

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one:)

of Sherman

Local Law No. 3 of the year 2024

A local law Amending and superseding sections of Local Law 1 of 2009 Village of Sherman Zoning
(Insert Title)
Law and amending Local Law 4 of 2022 whereby the Village of Sherman regulates Mobile
Food Vendors and the issuance of Operating Permits.

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

County City Town Village
(Select one:)

of Sherman

as follows:

SECTION 1. AUTHORITY

This local law is promulgated pursuant to the authority granted by:

- A. Article IX of the New York State Constitution, § 2(c)(10);
- B. New York Statute of Local Governments, § 10(1) and (7);
- C. New York Municipal Home Rule Law, § 10(1)(i) and (ii) and § 10(1)(a), (11), (12), and (14);
- D. New York Village Law Section 4-412.

SECTION 2. PURPOSE AND INTENT

This local law shall amend the Village of Sherman Zoning Code.

SECTION 3. INTENT

Amendment of the Village of Sherman Zoning Code as follows:

- A. Add new definitions to Section 202 DEFINITIONS;
- B. Insert "herein defined as an 'operating permit' which is required under the Fire Code of New York State FCNYS" within Section 641(B)(1) MOBILE FOOD VENDORS - CONDITIONS;
- C. Insert "operating" between building and zoning permits within Section 702(A) DUTIES of the Administration by Enforcement Officer.

SECTION 4. DEFINITIONS

The following definitions are hereby added to Section 202 Definitions of the Village of Sherman Zoning Code, the following terms shall have the meaning indicated:

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

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 3 of 2024 of the (County)(City)(Town)(Village) of Sherman was duly passed by the Village Board of Trustees on May 8, 2024, in accordance with the applicable provisions of law.
(Name of Legislative Body)

~~**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)**~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.~~
(Name of Legislative Body)
(Elective Chief Executive Officer)*

~~**3. (Final adoption by referendum.)**~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____.~~
(Name of Legislative Body)
(Elective Chief Executive Officer)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

~~**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.~~

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

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

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

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

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

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

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.

[Handwritten Signature]

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

Date: 05-16-2024

(Seal)

OPERATING PERMIT – shall mean a permit issued pursuant to Section 12 of LL5-2022 Village of Sherman Code Enforcement Program.

MOBILE FOOD VENDING PERMIT – is an operating permit pursuant to Section 12(B)(2) xiii of LL5-2022 Village of Sherman Code Enforcement Program.

SECTION 5. MOBILE FOOD VENDORS

Edits to Section 641 of the Village of Sherman Zoning Code, which shall hereby read as follows:

Section 641 MOBILE FOOD VENDORS

B. Conditions.

1. It shall be unlawful for any person to operate a mobile food vehicle within the Village of Sherman without first having obtained a valid mobile food vending permit, herein defined as an 'operating permit' which is required under the Fire Code of New York State FCNYS, from the Village of Sherman as prescribed in this section.

SECTION 6. PERMITS, UNDER DUTIES OF THE ADMINISTRATION BY ENFORCEMENT OFFICER

Edits to Section 702 of the Village of Sherman Zoning Code, which shall hereby read as follows:

Section 702 DUTIES

- A. Permits – Issue building/operating/zoning permits or refuse to issue the same and give the reasons for such refusal to the applicant in writing.

SECTION 7. TERMS AND CONDITIONS

Conflicting Statutes - All ordinances, local laws, or parts thereof in conflict with the provisions of this local law are hereby repealed to the extent necessary to give this local law full force and effect during the effective period.

Severability - Should any clause, sentence, paragraph, subdivision, section, or other part of this local law be adjudicated by any court of competent jurisdiction to be invalid, such judgement, decree or order shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or other part thereof directly involved in the controversy in which such judgement, decree or order shall have been rendered and to this end, the provisions of each section of this local law are hereby declared to be severable.

SECTION 8. EFFECTIVE DATE

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