved zoning map filed with the Town officer charged with enforcement of zoning regulations, or property within five hundred feet of the boundaries of any city, village, town, county, state park or parkways shall be given, in the case of a housing project to the housing authority erecting or owning the project and to the government providing financial aid or assistance thereto, in the case of any state park or parkway, to the regional state park commission having jurisdiction over such state park or parkway, in the case of a city, village or town to the clerk of such city, village or town, and in the case of a county, to the clerk of the board of supervisors or other person performing like duties, at least ten days, prior to the date of such public hearing. Such city, village, town or county shall have the right to appear and to be heard at such public hearing with respect to any such proposed change or amendment, but shall not have the right of review by a court as hereinafter provided.

Every zoning ordinance and every amendment to a zoning ordinance (excluding any map incorporated therein) adopted pursuant to the provisions of this chapter shall be entered in the minutes of the Town Board; such minutes shall describe and refer to any map adopted in connection with such zoning ordinance or amendment and a notice setting forth the title and a brief description of every such ordinance and every amendment of such ordinance (exclusive of any map incorporated therein) shall be published once in a newspaper published in the Town, if any, or in such newspaper published in the County in which such Town may be located having a circulation in such Town, as the Town Board may designate, and affidavits of the publication of the notice as hereinabove provided shall be filed with the Town Clerk. Such ordinance shall take effect ten days after such publication, but such ordinance or amendment shall take effect from the date of its service as against a person served personally with a copy thereof, certified by the Town Clerk under the corporate seal of the Town; and showing the date of its passage and entry in the minutes. The Town Clerk shall maintain a separate file or filing cabinet for each and every map adopted in connection with a zoning ordinance or amendment and shall file therein every such map hereafter adopted; said file or filing cabinet to be available at any time during regular business hours for public inspection.

§ 100.4 Amendment of Section two hundred sixty-five of the Town Law

Section two hundred sixty-five of the Town Law, as last amended by Chapter 240 of the Laws of 1973, is hereby amended in its application to the Town of Camillus, County of Onondaga, and State of New York, to read as follows:

§ 265. Changes

Such regulations, restrictions and boundaries may from time to time be amended, supplemented, changed, modified or repealed by ordinance. In case, however, of a protest against such change signed by the

owners of twenty per centum or more, either of the area of the land included in such proposed change, or of that immediately adjacent extending one hundred feet therefrom or of that directly opposite thereto, extending one hundred feet from the street frontage of such opposite land, such amendment shall not become effective except by the favorable vote of at least three-fourths of the members of the Town Board. The provisions of the previous section relative to public hearings and official notice shall apply equally to all changes or amendments.

Changes, amendments or supplements made to any zoning ordinance (excluding any map incorporated therein) adopted pursuant to the provisions of this Chapter shall be entered in the minutes of the Town Board; such minutes shall describe and refer to any map adopted in connection with such change, amendment or supplement.

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A notice setting forth the title and a brief description of every such change, amendment or supplement (exclusive of any map incorporated therein) shall be published once in a newspaper published in the Town, if any, or in such newspaper published in the County in which such Town may be located having a circulation in such Town, as the Town Board may designate, and affidavits of the publication thereof shall be filed with the Town Clerk. Such ordinance shall take effect ten days after such publication, but such ordinance shall take effect from the date of its service as against a person served personally with a copy thereof, certified by the Town Clerk under the corporate seal of the Town; and showing the date of its passage and entry in the minutes. The Town Clerk shall maintain a separate file or filing cabinet for each and every map adopted in connection with any change, amendment or supplement made to any zoning ordinance and shall file therein every such map here after adopted; said file or filing cabinet to be available at any time during regular business hours for public inspection.

Cross-reference:

General Provisions. Chapter 1.

References:

Authority of Town to adopt this local law is contained in the Municipal Home Rule Law which was amended (L.1976,C.805, § 1.) effective June 15,1976 permitting the amendment or supersession of the Town Law by local law subject to restrictions set forth therein. Mun HRL § 10(1)[d()].
Bill of rights for local governments. NY Const, Art 9,§ 1.
Home rule powers. NY Const Art 9, § 2.
Power to adopt ordinances, resolutions, rules and regulations. Stat Loc Govt § 10(1).
Zoning Law. Notice of adoption: summary form. Tn of Clifton Park v C.P. Enterprises, 45 AD2d 96.