

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 Truxton, Cortland County New York

Local Law No. _____ of the year 20 12

A local law Establishing a six (6) month Moratorium on the
(Insert Title)
receipt of applications for, consideration of,
or granting Site Plan approval for
Wind Tower Facilities

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

County City Town Village
(Select one.)

of Truxton as follows:

SEE ATTACHED PAGES !-A AND !-B

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

SECTION I.

AUTHORITY. This Local Law is adopted pursuant to the authority of the Municipal Home Rule Law of the State of New York, Article 2 and Article 3.

It is the intent of the Town Board in enacting this Law to exercise its authority to the maximum extent permissible pursuant to the Municipal Home Rule Law and to extent that any portion of this Law is inconsistent with any provision of Article 16 of the Town Law, it is the intent of the Town Board that the provisions of this Law shall supersede any such inconsistent provisions, including, but not limited to, the provisions of Town Law Section 264, 265, 267, 267-a, 267-b and 274-a.

SECTION II.

APPLICABILITY. All agencies, board, bureaus, departments, offices, employees or agents of the Town are hereby prohibited, for a period of six (6) months from the effective date of this Local Law from receiving, processing, considering or granting any applications for Site Plan Review for Wind Tower Facilities within the Town.

This prohibition extends to pending, as well as future, such applications.

This prohibition also applies to receipt, consideration of or approval of, application for Building Permits for Wind Tower Facilities as set forth in Section 1001 of Local Law 2005-1.

SECTION III.

PURPOSE. The purpose of this Local Law is to maintain the status quo as it relates to Wind Tower Facilities within the Town so as to permit the Town to actively engage in the processes of considering and potentially amending its regulations in relation to the treatment of Wind Tower Facilities within the Town.

During this period the Town Board will be receiving and considering input and suggestions from the County Planning Department, the Town Planning Board, interested citizens and others, as well as considering and reviewing the potential adverse environmental impacts of any legislation that may emerge from this process.

This Moratorium shall last only so long as the aforesaid process requires. Upon the adoption of legislation addressing the issue of the regulation of Wind Tower Facilities, the Moratorium shall automatically expire irrespective of its six month duration.

In the event that substantial progress has been made, but such legislation has not been finalized and adopted, the Town Board may extend this Moratorium by one further six (6) month period.

The Town Board is aware of the fact that there is a current proposal for a Wind Tower Facility in the Town, and that the existing regulations are inadequate. It is the express purpose of this Law to provide time within which the Town Board can strive to find a reasonable solution to those issues and thereby avoid further legal questions and litigation.

SECTION IV.

APPEALS. In the event that any person or entity perceives themselves aggrieved by the terms of this Local Law, such person or entity may apply to the Town Board for relief from the provisions herein. Such an application shall be treated as a Use Variance and the Town Board shall apply the Use Variance criteria set forth in Town Law Section 267-b(2) to such an application.

SECTION V.

EFFECTIVE DATE. This Local law shall take effect immediately upon its filing with 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. _____ of 20 12 of the ~~(County)(City)(Town)(Village)~~ of Truxton was duly passed by the Town Board on 20 12, 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.
(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____.
(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 _____ above.

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

(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 OF _____

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.

Signature

Title

County
City of _____
Town
Village

Date: _____