

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET
ALBANY, NY 12231

(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.

Town of Dryden

Local Law No. 1 of the year 2017

A local law extending the Moratorium on Certain Public Utility Installations

(Insert Title)

Through July 20, 2017

Be it enacted by the Town Board of the Town of Dryden as follows:

(Name of Legislative Body)

Section 1. Findings and Purpose. The Town Board of the Town of Dryden finds:

A. The Town Board of the Town of Dryden adopted Local Law No. 2 of the Year 2016, entitled “A Local Law Providing for a Moratorium on Certain Public Utility Installations for a Period of One Hundred Eighty (180) Days,” which local law became effective on July 26, 2016 and expires on January 21, 2017.

B. Town Board members, the Town’s Director of Planning, and the Town’s attorney have been researching and discussing issues related to potential new Town regulations of public utility installations.

C. The Town Board anticipates that its review, study and consideration of these issues can be completed, and legislation, if needed, can be drafted and properly adopted by July 20, 2017.

D. The Town Board is concerned that any new legislation would be significantly subverted if public utility installations covered by the moratorium were to be entertained and possibly approved before the Town Board completes the review and study process and considers legislation.

E. Extension of the moratorium until July 20, 2017, will protect the public health, safety and welfare and further the goals of the moratorium by preventing the consideration and approval of certain

types of public utility installations during the limited time the Town needs to complete such review and study and adopt such legislation.

Section 2. Local Law No. 2 of the Year 2016 is hereby amended as follows:

A. Section 1.H is amended to read as follows:

“H. It is anticipated that the Town Board’s review, study and consideration of the issues described above can be completed by July 20, 2017, and that legislation, if needed, can be drafted and properly adopted within that timeframe.”

B. The first sentence of Section 2 is amended to read as follows:

“**Section 2.** Prohibited Actions. The Town Board hereby declares a moratorium through July 20, 2017, prohibiting each of the following actions in the Town, regardless of the submittal or receipt of any application prior to the effective date of this local law, unless permitted under Section 3 hereunder:”

The rest of Section 2 (paragraphs A-D) remains unchanged.

C. Section 7 is revised to read as follows:

“**Section 7.** Term. This local law shall be in effect through July 20, 2017, provided, however, that the Fines, Penalties and Other Remedies section shall remain in full force and effect after such date for the purpose of prosecuting any violation which occurred during the effective period of this local law.”

Section 3. Any provision of Local Law No. 2 of the Year 2016 not amended herein remains in full force and effect.

Section 4. Validity. In the event that any portion of this law is declared invalid by a court of competent jurisdiction, the validity of the remaining portions shall not be affected by such declaration of invalidity.

Section 5. Effective Date. This local law shall take effect immediately upon filing with the New York 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. 1 of 2017 of the Town of Dryden was duly passed by the Town Board on January 12, 2017, 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 *(Name of Legislative Body)* (approved)(not approved)(repassed after disapproval) by the _____ and was *(Elective Chief Executive Officer*)* deemed duly adopted on _____ 20____, 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 20__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was *(Name of Legislative Body)* (approved)(not approved)(repassed after disapproval) by the _____ *(Elective Chief Executive Officer*)* on _____ 20____. 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 *(Name of Legislative Body)* (approved)(not approved)(repassed after disapproval) by the _____ *(Elective Chief Executive Officer*)* 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 200__ 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.

Bambi L. Avery, Town Clerk

Date: January 13, 2017

(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 TOMPKINS

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

Town Attorney

Town of Dryden

Date: