

**RE-ENACTING AND CODIFYING ORDINANCES
OF THE CITY OF SHERRILL**

Section 1. The Code of Ordinances of the City of Sherrill, consisting of ordinances numbered 1 – 23 inclusive is hereby adopted and enacted, and shall supersede all other general and permanent ordinances of the City relating to the same subject matters enacted on or before March 1, 1983, except as hereinafter provided.

Section 2. All ordinances of a general and permanent nature of the City of Sherrill not included in such Code are hereby repealed from and after March 1, 1983, except the following:

- a) Any ordinance of the City relating to planning, zoning or subdivision control;
- b) Any right or franchise granted by the City to any person, firm or corporation;
- c) Any ordinances dedicating, naming, establishing, locating, opening, closing, widening, vacating any street or highway, or establishing street grades;
- d) Any ordinance providing for local improvements or local assessments;
- e) Any ordinance dedicating or accepting any plot of land or subdivision of land in the City;
- f) Any ordinance annexing property to the City or relating to city boundaries;
- g) Any ordinance establishing, adopting or relating to any building code, electrical code, fire safety code;
- h) Any ordinance regulating the use of the municipal sanitary sewer system and private sewage disposal systems.

Section 3. The adoption of this ordinance shall not be construed to revive any ordinance or part thereof previously repealed.

Section 4. Unless otherwise provided in the specific ordinance, the violation of any ordinance included in this Code shall be deemed an “offense” as defined in the Penal Law of the State of New York, and shall be punishable by a fine not exceeding Five Hundred Dollars (\$500) or by imprisonment for a term not exceeding ten (10) days or both. Every day any violation of such ordinance shall exist or continue shall constitute a separate offense punishable as set forth herein.

Section 5. Those ordinances previously adopted by the City of Sherrill and continued either unchanged or amended and renumbered are briefly described as follows:

Ordinance #1. Alcoholic Beverages. Prohibits the consumption of alcoholic beverages and possession of open containers of same within public streets. Unchanged.

Ordinance #2. Animals At Large. Violation changed from Misdemeanor to Offense, penalty increased from maximum fine of \$10.00 to \$20.00.

Ordinance #3. Building Permits. Limits issuance of building permits to property bordered by public streets. Unchanged.

Ordinance #4. Disorderly Operation of Motor Vehicles. Prohibits operation of a motor vehicle in such manner as to cause or create a disturbance or nuisance, unreasonably disturb the peace, emit excessive fumes or create excessive noise. Unchanged.

Ordinance #5. Noise. Defines noise and its sources as well as designating quiet hours and exclusions therefrom. Replaced Disorderly Conduct Ordinance.

Ordinance #6. Dog Ordinance. Regulates the keeping of dogs within the City. Unchanged.

Ordinance #7. Exhibitions. Regulates the conduct of circuses, carnivals, shows and other outdoor public exhibitions. Provides for hours of operation, insurance, license and license fees and clean up. Excludes amateur athletic events, patriotic and other community services and events. This is an amended ordinance.

Ordinance #8. Firearms. Regulates the discharge of firearms with the City. Unchanged.

Ordinance #9. Games of Chance. Regulates the conduct of games of chance by authorized organizations. Unchanged.

Ordinance #10. Garbage, Rubbish, and Trash. Regulates the disposition of garbage, rubbish, leaves and trash. This is a revised & readopted ordinance.

Ordinance #11. Hawkers and Solicitors. Regulates the licensing of hawkers and solicitors. Omits former penalty provision.

Ordinance #12. House Numbering. Provides for the numbering of dwellings and places of business. Changes violation from misdemeanor to an offense and increases maximum penalty to \$25.

Ordinance #13. Mufflers. Requires an adequate muffler on all vehicles powered by an internal combustion engine excluding agricultural and gardening machinery, home lawn mowers and snowplows. Removes former penalty provision.

Ordinance #14. Parks and Playgrounds. Regulates the use of public parks and playgrounds. Omits references to the City Planning Board and increases maximum penalty to \$50.

Ordinance #15. Robertson Park. Regulates the use and hours of use of Robertson Park. Unchanged.

Ordinance #16. Sidewalks. Regulates the construction and repair of sidewalks when bituminous mixes are used. Unchanged.

Ordinance #17. Street Excavations. Regulates the excavation of public streets by private persons and corporations including the issuance of permits and posting of security. Unchanged.

Ordinance #18. Street Littering. Prohibits the deposit of waste material on any street, sidewalk or other public place. Unchanged.

Ordinance #19. Street Uses. Regulates the use of public streets for purposes other than public travel. Eliminates portion of Section 8 relating to street excavations and Section 8-a relating to sanitary sewer connections.

Ordinance #20. Traffic Ordinance. Establishes maximum rates of speed on streets within the City and regulates parking on city streets. Omits provisions relating to licensing of bicycles.

Ordinance #21. Traffic Violations Bureau. Establishes Traffic Violations Bureau and procedure for enforcement of traffic regulations. Unchanged.

Ordinance #22. Trailer Ordinance. Regulates the location and use of house trailers, camping trailers and trailers used for commercial purposes. Reduces violations from misdemeanor to offense.

Ordinance #23. Weeds and Other Vegetation. Regulates the location and height of weeds, grasses and other vegetation and provides for the cutting and removal of same by the property owner or the City at owner's expense. Removes section 4 establishing punishment for violations.

Section 6. In lieu of seeking the imposition of a fine and/or imprisonment for a violation of a provision of an ordinance, the City Manager may bring a civil action to recover a penalty in an amount not exceeding five hundred dollars for each such violation.

Section 7. Effect of Partial Invalidity. If any provision of an ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder or any other portion thereof, but shall be confined in its operation to the provisions thereof directly involved in the controversy in which said judgment shall have been rendered.

Section 8. This ordinance shall take effect on March 1, 1983.

Ordinance No. 24. Hunting. Hunting within the City of Sherrill is hereby prohibited. Repealed 9/12/88.

Ordinance No. 25. Tattooing Prohibited. It shall be unlawful for any person to tattoo a human being within the City of Sherrill.

Ordinance No. 26. Electrical Code. Since there is danger to life & property inherent in use of electric energy, this electrical ordinance is enacted to regulate the installation, alteration or repair of wiring.

Ordinance No. 27. Automobile Junk Yards. No person shall operate, establish or maintain an automobile junkyard in Sherrill.

Ordinance No. 28. Unsafe Buildings.

Ordinance No. 29. Truck Regulations.

Ordinance No. 30. Green Waste.

Ordinance No. 31. Burning.

ORDINANCE NO. 1

Alcoholic Beverages

Section 1. The consumption of any alcoholic beverage by any person within the boundary of any public street in the City of Sherrill is prohibited.

Section 2. The possession by any person of an open bottle, can or other receptacle containing an alcoholic beverage within the boundary of any public street of the City of Sherrill is prohibited.

Section 3. Any violation of this ordinance shall be punishable as provided in Section 26 of the City Charter.

ORDINANCE NO. 2

Animals at Large

Section 1. No person shall permit horses, cows, swine, fowls, poultry or domesticated birds to run at large in the City of Sherrill, and no person shall at any time lead, ride or drive any horse on, over or through any of the public parks, paths or sidewalks of said City of Sherrill. Any person violating the provisions of this ordinance shall be guilty of an offense and liable to fine of not less than two dollars nor more than twenty dollars for each violation of the same.

ORDINANCE NO. 3

Building Permits

No permit for the erection of any building shall be issued unless a street or highway giving access to such proposed structure has been dedicated to the City of Sherrill by a deed duly executed and delivered to the City accompanied by an abstract of title certified for a period of not less than 40 years, which dedicated street or highway shall have been suitably improved to the satisfaction of the City Commission in accordance with standards and specifications approved by the City Manager as adequate in respect to the public health, safety and general welfare for the circumstances of the particular street. Where the enforcement of the provisions of this ordinance would entail practical difficulty or unnecessary hardship, and where the circumstances of the case do not require the structure to be related to existing or proposed streets or highways, the City Commission, upon the petition of the applicant for such permit, in its discretion may make any reasonable exception and issue the permit subject to conditions that will protect any future street layout.

ORDINANCE NO. 4

Disorderly Operation of Motor Vehicles

Section 1. Disorderly Operation or Use of a Motor Vehicle. No person shall operate or use a motor vehicle in the City of Sherrill upon any highway, street, road, driveway, parking lot, or on any other property, public or private, in such manner as to cause or create a disturbance or nuisance, or to cause alarm or fear for the safety of persons or property, or to unreasonably disturb the peace and quiet of any person or persons, or in such manner as to cause the emission of excessive fumes or the creation of excessive noise. (Amended 12/27/99)

Section 2. Definition. The term “motor vehicle” as used herein shall include snowmobiles and mini-bikes as well as motor vehicles as defined in the Vehicle and Traffic Law of the State of New York.

Section 3. Penalty for Violation. Any violation of this ordinance shall be punishable as provided in Section 26 of the City Charter. (Amended 12/27/99)

Section 4. Saving Clause. If any provision or part of this ordinance shall be declared invalid, such adjustment shall not affect, impair or invalidate the remainder thereof which shall continue in full force and effect.

ORDINANCE NO. 5

Noise

Section 1. No person shall make or continue or cause to be made any unreasonably loud, unnecessary or unusual noise within the City of Sherrill which annoys, disrupts, disturbs or otherwise interferes with the comfort, repose, or peace of one or more individuals of normal sensitivities.

Section 2. As used herein, “unreasonably loud, unnecessary or unusual noise” shall be deemed to include, but not be limited to, the following:

a. Sound produced by playing, using, operating or permitting to be played, used or operated any radio, receiving set, musical instrument, phonograph, tape or compact disc player, television, or other machine or device for the production or reproduction of sound, if such sound is sufficiently loud that it can be heard at the residence nearest the source of the sound other than the residence on the property from which the sound is produced or reproduced or from a distance of twenty-five (25) yards from the sound source, whichever is less.

b. Noise from a burglar alarm or other alarm system of any building, motor vehicle or other equipment which is continuous or intermittent for a period of more than fifteen (15) minutes or which sounds more than three (3) times within a twenty-four (24) hour period.

c. Noise resulting from the erection, demolition, alteration or repair of any building or structure, or any excavation, occurring between the hours of 10:00 PM and 7:00 AM, except in the case of a public safety emergency.

d. Noise resulting from the use or operation of a lawnmower, blower, trimmer, chain saw, or other item of outdoor power equipment other than a snowblower actually being used for the removal of snow between the hours of 10:00 PM and 7:00 AM, except for the use of a chain saw in the case of an emergency.

e. Noise made by the unnecessary and repeated or continuous sounding of any horn or signaling device.

f. Noise made by the use or operation of a motor vehicle or other item of equipment in such an unreasonable manner (e.g., squealing of tires, revving engine, inadequate muffler, etc.) or for a continuous period of ten (10) minutes or for a total of any fifteen (15) minutes in a one-hour period.

Section 3. Nothing herein contained shall be deemed to apply to:

a. the making of any sound, including sound made by a siren, alarm or

other warning device, by any police officer, peace officer or fireman in the performance of his or her official duties;

b. noise made in the installation, repair or maintenance of any public utility by one or more persons duly authorized to make such installation, repair or maintenance;

c. noise made by the Sherrill Department of Public Works or any of its employees in the performance of their official duties;

d. The use of bells, chimes or sound amplifiers by churches between the hours of 8 AM and 10 PM; or (Added 9/11/06)

e. Activities in public parks, playgrounds, or public buildings under permission or authority of the City of Sherrill Commission, or in a parade for which a permit has been issued by the City. (Added 9/11/06)

Section 4. Any violation of this ordinance shall be punishable as provided in Section 26 of the City Charter.

ORDINANCE NO. 6

Dog Ordinance

Section 1. Definitions.

(a) Owner. Any person who owns, keeps, harbors or has the care, custody or control of a dog. Dogs owned by minors shall be deemed to be in the custody and control of the minor's parents, or other head of the household where the minor resides.

(b) At Large. Any dog shall be deemed at large when it is off the property of its owner, and not under restraint.

(c) Restraint. A dog shall be deemed under restraint when it is leashed or confined within an enclosed motor vehicle or upon the premises of another with the consent of such other person. Leash length must not be greater than 8' (Eight Feet). (Amended 5/13/19)

Section 2. Restrictions.

(a) No owner shall permit or allow a dog to be at large within the City of Sherrill, unless such dog shall be restrained as provided in Section 1(c) herein.

(b) No person shall keep or harbor a dog:

(1) which habitually or persistently barks, howls, or whines so as to disturb the peace and quiet of other persons. (Amended 12/27/99)

(2) which, when off the owner's premises, bites, chases, snaps or snarls at or otherwise harasses or harms another person or causes reasonable apprehension of bodily harm to such person.

(3) which chases after moving motor vehicles, bicycles, snowmobiles or other animals.

(4) which bites, chases, snaps or snarls at any person lawfully upon the owner's premises unless such dog is securely muzzled or is otherwise restrained or confined in a building or securely tied or fenced.

(5) This ordinance requires that dogs be curbed. Curbing your dog means that owner shall remove or cause to be removed any fecal matter deposited by their dog off the owner's premises promptly.

Owners shall not allow their dogs to soil buildings or grounds, nor make a nuisance of its self on the grass, sidewalk, road or any part of a City right of way without property owners consent. City right of ways are typically 10' beyond the curb line of any City street.

The City of Sherrill provides its residents with dog waste stations that include individual waste bags and receptacles to dispose of waste.

(b) No unspayed female dog in heat shall be permitted outside a building, enclosed vehicle or fenced enclosure unless leashed and accompanied by the owner or his designee.

Section 3. Seizure of Dogs. The City of Sherrill Police Department, an Animal Control Officer designated by the City and/or any peace officer shall enforce the provisions of this ordinance by investigating complaints and by seizing any dog, tagged or untagged, found to be at large as above defined.

A dangerous dog or an untagged dog may be seized on or off the owner's premises, impounded and disposed of in accordance with the provisions of Article 7 of the Agriculture and Markets Law.

Every dog seized shall be maintained, redeemed or disposed of in accordance with Article 7 of the Agriculture and Markets Law. (Amended 12/13/10)

Section 4. Enforcement. Any person who observes a dog in violation of any provision of this ordinance may file a complaint, signed under oath, with the City Judge specifying the nature of the violation, the date thereof, the damage caused, if any, a description of the dog, and the name and address of the owner, if known. The City Judge shall issue a summons to the owner of such dog requiring the owner to appear in person before him to answer said complaint. The summons shall be served personally on the owner not less than three (3) days prior to the required appearance. Should the owner fail to appear, the City Judge may issue a warrant for the owner's arrest.

The City of Sherrill Police Department, an Animal Control Officer designated by the City and/or any peace officer observing a violation of this ordinance occurring in his presence may issue an appearance ticket to the owner of any dog in violation of this ordinance without first filing a complaint with the City Judge. Such appearance ticket shall require the owner to appear and answer the violation specified in the appearance ticket and the proceedings before the City Judge shall be the same as though a summons had been issued and served on the owner. (Amended 12/13/10)

Section 5. Presumption. In any enforcement proceeding hereunder, it shall be presumed that an unleashed dog on the premises of one other than its owner is there without the consent of the owner of such premises unless the defendant proves such consent.

Section 6. Penalties. Any violation of this ordinance shall be punishable as provided in Section 26 of the City Charter. (Amended 12/27/99)

Section 7. Licensing of Dogs. (Amended 12/13/10) The purpose of Sections 7 through 7D is to provide for the identification and licensing of dogs, so as to aid in the control and protection of the dog population and the protection of persons, property and domestic animals within the City of Sherrill. Such Sections shall apply to all areas of the City of Sherrill and to all dogs kept and/or harbored within the City of Sherrill, and to all dog licenses issued by the City of Sherrill on and after January 1, 2011.

(a) Definitions. As used in this ordinance, terms shall have the meanings as in Section 1 hereof and in Article 7 of the NYS Agriculture and Markets Law.

(b) Licensing of dogs

(1) Except as otherwise specifically provided in this ordinance or in Article 7 of the NYS Agriculture and Markets Law, all dogs at large, and all dogs four months of age or older shall be licensed in accordance with the provisions of this Section.

(2) All applications for a dog license, both original applications and renewal applications, shall be made to the Sherrill City Clerk.

(3) The application shall state the sex, actual or approximate age, breed, color, and official identification number of the dog, and other identification marks, if any, and the name, address and telephone number of the owner.

(4) The application shall be accompanied by the license application fee, any applicable license surcharges, and any such additional fees as may be established from time to time by resolution of the City of Sherrill Commission. Each license application shall be accompanied by a current certificate of rabies vaccination or a statement from a licensed veterinarian in lieu thereof that such vaccination would endanger the dog's life. In the case of a spayed or neutered dog, every application shall also be accompanied by a certificate signed by a licensed veterinarian or an affidavit signed by the owner, showing that the dog has been spayed or neutered, provided such certificate or affidavit shall not be required if the same is already on file with the clerk. In lieu of the spay or neuter certificate, an owner may present a statement certified by a licensed veterinarian stating that he has examined the dog and found that, because of old age or other reason, the life of the dog would be endangered by spaying or neutering. In such case, the license fee for the dog shall be the same as for a spayed or neutered dog as set forth in this Section.

(5) Upon validation by the City Clerk, the application shall become a license for the dog described therein. Once an application has been validated, no refund shall be made of the fees paid therefore, or any portion thereof.

(6) The City Clerk shall provide an identification tag and a copy of the license to the owner, and retain the license and all documentation supporting the

issuance of the license in accordance with the Records Retention and Disposition Schedule MU-1 issued by the New York State Archives and Records Administration. If the application for a dog license (or renewal) is made by mail and the owner requests a validated copy, the owner shall provide a stamped, self-addressed envelope for that purpose.

(7) No license shall be transferable. Upon the transfer of ownership of any dog, the new owner shall immediately make application for a license for such dog.

(8) Each initial license issued by the City of Sherrill pursuant to this Section shall expire on the last day of the month one year from the date of the original issuance of the license. Each renewal license shall expire on the last day of the same month in each succeeding calendar year. (For example, a license originally issued in January will always expire on January 31st of each succeeding calendar year, regardless of the actual date the license is renewed with the City Clerk — renewing early or late does not change the date of expiration of the license.)

(9) Owners of more than one dog may request a common renewal date for their dog licenses, which may be granted by the City Clerk as long as no license is extended beyond the period of validity that would otherwise apply under the provisions of the prior paragraph (8) (i.e., the license may be issued for less than a year, but not for more than a year.) No license fees or surcharges shall be prorated upon the granting of a request for a common renewal date pursuant to the provisions of this paragraph.

(10) Any dog harbored within the City of Sherrill which is owned by a resident of New York City or licensed by the City of New York, or which is owned by a non-resident of New York State and licensed by a jurisdiction outside that State of New York, shall for a period of thirty (30) days be exempt from the licensing and identification provisions of this ordinance.

(c) Relocation / Relicensing

(1) The owner of any dog currently licensed in another municipality who relocates his place of residence to the City of Sherrill shall apply for and obtain a City of Sherrill dog license for each dog owned.

(2) Any dog adopted from an incorporated humane society or similar incorporated dog protective association must be licensed in the City of Sherrill prior to being released from said shelter.

Section 7-A License Fees.

(a) A fee schedule for all license fees and other fees to be charged and collected pursuant to this ordinance shall be established by resolution of the City of Sherrill Commission. Such fee schedule may thereafter be amended from time to time by further resolution of the Commission. The fees set forth in, or determined in accordance with, such fee schedule or amended fee schedule shall be charged and collected prior to the issuance of the license for which the fees are due.

(b) All fees established by the Commission shall be in accordance with the following limitations:

(1) The application fee for an unspayed or unneutered dog shall be at least five dollars more than the application fee for a spayed or neutered dog.

(2) A surcharge fee in an amount not less than one dollar for spayed and neutered dogs, and not less than three dollars for unspayed or unneutered dogs, for the purpose of supporting animal population control efforts.

(3) A surcharge fee in an amount not less than five dollars shall be imposed upon a dog identified as unlicensed during an enumeration conducted pursuant to Article 7 of the NYS Agriculture and Markets Law.

(c) Except as otherwise provided in Article 7 of the NYS Agriculture and Markets Law, and/or under any other provision of this Article, all fees, fines and/or penalties collected upon the application for a license and/or the prosecution of any violation of this Article shall be the property of the City of Sherrill.

Section 7-B. Identification of dogs.

(a) Each dog licensed pursuant to this Article shall be assigned, at the time the dog is first licensed, a permanent official identification number. The official identification number shall constitute the official identification of the dog to which it is assigned, regardless of changes of ownership, and the number shall not be reassigned to any other dog during the lifetime of the dog to which it is assigned. Such identification number shall be carried by the dog on an identification tag which shall be affixed to a collar on the dog at all times, provided that a dog participating in a dog show shall be exempt from this requirement during such participation.

(b) At the time a dog is first licensed, one identification tag shall be furnished to the owner at no charge. Should an official City of Sherrill dog tag be lost, a new tag will be issued upon payment of the fee prescribed by resolution of the Commission.

(c) No tag carrying an official identification number shall be affixed to the collar of any dog other than the one to which that number has been assigned.

(d) The size, shape and form of imprints on identification tags and purebred license tags shall be prescribed by the Commission, and any tag bearing an imprint other

than that prescribed shall not constitute valid identification for the purposes of this Article.

Section 7-C Change of ownership; lost or stolen dog.

(a) In the event of a change in the ownership of any dog which has been assigned an official City of Sherrill identification number or change in the address of the owner of record any such dog, the owner of record shall, within ten days of such change, file with the City Clerk a written report of such change. Such owner of record shall be liable for a violation of this section until such filing is made, or until the dog is licensed in the name of the new owner.

(b) If any dog which has been assigned an official identification number is lost or stolen, the owner of record shall, within ten days of the discovery of such loss or theft, file with the City Clerk, a written report of such loss or theft. In the case of a loss or theft, the owner of record of any such dog shall not be liable for any violation of this section, and/or of any violation Article 7 of the New York State Agriculture and Markets Law if committed after such report is filed.

(c) In the case of a dog's death, the owner of record shall so notify the City Clerk, in writing, either prior to renewal of licensure or upon the time of such renewal as set forth in this Article. Failure to notify the City Clerk of the death of a dog as so required herein shall constitute a violation and the owner of record shall be liable for such violation.

Section 7-D. Violations.

(a) It shall be a violation punishable as provided in Section 7-D(b) of this Ordinance for:

- (1) Any owner to fail to license any dog;
- (2) Any owner to fail to have any dog identified as required by this Article;
- (3) Any person to knowingly affix to any dog any false or improper identification tag;
- (4) Any owner or custodian of any dog to fail to confine, restrain or present such dog for any lawful purpose required pursuant to this Article and/or Article 7 of the New York State Agriculture and Markets Law;
- (5) Any person to furnish any false or misleading information on any form required to be filed with the City of Sherrill pursuant to this Article and/or Article 7 of the New York State Agriculture and Markets Law;

(6) The owner or custodian of any dog to fail to exercise due diligence in handling his or her dog if the handling results in harm to another dog that is a guide, hearing or service dog;

(7) The owner of a dog to fail to notify the City Clerk of any change of ownership or owner's address as required by this Article.

(b) It shall be the duty of the City of Sherrill Police Department, Animal Control Officer designated by the City and/or any peace officer, with the assistance of the City Attorney, to prosecute an action or proceeding against any person who has committed within the City of Sherrill any violation of this Ordinance and/or Article 7 of the New York State Agriculture and Markets Law. The dog control officer may elect either to prosecute such action as a violation under the penal law or as a civil action to recover a civil penalty. A violation of this section shall be punishable, subject to such an election, by a fine or penalty of not less than twenty-five dollars, and not more than two hundred fifty dollars, except that

(1) Where the person was found to have violated this ordinance and/or Article 7 of the New York State Agriculture and Markets Law within the preceding five years, the fine or penalty may be not less than fifty dollars, and

(2) Where the person was found to have committed two or more such violations within the preceding five years, the subsequent violation shall be punishable by a fine or penalty of not less than one hundred dollars or imprisonment for not more than fifteen days, or both.

(c) A defendant charged with a violation of any provision of this Article may plead guilty to the charge in open court. He may also submit to the magistrate having jurisdiction, in person, by duly authorized agent, or by mail, a statement:

(1) That he waives arraignment in open court and the aid of counsel,

(2) That he pleads guilty to the offense charged,

(3) That he elects and requests that the charge be disposed of and the fine or penalty fixed by the court,

(4) Reciting any explanation that he desires to make concerning the offense charged, and

(5) That he makes all statements under penalty of perjury. Thereupon the magistrate may proceed as though the defendant had been convicted upon a plea of guilty in open court, provided however, that any imposition of fine or penalty hereunder shall be deemed tentative until such fine or penalty shall have been paid and discharged in full. If upon receipt of the aforesaid statement, the magistrate shall deny the same, he shall thereupon notify the defendant of this

fact, and that he is required to appear before the said magistrate at a stated time and place to answer the charge which shall thereafter be disposed of pursuant to the applicable provisions of law.

(d) Each day that a person is in violation of any provision of this Article shall constitute a separate offense, with each such offense being subject to the fines and penalties set forth herein.

Section 8. Impoundment of Dogs. Each dog seized in accordance with the provisions of Article 7 of the Agriculture and Markets Law or the provisions of this ordinance shall be properly sheltered, fed and watered for the redemption period as hereinafter provided. Each dog which is not identified, whether or not licensed, shall be held for a period of five (5) days from the day seized during which period the dog may be redeemed by its owner, provided that such owner produces proof that the dog has been licensed and has been identified pursuant to the provisions of the Agriculture and Markets Law and further provided that the owner first pays the following impoundment fees to the City Clerk:

(a) \$25.00 per day for the first impoundment of any dog owned by that person (amended 12/13/10);

(b) \$50.00 for the first 24 hours or part thereof and \$20.00 for each additional 24 hours or part thereof for the second impoundment within one year of the first impoundment of any dog owned by that person (amended 12/13/10);

(c) \$100.00 for the first 24 hours or part thereof and \$20.00 for each additional 24 hours or part thereof for the third and subsequent impoundments within one year of the first impoundment of any dog owned by that person (amended 12/13/10).

Promptly upon the seizure of any identified dog, the owner of such dog shall be notified personally or by certified mail, return receipt requested, of the facts of seizure and the procedure for redemption. If notification is personally given, such dog shall be held for a period of 7 days after the day of notice. If such notification is made by mail, such dog shall be held for a period of 9 days from the date of mailing, during which period the dog may be redeemed by the owner. In either case, the owner may redeem such dog upon payment to the City Clerk of the impoundment fees herein prescribed and by producing proof that the dog has been licensed.

An owner shall forfeit title to any dog unredeemed at the expiration of the appropriate redemption period.

Section 9. Exclusions from Operation of Ordinance. This ordinance shall not apply to any guide dog actually leading a blind person.

Section 10. Separability. If any provisions of this ordinance be declared invalid, all other provisions thereof shall remain valid and enforceable.

ORDINANCE NO. 7

Exhibitions

Section 1. No person, firm or corporation shall conduct, operate or maintain any circus, carnival, outdoor concert, performance, show or exhibition, excluding amateur sporting contests and community observances and events, without first obtaining from the City Manager a license or permit setting forth the conditions, regulations and restrictions governing the holding of such event which he shall deem reasonably necessary to insure and protect the peace and safety of the public. Such conditions, regulations and restrictions may include provisions for adequate off-street parking, crowd control and security patrol, liability insurance, noise or sound levels, hours of operation, clean-up with bond or cash security therefor.

ORDINANCE NO. 8

Firearms

Section 1. No person shall discharge any species of firearm, pellet gun, air gun or other weapon within the territorial boundary limits of the City of Sherrill, or discharge any such firearm outside the said city so that the bullet, shot pellet or other projectile therefrom enters the City of Sherrill, except in self-defense, in the reasonable protection of property, or in the discharge of official duty.

Section 2. Nothing herein contained shall be deemed to prohibit the discharge of a firearm under supervised instruction or regulation at an established rifle range or target range situated in a location first approved by the City Commission, having due regard for the health and safety of the residents of the City and the general public.

Section 3. Nothing herein contained shall be deemed to prohibit the lawful hunting of deer by longbow as permitted under Article 11 of the Environmental Conservation Law.

Section 4. Any person convicted of a violation of any of the provisions of this ordinance shall be guilty of a violation punishable by a fine not to exceed Five Hundred Dollars (\$500.00), by a term of imprisonment not to exceed ten (10) days, or by both such fine and imprisonment.

ORDINANCE NO. 9

Games of Chance

Section 1. It shall be lawful for any authorized organization, upon obtaining the required license therefor to conduct games of chance within the City of Sherrill, subject to the provisions of this ordinance, the provisions of Article 9-A of the General Municipal Law and the provisions set forth by the New York State Racing and Wagering Board.

Section 2. The terms “authorized organization” and “games of chance” shall have the meanings stated in Section 186 of the General Municipal Law.

Section 3. The unauthorized conduct of a game of chance shall constitute and be punishable as a misdemeanor.

ORDINANCE NO. 10

Garbage, Rubbish and Trash

Section 1 – Garbage & Recyclables

Residential Collection

- a.) **Residential Collection:** A residential entity is classified as **1. Single Family or 2. Two Family (2 Units or Less)**.
- b.) **Location:** Residents desiring to dispose of their normal weekly accumulation of garbage & recyclables via municipal collection, may do so by placing the same in the marginal strip between the sidewalk and the curb. In the event of snow, residents shall place all garbage and recyclables at the edge of driveway between the sidewalk and road. No garbage or recyclables shall be set out earlier than 6:00pm of the evening immediately preceding the scheduled day of municipal pick-up. Emptied containers shall be removed from the marginal strip by 8:00pm of the day of the scheduled municipal pick-up.
- c.) **Containers:** Containers shall have handles and be tightly covered, watertight, galvanized iron, non-rusting metal, or plastic with a capacity of no less than 10 gallons and no more than **35** gallons per container. **Plastic bags are not acceptable for garbage containment. Plastic bags shall not be placed in recyclable bins or used for the containment of recyclables.** The use of rope, bungees, wire, or any other tethering device intended for cover securement on containers is prohibited. Collection crews reserve the right to cut tethering device if necessary. The combined weight of a single container and its garbage or recyclable contents shall not exceed 40 pounds.

Commercial Collection

- d.) **Commercial Collection:** A commercial entity is classified as **1. Small retail:** such as banks, salons, merchandisers, and the like. **2. Small professional offices:** such as legal, medical, insurance and the like. **3. Multiple dwellings:** such as: Apartment buildings and living units of 3 or more, and other commercial entities. Commercial collection will include up to, but not exceeding 6 containers of refuse and/or recycling combined. All containers shall have handles and be tightly covered, watertight, galvanized iron, non-rusting metal, or plastic with a capacity of no less than 10 gallons and no more than 35 gallons per container. Plastic bags are not acceptable for garbage containment. Plastic bags shall not be placed in recyclable bins or used for the containment of recyclables. The use of rope, bungees, wire, or any other tethering device intended for cover securement on containers is prohibited. Collection crews reserve the right to cut tethering device if necessary. The combined weight of a single container and its garbage or recyclable contents shall not exceed 40 pounds.

Commercial entities that create more than 200 Gallons (equivalent to 1 yard) of refuse/recycling weekly are required to have a dumpster. Commercial and food

waste entities such as restaurants, food service, grocery stores, butcher shops, and other like businesses are required to have dumpsters as well.

e.) **Location:** Commercial entities desiring to dispose of their normal weekly accumulation of garbage & recyclables via municipal collection, may do so by placing the same in the marginal strip between the sidewalk and the curb or in area designated by City of Sherrill. In the event of snow, residents shall place all garbage and recyclables at the edge of driveway between the sidewalk and road. No garbage or recyclables shall be set out earlier than 6:00pm of the evening immediately preceding the scheduled day of municipal pick-up. Emptied containers shall be removed from the marginal strip by 8:00pm of the day of the scheduled municipal pick-up.

f.) **Dumpsters:** Effective January 1, 2020 municipal collection of dumpsters will discontinue.

Entities desiring to dispose of their normal weekly accumulation of garbage & recyclables via dumpster may do so via private hauler collection. The size of dumpster and frequency of weekly collection is dependent on the need of the individual business, however ordinance 10 requires commercial dumpsters to be emptied at least once a week.

Commercial properties with dumpsters shall adhere to the following provisions:

- Dumpsters shall be sized accordingly to ensure garbage is covered and fully enclosed. Partially covered and/or overflowing dumpsters are prohibited. Maximum dumpster size shall not exceed 6 cubic yards.
- Placement of dumpsters shall not be placed in City Right of Ways, or near utilities such as powerlines, water or sewer services or any other condition deemed unsafe or unsuitable for safe pick up.
- Dumpsters shall be staged at designated, city approved locations.

Section 2 – Disposal

The municipal pick-up of garbage and recyclables is intended to apply to the normal, weekly accumulation of same and is not intended as a means of disposal of unusual accumulation of old building and construction materials, furniture, old tires, hot water heaters, appliances, large metal items, and the like. Residents **and Commercial entities** shall adhere to the most current, local regulations on proper disposal of, but not limited to: garbage, recyclables, household hazardous waste, and electronics. **All material generated outside the City of Sherrill shall not be included in municipal pick-ups. Violators will be prosecuted for theft of services.**

Electronics may be disposed of at the City of Sherrill Transfer Station 210 Elmwood Pl. Disposal tickets may be purchased at Sherrill City Hall.

Game Animal Carcasses may not be disposed of in residential collection. Game Animal Carcasses can be disposed of at any one of the Oneida Herkimer Solid Waste Authority transfer stations (Rome/Utica).

Household Hazardous Waste may be disposed of at the Oneida Herkimer Solid Waste Authority (Leland Ave. Utica, NY)

Section 3 – Sharps

Sharps cannot be set out with your recyclables! Place used needles, syringes and lancets in a puncture-proof container like a laundry detergent bottle with a top. When full, tape lid/top shut, label as "sharps" and place in the garbage.

Section 4 – Manufacturing Districts

The provisions of this ordinance shall not apply to Manufacturing Districts governed by Article 5, Industrial Performance Standards, of the Zoning Ordinance of the City of Sherrill.

Section 5 – Unacceptable Materials

Materials placed at the curbside for municipal collection contrary to the provisions of this ordinance shall not be picked up by collection crews and the owner of the premises shall dispose of same by other, legal means without delay.

Items being disposed of as “free” may only remain curbside for a maximum of a 24 hours. Items out longer than the 24-hour period will be in violation of this ordinance.

Section 6 – Violation

Any person who violates this ordinance **will be issued a warning via sticker, and/or letter left on or near cans at collection point. A letter may also be sent. Those that fail to correct problem shall be found guilty upon** conviction by a fine of \$25.00 for a first offense, \$50.00 for each subsequent offense, or imprisonment for not more than ten (10) days, or by both such fine and imprisonment.

(Amended 5/13/19)

ORDINANCE NO. 11

Hawkers and Solicitors

Section 1. Definition of Solicitor.

(a) The term “solicitor” as used in this ordinance shall mean a person who goes from place to place or house to house taking or offering to take orders for the future delivery of goods, wares or merchandise, or for services to be performed in the future, or for making, manufacturing or repairing any article or thing whatever for future delivery. The term shall also include canvassers who go from house to house arranging or attempting to arrange subsequent meetings or interviews in behalf of solicitors or salesmen. The term shall not include salesmen calling on regular established customers of the salesman or his employer, and persons who have been expressly invited by the occupant to call at the house or other place to solicit such orders.

(b) The term “hawker” shall mean and include a person standing or going about in any public street or public place who sells or offers for sale in such street or public place any goods, wares, or merchandise including printed material. The term shall not include persons selling or offering to sell produce from their own farms or gardens.

Section 2. License Required. It shall be unlawful for any person, within the corporate limits of the City of Sherrill to act as a hawker or solicitor as herein defined without first having obtained and paid for, and having in force and effect a license therefor. Said license shall be issued by the City Clerk of the City of Sherrill and shall be in writing signed by said City Clerk, and the fee therefor shall be \$25.00 per calendar year. The Clerk shall not issue a license to any person who has been convicted of any crime or of the offense of disorderly conduct.

Section 3. Penalty for Violation. Any person who violates this ordinance shall be guilty of an offense punishable upon conviction by a fine not exceeding One Hundred Dollars or imprisonment not more than thirty days or both such fine and imprisonment.

ORDINANCE NO. 12

House Numbering and Street Names

Section 1. Each dwelling or place of business in the City of Sherrill shall, after the passage of this ordinance, bear on its front or street face, a number or numbers assigned to it by the City Clerk. The owner shall cause said numbers to be placed as nearly as possible at the height of five feet from the ground, as near the entrance to the building as there is a suitable place, and where either street or porch lights will illuminate at night. No vines, shrubs, awnings or obstructions shall be allowed to cover the numbers from easy observation.

Section 2. Repealed 12/27/99

Section 3. The system of numbering shall conform as far as possible to the following rules and regulations:

The lots on Sherrill Road shall be numbered from the State Road at the West Shore crossing towards the south by blocks, progressively, as the 100 block, 200 block, etc. Odd numbers shall be on the westerly side of the road, even numbers on the easterly side.

The lots on all streets leading from Sherrill Road shall be numbered by blocks progressively from Sherrill Road with the odd numbers on the southerly sides of said streets and even numbers on the northerly sides, and where such streets cross Sherrill Road these shall be further differentiated by the use of the words East and West, as for example: East Hamilton – West Hamilton.

The lots on the Seneca Turnpike from its intersection with Sherrill Road shall be numbered from said intersection toward the east and west respectively without reference to block numbers, odd numbers on the south side, even on the north. Streets running north from Seneca Turnpike shall number from the Turnpike northerly, odd numbers on the east, even numbers on the west.

The lots on all other streets in the city east of Sherrill Road shall be numbered from their northerly or westerly termini southerly or easterly respectively, by blocks if there be regularity to the subdivisions, with odd numbers on the westerly or southerly sides and even numbers on the easterly or northerly sides – as the streets may run.

The lots on all other streets of the city west of Sherrill Road shall be numbered from their northerly or easterly termini. Southerly or westerly respectively, by blocks if there be regularity to the subdivisions, with odd numbers on the westerly or southerly side, even numbers on the easterly or northerly sides – as the streets may run.

Section 4. Any person, firm or corporation owning or occupying any building within the City of Sherrill, who shall refuse or neglect for five days after notice from the City Clerk to place a number on said building, shall be guilty of an offense and shall be liable to a fine of not more than twenty-five dollars nor less than one dollar for each neglect or refusal.

ORDINANCE NO. 13

Muffler Ordinance

No person shall run or operate a motor vehicle in the City of Sherrill unless the vehicle is equipped with an adequate muffler in constant operation and properly maintained to prevent any excessive or unusual noise. The term "motor vehicle" as used herein shall include every device in, upon or by which any person or property is or may be transported, powered by an internal combustion engine or motor. For the purpose of this ordinance the term motor vehicle shall not include farm machinery when used for agricultural purposes, construction equipment, riding lawn mowers and snowplows, garden tractors and cultivators, fire and police vehicles.

ORDINANCE NO. 14

Parks and Playgrounds

Section 1. No person shall pluck, cut, mark, mar or in any way injure any tree, shrub, grass, flower, plant or any lawn or part thereof on any of the parks and playgrounds of this City, without the consent of the City Manager.

Section 2. No person shall deposit any refuse, garbage, earth or any other material on any of the parks or playgrounds of this City, without the consent of the City Manager.

Section 3. No person shall remove or injure or in any way deface any bench, playground apparatus, tool, implement or other equipment of any of the parks or playgrounds of this City, without the consent of the City Manager.

Section 4. No person shall plant or set out any tree, shrub, plant, flower or grass on any of the parks or playgrounds of this City, without the consent of the City Manager.

Section 5. All persons in any way using any of the parks or playgrounds of this City, or any of the buildings or equipment thereof, shall conform to such regulations as to their use as the City Manager shall from time to time provide.

Section 6. No person shall erect any tent, stand, booth, or other structure or enclosure in or upon any of the public parks or playgrounds of this City, without the consent of the City Manager.

Section 7. No person shall erect or place any sign, billboard or other advertising device within or upon any of the parks or playgrounds of this City, without the consent of the City Manager.

Section 8. No person shall offer or expose for sale any confectionery, popcorn, peanuts, soft drinks or anything else of any nature in or upon any of the parks or playgrounds of this City, without the consent of the City Manager.

Section 9. All permits relating to the use of parks and playgrounds shall be in writing and granted by the City Manager.

Section 10. Any violation of this ordinance shall be punishable as provided in Section 26 of the City Charter. (Amended 12/27/99)

ORDINANCE NO. 15

Robertson Park

Section 1. Except as hereinafter provided, Robertson Park shall be closed to all persons between the hours of 9:30 p.m. and 6 a.m., prevailing time, and any person entering or remaining on said premises during these prohibited hours shall be deemed a trespasser, except that the basketball courts and tennis courts may be used between the hours of 6:00 a.m. and 10:30 p.m., prevailing time.

Section 2. The City Manager, with the approval of the City Commission, may authorize the use of said park during otherwise prohibited hours to groups or organizations whose activity extends into such prohibited hours, upon satisfactory assurance of adult supervision where youth groups are involved and upon such other requirements as he may reasonably impose.

Section 3. This ordinance shall not apply to employees of the City of Sherrill engaged in the performance of the duties of their employment.

Section 4. A violation of this ordinance shall be punishable by fine not exceeding One Hundred Dollars (\$100.00), or imprisonment not exceeding ten (10) days, or both such fine and imprisonment.

ORDINANCE NO. 16

Sidewalk Ordinance

Section 1. No person, firm or corporation shall use and no property owner shall permit the use on the public sidewalk abutting his property of so-called “Blacktop” mixes of stone and asphalt or other bituminous substances in the construction, repair or replacement of sidewalks in the City of Sherrill except in conformance with the following standards:

(a) Forms of steel or wood shall be used to insure uniform depth and square edges. Compaction shall be done with a three to five ton roller.

(b) Where no sidewalk now exists the earth shall be excavated to width of four feet and to a depth of eight inches in line with sidewalks that may exist on either side of one to be installed. If there is no sidewalk line the City shall establish one. Crusher run stone shall be used to form a six inch compacted base. A topping of 1AC hot mix asphalt concrete shall be compacted a depth of two inches.

(c) Where a concrete sidewalk is to be replaced, a base of three inches of compacted 1AB hot mix asphalt concrete binder shall be placed with a compacted one inch topping of 1AC hot mix asphalt concrete.

(d) Where a concrete sidewalk now exists but is to be raised or a topping is desired, installation is to be made in accordance with the directions of the Superintendent of Public Works.

Section 2. Where sidewalks are constructed, repaired or replaced with bituminous materials, there shall be no rebate to the property owner or other sharing of cost by the City.

Section 3. All prior inconsistent ordinances are hereby repealed.

ORDINANCE NO. 17

Street Excavation Ordinance

Section 1. No person shall excavate in or under any public street without a permit issued by the City Manager. The word “street” as used herein shall include the public sidewalk and marginal strip between the sidewalk and the pavement or curb line. The fee for the issuance of such permit shall be Twenty Dollars (\$20.00).

Section 2. The City Manager shall prescribe minimum standards for the removal, temporary storage and replacement of excavated material.

Section 3. The application for the permit shall be in writing and shall accurately describe the location and extent of the proposed excavation and the estimated length of time to complete the work requiring the excavation.

Section 4. Upon completion of the work, the excavated area shall be promptly restored to as good condition as existed prior to excavation. Lawn area shall be restored with a minimum of six inches of suitable topsoil and seeded with permanent grasses. Concrete and asphalt surfaces shall be restored with like paving material meeting the minimum standards specifications required by the City Manager.

Section 5. No permit shall be issued until the applicant has deposited with the City Manager a certified check payable to the City in an amount calculated as follows:

- One Dollar per square foot of unpaved area;
- Three Dollars per square foot of concrete or asphalt surface.

The minimum deposit shall be \$150.00. Where the required deposit exceeds the sum of \$300.00, a performance bond may be substituted with the approval of the City Manager.

Upon the restoration of the excavated area to the reasonable satisfaction of the City Manager, he shall refund the deposit to the applicant.

Section 6. No excavation permit shall become effective until the applicant has furnished the City with evidence of public liability insurance with limits not less than 100,000/300,000/10,000 naming the City as an additional insured as well as the applicant and his or its contractors and subcontractors.

Section 7. No excavation restored after October 15 shall be approved by the City Manager sooner than May 15 of the following year.

Section 8. Any violation of the provisions of this ordinance or of the conditions or regulations contained in any permit granted in accordance with the terms hereof shall be punishable by a fine of not less than \$25.00 nor more than \$100, with an additional penalty for each and every day that such violation shall continue after notification that such violation exists.

ORDINANCE NO. 18

Street Littering

Section 1. Dirt, Filth, Etc., Streets and Alleys. It shall be unlawful for any person to throw, spill, place or deposit or leave, or cause to be thrown, spilled, placed, deposited or left, or to permit any servant, agent or employee to throw, spill, place, deposit or leave in or upon any street, highway, alley, sidewalk, park or other public place in the City of Sherrill any dirt, sweepings, filth, shells, garbage, vegetables, dead carcass, sewage, slops, excrement, compost, stable manure, ashes, soot, tin cans, rags, waste paper, leaves, brush, weeds, grass, straw, hay, excelsior, shavings, barrels, crates, boxes, litter or loose combustible material, materials subject to be carried by the wind or unwholesome, noisome or putrescible matter of any kind.

Section 2. Exceptions: Removal of Containers. Nothing in this ordinance shall be construed to prohibit the placing of ashes, refuse or garbage on the outer edge of the sidewalk or near the curb in metallic containers with close-fitting covers thereon for removal by the Sherrill city collection force or licensed or permitted scavengers. It shall be unlawful for any person other than an authorized employee or agent of the city, or a licensed or permitted scavenger, if the city has them, to disturb, remove or willfully and maliciously tip over and spill the contents of such containers or to remove the covers thereof.

Section 3. Obstructing Sewers and Drains. It shall be unlawful for any person to throw or deposit or cause to be thrown or deposited into any drain, catchbasin, sewer or gutter any substance which may cause obstructions or injury thereto or nuisance therein. It shall also be unlawful for any person to divert or stop the flow of any drain or sewer.

Section 4. Penalty. Any person who violates any of the provisions of this ordinance shall, upon conviction thereof, be subject to a fine of not less than two dollars nor more than twenty-five dollars.

ORDINANCE NO. 19

Street Uses

Section 1. The City Manager may grant permission in writing to place and keep building materials in a public street for a period not exceeding four months; but such permission shall contain a condition that it shall be void unless the materials are so placed that they occupy no more than one-half the sidewalk and one-half the space between it and the center of the roadway. The permission may at any time be revoked by the City Manager.

Section 2. Every person to whom permission is granted pursuant to the provisions of the foregoing section shall cause all the materials and rubbish arising from his occupation of the street to be removed by the expiration of the time limited by the permission, or upon the revocation of the permission, under the penalty hereafter prescribed for each twenty-four hours they shall remain after the expiration of the time of revocation of the permission.

Section 3. Whenever permission is given by the City Commission or City Manager to lay any drain, sewer, aqueduct, or gas or water pipe along or in any street, to make any excavation or hole therein, or erect any poles, or place any wires in, under, over or upon any street, the same shall be done under the direction of the City Manager as to the time and place, and he shall see that it be so done as not unnecessarily to hinder or obstruct the free use of the street or sidewalk, and shall also see that the street is restored to good condition after the work is done, at the expense of the person to whom the permission is given.

Section 4. No person shall place or cause to be placed in or upon any street, alley, square or public park, any building materials or other property, or any obstruction to the free and perfect use thereof without a written permission from the City Manager. In case the owner or person in charge of the same shall neglect or refuse to remove the same from such street, alley, square or public park within twenty-four hours after such notice, or in case such owner or person in charge of the same shall be unknown or cannot be found, then in either case, the City Manager, after the expiration of the said twenty-four hours, shall cause the same to be removed to some safe and secure place at the expense of such owner.

Section 5. No person without permission from the City Manager shall dig, remove, or carry away any stone, earth, sand or gravel from any street, highway, alley, square or public grounds.

Section 6. No person shall remove, displace, or interfere with any barricade, railing or protection around a defective place in any street or about any trench, excavation, repair or construction work, or pavement, placed by or under the authority of the City Manager or by any authorized board or official of the City of Sherrill.

Section 7. No person shall move, or cause or permit to be moved, any building into, along or upon any street, without written permission from the City Manager and then only under the supervision and according to the directions of the City Manager.

ORDINANCE NO. 20

Traffic Ordinance

Section 1. Through Streets. Sherrill Road, New York State Route 5, East Hamilton Avenue, West Hamilton Avenue, Willow Place, Betsinger Road, East Seneca Street, Williams Street, Park Street and Kinsley Street, City of Sherrill, are hereby designated as main arteries of travel and all vehicles approaching any of said main arteries of travel from an intersecting street shall, before crossing or turning into the same, come to a full stop whenever designated by a stop sign unless otherwise directed by a traffic officer or signal.

Section 2. Rate of Speed. No vehicle, except duly authorized emergency vehicles in actual performance of duty, shall be driven, operated or propelled over, on, in or upon the public streets and highways within the corporate limits of the City of Sherrill at a greater rate of speed than 30 miles per hour, except within the following posted zones where a greater rate of speed is authorized. A violation of the provisions of this section is punishable by a fine not to exceed One Hundred Dollars (\$100) or imprisonment for thirty days or by both such fine and imprisonment.

(1) Commencing at the westerly city line on Route 5 and extending easterly to Rowland Place, a distance of approximately 0.8 miles, the authorized maximum speed shall not exceed 45 miles per hour;

(2) Commencing at Rowland Place and extending easterly a distance of 0.2 miles east of Sherrill Road, the authorized maximum speed shall not exceed 35 miles per hour;

(3) Commencing at a point 0.2 miles east of Sherrill Road and extending easterly to the Sherrill City Line, the authorized maximum speed shall not exceed 45 miles per hour.

Section 3. Parking Ordinance.

(a) The parking of motor vehicles on or along any public street in the City of Sherrill, New York, between the hours of 2:00 a.m. and 7:00 a.m. from November 1 to April 30 is prohibited.

(b) No motor vehicle shall be parked at any time on W. Seneca Street between the former railroad underpass and the intersection of W. Seneca St. with Route 5.

(c) The parking of motor vehicles along E. Seneca Street in the areas hereinafter defined in excess of the periods of time hereinafter stated is hereby prohibited. Parking on E. Seneca Street is hereby limited as follows:

1. South side of E. Seneca St. from Sherrill Road to the former Post

Office driveway; a two-hour parking zone from 7:00 a.m. to 5:00 p.m. Monday through Friday;

2. South side of E. Seneca St. from Corona garages to Willow Place; a one-hour parking zone, from 7:00 a.m. to 5:00 p.m. Monday through Friday.

3. North side of E. Seneca St. from Willow Place west to the Oneida Ltd. Fire Station driveway; a one-hour parking zone, from 7:00 a.m. to 5:00 p.m. Monday through Friday.

(d) The parking of a motor vehicle on either side of Sherrill Road between Prospect Street and Route 5 for a period in excess of two (2) hours between 8:00 a.m. and 5:00 p.m. is prohibited.

Any person parking a motor vehicle in violation of this ordinance or paragraph 1203-b of the Vehicle and Traffic Law, and the owner of any vehicle so parked, shall be subject to fines as follows:

\$5.00 if paid within ten days of issuance of parking ticket;

\$10.00 if paid more than ten days after the issuance of the parking ticket;

\$25.00 if the parking violation occurs in a space designated by appropriate sign for handicapped parking if paid within 10 days.

An additional \$5.00 if paid after the 10th day.

(e) When any vehicle is parked or abandoned on any street or public way within the City

1. so as to obstruct the movement of traffic; or

2. where stopping, standing or parking is prohibited;

said vehicle may be removed and stored by or under the direction of any police officer of the City at the expense of the owner. Such owner or his agent may redeem the same upon payment to the City of the actual expense of removal and storage.

Section 4. Miscellaneous Provisions.

(a) No operator of any motor vehicle shall stop, stand, or park any motor vehicle upon the left side or portion of any street or highway.

(b) No person shall drive, ride or lead, any horse, pony, donkey, mule, or other beast of burden, nor shall any person operate any motor vehicle, motorcycle, motorbike, motor scooter, tractor or other similar vehicle, in any public park or playground except for the purpose of maintenance or repair, or except as authorized by the Chief of Police.

Section 5. Right-of-Way at Intersections. Pursuant to the provisions of Section 90 of the Vehicle and Traffic Law of the State of New York, as amended, the Police Department of the City of Sherrill is hereby authorized to regulate, and designate, by an appropriate sign, the right-of-way on and in, any street intersection within the City of

Sherrill. All drivers are required to obey the rules and regulations prescribed by said City of Sherrill Police Department, for such intersections, where designated by a “Yield Right of Way” sign.

Section 6. Traffic Control Signals. Traffic control signals shall be installed, continued and maintained as follows:

1. A three-section four faced pre-timed traffic control signal at the following locations:
 - a) The intersection of Sherrill Road and Hamilton Avenue and operated 24 hours a day
 - b) The intersection of Sherrill Road and Noyes Boulevard and operated 24 hours a day
2. Repealed 12/27/99

Section 7. Penalties for Violation. Except as otherwise provided above, the violation of a provision of this ordinance shall be punished by a fine of not more than One Hundred Dollars or by imprisonment for not more than fifteen (15) days or by both such fine and imprisonment.

ORDINANCE NO. 21

Traffic Violations Bureau

Section 1. Authorization of Bureau. The City Court of the City of Sherrill is hereby authorized to establish a Traffic Violations Bureau to assist the Court in the disposition of offenses in relation to traffic violations. Such Bureau shall be in charge of such person or persons and shall be open at such hours as the court may designate.

Section 2. Jurisdiction. The Traffic Violations Bureau is hereby authorized to dispose of violations of traffic laws, ordinances, rules and regulations when such offenses shall not constitute the traffic infraction known as speeding, or a misdemeanor or felony.

Section 3. Procedure.

1. The Traffic Violations Bureau shall permit a person charged with an offense within the limitations herein stated,
 - a. To answer within a specified time in the Traffic Violations Bureau either in person or by written power of attorney in the form hereafter prescribed,
 - b. To pay a prescribed fine designated by the Court,
 - c. To waive a hearing in Court, plead guilty to the charge and authorize the person in charge of the Bureau to make such a plea and pay such a fine in Court.
2. Acceptance of the prescribed fine and power of attorney by the Bureau shall be deemed complete satisfaction for the violation and the violator shall be given a receipt which so states.
3. If a person charged with a traffic violation does not answer as hereinbefore prescribed within the time designated herein, the Bureau shall cause a complaint to be entered against him forthwith and a warrant to be issued for his arrest and appearance before the City Court.
4. Any person, who shall have been within the preceding 12 months, guilty of a number of parking violations in excess of such number as may be designated by the Court or of 3 or more violations other than parking violations, shall not be permitted to appear and answer to a subsequent violation at the Traffic Violations Bureau, but must appear in City Court at a time specified by the Bureau.
5. This ordinance shall in no way deprive a person of his right to counsel, or prevent him from exercising his right to appear in City Court and answer and defend any charge or violation over which this Bureau has jurisdiction.

Section 4. Attaching of Ticket to Vehicles. When a police officer ascertains that a person has committed an offense over which this Bureau has jurisdiction, he shall forthwith personally serve such person with, or if the absence of the owner or operator of the vehicle prevents such service, attach to the vehicle by which the offense has been or is being committed, a ticket. Such ticket shall set forth the offense charged, the time and place of its commission, and direct the owner or operator of such vehicle to appear at the Traffic Violations Bureau within 48 hours either in person or by written power of attorney in the form prescribed thereon. Such ticket shall be numbered and issued in triplicate, one of which shall be served as hereinbefore provided, one of which shall be filed with the Bureau and one of which shall be filed with the Chief of Police.

Section 5. Appearance. The person so charged may, if he does not desire to appear personally, admit the service of the notice on the ticket, so served, by signing the admission of personal service and the power of attorney printed thereon, and forwarding the same with the fine designated thereon for the offense committed, to the Traffic Violations Bureau.

Section 6. Failure to Appear. If a person, so served, shall fail to appear, as hereinbefore provided, within the designated time or having appeared fails to plead guilty, waive hearing in Court and pay the fine, or if he elects or is required to appear in Court but fails to make the required deposit, the Bureau shall cause a complaint to be entered against him forthwith and he shall be subject to prosecution in the same manner as if this ordinance did not exist.

Section 7. Reports of Bureau. The Bureau shall report to the Chief of Police on appearances and dispositions which occurred on the previous day, and shall keep such records and make such further reports as may be prescribed by the Judge of the City Court and/or the City Commission.

Section 8. All fines paid into and collected by the Bureau shall be paid over to the Director of Finance of the City, forthwith, who shall give a receipt therefor.

Section 9. Forms. The forms referred to in this ordinance shall be substantially as follows:

1. Traffic Violation Notice

TRAFFIC NOTICE	TRAFFIC VIOLATION
	Dept. of Police, Sherrill, NY
To _____	No. _____
Name	
Of _____	
Address	
Or to the operator or owner of motor vehicle _____	_____
	make and type of vehicle

bearing License Plates _____ you are
State and Number Year
hereby charged with a TRAFFIC violation by _____
PARKING Name of offense

On _____
At _____
Location, position or zone
on the _____ day of _____, 19____, at _____ o'clock ____ m.

You have the privilege of appearing within 48 hours at the TRAFFIC VIOLATION BUREAU, City Court, City Clerk's Office between 9 A.M. and 5 P.M., either in person or by written power of attorney in the form hereinafter prescribed. If you fail to do so, you will be prosecuted.

Officer _____
NOTICE: Conviction of any moving violation may mean suspension or loss of license.

2. Admission of Personal Service

I hereby admit receipt and personal service of a copy of notice appearing on the reverse side of this form and stipulate that it shall have the legal effect of an information when filed in Court.

Dated the ____ day of _____, 19 ____.

Signature of Person Served

Disposition _____

3. Power of Attorney

Power of Attorney for Appearance at the Traffic Violations Bureau
(To be signed except in case of Personal Appearance)

I, the undersigned, appoint _____ of _____ my Attorney, for me and in my name to appear before the City Court of the City of Sherrill, N.Y. and to pay the fine prescribed for the violation with which I am charged, and in writing, waive a hearing in Court, plead guilty to the charge and authorize the person in charge of the Bureau to make such a plea for me and to pay such fine into Court. This is my _____ offense for this violation within the present calendar year.

Dated the ____ day of _____, 19 ____.

Signature

Witness _____

Operator's License must accompany this ticket to Bureau for all Traffic Violations. It will be returned immediately.

The forms hereinbefore prescribed may be combined in one form. Minor additions to or minor departures from the prescribed forms shall not invalidate the same. The combined form may also contain a schedule of fines for violations.

ORDINANCE NO. 22

Vehicle/Trailer Ordinance

Section 1. Legislative Intent. A clean, wholesome, attractive environment is declared to be of importance to the health and safety of the inhabitants of the City of Sherrill and the safeguarding of their material rights is deemed essential to the maintenance and continued development of the economy of the City and the general welfare of its citizens. It is further declared that the unrestrained accumulation and storage of vehicles, trailers, crafts or vessels threatens said environment and citizenry thereby necessitating the regulation, restraint and elimination thereof.

Section 2. Storage Restrictions.

Permanent Storage

For all parcels located within an R-1 or R-2 Residence District, the permanent storage, of all motor vehicles, trailers, campers, motor homes, boats, crafts, vessels and recreational vehicles/ATV's (hereinafter referred to collectively as "vehicle/trailer" shall only be permitted in the side yard, no more than 5 feet further than the front of the house; and in the rear yard and shall be limited to two in number. The location of said vehicle/trailer must be a minimum of five feet from any property boundary. Said restriction applies to both operable and/or inoperable vehicles/trailers as well as any materials/parts from said vehicles/trailers, when taken together, equal two (2) vehicles/trailers.

Seasonal Storage

For all parcels located within an R-1 or R-2 Residence District, the seasonal storage of one (1) seasonal use of trailer, camper, motor home, boats, craft, vessel and recreational vehicle/ATV (hereinafter referred to collectively as "vehicle/trailer" is permitted to be seasonally stored in an existing driveway. The location vehicle/trailer must be a minimum of 10 feet from any curb line. If no curb, then the edge of pavement on City street. In no circumstance, can a trailer of any type be closer than 3' from any public sidewalk. Any trailers that impede these required setbacks shall be removed immediately by owner upon notice from the City of Sherrill.

Seasonal summer storage shall be considered May 1 through October 31 of each calendar year. Seasonal winter storage shall be considered November 1 through April 30 of each calendar year. Vehicle/trailer must be registered and in full working order during seasonal storage. A second trailer must be stored in accordance with the Permanent Storage rules.

For parcels located in a commercial district, the above restrictions shall be the same. In the event that a commercial property owner feels that two vehicles/trailers are not sufficient to support their respective commercial activities, the property owner may apply to the Zoning Board of Appeals for a special use permit for no more than three vehicles/trailers in total provided that their respective property contains at least 16,000 square feet.

For purposes of the above restrictions, in the event the parcel does not contain a rear yard, or the rear yard is insufficient to store said vehicle/trailer, the property owner

may apply to the Zoning Board of Appeals for a special use permit. Said restrictions do not apply to any vehicles/trailers located in a storage structure that is completely enclosed.

For matters pertaining to this ordinance, a corner property shall have only one “front yard”. The front yard is the side recognized by the street address on the City tax bill.

Section 3. Vehicle/Trailer Repair Restrictions. For all parcels located within an R-1 or R-2 Residence District, the prolonged repair or maintenance of a vehicle/trailer in the driveway of a dwelling is prohibited. A vehicle/trailer can be located in the driveway of a dwelling for repair or maintenance for no longer than fourteen days prior to the seasonal time frame described in Section 2.

Section 4. Vehicle/Trailer Sale Restrictions. For all parcels located within an R-1 or R-2 Residence District, the sale of vehicles/trailers is allowed for the residents of that property but restricted to one vehicle/trailer at any one time with the location of said vehicle/trailer contained to the driveway of the dwelling and for no longer than a thirty day time period of time.

Section 5. Notice. For any parcels not in compliance with this ordinance, the City Codes Officer shall issue a written notice instructing the owner to remedy the violation in seven (7) calendar days.

Section 6. Penalties. Any person violating this local ordinance, who fails to correct the violation after receiving notice, shall be liable to a civil penalty of \$500 to be recovered by the City in a civil action or proceeding. Each day such violation continues shall result in an additional \$100 per day penalty, up to a total maximum penalty of \$5,000. The City may also maintain an action or special proceeding for an injunction or other equitable relief to compel compliance with, or to restrain the violation of this local ordinance. The use of any remedy shall not prevent the use of any other remedy hereunder. The listing of remedies herein shall not deprive the city of the use of any other remedies provided by any other provisions of law.

Section 7. Definitions – For purposes of this Ordinance, the term “vehicle/trailer” shall mean any motor vehicle, motor home, fifth wheel trailers, camping trailers, self-contained travel trailer, open air trailers, camper, boat, vessel, craft, snowmobile, construction trailer, ATV or other recreational vehicles.

Modified & readopted: 8/5/2019

ORDINANCE NO. 23

Weeds and Other Vegetation

Section 1. Cutting and Removal of Grass, Weeds and Other Rank, Poisonous or Harmful Vegetation. It shall be unlawful for any owner, lessee or occupant, or any agent, servant, representative or employee of any such owner, lessee or occupant having control of any occupied or unoccupied lot or land or any part thereof in the City of Sherrill to permit or maintain on any such lot or land, or on or along the sidewalk, street or alley adjacent to the same between the property line and the curb or middle of the alley or for ten feet outside the property line if there be no curb, any growth of weeds, grass or other rank vegetation to a greater height than ten inches on the average, or any accumulation of dead weeds, grass or brush. It shall also be unlawful for any such person or persons to cause, suffer or allow poison ivy, ragweed or other poisonous plants, or plants detrimental to health to grow on any such lot or land in such manner that any part of such ivy, ragweed or other poisonous or harmful weed shall extend upon, overhang or border any public place or allow to seed, pollen or other poisonous particles or emanations therefrom to be carried through the air into any public place.

Section 2. Duty of Owner, Lessee or Occupant. It shall be the duty of any owner, lessee or occupant of any lot or land to cut and remove or cause to be cut and removed all such weeds, grass or other rank poisonous or harmful vegetation as often as may be necessary to comply with the provisions of Section 1; provided that cutting and removing such weeds, grass and vegetation at least once in every three weeks between April 1 and November 1, shall be deemed to be a compliance with this ordinance. (Amended 4/14/14)

Section 3. When City to do Work. If the provisions of the foregoing sections are not complied with the City Manager shall serve, or cause to be served, written notice upon the owner, lessee or occupant or any person having the care or control of any such lot or land to comply with the provisions of this ordinance. If the person upon whom the notice is served fails, neglects or refuses to cut and remove or to cause to be cut and removed such weeds, grass or other vegetation within five days after receipt of such notice, or if no person can be found in the City of Sherrill who either is or claims to be the owner of such lot or land or who either represents or claims to represent such owner, the city shall cause such weeds, grass and other vegetation on such lot or land to be cut and removed, and the actual cost of such cutting and removal, plus five percent for inspection and other additional costs in connection therewith, shall be certified by the City Manager to the City Commission and shall thereupon become and be a lien upon the property on which such weeds, grass and other vegetation were located and shall be added to and become and form part of the taxes next to be assessed and levied upon such lot or land and shall bear interest at the same rate as taxes and shall be collected and enforced by the same officer and in the same manner as taxes.

ORDINANCE NO. 24

Hunting

(Repealed 9/12/88)

ORDINANCE NO. 25

Tattooing Prohibited

Section 1. It shall be unlawful for any person to tattoo a human being within the City of Sherrill.

Section 2. Nothing herein contained shall be deemed to prohibit a duly licensed physician from tattooing a human being for medical purposes.

Section 3. Any person who violates this ordinance shall be guilty of an offense punishable upon conviction by a fine not exceeding \$50.00 or by imprisonment for not more than 180 days, or by both such fine and imprisonment.

Section 4. This ordinance shall take effect upon its filing with the City Clerk.
(2/22/88)

ORDINANCE NO. 26

The Electrical Code of the City of Sherrill, New York

Section 1. Title. This ordinance shall be known as The Electrical Code of the City of Sherrill, NY.

Section 2. Statement of Purpose. Since there is danger to life and property inherent in the use of electrical energy, this electrical ordinance is enacted to regulate the installation, alteration or repair of wiring for electric light, heat or power and signal systems operating on 50 volts or more, in or on all real property within the City of Sherrill.

Section 3. National Code Adopted. All electrical installations, heretofore mentioned shall be made in conformity with the requirements of the National Electrical Code except where the provisions of this ordinance or any other local law, ordinance or building code of the City of Sherrill shall differently prescribe, in which event compliance with the provisions of such local law, ordinance or building code shall be recognized as proper compliance with this ordinance. The requirements of the National Electrical Code shall be those known as National Fire Protection Association Pamphlet #70, as approved and adopted by the American Standards Association.

Section 4. Inspector. Any qualified inspector approved in writing by the City Manager may make inspections and reinspections of all electrical installations heretofore and hereafter described, and to approve or disapprove the same. In no event, however, will the cost or expense of any such inspection or reinspection be a charge against the City of Sherrill. No inspector, or any director, officer, agent or employee of any inspector, shall perform any services within the City of Sherrill which services shall be subject to inspection under this ordinance. (Amended 12/27/99)

Section 5. Duties of the Inspector. It shall be the duty of the Inspector to report in writing to the City Manager.

Section 6. Violations of the Ordinance. It shall be a violation of this ordinance for any person, firm or corporation to install or cause to be installed, or to alter or repair electrical wiring for light, heat or power, in or on properties in the City of Sherrill until an application for inspection has been filed with the City Manager. It shall be a violation of this ordinance for a person, firm or corporation to connect or cause to be connected electrical wiring in or on properties for light, heat or power, to any source of electrical energy supply, prior to the issuance of a temporary certificate, or a certificate of compliance, by the New York Board of Fire Underwriters and/or the Independent Electrical Inspection Agency, Inc. Upon receipt of a report disapproving electrical installations, the City Manager shall cause a copy thereof to be sent to the owner of the premises together with a notice directing the owner to remedy the defective installations in not less than ten nor more than thirty days. The owner's failure to do so shall be a

violation of this ordinance punishable by a fine not exceeding Five Hundred Dollars. Each day on which such violation continues shall constitute a separate offense.

Section 7. No Waiver or Assumption of Liability. This ordinance shall not be construed to relieve from or lessen the responsibility of any person owning, operating, controlling or installing any electric wiring, devices, appliances or equipment for loss of life or damage to person or property caused by any defect therein, nor shall the City of Sherrill, the New York Board of Fire Underwriters or the Independent Electrical Inspection Agency, Inc. be deemed to have assumed any such liability by reason of any inspection made pursuant to this Ordinance.

Section 8. Separability Clause. If any part or provision of this ordinance or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction such judgment shall be confined in its operation to the part of provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this ordinance or the application thereof to other persons or circumstances and the City Commission of the City of Sherrill hereby declares that it would have passed this ordinance or the remainder thereof had such invalid application or invalid provision been apparent.

Section 9. Effective Date. This ordinance shall take effect upon its filing in the office of the City Clerk. (4/25/88)

ORDINANCE NO. 27

Automobile Junk Yards

Section 1. Legislative Intent. A clean, wholesome, attractive environment is declared to be of importance to the health and safety of the inhabitants and the safeguarding of their material rights is deemed essential to the maintenance and continued development of the economy of the City of Sherrill and the general welfare of its citizens. It is further declared that the unrestrained accumulation of junk motor vehicles is a hazard to such health, safety and welfare of citizens of the city necessitating the regulation, restraint and elimination thereof.

Section 2. Definitions. For the purpose of this section:

(a) “Automobile junk yard” shall mean any place of storage or deposit, whether in connection with business or not, where more than one unregistered, old, or secondhand motor vehicle, no longer intended or in condition for legal use on the public highways, is held, whether for the purpose of resale of used parts therefrom, for the purpose of reclaiming for use some or all of the materials therein, whether metal, glass, fabric or otherwise, for the purpose of disposing of the same, or for any other purpose; such term shall include any waste materials from motor vehicles, which, taken together, equal in bulk more than one such vehicle provided, however, the term junk yard shall not be construed to mean an establishment having facilities for processing iron, steel or nonferrous scrap and whose principal produce is scrap iron, steel or nonferrous scrap for sale for remelting purposes only.

(b) “Motor vehicle” shall mean any vehicle propelled or drawn by power other than muscular power originally intended for use on public highways.

Section 3. Automobile junkyards prohibited. No person shall operate, establish or maintain an automobile junkyard in the City of Sherrill.

Section 4. Violations. Violators of this ordinance shall be guilty of an offense punishable by a fine not exceeding Five Hundred Dollars (\$500.00) and each week that such violation is carried on or continues shall constitute a separate violation.

Section 5. Effective Date. This ordinance shall become effective immediately upon the filing thereof with the City Clerk. (5/9/88)

ORDINANCE NO. 28

Unsafe Buildings

Section 1. Purpose. Unsafe buildings pose a threat to life and property in the City of Sherrill. Buildings and structures may become unsafe by reason of damage by fire, the elements, age or general deterioration. Vacant buildings not properly secured at doorways and windows also serve as an attractive nuisance for young children who may be injured therein, as well as a point of congregation by vagrants and transients. A dilapidated building may also serve as a place of rodent infestation, thereby creating a health menace to the community. It is the purpose of this ordinance to provide for the safety, health protection and general welfare of persons and property in the City of Sherrill by requiring that such unsafe buildings be repaired or demolished and removed.

Section 2. Definitions.

(1) “Building” means any building structure or portion thereof used for residential, business or industrial purpose.

(2) “Building Inspector” means the code enforcement officer of the City of Sherrill or such other person appointed by the City Commission to enforce the provisions of this ordinance.

(3) “City” means the City of Sherrill.

Section 3. Investigation and Report. When in his own opinion or upon receipt of information that a building (1) is or may become dangerous or unsafe to the general public; (2) is open at the doorways and windows making it accessible to and an object of attraction to minors under eighteen years of age, as well as to vagrants and other trespassers; (3) is or may become a place of rodent infestation; (4) presents any other danger to the health, safety, morals and general welfare of the public; or (5) is unfit for the purposes for which it may lawfully be used, the building inspector shall cause or make an inspection thereof and report in writing to the City Commission his findings and recommendations in regard to its repair or demolition and removal.

Section 4. Order. The City Commission shall thereafter consider such report and by resolution determine, if in its opinion the report so warrants, that such building is unsafe and dangerous and order its repair if the same can be safely repaired or its demolition and removal, and further order that a notice be served upon the persons and in the manner provided herein.

Section 5. Notice; Contents. The notice shall contain the following: (1) a description of the premises; (2) a statement of the particulars in which the building is unsafe or dangerous; (3) an order outlining the manner in which the building is to be made safe and secure, or demolished and removed; (4) a statement that the securing or removal of such building shall commence within 30 days of the service of the notice and

shall be completed within 60 days thereafter, unless, for good cause shown, such time shall be extended; (5) a date, time and place for a hearing before the City Commission in relation to such dangerous or unsafe building, which hearing shall be scheduled not less than five business days from the date of service of the notice; and (6) a statement that in the event of failure or refusal to comply with the order to secure or demolish and remove the building, the City Commission is authorized to provide for its demolition and removal, to assess all expenses thereof against the land on which it is located and to institute a special proceeding to collect the cost of demolition, including legal expenses.

Section 6. Service of Notice. The said notice shall be served upon the owner(s) of the premises and upon each person having any other interest therein as shown by the records of the receiver of taxes or of the Oneida County Clerk. Service shall be made (1) by personal service or (2) by registered mail addressed to such person at his last known address as shown by the aforementioned records and by posting a copy of said notice upon the premises. If service is made by registered mail, service shall be deemed to be complete upon actual delivery of the notice to the addressee or the fifth (5th) day following its mailing, whichever shall first occur.

Section 7. A copy of the notice served as provided herein shall be filed in the office of the Oneida County Clerk.

Section 8. Failure or Refusal to Comply. In the event of the failure or refusal of the person so notified to comply with said order of the City Commission and after the hearing, the City Commission shall provide for the demolition and removal of such building or structure either by City employees or by contract. Except in emergency as provided in section 10 hereof, any contract for demolition and removal of a building in excess of \$20,000.00 shall be awarded through competitive bidding.

Section 9. Assessment of Expenses. All expenses incurred by the City in connection with the proceedings to repair and secure or demolish and remove the unsafe building, including the cost of actually removing such building, and all reasonable and necessary legal expenses incidental thereto, shall, at the option of the City Commission either:

(1) Be assessed against the land on which such building is located and shall be levied and collected in the same manner as provided in Title X of the Charter of the City of Sherrill, or

(2) Be collected by commencement of a special proceeding against the owner of the said unsafe or dangerous building or structure pursuant to General Municipal Law Section 78-b.

Section 10. Emergency Cases. Where it reasonably appears that there is present a clear and imminent danger to the life, safety or health of any person or property, unless an unsafe building is immediately repaired and secured or demolished, the City Commission may by resolution authorize the building inspector to immediately cause the

repair or demolition of such unsafe building. The expenses of such repair or demolition shall be a charge against the land on which it is located and shall be assessed, levied and collected as provided in Section 9 hereof.

Section 11. Separability. Each separate provision of this ordinance shall be deemed independent of all other provisions herein, and if any provisions shall be deemed invalid, all other provisions hereof shall remain valid and enforceable.

Section 12. Effective date. This ordinance shall take effect immediately upon its filing in the office of the City Clerk. (6/28/93)

ORDINANCE NO. 29

Truck Regulations

Section 1. Findings.

WHEREAS, use of the City’s local streets and thoroughfares by trucks having a gross vehicle weight (“GVW”) of ten thousand (10,000) pounds, or five (5) tons, has an adverse impact on the integrity of the City’s infrastructure and, additionally, has the potential to adversely affect the health, safety, comfort and repose of the City’s populace and neighborhoods; and

WHEREAS, the City of Sherrill has conducted a truck analysis which has identified, *inter alia*: traffic patterns within the City of Sherrill; appropriate thoroughfares for use by trucks having a GVW of more than five (5) tons; and the number of vehicles that utilize various City streets and rights-of-way, and

WHEREAS, the City has identified rights-of-way and thoroughfares in and around the City of Sherrill that are appropriate for and can handle the adverse effects associated with and/or caused by vehicles having a GVW of more than five (5) tons; and

WHEREAS, it is the opinion of The City Commissioners of the City of Sherrill’s best interests are furthered by adopting legislation that specifically identifies rights-of-way and thoroughfares that may be utilized by truck and vehicles having a GVW of more than five (5) tons and expressly restricts said vehicles from use of non-permitted rights-of-way or thoroughfares unless for local deliveries or emergency purposes.

WHEREAS, following enactment of the original ordinance on July 31, 2017 there has been considerable additional public input and concern regarding the practical impact of the regulations as enacted, and the City Commissioners have determined it is in the best interests of the City to revise and re-enact the regulation as revised to address such concerns.

Section 2. Legislative Purpose.

The Sherrill City Commission adopts the truck regulations and restrictions set forth in this ordinance upon the determination that excluding vehicles and/or combinations of vehicle(s) and trailer(s) from certain streets and rights-of-way in the City of Sherrill is in the City’s best interests for among the following reasons: said exclusion protects the integrity and useful life of the City’s roadway and traffic infrastructure, thereby reducing costs of maintenance and repair to the City’s taxpayers; said exclusion protects the health, safety, welfare and repose of the City’s residents; and said exclusion protects and enhances the essential characters of the City’s residential neighborhoods.

Section 3. Truck Route System; Regulations and Restrictions.

A. In the City of Sherrill the truck route system upon which:

1. all trucks, commercial vehicles, tractors, tractor-trailer combination, tractors-semitrailer combination or tractors-trailer-semitrailer combination, whether loaded or unloaded having a total gross weight (“GVW”) in excess of five (5) tons; or

2. any truck, commercial vehicle, tractor, tractor-trailer combination, tractor semitrailer combination or tractor-trailer-semitrailer more than 25 feet in length, whether loaded or unloaded,

are permitted to travel and operate shall consist of all numbered New York State highway routes through the City of Sherrill.

B. No person, firm, corporation or other type of entity shall operate or permit to be driven or operated any trucks, tractors, tractor-trailer combinations or other vehicles or combinations of vehicles identified at subsection 3 (A) hereof on any street, or thoroughfares except those numbered New York State highway routes through the City of Sherrill as permit such driving or operation of said vehicles; provided, however, this exclusion from the driving or operation of said vehicles shall not apply to Sherrill Road. A violation of this section shall be punishable in accordance with Section 4 hereof.

C. Such exclusions shall not prevent the necessary delivery or pick-up of merchandise or other property along the streets from which trucks or other vehicles regulated hereunder are otherwise excluded, provided that the vehicle from which any such delivery is made shall enter and leave any such designated truck route by the street which is the nearest to and provides the safest accessibility to the place where such delivery or pick-up is to be made. Further, a delivery vehicle that would otherwise be prohibited from the street upon which a delivery is made shall remain on such prohibited streets for a period of time no longer than is necessary and reasonable to make such delivery or to complete a loading or unloading of such vehicle. Permitted use of city streets as provided for herein shall include necessary delivery or pick-up to or from locations within the City of Sherrill and up to one-quarter mile outside the city’s corporate boundaries.

D. Nothing in this section shall be construed to exclude or prevent the necessary operation of trucks or other vehicles regulated hereunder while in use by the United States Postal Service or military services, or by fire, police, sanitation, or street maintenance services, or by school/transport buses, or by public service corporations while on emergency repair work or as otherwise reasonably necessary to complete their work or duties, or for purposes of obtaining a New York State Department of Motor Vehicle license

E. Conspicuous and legible signs shall be placed at such locations and contain such information as is necessary to apprise the public and affected persons, corporations and other entities of the restrictions set forth in this Ordinance.

Section 4. Violations.

A violation of this ordinance shall be deemed an “offense” as defined in the Penal Law of the State of New York, and shall be punishable by a fine not exceeding Five Hundred Dollars (\$500) or by imprisonment for a term not exceeding ten (10) days or both. Nothing herein shall be construed to limit any other remedies as may be available to the City for violations of the regulations and restrictions imposed hereby, including a civil action for damages to the streets of the City as a result of non-permitted use.

Section 5. Effective Date.

This Ordinance shall take effect January 1, 2018.

(Amended 11/13/17)

ORDINANCE NO. 30

Green Waste

Green Waste shall be placed curbside in the marginal strip between the road and sidewalk (where applicable). Green waste shall not be placed in the road way or obstruct pedestrian traffic on a sidewalk or right of way. Green Waste shall not be placed near or around utility poles, guide wires, hydrants, vehicles, water shut offs, or any other obstructions.

Green waste shall not be placed curbside for municipal collection any earlier than the Friday preceding the scheduled Monday green waste Collection date. Collection applies to the normal, weekly accumulation of same and is not intended as a means of disposal of unusual accumulation of tree trunks, large tree limbs, sod, dirt, stones and the like.

Maximum volume of green waste per scheduled pick up date shall not exceed one dump truck load (8 cu. yd.) per household.

Stick piles shall be placed parallel to the roadway. Maximum stick/branch length shall be six feet (6'), and maximum diameter shall be four inches (4"). Do NOT tie sticks and/or branches together, leave loosely piled/stacked.

Do not place any leaves, grass clippings, sticks, etc. in bags of any kind (plastic or paper), and do not place on any tarps. Loose collection is preferred, however if containers are used for green waste, they shall not be greater than 32 gallons and must have perforated bottoms to allow water to drain. Each container shall weigh no more than 40 pounds. Emptied containers shall be removed from the marginal strip by 8:00pm on the day of pick up.

Please remember that no foreign matter should be co-mingled with green waste, such as: paper, household garbage, lumber, metal, construction debris, stones, concrete, animal feces, etc.

All residents can bring their green waste, brush, limbs larger than 4" in diameter to the dedicated green waste area located at the City transfer station (DPW Garage) located at 210 Elmwood Place. The transfer station is intended only for green waste generated within the City of Sherrill boundaries.

Landscape contractors and Tree removal contractors are prohibited from placing green waste and brush at the curb; they are responsible for their own disposal. Contractors can purchase a green waste permit from the City at the designated fee. Contactors performing work inside the City can contact the City of Sherrill at 315-363-2440 for information on registering with the City and obtaining a permit. Green waste generated from outside the City of Sherrill may not be disposed of at the City of Sherrill transfer station.

(4/09/18)

ORDINANCE NO. 31

Burning

The burning of garbage, rubbish, trash, leaves and other objectionable smoke or fume producing matter out-of-doors in the City of Sherrill, except as otherwise provided herein, is hereby prohibited. This prohibition does not include the burning of waste paper and the like customarily disposed of in an outdoor household incinerator, nor does it prohibit outdoor cooking fires. All burning shall be prohibited within the area between resident buildings/structures and city streets. Any burning deemed unsafe or hazardous by City of Sherrill, shall be extinguished immediately in a safe manner. Ashes or any remnants related to burning, shall not be placed at curbside for municipal collection. Residents desiring to dispose of cold ashes may do so at an authorized City designated location.

NYS DEC Regulations

Burning trash is prohibited statewide in all cases. DEC recommends that you [recycle](#) all appropriate materials (such as newspaper, paper, glass and plastic) and [compost](#) your organic kitchen and garden waste.

All open burning is prohibited in New York with several exceptions including the following:

- Campfires less than 3 feet in height and 4 feet in length, width or diameter are allowed.
- Small cooking fires are allowed.
- Fires cannot be left unattended and must be fully extinguished.
- Only charcoal or clean, untreated or unpainted wood can be burned.
- Ceremonial or celebratory bonfires are allowed.

Burning leaves is banned in New York State. The State encourages you to [compost leaves](#).

Before burning, individuals should check the NYS DEC website at <http://www.dec.ny.gov> to inquire if a burn ban is active or not. Violators of the state's open burning regulation are subject to both criminal and civil enforcement actions, with a minimum fine of \$500 for a first offense. To report environmental law violations, call 1-800-TIPP DEC (1-800-847-7332), or report [online](#) on DEC's website.

(04/09/18)

ORDINANCE NO. 32

STORAGE STANDARDS

Any shipping container use as an accessory building, storage building, or living unit is prohibited.

The intent of this ordinance is to protect the public health and safety and the aesthetic quality of the city.

No person shall place or cause to be placed or use or permit the use of any shipping container as an accessory building, storage building, or living unit within the City of Sherrill.

Allowed use:

Shipping Containers/Connex Boxes may be used temporarily for 90 calendar days, unless written permission from City Manager to extend. In no circumstances shall City Manager extend time beyond 150 days. Request to place unit on property must be done so in writing, and permission with removal date will be provided by City Manager.

1. Storage shall be wholly within this unit, and the unit shall be placed in the side or rear yard. There shall be no storage in any required front yard or flanking street yard.

There is no “grandfather clause” any existing units as date of ordinance being ratified, must be removed within 90 days.

The Ordinance shall take effect July 12, 2021.

Adopted: 6/28/21

ORDINANCE NO. 33

PROPERTY MAINTANANCE **CODE OF NEW YORK STATE AND ESTABLISHMENT OF FINES**

The Property Maintenance Code of New York State (PMCNYS) regulated the minimum maintenance requirements for existing buildings. The City of Sherrill has adopted this state standard as a supplement to its current Code/Zoning rules and regulations inside the City of Sherrill.

Code Enforcement is an important function local government performs for accomplishing community wide goals. Code Enforcement helps empower the citizens of their community to create and maintain safe, healthy, and attractive living and working environments. The aim is to help improve neighborhoods and economic conditions so that the community is known as a good place to live, raise families, work, and retire in.

Traditionally, code enforcement is a process whereby local governments use various techniques to work with the community to gain compliance with duly adopted regulations such as land use and zoning ordinances, health and housing codes, sign standards, building and fire codes.

Contemporary code enforcement involves local enforcement officials in the job of ensuring compliance with policies, codes, rules, regulations, and permits in a proper, timely fashion within the limits of the law.

Fine Schedule for Code Violations effective on date of adoption:

1st Offense: \$250.00 Fine

2nd Offense: \$500.00 Fine

3rd Offense and any subsequent offense: \$1,000.00 Fine

These fines will be levied by the City of Sherrill Court after a hearing.

Adopted: 12/13/21

CITY OF SHERRILL
LOCAL ORDINANCES

1 – 33

Ordinances 1 – 23	Reenacted and codified	02/28/83
10	Revised and readopted	04/22/85
24	Adopted	12/14/87
25	Adopted	02/22/88
26	Adopted	04/25/88
27	Adopted	05/09/88
15	Revised and readopted	07/11/88
8	Revised and readopted	09/12/88
24	Repealed	09/12/88
28	Adopted	06/28/93
1	Amended (Section 3)	12/27/99
4	Amended (Section 1, Section 3)	12/27/99
5	Repealed (Disorderly Conduct)	12/27/99
5	Adopted (Noise)	12/27/99
6	Amended (Section 2(b)(1), Section 6)	12/27/99
12	Repealed (Section 2)	12/27/99
14	Amended (Section 10)	12/27/99
20	Repealed (Section 6, sub. 2)	12/27/99
26	Amended (Section 4)	12/27/99
5	New Section 3.d. and 3.e.	09/11/06
6	Amended (Sections 3, 4, 8(a), (b), (c))	12/13/10
6	Repealed (Sections 7-7A, New (Sections 7-7D))	12/13/10
23	Amended (Section 2)	04/14/14
22	Revised and readopted	09/22/14
29	Adopted	07/31/17
29	Revised	12/27/17
10	Revised and Readopted	04/09/18
30	Adopted	04/09/18
31	Adopted	04/09/18
6	Amended (Section 1 (c))	05/13/19
10	Amended (Section 6)	05/13/19
22	Revised & Readopted	08/05/19
32	Adopted	06/28/21
33	Adopted	12/31/21