

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.

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED
APR 21 2003

County
~~City~~
Town
Village

of Rush
Local Law No. 2 of the year 2003.

MISCELLANEOUS
& STATE RECORDS

A local law 3 Month Moratorium on Temporary Use permits
(Insert Title)

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

County
~~City~~
Town
Village

of Rush as follows:

(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. 2 of 2003 of the ~~(County)(City)~~(Town)(~~Village~~) of Rush was duly passed by the Rush Town Board on 4/9 2003, 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____. 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.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

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.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

* 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.)

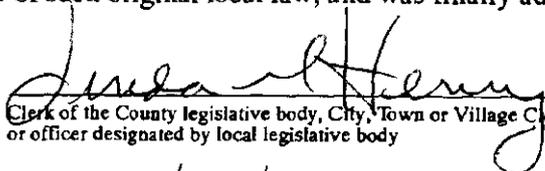
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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: 4/10/03

(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 MONROE

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

Joan Attorney
Title

County
City of RUSH
Town Village

Date: 4/11/03

LOCAL LAW #2-2003
ENACTMENT OF AN EXTENSION OF A TEMPORARY MORATORIUM FOR
THREE (3) MONTHS FOR THE RECEIPT OF APPLICATIONS, PROCESSING OF
APPLICATIONS OR ISSUANCE AND/OR RENEWAL OF TEMPORARY USE
PERMITS

WHEREAS, there has occurred within the Town of Rush, New York an increase in the number of temporary use permits being issued and renewed which are inconsistent with the intended zoning districts and ordinances of the Town; and

WHEREAS, provisions of the Town Code of the Town must be reviewed to assess its ability to properly and prudently review, issue, renew and/or deny temporary use permits; and

WHEREAS, the Town Board of the Town has the authority under applicable law to establish a moratorium on the issuance and/or renewal of temporary use permits; and

WHEREAS, on October 9, 2002, the Town passed Resolution #154 whereby a temporary moratorium for six (6) months for the receipt of applications, or issuance and/or renewal of temporary use permits was adopted; and

WHEREAS, during the past six (6) months, members of the Town Board , the Town of Rush Planning Board and the Town of Rush Zoning Board have analyzed and researched the issuance of temporary use permits for properties located within the Town of Rush; and

WHEREAS, the Town of Rush Town Board will both prepare an amendment to the Code of the Town of Rush regarding temporary use permits and hold a public hearing regarding such amendment within the next three (3) months; and

WHEREAS, a public hearing on the proposed extension of moratorium was held on April 9, 2003 at 7:45 p.m. at the Rush /Town hall, 5977 East Henrietta Road, Town of Rush, New York, whereby all persons at the hearing desiring to speak on the matter were heard, all correspondence received on the ordinance was read and those statements and correspondence were duly considered by the Town Board; and

WHEREAS, the adoption of the extension of the moratorium constitutes a Type II action under the New York State Environmental Quality Review Act which does not require review under said statute.

NOW THEREFORE, BE IT ENACTED by the Town Board of the Town of Rush that the temporary moratorium be extended for a period of three (3) months from the effective date of this local law be established for and with respect to the receipt of applications, processing of applications and /or renewal of temporary use permits completed within the Town of Rush.