

(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
JAN 24 2003

County _____
City of SHELBY
Town _____
Village _____

MISCELLANEOUS
& STATE RECORDS

Local Law No. 1 of the year 2003.

A local law Providing for the Appointment of Alternate Members of the Zoning Board of Appeals and Planning Board of the Town of Shelby (Insert Title)

Be it enacted by the TOWN BOARD of the _____
(Name of Legislative Body)

County _____
City of SHELBY as follows:
Town _____
Village _____

Local Law No. 1 of the Year 2003

A Local Law Providing for the Appointment of Alternate Members of the Zoning Board of Appeals and Planning Board of the Town of Shelby

SECTION 1. PURPOSE

For various reasons, including illnesses, vacations and conflicts of interest, it is sometimes not possible to obtain or maintain a quorum of the Planning Board and of the Zoning Board of Appeals. Such failure to obtain or maintain a quorum may delay or impede such Boards in meeting their responsibilities. The purpose of this Local Law is to authorize the appointment and service of an alternate member of the Planning Board and of the Zoning Board of Appeals when necessary to achieve a quorum.

SECTION 2. DEFINITIONS

As used in this Local Law, the following terms shall have the meanings indicated:

ALTERNATE MEMBER OF THE PLANNING BOARD – An individual appointed, as provided herein, to serve on the Planning Board when required to obtain or maintain a quorum.

ALTERNATE MEMBER OF THE ZONING BOARD OF APPEALS – An individual appointed, as provided herein, to serve on the Zoning Board of Appeals when required to obtain or maintain a quorum.

PLANNING BOARD – The Planning Board of the Town of Shelby.

ZONING BOARD – The Zoning Board of Appeals of the Town of Shelby.

SECTION 3. AUTHORIZATION; TERM; PROCEDURE.

A. The alternate member of the Planning Board shall be appointed by the Town Board for a term of five years. All provisions of state law relating to Planning Board member eligibility, vacancy in office, removal, compatibility of office and service on other boards, as well as any provisions of a local law or ordinance relating to training, continuing education, compensation and attendance, shall also apply to the alternate member of the Planning Board.

B. The alternate member of the Zoning Board of Appeals shall be appointed by the Town Board for a period of five years. All provisions of state law relating to Zoning Board of Appeals member eligibility, vacancy in office, removal, compatibility of office and service on other boards, as well as any provisions of a local law or ordinance relating to training, continuing education, compensation and attendance, shall also apply to the alternate member of the Zoning Board of Appeals.

C. The Chairperson of the Planning Board may designate the alternate member of the Planning Board to serve when necessary, and only so long as necessary, to obtain or maintain a quorum of such Board. Such designation and its expiration shall be entered into the minutes of the Planning Board. When so designated, the alternate member of the Planning Board shall possess all the powers and responsibilities of a member of such Board.

D. The Chairperson of the Zoning Board of Appeals may designate the alternate member of the Zoning Board of Appeals to serve when necessary, and only so long as necessary, to obtain or maintain a quorum of such Board. Such designation and its expiration shall be entered into the minutes of the Zoning Board of Appeals. When so designated, the alternate member of the Zoning Board of Appeals shall possess all the powers and responsibilities of a member of such Board.

SECTION 4. SUPERSESSION OF TOWN LAW

This Local Law is hereby adopted pursuant to the provisions of section 10 of the New York State Municipal Home Rule Law, to supercede the provisions of section 271 of the Town Law relative to Planning Boards and section 267 of the Town Law relative to Zoning Board of Appeals.

SECTION 5. SEVERABILITY

If any provisions of this Local Law are held to be unconditional or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the local law shall remain in effect.

SECTION 6. WHEN EFFECTIVE

This Local Law shall take effect upon the 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. 1 of 2003 of the ~~(County)~~ (City) (Town) (Village) of SHELBY was duly passed by the TOWN BOARD on January 14, 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 19____ of the (County) (City) (Town) (Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved) (not disapproved) (repassed after disapproval) by the _____ and was deemed (Elective Chief Executive Officer*) duly adopted on _____ 19____, 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 19____ of the (County) (City) (Town) (Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved) (not disapproved) (repassed after disapproval) by the _____ (Elective Chief Executive Officer*) on _____ 19____. 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 _____ 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 disapproved) (repassed after disapproval) by the _____ (Elective Chief Executive Officer*) on _____ 19____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 19____, 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 chairman 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.

(City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ 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 of 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.

Waldemar V. Zimkovich
Clerk of the County legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date: Jan. 17, 2003

(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 ORLEANS

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]
Signature
Town Attorney
Title

County
City of Shelby
Town
Village

Date: 1/17/2003