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VILLAGE OF PENN YAN

**NOTICE OF PUBLIC HEARING  
PROPOSED LOCAL LAW TO ENACT THE UPDATED CODE OF THE  
VILLAGE OF PENN YAN**

PLEASE TAKE NOTICE that, a public hearing with respect to adoption of a Local Law to enact the updated Village Code will be held by the Board of Trustees at the Village Hall in the Village of Penn Yan, at 111 Elm Street, Penn Yan, NY 14527 on the 17th day of March, 2026, at 6:00 p.m., or as soon thereafter as the matter may be heard. The effect of the proposed Local Law and the updated Code of the Village of Penn Yan will be to

- (1) Provide that the Local Law will be included in the Code as Chapter 1, Article I;
- (2) Provide for the entitling of the Code Chapters and certain resolutions of the Village of Penn Yan as the “Code of the Village of Penn Yan;
- (3) Retain the meaning and intent of previously adopted legislation;
- (4) Provide for the filing of a copy of the Village Code in the Village Clerk's office;
- (5) Prescribe the manner in which amendments and new legislation may be added into the Village Code.
- (6) Provide for notice of enactment and legal publication requirements;
- (7) Establish severability provisions with respect to the Village Code;
- (8) Repeal Chapters and provisions of the current Village Code which are redundant, superseded or no longer valid;
- (9) Save from repeal certain Code chapters and identify certain matters not affected by repeal;
- (10) Provide for certain other changes in or additions to the Village Code;
- (11) Provide for interpretation of titles, headings and editor’s notes;

Copies of the Local Law described above and of the Village Code proposed for adoption thereby are on file in the Office of the Village Clerk of the Village of Penn Yan, where the same are available for public inspection during regular office hours. The proposed Local Law and the proposed updated Village Code are also available for review on the Village website at: [www.villageofpennyan.com](http://www.villageofpennyan.com)

PLEASE TAKE FURTHER NOTICE that all interested persons will be given an opportunity to be heard on said proposed Local Law and the updated Village Code at the place and time aforesaid. Written comments may be submitted to the Village Clerk's Office at 111 Elm Street, Penn Yan, NY 14527 on or before March 17, 2026, at 12:00 p.m. (noon).

NOTICE IS HEREBY GIVEN, pursuant to the requirements of the Open Meetings Law of the State of New York, that the Board of Trustees of the Village of Penn Yan will convene in public meeting at the place and time aforesaid for the purpose of conducting a public hearing on the proposed Local Law and proposed updated Village Code described above and, as deemed advisable by said Board, taking such other action towards the enactment thereof as deemed appropriate.

The Village Hall is in compliance with accessibility standards of the Americans With Disabilities Act. Any person with a handicap wishing to attend and/or be heard at the public hearing should contact the Village Clerk's Office at least five (5) business days prior to the date of the public hearing to request any special needs.

Holly Easling, Clerk/Treasurer  
Village of Penn Yan

## *Local Law Filing*

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**(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.

### **Village of Penn Yan**

### **Proposed Local Law B of the year 2026**

A Local Law to Enact the proposed updated Code of the Village of Penn Yan to be entitled the “Code of the Village of Penn Yan.”

**Be it enacted by the Board of Trustees of the Village of Penn Yan as follows:**

#### **Section 1. Short Title:**

This Local Law shall hereafter be known as the “Local Law To Enact the Updated Code of the Village of Penn Yan of 2026.”

#### **Section 2. Legislative Intent and Findings:**

The intent of this Local Law is to allow the Village of Penn Yan to update the Code of the Village of Penn Yan. The Board of Trustees have found that the Village Code requires updating due to redundancy of provisions thereof, necessity of compliance with changes in New York State Law, portions thereof that have been superseded and provisions that are no longer pertinent or are outdated.

#### **Section 3. Legislative Authority.**

This Local Law is enacted pursuant to the provisions of the Municipal Home Rule Law (MHRL) of the State of New York and Article 7 of the Village Law of the State of New York with the procedural rules of MHRL controlling.

#### **Section 4. Provision.**

### **ARTICLE I Adoption of Code**

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

In accordance with Subdivision 3 of § 20 of the Municipal Home Rule Law, the Local Laws and certain resolutions of the Village of Penn Yan, as codified and consisting of Chapters 1 through 202, are hereby approved, adopted, and enacted as the Code of the Village of Penn Yan, hereinafter referred to as the "Code." The provisions of the Code, insofar as they are substantively the same as those of Local Laws and resolutions in force immediately prior to the enactment of the Code by this Local Law, are intended as a continuation of such Local Laws and resolutions and not as new enactments. This Local Law and the Code adopted hereby shall supersede and replace the 1993 Code of the Village of Penn Yan, as amended and supplemented.

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

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

## **§ 1-3. Notice; publication.**

In the event that notice of enactment of this Local Law is required due to amendments adopted by way of this Local Law to zoning or land use provisions, or is otherwise required by law, the Clerk of the Village of Penn Yan shall cause notice of the enactment of this Local Law to be given in the manner required by law. The notice of the enactment of this Local Law, coupled with the availability of a copy of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

## **§ 1-4. Severability.**

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

## **§ 1-5. Repealer.**

- A. Repeal of inconsistent enactments. All current Code Chapters of a general and permanent nature, or parts of such Chapters inconsistent with the provisions contained in the Code adopted by this Local Law are hereby repealed; provided, however, that such repeal shall only be to the extent of such inconsistency, and any valid legislation of the Village of Penn Yan which is not in conflict with the provisions of the Code shall be deemed to remain in full force and effect.
- B. Repeal of specific enactments. The Board of Trustees of the Village of Penn Yan has determined that the following Code Chapters are no longer in effect and hereby specifically repeals the following legislation:
  - (1) Former Ch. 29, Retirement Incentive Program, of the 1993 Code, adopted 8-27-2002 by L.L. No. 3-2002.
  - (2) Former Ch. 37, Abandoned Vehicles, Disposition of, of the 1993 Code, adopted 5-11-2004 by L.L. No. 3-2004.
  - (3) Former Ch. 58, Buildings, Unsafe, of the 1993 Code, adopted 5-21-1996 by L.L. No. 3-1996.
  - (4) Former Article I, Fire Prevention, of Chapter 92, Fire Prevention And Building Construction, of the 1993 Code, adopted 9-2-1969, as amended.
  - (5) Former Ch. 111, Historic Property Tax Exemption, of the 1993 Code, adopted 3-16-1999 by L.L. No. 3-1999.
  - (6) Former Ch. 166, Smoking, adopted 1-8-1990, of the 1993 Code, as amended 9-6-1993 by L.L. No. 4-1993.

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

The repeal of Code Chapters provided for in § 1-5 of this Local Law shall not affect the following classes of Local Laws, rights and obligations, which are hereby expressly saved from repeal:

- A. Any right or liability established, accrued or incurred under any legislative provision of the Village of Penn Yan prior to the effective date of this Local Law or any action or proceeding brought for the enforcement of such right or liability.
- B. Any offense or act committed or done before the effective date of this Local Law in violation of any legislative provision of the Village of Penn Yan or any penalty, punishment or forfeiture which may result therefrom.
- C. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this Local Law brought pursuant to any legislative provision of the Village of Penn Yan.
- D. Any agreement entered into or any franchise, license, right, easement or privilege heretofore granted or conferred by the Village of Penn Yan.
- E. Any Code Chapter or legislative action of the Board of Trustees of the Village of Penn Yan providing for the laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place within the Village of Penn Yan or any portion thereof.
- F. Any Code Chapter or legislative action of the Board of Trustees of the Village of Penn Yan appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond of the Village of Penn Yan or other instruments or evidence of the Village's indebtedness.
- G. Any Legislative action of the Board of Trustees of the Village of Penn Yan authorizing the purchase, sale, lease or transfer of property, or any lawful contract, agreement or obligation.
- H. The levy or imposition of special assessments or charges.
- I. The annexation or dedication of property.
- J. Any Code Chapter or legislative action of the Board of Trustees relating to salaries and compensation.
- K. Any Code Chapter or legislative action of the Board of Trustees amending the Zoning Map.
- L. Any Code Chapter or legislative action of the Board of Trustees relating to or establishing a pension plan or pension fund for Village employees.
- M. Any Code Chapter or legislative action of the Board of Trustees establishing a specific fee amount for any license, permit or service obtained from the Village.
- N. Any Local Law adopted subsequent to L.L. No. 6-2025, adopted May 20, 2025.

## **§ 1-7. Changes in previously adopted legislation.**

- A. In compiling and preparing the Local Law and resolutions for publication as the Code of the Village of Penn Yan, certain grammatical changes and other minor nonsubstantive changes were made in one or more of said pieces of legislation. It is the intention of the Board of Trustees that all such changes be adopted as part of the Code as if the Local Law and resolutions had been previously formally amended to read as such.
- B. In addition, any amendments and/or additions as set forth in Schedule A attached hereto and made a part hereof are made herewith, to become effective upon the effective date of this Local Law. (Chapter and section number references are to the Code Chapters and resolutions as they have been renumbered and appear in the Code.)

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

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

**Section 5. Effective Date:**

This Local Law shall take effect immediately upon filing with the Secretary of State of the State of New York subsequent to having been duly adopted by the Board of Trustees of the Village of Penn Yan.

*(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. \_\_\_\_\_ of the year 2026, was duly passed by the Board of Trustees of the Village of Penn Yan on \_\_\_\_\_ in accordance with the applicable provisions of law.**

**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.**

\_\_\_\_\_  
Holly Easling, Clerk/Treasurer

(SEAL)                      Date:

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

STATE OF NEW YORK)  
COUNTY YATES ) ss:

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.

\_\_\_\_\_  
Edward J. Brockman, Village Attorney

Village of Penn Yan

Date: