

**VILLAGE OF HOMER BOARD OF TRUSTEES
PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that the Village of Homer Board of Trustees will meet in person at the Town Hall in Homer located at 31 North Main Street on October 28th, 2025, at 6:00 P.M.

Local Law No. 1 of the year 2025

A local law to provide for the codification of the local laws, ordinances and certain resolutions of the Village of Homer into a Municipal Code to be designated the "Code of the Village of Homer" Be it enacted by the Village Board of the Village of Homer as follows:

§ 1-1. Code adopted; continuation of existing provisions.

In accordance with Subdivision 3 of § 20 of the Municipal Home Rule Law, the local laws, ordinances and certain resolutions of the Village of Homer, as codified and consisting of Chapters 1 through 228, are hereby approved, adopted, and enacted as the Code of the Village of Homer, hereinafter referred to as the "Code." 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. This local law and the Code adopted hereby shall supersede and replace the 1991 Code of the Village of Homer, as amended and supplemented.

§ 1-2. Code on file; additions and amendments.

- A. A copy of the Code has been filed in the office of the Village Clerk and shall remain there for use and examination by the public until final action is taken on this local law. Following adoption of this local law such copy shall be certified to by the Clerk of the Village of Homer by impressing thereon the Seal of the Village, as provided by law, and such certified copy shall remain on file in the office of the Village Clerk, to be made available to persons desiring to examine the same during all times while said Code is in effect.
- B. Additions or amendments to the Code, when adopted in such form as to indicate the intent of the Board of Trustees to make them a part thereof, shall be deemed to be incorporated into such Code so that reference to the "Code of the Village of Homer" shall be understood and intended to include such additions and amendments. Nothing contained in this local law shall affect the status of any local law, ordinance or resolution contained in the Code, and such local laws, ordinances or resolutions may be amended, deleted or changed from time to time as the Board of Trustees deems desirable.

§ 1-3. Notice; publication.

In the event that notice of enactment of this local law is required due to amendments adopted by way of this local law to zoning or land use provisions, or is otherwise required by law, the Clerk of the Village of Homer shall cause notice of the enactment of this local law to be given in the manner required by law. The notice of the enactment 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.

§ 1-4. Severability.

Each section of this local law and of the Code and every part of each section is an independent section or part of a section, and the holding of any section or a part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

§ 1-5. Repealer.

- A. Repeal of inconsistent enactments. All local laws and ordinances of a general and permanent nature, or parts of such local laws or ordinances, inconsistent with the provisions contained in the Code adopted by this local law are hereby repealed; provided, however, that such repeal shall only be to the extent of such inconsistency, and any valid legislation of the Village of Homer which is not in conflict with the provisions of the Code shall be deemed to remain in full force and effect.
- B. Repeal of specific enactments. The Board of Trustees of the Village of Homer has determined that the following local laws and/or ordinances are no longer in effect and hereby specifically repeals the following legislation:
 - (1) Former Chapter 54, Adult Entertainment, of the 1991 Code, adopted 2-6-1996 by L.L. No. 2-1996.
 - (2) Former Chapter 58, Amusement Devices, of the 1991 Code, adopted 7-6-1993 by L.L. No. 4-1993.
 - (3) Former Chapter 86, Curfew, of the 1991 Code, as amended.
 - (4) Former Chapter 182, Sewers, comprised of Article I, Sewer Use, adopted 9-5-1972, as amended; Article II, Financial Security, adopted 4-2-1973, as amended; Article III, Service Charges, adopted 8-23-1979 by L.L. No. 1-1979, as amended; and Article IV, Maintenance of System, adopted 1-15-1991 by L.L. No. 1-1991.

§ 1-6. Enactments saved from repeal; matters not affected.

The repeal of local laws and ordinances provided for in § 1-5 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 Village of Homer 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 Village of Homer 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 Village of Homer.

- D. Any agreement entered into or any franchise, license, right, easement or privilege heretofore granted or conferred by the Village of Homer.
- E. Any local law or ordinance of the Village of Homer 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 Village of Homer or any portion thereof.
- F. Any local law or ordinance of the Village of Homer appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond of the Village of Homer or other instruments or evidence of the Village's indebtedness.
- G. Local laws or ordinances authorizing the purchase, sale, lease or transfer of property, or any lawful contract, agreement or obligation.
- H. The levy or imposition of special assessments or charges.
- I. The annexation or dedication of property.
- J. Any local law or ordinance relating to salaries and compensation.
- K. Any local law or ordinance amending the Zoning Map.
- L. Any local law or ordinance relating to or establishing a pension plan or pension fund for Village employees.
- M. Any local law or ordinance or portion of a local law or ordinance establishing a specific fee amount for any license, permit or service obtained from the Village.
- N. Any local law adopted subsequent to October 28, 2025.

§ 1-7. Changes in previously adopted legislation.

- A. In compiling and preparing the local laws, ordinances and resolutions for publication as the Code of the Village of Homer, 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 Board of Trustees 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, the amendments and/or additions as set forth in Schedule A attached hereto and made a part hereof are made herewith, to become effective upon the effective date of this local law. (Chapter and section number references are to the local laws, ordinances and resolutions as they have been renumbered and appear in the Code.)

§ 1-8. Titles and headings; editor's notes.

- A. Chapter and article titles, headings and titles of sections and other divisions of the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.

- B. Editor's notes indicating sources of sections, giving other information or referring to the statutes or to other parts of the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.

§ 1-9. Penalties for tampering with Code.

Any person who alters or tampers with the Code of the Village of Homer in any manner whatsoever which will cause the legislation of the Village of Homer 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.

§ 1-10. When effective.

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

Pursuant to NYS Legislature's approval of Bill S50001, amending the Open Meetings Law 1, the Village of Homer Board of Trustees meeting will be zoom and in-person attendance. Individuals may speak at the public hearing or in the absence of public comment, we encourage residents to request a zoom link by contacting Dan Egnor at the Village Offices at 607-749-3322 or by emailing degnor@villageofhomerny.gov. Individuals may also watch the public hearing on the Village of Homer's YouTube channel. Please include in your email if you would like to participate directly in the remote conference portion. The above application is open to inspection at the Village Offices. Persons with disabilities who require assistance should contact the undersigned to request such assistance. We encourage you to email, call (607-749-3322), or mail, all of your communication needs before said Village of Homer Board of Trustees meeting.

Dan Egnor
Village Clerk