

Local Law Filing

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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.

Village of Phoenix

Local Law No. Three (3) of the year 2016.

A local law amending Chapter 161 of the Village of Phoenix Municipal Code entitled “Solid Waste.”

To be enacted by the Village Board of the Village of Phoenix as follows:

Section One (1). PURPOSE AND INTENT.

This local law provides for amendment to Chapter 161 of the Village Code entitled “Solid Waste” to address concerns relating to the difficulty in formulation of administration of the Village’s garbage and recycling service. Reliable budgetary forecasts of prospective revenues from this Village service are necessary in order to assure Village residents and businesses the continued quality service they have come to expect at the lowest possible cost per assessed premises owner. While not able to handle all types of waste substances and items, the Village provided service is able to accommodate all residents and residential type solid waste from most commercial establishments. The existing Village Code does not clearly state the types of properties and uses that are subject to mandatory Village service. As such, it has become evident that more and more commercial premises served by dumpsters are being served by outside haulers and not the Village contracted for hauler service. This results in an inability to accurately forecast prospective demand and corresponding cost of providing this Village service to those properties receiving same and a resultant actual expense of operations exceeding budgeted forecasts. Moreover, by contracting with an independent hauler for a Village provided service the Village has much better control over the uniformity and quality of service, general and traffic safety, Oswego County solid waste regulatory compliance and related quality of life issues affecting Village residents and businesses. Under present circumstances in many cases, independent haulers vary as to the days, times and frequency of pickup, often leaving dumpsters overfilled and thereby causing items and substances to overflow and be windblown onto public streets and sidewalks and nearby private properties. Independent haulers, under separate contract are often within the Village on isolated pickups and in the midst of hasty schedules, often exceeding speeds on Village streets, especially in more densely populated and trafficked mixed residential and commercial areas. This not only increases the exposure of damage or injury to persons and premises, but also the likelihood of solid waste items spillage from the site and hauler trucks. onto Village sidewalks, streets and private premises The Village provided hauler has contract provisions, including the specific days and times within which garbage and recyclables hauling must take place, for missed pickups, and for cleanliness. Any related are worked out through established complaint and dispute resolution procedures. The Village contracted for service usually completes all service within the same day and is aware of the Village Code requirements for resident and business solid waste and recyclables, including relative to importation, storage and the requirements for curbside staging and receptacle requirements and is obligated to report violations of same to the Village. Independent haulers have no such contract obligations or incentives and are within the Village for

the distinct purpose of serving one or a few limited customers on a date and time dictated by their respective routes and schedules. Many fail to secure the required license from the Village and as with code compliance issues generally, the Village has only limited funds and resources with which to monitor compliance. The continued use of various independent haulers by Village premises owners causes and is likely to increasingly cause a greater volume and frequency of heavy truck traffic, and the related noises, odors and public safety issues. Accordingly, the Village Board desires to address same by with only limited exceptions, mandating the use of the Village provided solid waste service for all residential type solid waste and recyclables producers within the Village (including commercial uses and structures or parts thereof, to the extent producing or generating residential type solid waste and recyclables) and establishing an exemption fee for those exempted by Village Board resolution.

Section Two (2) Section 161-1 of the Village Code is hereby deleted in its entirety and replaced with the following:

§161-1 Definitions, Word Usage, and Specifically Permitted Items of Solid Waste.

A. As used in this Chapter the following words shall have the following meanings:

- (1) **ADDITIONAL CHARGES** – Any charges other than Fees timely paid, and as may be imposed and assessed to an Owner and/or Other Responsible Person(s) for services rendered, expenses, liabilities and costs incurred by Village or its contracted for hauler providing the Village Services, including without limitation, for violations of this Chapter 161, any costs, fees, penalties and expenses as incurred by Village or hauler as a result thereof, any out of pocket and internal administrative, services or labor and related expenses, alternative facility disposal fees, fees for transport for exceeding overall volume, weight or quantity restrictions and for transport and disposal of prohibited or restricted items or substances. Same shall also include, without limitation, for collection and enforcement efforts of delinquent/overdue Fees and Additional Charges, and the costs and expenses incidental to imposition, assessment and levy on premises under §161-9 hereof and for any other such fees, costs and expenses under Chapter 146 of the Village Code.
- (2) **BRUSH** — Cuttings from shrubs, hedges and trees which are less than four inches in diameter, grass clippings and leaves.
- (3) **CONSTRUCTION AND DEMOLITION DEBRIS (C&D)**— Discarded building material, concrete, stones, earth from excavations or grading and all other refuse matter resulting from the erection, repair or demolition of buildings, structures and other improvements to the premises assessed for Village Solid Waste charges hereunder and located within the Village of Phoenix only and including such materials as defined under 6 NYCRR 360-1.2(b)(38), any successor provision, or under Oswego County Local Law No. 2 of 2011 entitled “Oswego County Recycling and Solid Waste Local Law,” amending Oswego County Local Law No. 3 of 2008 entitled the “Oswego County Recycling and Solid Waste Local Law,” including as same may have been or as hereafter may be amended (hereinafter any reference to “Oswego County Local Law” shall mean the foregoing including any such amendments to same hereinafter and/or any regulation promulgated or other direction as issued by the Oswego County Director of Solid Waste Programs).

- (4) FEES – charges periodically invoiced to Village of Phoenix Owners and Other Responsible Person(s), including extraterritorial (outside Village) customers for the regular provision of Village Services to premises pursuant to those charges imposed under Fee Schedule as duly adopted and published by the Village from time to time.
- (5) GARBAGE — Kitchen and house refuse and table cleanings, fruit and vegetable parings, decaying vegetable, animal and fruit matter and fallen fruit and similar food, produce/plant, and such other items or substances of organic waste and the like, by whatever name, as are defined as within permitted Residential Solid Waste by Oswego County under Oswego County Local Law.
- (6) HOUSEHOLD AND SIMILAR APPLIANCE(S) — Any household type mechanism or equipment, regardless of size (such as a small household or kitchen appliance, or refrigerator, washer, dryer, stove, and the like) ordinarily but not necessarily operated by gas or electric current, and actually having been used in the subject premises..
- (7) HOUSEHOLD AND SIMILAR FURNISHING(S) — Any furnishings and similar articles actually used in the subject premises and which equip it for living or work (such as chairs, sofas, tables, beds, desks and the like) and not specifically otherwise described under this Section 161-1A.
- (8) NON-RECYCLABLE MATERIALS — Rags, sweepings, excelsior, rubber, leather, crockery, shells, clothing, straw, dirt, filth, ashes, wastepaper and similar waste material, and any other form or item of Solid Waste or item deemed to be non-recyclable under Oswego County Local Law or others specifically herein.
- (9) NON-RESIDENTIAL SOLID WASTE – Any item generated or produced within the Village of Phoenix that does not constitute Residential Solid Waste, including Hazardous Waste, Liquid Waste, Industrial Waste, Institutional Medical Waste, Sewage or Sludge (as such foregoing terms are or may hereafter be defined under Oswego County Local Law.
- (10) OWNER AND/OR OTHER RESPONSIBLE PERSON(S) – (a) The title owner or owners of premises as shown on deed of record located at the Office of the Oswego County Clerk, any mortgage lender or lienor having assumed possession or control of the premises, including by Court order in foreclosure or receivership, or other legal representative of an Owner (trustee, guardian of a minor incompetent or incapacitated person), (b) any lessee, tenant, boarder or other occupant or person in possession under legal agreement (written or unwritten) or relationship of the premises or part thereof from which generation or production arises or occurs, (c) any other person(s) directly or otherwise legally responsible for the generation or production from the premises or part thereof, and including any such legal representatives as aforementioned of premises described under §161-1A(10)(b) or (c). Where an Owner and/or Other Responsible Person(s) is an entity, having certain partners, shareholders, officers, directors, trustees, members and the like whom may based upon certain conduct, be held personally responsible under applicable law, then such persons may likewise be deemed as such hereunder.

- (11) OSWEGO COUNTY LOCAL LAW NO. 2 OF 2011 – As defined under Section 161-1(2) hereof.
- (12) RESIDENTIAL RECYCLABLES – Clean metal food containers and cans, glass food containers and bottles with metal rings and tops removed, discarded newspapers, magazines, cardboard and flat paper, plastic containers, plus any other items or substances herein or as may hereinafter be defined as and/or directed to be residential recycling materials by Oswego County Local Law and which is generated or produced at a residence or from a commercial use or structure or part thereof within the Village of Phoenix. Same may include Construction and Demolition Debris resulting from remodeling, building or demolition of such residence or commercial use or structure or part thereof only as and to the extent same may be or have been approved by duly adopted general or specific resolution of the Village Board and shall not, in any event, include Industrial, Commercial, or Institutional Waste, Hazardous Waste, Liquid Waste, Regulated Medical Waste, Sewage or Sludge (the foregoing capitalized terms as defined under Oswego County Local Law).
- (13) RESIDENTIAL SOLID WASTE – All Solid Waste generated at a residence or similar type solid waste generated or produced from a commercial structure or use, or part thereof within the Village of Phoenix, and however including only as may be approved by general or specific resolution of the Village Board, Construction and Demolition Debris resulting from remodeling, building or demolition of the subject residential or commercial structure. Same shall not otherwise include, in any event Industrial, Commercial, Institutional Waste, Hazardous Waste, Liquid Waste, Regulated Medical Waste, Sewage or Sludge (the foregoing capitalized terms as defined under Oswego County Local Law).
- (14) SOLID WASTE – Solid Waste shall have the definition set forth in 6 NYCRR 360-1.2(a) or successor provision, but shall not include any materials designated as Recyclable Materials by the Director, including pursuant to Section 3(4)(g) of the Oswego County Local Law, or by other New York State or United States statute or regulation.
- (15) TREE PARTS – Cuttings from shrubs, hedges and trees which are more than four inches in diameter.

B. The following, except as may be otherwise specifically provided herein at Section 161-1 A (1)- (15) above, by further duly adopted resolution of the Village Board of Trustees, and/or as hereinafter provided at Section 161- 1 B (3) following, shall not be collected or left at curbside for collection by the Village Residential Solid Waste and Recyclables service mandated herein:

- (1) All Brush, Construction and Demolition Debris, including without limitation, baths, sinks, flooring and carpets, or Household and Similar Appliances and Furnishings, “white goods,” and other items containing CFC’s; all batteries, automobile parts and electronic parts or components including without limitation, televisions computers, computer monitors, screens and microwave ovens. The foregoing notwithstanding, single or limited Household and Similar Appliances and Furnishings may, in Village’s sole discretion be collected however same may be determined as

subject to an Additional Charge for collection and disposal and if not so collected shall in any event be removed from curbside by the Owner and/or Other Responsible Person(s) not later than 7:00 p.m. on the scheduled collection day. Paint cans, provided the tops are off, paint is completely dried (sand or cat litter may be utilized to absorb same) and if placed next to but separate from Residential Recyclables and Residential Solid Waste, may be collected.

- (2) Any other substance or item not accepted as Residential Recyclables or Residential Solid Waste hereunder, under Oswego County Local Law, under specifically stated provisions of the Village of Phoenix hauler contract, or at the specific Oswego County Solid Waste Facility utilized by the Village of Phoenix's contracted for hauler. Any such substances or items left at curbside and not collected by the Village hauler shall be removed from the street side before 7:00 p.m. on the scheduled collection day, and shall be brought to a specialized disposal or recycling center for disposal by the Owner or Other Responsible Person(s). In the event the Village hauler collects and disposes of same in error and/or because of concealment and to avoid any potential charges, fees or penalties resulting from same, the owner and other Responsible Person(s) may be charged for the costs thereof including without limitation, any expenses, fees or penalties directly related to and/or incurred for such collection and disposal and/or related to Village or hauler administrative and/or labor, time and expense incurred as a result of same.
- (3) In the event, and to the extent the Village Solid Waste and Recyclables service may be extended to include properties outside the Village, the provisions hereof shall apply to such extraterritorial premises as if same were within the Village except that such Residential Recyclables and Residential Solid Waste may be generated or produced at the premises outside the Village at which collection is made and assessed.

Section Three (3). Section 161-2 of the Village Code is hereby deleted in its entirety and replaced with the following:

In order to facilitate the conservation of vital natural resources through recycling, no person shall dispose of Residential Recyclables and Residential Solid Waste except as follows:

- A. Residential Recyclables and Residential Solid Waste will be collected on such day or days of each week as designated by the Village of Phoenix from time to time, between 6:00 a.m. and 6:00 p.m. The collection day(s) may be changed during holiday weeks.
- B. Any Owner and/or Other Responsible Person(s) occupying or otherwise legally generating or producing from premises subject to this Chapter 161 and not served by a securely covered and screened dumpster shall provide separate, suitable, sanitary containers for Residential Solid Waste. Such containers when filled shall not exceed forty-five (45) gallons in volume nor seventy-five (75) pounds in weight. All containers must be securely covered rigid plastic or metal containers. Plastic bags not in covered containers or containers exceeding the foregoing weight and volume limits may not be picked up, or if picked up may result in an Additional Charge to the Owner and/or Other Responsible Persons. All such items shall be placed inside of the street curbing and pavement and shall not obstruct drainage flow to or be placed atop any gutters. The Village Board, under §161-2E hereof, specifically reserves the right to by duly adopted resolution, impose total maximum quantities, volumes and/or weights and/or impose modified fees in relation to same

- C. Each Owner and/or Other Responsible Person(s) shall also provide separate sanitary containers for Residential Recyclables , other than discarded newspaper, magazines, cardboard and flat papers. Discarded newspapers, magazines, cardboard and flat papers shall be separated from other Residential Solid Waste for separate collection. Discarded newspaper, magazines, cardboard and flat paper shall be securely tied in bundles each weighing not in excess of 40 pounds. Plastic containers, not containing any prohibited substances or items, shall be separated from other materials and placed in a suitable container.
- D. Any Additional Charges to an Owner and/or Other Responsible Person(s) relating to disposal of items or substances that are not Residential Solid Waste or Residential Recyclables or of quantities, volumes or weights of such permitted Residential Solid Waste or Residential Recyclables in excess of that permitted hereunder shall be in violation and may be invoiced for fines, costs and expenses as provided at Section 161-2 (B) hereof from, and the same shall be due and payable only to the Village of Phoenix. Such Owner and/or Other Responsible Person(s), as well as any tenant or occupant generating or producing same, or permitting same to be or remain placed at the curbside fronting their premises shall be presumed jointly and severally liable, subject to any tenant or occupant of multi unit premises right to rebut same by credible evidence that the owner or another tenant is solely responsible for such conduct. Reference in this Chapter 161 to a “person” shall mean any such owner and tenant/occupant(s) and/or other responsible persons.
- E. Notwithstanding any other provision of this Chapter 161 to the contrary or otherwise, the Village Board has determined that the provisions of this Chapter 161, as so amended by this Local Law No. 3 of 2016, are intended to address certain inconsistencies as between the existing Chapter 161 requirements, Village of Phoenix Owners and Other Responsible Person(s) and hauler understandings and policies as have existed to date and the requirements of Oswego County Local Law, and a recognition and concern that collection and disposal costs to Village will not exceed approved annual Village budget and expected revenues. Accordingly, and notwithstanding any other provisions of this Chapter 161 to the contrary or otherwise, following the effective date hereof, as may be deemed reasonable and/or necessary, the Village Board may by duly adopted resolutions, from time to time, further clarify, supplement or amend the foregoing and following provisions, including without limitation, to expand or restrict the scope of Village Services and/or premises covered and Solid Waste subject hereto and to establish and modify Additional Charges, Fees and any other charges related to the application and enforcement of this Chapter.

Section Four (4). A new Section 161-1.1 of the Code of the Village of Phoenix is hereby established stating the following language:

§161-1.1 – Mandated Village Service.

- A. Effective September 1, 2016 it shall be mandatory for all persons, properties and uses as described herein and located within the Village to utilize the Village provided Residential Solid Waste and Residential Recyclables service (“Village Services”) subject to and/or except as follows:

- (1) Such governmental units of New York State, Oswego County, the United States and School Districts as have asserted a legal sovereign authority relative to this mandate by Village may determine not to utilize the Village Service and shall not be subject to any exemption fees hereinafter described and established by Village.
- (2) For collection and disposal of such items or substances as described at Section 161-1B, that are not included under the Village Service for Residential Solid Waste and Residential Recyclables or which are Brush, Tree Parts not properly bundled and/or Household and Similar Appliances and Furnishings as are or may become limited, restricted, expanded and/or prohibited in this Chapter 161-1.1 and this potentially resulting in an Additional Charge, such persons may dispose of same personally or by a contractor or hauler otherwise complying with the Village Code, including its hauler licensing provisions.
- (3) No single, duplex and/or multiple family residential premises or their owners, occupants or tenants may be exempted from this requirement.
- (4) Any commercial premises or use and within which, and to the extent any business, retail, services, trade, manufacturing, industrial or other such use generating or producing Residential and Non-Residential Solid Waste and Recyclables is conducted may be exempted from such requirement of mandating Village Services only upon approval of such exemption by the Village Board of Trustees. The Village Board shall consider same for such applicant, premises and uses existing as of the effective date hereof only, upon written application made not later than August 1, 2016 signed and sworn to and/or affirmed as true and accurate before a notary public by the Owner of the premises within which such commercial use seeking exemption is situate and evidencing the satisfaction of the Village Board that:
 - (a) Its existing or proposed hauler contract provisions for the premises and/or particular use is upon terms and conditions that are substantially/materially more practical, administrative, and/or economically advantageous than service provided by Village. Absent material additional cost or similar significant practical difficulty, the fact that use of the Village Service and an additional outside service for the purpose of collection and disposal of Non-Residential Solid Waste and Recyclables shall not, in and of itself standing alone be of sufficient proof to warrant an exception;
 - (b) The applicant for exemption has documentary proof (contract or firm proposal) of an existing or proposed hauler that will provide service(s) on the date when Village service takes place, or otherwise only as necessary, on such date(s) and within times as approved by the Village Board; and shall have obtained the necessary license agreeing to comply with such conditions as required by the Village Board;
 - (c) The Village Board has received and reviewed a copy of such existing or proposed hauler contract or firm quote and other documents as necessary to evidence the facts attested to in support of the application;

- (d) The Village Board shall upon the same requirements and conditions consider the application of any commercial use newly established after August 1, 2016, provided application is made not later than sixty (60) days following commencement of business operations;
- (e) Except as provided hereinabove at Section 161-1.1A(1), or in the event the Village Board makes a specific finding the hardship determined under Section 161-1.1A(4)(a) under the applicant's specific circumstances, an exempted premises or commercial use shall nevertheless be subject to an exemption fee as shall be established by the Village Board from time to time, the payment of which shall be subject to the provisions hereof applicable to Fees and Additional Charges for the Village service including without limitation Sections 161-9 and 10 hereof. In the case of a significantly unique and extraordinary hardship qualifying exception such exemption fee may be partially rather than wholly exempted.

Section Five (5) Section 161-9 of the Code of the Village of Phoenix shall be deleted in its entirety and replaced with the following language:

§161-9. Imposition of Fees, Additional Charges

The Village Board may, from time to time, by duly adopted resolution, designate, impose and modify such fees and charges as it deems reasonable and appropriate in relation to the collection and disposal of all Solid Waste, including Residential Solid Waste and Recyclables and such other items, substances and the like as described under Section 161-1A, B and subsections thereof, and any other matter or issue arising under this Chapter 161, and including without limitation, fees for the collection of curbside placed and dumpster enclosed Recyclable and Non-Residential Solid Waste, additional charges, special fees for bulk or volume pickups and/or for pickup of substances and items otherwise not permitted such as under Section 161-1C, and specifically, the charges, Fees and Additional Charges in the nature of a fine or penalty including for the expense of disposal of deceptively or erroneously placed items or substances otherwise prohibited or requiring payment of an additional fee. In connection with any special policies or programs established by the Village for monitoring and reporting exceedances of permitted limits or violations and appropriate Fees and Additional Charges for same the Village Board may contract with its hauler to so monitor and report same, and to induce accurate reporting, to provide for an equitable sharing of any such Fees and Additional Charges in consideration of hauler providing such report or monitoring services to Village. After any such fees are imposed, the manner of implementation and collection shall be by further resolution of the Village Board or at the direction of its designee (e.g., Village Clerk, Code Enforcement Officer, DPW representative) not inconsistent with the terms of the original or any further resolution imposing or modifying such fees. The Village Board also by resolution addressing same, may from time to time establish fees in connection with the issuance of the municipal hauler license and general administration of this Article. All such Fees, Additional Charges and Hauler license, exemption and/or other fees and charges shall be paid by such person(s), entity or notice or invoice, as is subject to this Chapter 161 at the time of application or as otherwise provided by the Village Board by resolution. The Village Board shall establish and modify, from time to time, its fee schedule, copies of which shall be

maintained at the office of the Village Clerk and placed, and updated, from time to time, in the Village Code as an Appendix thereto.

Section Six (6). Section 161-10 of the Code of the Village of Phoenix shall be deleted in its entirety and replaced with the following language:

§161-10. Unpaid Fees and Additional Charges.

- A. The Village Board of Trustees has specifically determined that the failure to abide by the provisions of this Chapter 161 is a public health and safety concern necessitating exercise of the Village police power. Accordingly, in the event of any efforts, action or proceeding commenced by the Village of Phoenix relative to the enforcement or violation of this local law (including without limitation the correction or remedy of a violative condition, collection of Fees and Additional Charges due Village under Section 161-9), service by certified or registered mail return receipt requested upon the premises Owner and any Other Responsible Person(s), at the last designated owner address, as shown on the Village of Phoenix or Town of Schroepfel assessment records, or otherwise at the premises address, shall be deemed good and sufficient service and shall be legally sufficient in lieu of any requirement of service of process under the New York Civil Practice Law and Rules or Real Premises Actions and Proceedings Law. Upon such notice, and following an opportunity to be heard at a Regular or Special Meeting of the Village Board of Trustees as advised of in such notice or any subsequent notice sent in the same manner (such hearing to be held not less than fifteen (15) nor more than sixty (60) days from the posting date of such notice), the Village Board may resolve that it shall be reimbursed for all such Fees and Additional Charges including without limitation, the costs of all such Fees, Additional Charges, corrective or cure efforts and of proper transport and disposal, plus a 20% administration cost by assessment and levy upon the premises subject of same, and the expenses so assessed shall constitute a lien and a charge on the premises on which it is levied until paid or otherwise satisfied or discharged and shall be collected in the same manner and at the same time as other Village charges. It shall not be a defense to such assessment that the violation or claim for unpaid Fees or Additional Charges were not as a result of the title owner not being specifically aware of, nor having generated or produced such Solid Waste, items or substances or that Other Responsible Person(s) (not have in title) may have been actually contractually or legally responsible for same or any other acts or omissions resulting in the accrual of Fees and Additional Charges.
- B. Whenever the Village has ordered the payment of reimbursement for unpaid Fees or Additional Charges hereinabove provided in §161-10A by assessment and levy upon premises, the Village Clerk shall, upon Village Board approval and following invoice to the premises Owner and to Other Responsible Person(s) (if any), cause a notice of intent to levy such costs and expenses against said lots or parcels of land in a form approved by the Village Attorney, be recorded in the records of the Oswego County Clerk's Office in order that such notice shall be indexed against the said premises as notice to subsequent transferees or other acquiring any interest in said premises of the intention by the Village to assess and levy the amount of such expenses upon said lots or parcels of land. The foregoing notwithstanding, the failure of the Village Clerk to record such notice of intent to levy shall not, however, affect or impair the validity of any lien or assessment of such costs and expenses later imposed against such premises, the Owner(s) thereof or any subsequent transferees or others acquiring any

interest in such premises.

Section Seven (7). ILLEGALITY/SEVERABILITY

If any clause, sentence, paragraph, subdivision, section or part of this local law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstances is adjudged invalid, illegal or unconstitutional by any court of competent jurisdiction, such order or judgment shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law or in its 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 local law or the application thereof to other persons or circumstances. Further, in adjudging such invalid provision, the court shall attempt to modify it to a provision, which is not invalid, illegal or unconstitutional, and which best achieves the intent of the invalid provision.

Section Eight (8). EFFECTIVE DATE.

This Local Law shall take effect immediately upon its filing in the office of the Secretary of State.

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

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

I hereby certify that the local law annexed hereto, designated as Local Law No. 3 of 2016 of the (County)(City)(Town)(Village) of Phoenix was duly passed by the Board of Trustees of the Village of Phoenix on 5/3, 2016 in accordance with the applicable provisions of law.

~~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 19__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____, 19__ and was (approved)(not approved)(repassed _____ (Name of legislative Body)~~

~~disapproval) by the _____ and was deemed duly adopted on _____, 199__ (Elective Chief Executive Officer*)~~

~~in accordance with the applicable provisions of law.~~

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

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 199__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____, 19__, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____, 19__. Such local law was _____ (Elective Chief Executive Officer*) 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 _____, 19__, 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 19__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____, 19__, and was (approved)(not approved)(repassed after _____ (Name of Legislative Body) disapproval) by the _____ on _____, 19__. Such local law was subject to _____ (Elective Chief Executive Officer*)~~

permissive referendum and no valid petition requesting such referendum was filed as of _____ 19___, in accordance with the applicable provisions of law.

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 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 _____ 19___, 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 19___ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 19___, 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 one (1) above.

Roxanne Demo
Roxanne Demo, Village Clerk

Date: 6/21, 2016

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF OSWEGO

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

EA

Signature
Steven J. Primo

Attorney for the Village
Title
County
City of Phoenix
~~Town~~ Village

Date: 6/3, 2016

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a countywide 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.