

# 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.

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STATE RECORDS

County  City  Town  Village  
(Select one.)

JUN 03 2021

of Cherry Valley

DEPARTMENT OF STATE

Local Law No. 1 of the year 2021

A local law Abandoned Property Law  
(Insert Title)

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

County  City  Town  Village  
(Select one.)

of Cherry Valley

as follows:

## § 1. Purpose and Intent.

The purpose and intent of this chapter is to prevent the deterioration and decline in value of neighborhoods in the Village of Cherry Valley; deterioration of individual properties; and/or the deterioration or loss of significant architectural features caused by neglected properties, both vacant and occupied, located within the Village. It is also the purpose of this chapter to identify, regulate, limit and reduce the number of these properties located within the Village. It is the further intent of this chapter to establish a registration requirement as a mechanism to protect neighborhoods from the negative impact and conditions that occur as a result of foreclosure, vacancy, absentee ownership, lack of adequate maintenance and security, and will provide a method to expeditiously identify multiple parties and their contact person(s) for each property responsible for this protection.

## § 2. Definitions.

As used in this chapter, the following terms shall have their meanings indicated:

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

**Abandoned Property**

Any parcel of land in the Village that contains any building or structure that is not lawfully occupied or inhabited by human beings as evidenced by the conditions set forth in the definition of "Evidence of Vacancy" above which is without lawful tenant, or lawful occupant or without a certificate of occupancy. Notwithstanding anything to the contrary which may appear to be set forth herein, residential real property shall not be deemed vacant or abandoned where there is a building:

- a. undergoing construction, renovation or rehabilitation that is proceeding diligently, as evidenced by appropriate permits, or
- b. used on a seasonable basis but is otherwise secure, or
- c. subject of an administration or probate proceeding, or
- d. under contract for sale, but is otherwise being maintained, or
- e. damaged by a natural disaster but where the owner intends to repair and reoccupy the property and is actively taking steps to do so, as evidenced by appropriate permits.

**Accessible Property/Structure**

A property that is accessible through a compromised or breached gate, fence, wall, etc. or a structure that is unsecured and/or breached in a such a way as to allow access to the interior space by unauthorized persons.

**Annual Registration**

Twelve (12) months from the date of the first action that required registration, as determined by the Village, or its designee, and every subsequent 12 months. The date of the initial registration may be different than the date of the first action that required registration.

**Applicable Codes**

Includes, but is not limited to the various local laws of the Village of Cherry Valley, and the New York State Fire Prevention and Building Codes, as currently in effect and as may hereafter be amended from time to time.

**Blighted Property**

Properties that have broken or severely damaged windows, non-functional storm water disposal systems, doors, walls, roofs, or other architectural features which create hazardous conditions and encourage trespassing; or properties whose maintenance is not in conformance with the maintenance of other neighboring properties causing a decrease in value of the neighboring properties; or properties cited for a public nuisance; or properties that endanger the public's health, safety, or welfare because the properties or improvements thereon are dilapidated, deteriorated, or properties where neglected maintenance and/or deterioration poses a threat to the structure or its significant architectural features, or violate minimum

health and safety standards or lacks maintenance as required by the applicable codes.

**Enforcement Officer**

Shall refer to the Village of Cherry Valley Building Inspector, unless the building code is otherwise being enforced by the Otsego County Code Enforcement Office.

**Evidence of Vacancy**

Any condition that on its own, or combined with other conditions present, would lead a reasonable person to believe that the property is vacant or abandoned. Such conditions may include, but are not limited to: overgrown and/or dead vegetation; past due utility notices and/or disconnected utilities; accumulation of trash, junk or debris; abandoned vehicles, auto parts or materials; the absence of furnishings and/or personal items consistent with habitation or occupancy; the presence of an unsanitary, stagnant swimming pool; the accumulation of newspapers, circulars, flyers and/or mail, or statements by neighbors, passers-by, delivery agents or government agents; or the presence of boards over doors, windows or other openings in violation of applicable code.

**Local Property Management Company**

A property manager; property management company or similar entity responsible for the maintenance and security of registrable real property within 20 driving miles of the Village limits. Upon reviewing of credentials, the Village, or its designee, may allow a non-local manager to be listed.

**Mortgagee**

The creditor, including but not limited to, trustees; mortgage servicing companies; lenders in a mortgage agreement; any agent, servant, or employee of the creditor; any successor in interest; or any assignee of the creditor's rights, interests or obligations under the mortgage agreement; or any other person or entity with the legal right to foreclose on the Real Property, excluding governmental entities as the assignee or owner.

**Owner**

Any person, firm, corporation, limited liability company or other legal entity who, individually or jointly or severally with others, holds the legal or beneficial title to any building, facilities, equipment or premises subject to the provisions of this chapter.

**Property Management Company**

A property manager, property maintenance company or similar entity responsible for the maintenance of registrable real property.

**Real Property**

Any improved residential or commercial land and/or building, leasehold improvements and anything affixed to the land, or portion thereof identified by a property parcel identification number, located in the Village limits. Developed lots are considered improved land.

**Registrable Property**

(a) Any Real Property located in the Village, whether vacant or occupied, that is encumbered by a mortgage subject to an ongoing Foreclosure Action by the Mortgagee or Trustee, has been the subject of a Foreclosure Action by a Mortgagee or Trustee and a Judgement has been entered, or has been the subject of a Foreclosure sale where the title was transferred to the beneficiary of a mortgage involved in the Foreclosure and any properties transferred under a deed in lieu of foreclosure/sale. The designation of a "foreclosure" property as "registrable" shall remain in place until such time as the property is sold to a non-related bona fide purchaser in an arm's length transaction or the Foreclosure Action has been dismissed; or

(b) Any real property located in the Village that is abandoned as defined herein, and any real property located in the Village, whether vacant or occupied, that is subject to an application for a tax deed or pending tax lien sale.

**Rental Property**

Property that contains a single-family rental dwelling units or multi-family rental dwelling units for use by residential tenants including but not limited to the following: mobile homes, mobile home spaces, Village homes and condominium unit(s). A rental dwelling unit includes property that is provided to an individual or entity for residential purposes upon payment of rent or any other consideration in lieu of rent, regardless of relationship between lessor and lessee.

**Semi-Annual Registration**

Six (6) months from the date of the first action that requires registration, as determined by the Village, or its designee, and every subsequent six (6) months. The date of the initial registration may be different than the date of the first action that required registration.

**§ 3. Applicability.**

These sections shall be considered cumulative and not superseding or subject to any other law or provision for same, but rather shall be an additional remedy available to the Village above and beyond any other State, County, or Village provision for same.

**§ 4. Establishment of Registry.**

These sections shall be considered cumulative and not superseding or subject to any other law or provision for same, but rather be an additional remedy available to the Village above and beyond any other State, County, or Village provisions for same. The registration requirement established herein shall not apply to any State or Federally chartered bank or other financial institution which is subject to the provisions of the Zombie Property and Foreclosure Prevention Law of the State of New York, but shall apply to bank owned properties.

**§ 5. Registration of Vacant Real Property.**

- A. Any owner of any vacant structure located within the Village shall, within thirty (30) days of the structure becoming vacant, register said structure with the Enforcement Officer, or his/her designee, on forms or in such other manner as directed. A separate registration is required for each vacant structure.
- B. Registration pursuant to this section shall contain the name, direct mailing address, telephone number, and any e-mail address for the owner of the vacant residential structure, and the name and twenty-four (24) hour contact number of the local property management company responsible for the security and maintenance of the property who has the authority to make decisions concerning the abatement of nuisance conditions at the property, as well as any expenditure in connection therewith.
- C. Owners who have existing registrable property on the effective date of this local law have thirty (30) calendar days from the effective date to register the property with the Enforcement Officer, or his/her designee, on forms or in such other manner as directed. A separate registration is required for each registrable property.
- D. As long as the property is registrable it shall be inspected by the owner or designee, monthly. If an inspection shows a change in the property's occupancy status, the owner shall, with ten (10) days of that inspection, update the occupancy status of the property registration.
- E. A non-refundable annual registration fee pursuant to a fee schedule established by resolution of the Village Board shall accompany each registration pursuant to this section.
- F. If the Vacant property is not registered, or either the registration fee or the Annual Registration fee is not paid within thirty (30) days of when the registration or Annual Registration is required pursuant to this section, a late fee shall be equivalent to ten percent (10%) of the Annual Registration fee shall be charged for every thirty (30) day period, or portion thereof, the property is not registered and shall be due and payable with the registration.

This section shall apply to the initial registration and registrations required by subsequent Owners of the Vacant property.

- G. All registration fees must be paid directly by the owner. Third party registration fees are not allowed without the consent of the Village and/or its authorized designee.
- H. Properties subject to this section shall remain under the annual registration requirement, and the inspection, security and maintenance standards of this section as long as they are registrable.
- I. Any person or legal entity that has registered a property under this section must report any change of information contained in the registration within ten (10) days of the change.
- J. Failure of an owner to properly register or to modify the registration form from time to time to reflect a change of circumstances as required by this section is a violation of this chapter and shall be subject to enforcement and any resulting monetary penalties. Such modification of the registration form must be made within ten (10) days of any such change of circumstances.
- K. If the property is sold or transferred, the new Owner is subject to all the terms of this Chapter. Within ten (10) days of the transfer, the new Owner shall register the Vacant property. The previous Owner(s) will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during that Owner's involvement with the Vacant property.
- L. Pursuant to any administrative or judicial finding and determination that any property is in violation of this chapter, the Village may take the necessary action to ensure compliance with and place a lien on the property for the cost of the work performed to benefit the property and to bring it into compliance.

**§6. Inspection and Registration of Real Property Under Foreclosure**

- A. Any Mortgagee who holds a mortgage on Real Property located within the Village shall perform an inspection of the property upon default by the mortgagor as evidenced by the filing of a Foreclosure Action.
- B. Property inspected pursuant to subsection (a) above that remains in Foreclosure shall be inspected every thirty (30) days by the Mortgagee or Mortgagee's designee. If an inspection shows a change in the property's occupancy status the Mortgagee shall, within ten (10) days of that inspection, update the occupancy status of the property registration.

- C. Within ten (10) days of the date any Mortgagee files a Foreclosure Action, the Mortgagee shall register the Real Property with the Village Registry, and, at the time of registration, indicate whether the property is Vacant, and if so shall designate in writing a Property Manager to inspect, maintain, and secure the Real Property subject to the mortgage under a Foreclosure Action when legally possible. A separate registration is required for each property under a Foreclosure Action, regardless of whether it is occupied or vacant.
- D. Initial registration pursuant to this section shall contain at a minimum the name of the Mortgagee, the mailing address of the Mortgagee, e-mail address, telephone number and name of the Property Manager and said person's address, e-mail address, and telephone number.
- E. At the time of initial registration each registrant shall pay a non-refundable Semi-Annual Registration fee for each property. Subsequent non-refundable Semi-Annual renewal registrations of properties and fees are due within ten (10) days of the expiration of the previous registration. Said fees shall be used to offset the costs of: (1) registration and registration enforcement, (2) code enforcement and mitigation related to Defaulted properties, (3) post-closing counseling and Foreclosure intervention limited to Owner-occupied persons in Default, which may not include cash and mortgage modification assistance, and (4) for any related purposes as may be adopted in the policy set forth in this Chapter. Said fees shall be deposited to a special account in the Village's Department dedicated to the cost of implementation and enforcement of this Ordinance, and fulfilling the purpose and intent of this Chapter. None of the funds provided for in this section shall be utilized for the legal defense of Foreclosure Actions.
- F. Each individual property on the Registry that has been registered for twelve (12) months or more prior to the Effective Date shall have thirty (30) days to renew the registration and pay the non-refundable Semi-Annual Registration fee. Properties registered less than twelve (12) months prior to the Effective Date shall renew the registration every six (6) months from the expiration of the original registration renewal date and shall pay the non-refundable Semi-Annual Registration Fee.
- G. If the mortgage and/or servicing on a Registrable Property is sold or transferred, the new Mortgagee is subject to all the terms of this Chapter. Within ten (10) days of the transfer, the new Mortgagee shall register the property or update the existing registration. The previous Mortgagee(s) will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during that Mortgagee's involvement with the Registrable Property.

- H. If the Mortgagee sells or transfers the Registrable Property in a non-arm's length transaction to a related entity or person, the transferee is subject to all the terms of this Chapter. Within ten (10) days of the transfer, the transferee shall register the property or update the existing registration. Any and all previous unpaid fees, fines, and penalties, regardless of who the Mortgagee was at the time registration was required, including, but not limited to, unregistered periods during the Foreclosure process, are the responsibility of the transferee and are due and payable with the updated registration. The previous Mortgagee will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during that Mortgagee's involvement with the Foreclosed Property.
- I. If the Foreclosing or Foreclosed Property is not registered, or the registration fee is not paid within thirty (30) days of when the registration or renewal is required pursuant to this section, a late fee equivalent to ten percent (10%) of the Semi-Annual Registration fee shall be charged for every thirty-day period (30), or portion thereof, the property is not registered and shall be due and payable with the registration.
- J. This section shall also apply to properties that have been the subject of a foreclosure sale where title is transferred to the Mortgagee as well as any properties transferred to the Mortgagee under a deed in lieu of foreclosure or by any other legal means.
- K. Properties subject to this section shall remain subject to the Semi-Annual Registration requirement, and the inspection, security, and maintenance standards of this section as long as the property remains Registrable Property.
- L. Failure of the Mortgagee and/or property Owner of record to properly register or to modify the registration to reflect a change of circumstances as required by this ordinance is a violation of this Chapter and shall be subject to enforcement by any of the enforcement means available to the Village.
- M. If any property is in violation of this Chapter the Village may take the necessary action to ensure compliance with and/or place a lien on the property for the cost of the outstanding obligation and any additional cost incurred to the property into compliance.
- N. Registration of foreclosure property does not alleviate the Mortgagee and/or Owner from obtaining all required licenses, permits and inspections required by applicable code or State Statutes. Acquisition of required licenses, permits and inspections or registration of rental property does not alleviate the requirement for the property to be registered under this section. Mortgagee and/or Owner is expected to update the status of the property in the event of a Mortgagee managed rental.



**§ 7. Maintenance Requirements**

- A. Properties subject to this chapter shall, at all times, comply with all provisions of the Village's Property Maintenance Code and all other applicable codes.
- B. All abandoned buildings shall be kept secured or shall be kept boarded up.
- C. The term "secured," for the purposes of this section, shall mean that all means of ingress and egress, including but not limited to all doorways and windows, shall be in good state of repair, without any broken glass or other damage that might allow entry or create an eyesore, and shall be securely locked. Any building that is not so secured shall be promptly "boarded up," meaning that all means of ingress and egress at all floor levels shall be covered over, as specified hereinafter, so as to ensure the continued security of the building and to reduce the negative impact on the neighborhood. Boarding up shall be done by utilizing the materials and methods as approved by the Enforcement Officer.
- D. In addition to securing or boarding up the building, the following minimum requirements shall be met for all abandoned buildings:
  - (1) The roof shall be structurally sound and weathertight. Any damaged or missing rafters, decking or roofing materials shall be repaired or replaced with equivalent material, but in all cases so as to meet or exceed the standards for such building type so as to be in compliance with the provisions of the New York State Fire Prevention and Building Codes, all installed in a workmanlike manner.
  - (2) All combustible trash and debris shall be removed from the building. Any portions of the exterior of the main building or accessory buildings, including but not limited to walls, porches, stairs, parapet walls and chimneys, that are deteriorated so as to be in danger of collapse or to otherwise constitute a hazard or allow penetration of water into the building shall be repaired or replaced or otherwise made safe and weathertight.
  - (3) The grounds surrounding the building shall be cleared and kept cleared of all litter, rubble, debris, trash and junk and of all grass or weeds in excess of six inches in height.
- E. Whenever the Enforcement Officer shall find a building or structure or a portion thereof to be an unsafe, abandoned or vacant building, he/she shall give the owner, agent or person in control of such building or structure written notice stating the defects thereof. This notice shall require the owner

within a stated time either to complete specified repairs or improvements, or to demolish and remove the building or structure or portion thereof.

- F. If the Enforcement Officer finds that there is actual and immediate danger of failure or collapse so as to endanger life, such notice shall require the building, structure or portion thereof to be vacated forthwith and not reoccupied until the specified repairs and improvements are completed, inspected and approved by the Enforcement Officer. The Enforcement Officer shall cause to be posted at each entrance of such building, a notice which includes the statement that, **THIS BUILDING IS UNSAFE AND ITS USE OR OCCUPANCY HAS BEEN PROHIBITED BY THE ENFORCEMENT OFFICER, VILLAGE OF CHERRY VALLEY.** Such notice shall remain posted until the required repairs or demolition is completed. It shall be unlawful for any person, firm or corporation or their agents or other servants to remove such notice without written permission of the Enforcement Officer or for any person to enter the building except for the purpose of making the required repairs or of demolishing the same.

#### **§ 8. Re-occupancy**

A vacant or unoccupied building or structure shall not be occupied until (1) a certificate of occupancy has been issued by the Enforcement Officer after all violations have been corrected in accordance with the applicable requirements of the New York State Fire Prevention and building Codes and any other codes that are enforced by the Village or County, including the village's property maintenance code (2) all mechanical, electrical, plumbing and structural systems have been determined by the Enforcement Officer to be in compliance, or at the option and expense of the property owner same is certified to by a licensed contractor as being in good repair and (3) all assessments and liens owed to the Village have been paid in full.

#### **§ 9. Administration, Enforcement and Penalties**

- A. This chapter shall be administered and enforced by the Enforcement Officer.
- B. The Enforcement Officer or his/her designee shall have the following remedies for enforcement of this chapter:
- (1) *Appearance tickets.* The Enforcement Officer or his/her designee shall have the authority, pursuant to New York State Criminal Procedure Law, to issue an appearance ticket subscribed by him/her, directing a designated person to appear in the Cherry Valley Town Court at a designated future time in connection with the alleged commission of a designated violation of this chapter or any order made thereunder.

- (2) Penalties for offenses. Any person who fails to comply with any provision of this chapter or fails to comply with any notice, order or directive of the Enforcement Officer or his/her representative after expiration of the time for compliance established in accordance with this chapter shall, upon conviction, be punished by a fine of not more than \$1,000 or by imprisonment not to exceed 15 days, or both, for such violation. In the event of any failure to so comply, each week that such violation continues shall constitute a separate offense, and the penalties prescribed above shall be applicable to each such separate offense.

**§ 10. Immunity of Enforcement Officer.**

Any enforcement officer or any person or any person authorized by the Village to enforce the sections of this local law shall be immune from prosecution, civil or criminal, for reasonable, good faith entry upon real property while in the discharge, of duties imposed by this chapter.

**§ 11. Severability.**

If any section, sentence, clause or phrase of this chapter is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this local law.

**§ 12. Inconsistent laws repealed.**

All Ordinances, Local Laws and parts thereof inconsistent with this Local Law are hereby repealed.

**§ 13. Effective Date.**

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

**(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. 1 of 2021 of the ~~(County)(City)(Town)~~ (Village) of Cherry Valley was duly passed by the Village Board on April 19 2021, 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) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted *(Elective Chief Executive Officer\*)* on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

**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) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. *(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) *(Name of Legislative Body)* (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.

**5. (City local law concerning Charter revision proposed by petition.)**


I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph \_\_\_\_\_ above.



Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date: 5/25/2021

# 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 Cherry Valley

FILED  
STATE RECORDS

AUG 06 2021

DEPARTMENT OF STATE

Local Law No. 2 of the year 2021

A local law Amending Local Law No. 1 of 2021 with respect to Section 4 - Establishment of Registry  
(Insert Title)

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

County  City  Town  Village  
(Select one:)

of Cherry Valley

as follows:

§ 1. Authority.

This Local Law is adopted pursuant to New York Municipal Home Rule Law.

§ 2. Amendment of Local Law 1 of 2021.

This Local Law is known as the Amendment to Local Law No. 1 of 2021, Vacant Property Law. Section 4 of Local Law No. 1 of 2021 is hereby repealed and replaced with the following:

§ 4. Establishment of Registry.

These sections shall be considered cumulative and not superseding or subject to any other law or provision for same, but rather be an additional remedy available to the Village above and beyond any other State, County, or Village provisions for same.

§ 3. Severability.

If any section, sentence, clause or phrase of this chapter is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this local law.

§ 4. Inconsistent laws repealed.

All Ordinances, Local Laws and parts thereof inconsistent with this Local Law are hereby repealed. As stated in Section 2, this Local Law is specifically intended to repeal and replace Section 4 of Local Law 1 of 2021.

§ 5. Effective Date.

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

(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. 2 of 2021 of the ~~(County)(City)(Town)~~(Village) of Cherry Valley was duly passed by the Village Board on July 19 2021, 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) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted *(Elective Chief Executive Officer\*)* on \_\_\_\_\_ 20  , in accordance with the applicable provisions of law.

**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) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. *(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) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local *(Elective Chief Executive Officer\*)* 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.

**5. (City local law concerning Charter revision proposed by petition.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph \_\_\_\_\_ above.



Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 7/29/2021

(Seal)