

# Local Law Filing

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DEPARTMENT OF STATE

Local Law No. 1 of the year 20 15

A local law <sup>(Insert Title)</sup> to amend and supplement the Town of Starkey Zoning Ordinance adopted January 8, 1970 (as heretofore amended), by ~~Confirming that any Uses not Expressly Permitted are Prohibited; Articulating Certain Explicitly Prohibited Uses; Adding Certain New Definitions; and Changing Certain Existing Definitions; Modifying, Clarifying, and Adding to the Provisions Regarding Variances; and Adding a~~ Severability Clause.

Be it enacted by the <sup>Board</sup> \_\_\_\_\_ of the  
(Name of Legislative Body)

- County
- City of Starkey \_\_\_\_\_ as follows:
- Town
- Village

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

Town of Starkey  
Local Law No. 1 of the Year 2015

A local law to amend and supplement  
the Town of Starkey Zoning Ordinance adopted January 8, 1970  
(as heretofore amended),  
by:

Confirming that any Uses not Expressly Permitted are Prohibited;  
Articulating Certain Explicitly Prohibited Uses;  
Adding Certain New Definitions, and Changing Certain Existing Definitions;  
Modifying, Clarifying, and Adding to the Provisions Regarding Variances; and  
Adding a Severability Clause.

*Be it enacted by the Town Board of the Town of Starkey as follows:*

**Article I. General Provisions**

**Section 1.1. Authority for Adoption**

The Town Board hereby adopts this Local Law pursuant to the authority described at Section 1. of **Appendix A** attached hereto, which **Appendix A** is hereby incorporated and made a part of this Local Law for all purposes by this reference.

**Section 1.2. Findings of Fact**

The Town Board has heretofore made certain findings, determinations, and declarations relative to the matters set forth in this Local Law, and a copy of the text of such findings, determinations, and declarations is set forth at Section 2. of **Appendix A** attached hereto.

**Section 1.3. Purpose & Intent**

The Purposes and Legislative Intent underlying the Town Board's passage of this Local Law are set forth at Section 3. of **Appendix A** attached hereto.

**Section 1.4. Definition of "Existing Zoning Law," this "Local Law," and "this "Law"**

As used in this Local Law, the term "Existing Zoning Law" shall mean and be the Town of Starkey Zoning Ordinance adopted January 8, 1970, as amended to date.

As used herein, the term this "Local Law" shall mean and be this Local Law No. 1 of 2015.

As used in Article II of this Local Law, the term "this Law," "this law," this "Ordinance," "this ordinance," and "herein" shall mean, be, and refer to the Existing Zoning Law as amended by this Local Law.

### **Section 1.5. Interpretation**

The statements of purpose, intent and findings are legislatively adopted along with the formal text of the amendments to the Existing Zoning Law effected by this Local Law. They are intended as a legal guide to the administration and interpretation of this Local Law and shall be treated as legislative history.

## **Article II. Amendments of Existing Zoning Law**

### **2.1. Amendments to Article 2 of the Existing Zoning Law**

A. Article 2 of the Existing Zoning Law is hereby amended so as to delete the title "DEFINITIONS" therefrom, and to substitute the words "USAGE AND DEFINITIONS" therefor.

B. Article 2 of the Existing Zoning Law is hereby further amended, so as to delete the title of Section 2.10 thereof ('INTERPRETATIONS'), and to substitute the word "USAGE" therefor.

C. Article 2 of the Existing Zoning Law is hereby further amended, so as to delete in the entirety the text of present Section 2.10 thereof (beginning "Unless the context otherwise requires ..."), and to substitute the following text therefor:

"Except where specifically defined or otherwise specifically provided herein, all words used in this Law shall carry their customary dictionary meanings. For purposes hereof, certain terms and words shall be interpreted as follows: words used in the present tense shall include the future; the plural usage includes the singular, and the singular the plural; the word "shall" is mandatory; the word "may" is permissive; the word "building" includes the word "structure," and both "building" and "structure" include any part thereof; the word "lot" includes the words "plot" and "parcel"; and the words "occupied" and "used" shall be interpreted as though followed by the words "or intended, arranged, or designed to be used or occupied." Where the precise meaning of a word is in doubt by any board or official, the Zoning Board of Appeals shall make a determination in accordance with the purpose and intent of this Law and the Master Plan."

D. Article 2 of the Existing Zoning Law is hereby further amended, so as to insert the following text immediately after the title of Section 2.20 ('DEFINITIONS') thereof, and immediately prior to the present definition of "Accessory Structure":

"For purposes of this Law, unless otherwise specifically provided the following terms and words shall have the meanings set forth below:"

E. Article 2 of the Existing Zoning Law is hereby further amended, so as to delete each of the various organizational numbers (but not the corresponding defined terms or accompanying definitions) that presently preface the defined terms set forth in Section 2.20 of said Article 2: (By way of illustration: the "1." that precedes the defined term "Accessory Structure" is hereby deleted, though the term itself and accompanying definition are not deleted; the "2." that precedes the defined term "Accessory Use" is hereby deleted, though the term itself and accompanying definition are not deleted; the "3." that precedes the defined term "Adult Use" is hereby deleted, though the term itself and accompanying definition are not deleted; and so forth.)

F. Section 2.20 of the Existing Zoning Law is hereby amended so as to delete the present definition of "Accessory Use" in its entirety, and to substitute the following text therefor:

"Accessory Use -- a use customarily incidental and subordinate to the principal use, where the principal use is lawful, where there is unity of ownership between the principal and accessory use, and where the principal and accessory uses are located on the same lot."

G. Section 2.20 of the Existing Zoning Law is hereby further amended, so as to add the following text to the present definition of "Agricultural Use," said text to be inserted immediately following the end of the sentence that begins "The raising of agricultural ...":

"Notwithstanding any provision hereof to the contrary, for purposes of this law in no event shall the terms "agriculture," "agricultural use," or any variation thereof, be construed to mean, be, or include any Explicitly Prohibited Use."

H. Section 2.20 of the Existing Zoning Law is hereby further amended so as to insert the following definition of "Below-Regulatory Concern" therein, said definition to be inserted immediately after the present definition of "Bed and Breakfast" and immediately before the present definition of "Board":

"Below-Regulatory Concern --- Radioactive material in a quantity or of a level that is distinguishable from background (as that phrase is defined at 10 CFR §20.1003), but which is below the regulation threshold established by any regulatory agency otherwise having jurisdiction over such material in the Town."

I. Section 2.20 of the Existing Zoning Law is hereby further amended, so as to add the following text to the present definition of "Commercial," said text to be inserted immediately following the end of the sentence that begins "The use of a parcel of land ...":

"Notwithstanding any provision hereof to the contrary, for purposes of this law in no event shall the terms "commercial," "commercial uses," or any variation thereof, be construed to mean, be, or include Natural Gas And/Or Petroleum Extraction Activities, a Natural Gas And/Or Petroleum Exploration, Extraction Or Production Wastes Disposal/Storage Facility, a Natural Gas And/Or Petroleum Exploration,

Extraction Or Production Wastes Dump, a Natural Gas Compression Facility, a Natural Gas Processing Facility, or any other Explicitly Prohibited Uses.”

**J.** Section 2.20 of the Existing Zoning Law is hereby further amended, so as to add the following text to the present definition of “Essential Services,” said text to be inserted immediately following the end of the sentence that begins “The erection, construction, alteration ...”:

“Notwithstanding any provision hereof to the contrary, for purposes of this law in no event shall the term “essential services,” or any variation thereof, be construed to mean, be, or include a Natural Gas Compression Facility, a Natural Gas Processing Facility, or any other Explicitly Prohibited Uses.”

**K.** Section 2.20 of the Existing Zoning Law is hereby further amended so as to insert the following definition of “Explicitly Prohibited Uses” therein, said definition to be inserted immediately after the definition of “Essential Services” and immediately before the definition of “Factory Manufactured Home”:

“Explicitly Prohibited Use(s) --- Shall mean and be the Explicitly Prohibited Uses defined and described in Section 4.30 of this Law.”

**L.** Section 2.20 of the Existing Zoning Law is hereby further amended, so as to insert the following text regarding the term “Extraction Operations” therein, said text to be inserted immediately after the (newly inserted) definition of “Explicitly Prohibited Uses” and immediately before the definition of “Factory Manufactured Homes”:

“Extraction Operations -- Notwithstanding any provision hereof to the contrary, for purposes of this Law in no event shall the term “extraction operations,” or any variation thereof, be construed to mean, be, or include Natural Gas And/Or Petroleum Extraction Activities, or any other Explicitly Prohibited Uses.”

**M.** Section 2.20 of the Existing Zoning Law is hereby further amended, so as to delete the present defined term “Industrial Use” and accompanying definition (“Any activity conducted ...”) in the entirety.

**N.** Section 2.20 of the Existing Zoning Law is hereby further amended, so as to delete the present defined term “Industrial” and accompanying definition (“The use of land ...”) in the entirety, and to substitute the following text therefor:

“Industrial; Industrial Use(s); Industry --- The use of land, and/or structure, for the purpose of manufacture, fabrication, extraction, assembly, processing, or warehousing of materials. Notwithstanding any provision hereof to the contrary, for purposes of this Law in no event shall the terms “industrial,” “industrial use(s),” “industry,” or any variation thereof contained in this Law be construed to mean, be, include, or authorize Natural Gas And/Or Petroleum Extraction Activities, Natural Gas And/Or Petroleum Exploration, Extraction Or Production Wastes Disposal/Storage Facilities,

Natural Gas And/Or Petroleum Exploration, Extraction Or Production Wastes Dumps, Natural Gas Compression Facilities, Natural Gas Processing Facilities, or any other Explicitly Prohibited Uses.”

**O.** Section 2.20 of the Existing Zoning Law is hereby further amended so as to insert the following definition of “Injection Well” therein, said definition to be inserted immediately after the definition of “Inn” and immediately before the definition of “Junk Yard”:

“Injection Well --- A bored, drilled or driven shaft whose depth is greater than the largest surface dimension, or a dug hole whose depth is greater than the largest surface dimension, through which fluids (which may or may not include semi-solids) are injected into the subsurface and less than ninety (90) percent of such fluids return to the surface within a period of ninety (90) days.”

**P.** Section 2.20 of the Existing Zoning Law is hereby further amended so as to insert the following definition of “Land Application Facility” therein, said definition to be inserted immediately after the definition of “Kennel” and immediately before the definition of “Lot”:

“Land Application Facility --- A site where any Natural Gas and/or Petroleum Extraction, Exploration or Production Wastes are applied to the soil surface or injected into the upper layer of the soil.”

**Q.** Section 2.20 of the Existing Zoning Law is hereby further amended, so as to insert the following definition of “Master Plan” therein, said definition to be inserted immediately after the definition of “Lot of Record” and immediately before the definition of “Manufactured Housing”:

“Master Plan – any document, styled comprehensive or master plan or otherwise, adopted by the Town Board for the protection, enhancement, growth, and development of the Town, immediate as well as long-range, specifically pursuant to § 272-a of the NYS Town Law, together with all other materials, written and/or graphic, including but not limited to maps, charts, studies, resolutions, reports and other descriptive material, adopted by the Town Board, that identify the goals, objectives, principles, guidelines, policies, standards, devices and instruments for the protection, enhancement, growth and development of the Town.”

**R.** Section 2.20 of the Existing Zoning Law is hereby further amended so as to insert the following definitions of (i) “Natural Gas,” (ii) “Natural Gas and/or Petroleum Exploration Activities,” (iii) “Natural Gas and/or Petroleum Extraction Activities,” (iv) “Natural Gas and/or Petroleum Exploration, Extraction or Production Wastes,” (v) “Natural Gas And/Or Petroleum Exploration, Extraction Or Production Wastes Disposal/Storage Facility,” (vi) “Natural Gas And/Or Petroleum Extraction, Exploration Or Production Wastes Dump,” (vii) “Natural Gas Compression Facility,” and (viii) “Natural Gas Processing Facility” therein, said definitions to be respectively inserted immediately after the definition of “Motel” and immediately before the definition of “Non-Conforming Use”:

"Natural Gas --- Methane and any gaseous substance, either combustible or non-combustible, which is produced in a natural state from the earth and which maintains a gaseous or rarefied state at standard temperature and pressure conditions, and/or gaseous components or vapors occurring in or derived from petroleum or other hydrocarbons.

Natural Gas And/Or Petroleum Exploration Activities --- Geologic or geophysical activities related to the search for natural gas, petroleum or other subsurface hydrocarbons including prospecting, geophysical and geologic seismic surveying and sampling techniques, but only to the extent that such activities involve or employ core, rotary, or any other type of drilling or otherwise make any penetration or excavation of any land or water surface in the search for and evaluation of natural gas, petroleum, or other subsurface hydrocarbon deposits.

Natural Gas And/Or Petroleum Extraction Activities --- The digging or drilling of a well for the purposes of exploring for, developing or producing natural gas, petroleum, or other subsurface hydrocarbons, including without limitation any and all forms of shale fracturing.

Natural Gas And/Or Petroleum Extraction, Exploration Or Production Wastes --- Any of the following in any form, and whether or not such items have been excepted or exempted from the coverage of any federal or state environmental protection laws, or have been excepted from statutory or regulatory definitions of "industrial waste," or "hazardous" or "toxic" substances, materials, or wastes, and whether or not such substances are generally characterized as waste:

(a) below-regulatory concern radioactive material, or any radioactive material which is not below-regulatory concern, but which is in fact not being regulated by the regulatory agency otherwise having jurisdiction over such material in the Town, whether naturally occurring or otherwise, in any case relating to, arising in connection with, or produced by or incidental to the exploration for, the extraction or production of, or the processing, treatment, or transportation of, natural gas, petroleum, or any related hydrocarbons;

(b) natural gas or petroleum drilling fluids;

(c) natural gas or petroleum exploration, drilling, production or processing wastes;

(d) natural gas or petroleum drilling treatment wastes (such as oils, frac fluids, produced water, brine, flowback, sediment and/or any other liquid or semi-liquid material);

(e) any chemical, waste oil, waste emulsified oil, mud, or sediment that was used or produced in the drilling, development, transportation, processing or refining of natural gas or petroleum;

(f) soil contaminated in the drilling, transportation, processing or refining of natural gas or petroleum;

(g) drill cuttings from natural gas or petroleum wells; or

(h) any other wastes associated with the exploration, drilling, production or treatment of natural gas or petroleum.

This definition of Natural Gas And/Or Petroleum Extraction, Exploration Or Production Wastes specifically intends to include some wastes that may otherwise be classified as "solid wastes which are not hazardous wastes" under 40 C.F.R. § 261.4(b). The definition of Natural Gas And/Or Petroleum Extraction, Exploration Or Production Wastes *does not include* (i) recognizable and non-recognizable food wastes, or (ii) waste generated by Agriculture Use.

Natural Gas And/Or Petroleum Extraction, Exploration Or Production Wastes Disposal/Storage Facility --- Any of the following: (a) tanks of any construction (metal, fiberglass, concrete, etc.); (b) impoundments; (c) pits; (d) evaporation ponds; or (e) other facilities, in any case used for the storage or treatment of Natural Gas And/Or Petroleum Extraction, Exploration Or Production Wastes that: (i) are being held for initial use, (ii) have been used and are being held for subsequent reuse or recycling, (iii) are being held for treatment, or (iv) are being held for storage.

Natural Gas And/Or Petroleum Extraction, Exploration Or Production Wastes Dump --- Land upon which Natural Gas And/Or Petroleum Extraction, Exploration Or Production Wastes, or their residue or constituents before or after treatment, are deposited, disposed, discharged, injected, placed, buried or discarded, without any intention of further use.

Natural Gas And/Or Petroleum Support Activities --- Shall mean and be any one or more of the following: (a) Natural Gas Compression Facility; (b) Natural Gas Processing Facility; (c) Natural Gas And/Or Petroleum Extraction, Exploration Or Production Wastes Disposal/Storage Facility; (d) Natural Gas And/Or Petroleum Extraction, Exploration Or Production Wastes Dump; (e) Land Application Facility; (f) Underground Injection; or (g) Underground Natural Gas Storage.

Natural Gas Compression Facility --- A facility constructed or operated to raise the pressure of natural gas in connection with its extraction, processing, or storage, or its delivery into or out of the transmission pipeline system; the term shall not include the transmission pipeline itself; the term shall include equipment for liquids separation, natural gas dehydration, and tanks for the storage of waste liquids and hydrocarbon liquids.

Natural Gas Processing Facility --- Those facilities that separate and recover natural gas liquids (NGLs) and/or other non-methane gases and liquids from a stream of produced natural gas, using equipment for any of the following: cleaning or stripping

gas, cooking and dehydration, residual refinement, treating or removing oil or condensate, removing water, separating NGLs, removing sulfur or carbon dioxide, fractionation of NGLs, or the capture of CO<sub>2</sub> separated from natural gas streams."

**S.** Section 2.20 of the Existing Zoning Law is hereby further amended so as to insert the following definition of "Person" therein, said definition to be inserted immediately after the definition of "Nursery School/Day Care Center" and immediately before the definition of "Petting Zoo":

"Person --- Any individual, public or private corporation for profit or not for profit, association, partnership, limited liability company, limited liability partnership, firm, trust, estate, and any other legal entity whatsoever which is recognized by law as the subject of rights and duties."

**T.** Section 2.20 of the Existing Zoning Law is hereby further amended so as to insert the following definition of "Public Utility; Utility" therein, said definition to be inserted immediately after the definition of "Private Schools" and immediately before the definition of "Recreational Vehicle":

"Public Utility; Utility -- An entity which operates as a monopoly, and whose rates charged to customers are established by a utility commission. A public utility or utility facility, structure, or use is a facility, structure, or use which is operated by a public utility, and which provides electric, gas, steam, CATV, telephone or other communication service, water or sewerage directly to the general public. In no event shall 'Public Utility,' 'Public Utility Facility,' or 'Utility' be construed to mean, be, or include a Natural Gas Compression Facility or Natural Gas Processing Facility, or any other Explicitly Prohibited Use."

**U.** Section 2.20 of the Existing Zoning Law is hereby further amended, so as to insert the following definitions of (i) "Radiation", and (ii) "Radioactive Material" therein, said definitions to be respectively inserted immediately after the (newly inserted) definition of "Public Utility; Utility" and immediately before the present definition of "Recreational Vehicle":

"Radiation --- The spontaneous emission of particles (alpha, beta, neutrons) or photons (gamma) from the nucleus of unstable atoms as a result of radioactive decay.

Radioactive Material --- Material in any form that emits radiation. This definition specifically includes NORM (naturally occurring radioactive material), but only if such naturally occurring material has been moved from its naturally occurring location through a mechanical or other man-made process. All such material is "radioactive material" for purposes hereof, whether or not it is otherwise exempt from licensing and regulatory control pursuant to the NYS Department of Labor, the US Nuclear Regulatory Commission, the US Environmental Protection Agency, the US Department of Energy, the US Department of Transportation, or any other regulatory agency."

V. Section 2.20 of the Existing Zoning Law is hereby further amended, so as to insert the following definition of "Subsurface" therein, said text to be inserted immediately after the definition of "Structure" and immediately before the present definition of "Swimming Pool":

"Subsurface -- Below the surface of the earth, or of a body of water, as the context may require."

W. Section 2.20 of the Existing Zoning Law is hereby further amended, so as to insert the following definitions of (i) "Underground Injection," and (ii) "Underground Natural Gas Storage" therein, said definitions to be respectively inserted immediately after the definition of "Swimming Pool" and immediately before the definition of "Unenclosed Use":

"Underground Injection -- Subsurface emplacement of Natural Gas And/Or Petroleum Extraction, Exploration Or Production Wastes, including emplacement by or into an Injection Well."

Underground Natural Gas Storage -- Subsurface storage, including in depleted gas or oil reservoirs and salt caverns, of natural gas that has been transferred from its original location, whether for the purpose of load balancing the production of natural gas or for any other reason, including without limitation short-term, long-term, or intermittent storage for product quality, processing, or transportation purposes, or because of market conditions. Without limitation, this term includes compression and dehydration facilities."

X. Section 2.20 of the Existing Zoning Law is hereby further amended, so as to insert the following definitions of (i) "Variance," (ii) "Variance, Area", and (iii) "Variance Use" therein, said definitions to be respectively inserted immediately after the definition of "Vacation Vehicle" and immediately before the definition of "Wildlife Facility":

"Variance - An area variance or a use variance, as the context may admit.

Variance, Area -- The authorization by the Board of Appeals for the use of land in a manner that is not allowed by the dimensional requirements of the applicable zoning regulations.

Variance, Use -- The authorization by the Board of Appeals for the use of land for a purpose which is otherwise not allowed or is prohibited by the applicable zoning regulations."

## **2.2. Amendments to Article 4 of the Existing Zoning Law**

A. Article 4 of the Existing Zoning Law is hereby amended to delete the title caption thereof ('DISTRICT REGULATIONS') in its entirety, and to substitute the following text therefor: "DISTRICT REGULATIONS; ANY USE NOT SPECIFICALLY PERMITTED IS PROHIBITED".

**B. Section 4.10 of the Existing Zoning Law is hereby amended to: (i) delete the title caption thereof ('SCHEDULES OF REGULATIONS') in its entirety, and to substitute the following text therefor: "SCHEDULES OF REGULATIONS; ANY USE NOT SPECIFICALLY PERMITTED IS PROHIBITED"; and (ii) delete the present text of Section 4.10 (which begins 'The restrictions and controls intended ...') in the entirety, and to substitute the following text therefor:**

"No structure or land shall be used except as provided on Schedule I attached hereto, which ("Schedule I") is hereby incorporated by this reference and declared to be a part of this Law, and what is provided on Schedule I is further limited and qualified by any restrictions imposed by any applicable additional requirements, standards, and/or regulations contained in this Law.

Any use not specifically set forth on Schedule I as a permitted use (whether as a principal use, accessory use, or upon issuance of a special use permit, as the context may admit) in any zoning district shall be expressly prohibited in that district.

A use specifically set forth as a permitted use in one district shall not be permitted in another district unless it is specifically set forth as a permitted use in said other district. Without limiting the generality of the foregoing, for purposes of clarity certain uses are explicitly prohibited in each and every zoning district as more fully set forth in Section 4.30 hereof.

No building shall hereafter be erected or altered to exceed the height, to accommodate or house a greater number of families, to occupy a greater percentage of lot area or to have narrower or smaller rear yards, front yards, or side yards, than is specified for the district in which such building is located on Schedule II attached hereto, which ("Schedule II") is hereby incorporated by this reference and declared to be a part of this Law, and what is provided on Schedule II is further limited and qualified by any restrictions imposed by any applicable additional requirements, standards, and/or regulations contained in this Law."

**C. Section 4.20 of the Existing Zoning Law is hereby amended to delete the text of clauses "a.", "c.", and "d." thereof in the entirety, and to substitute the following words for each instance of deleted text: "[Intentionally omitted.]".**

**D. Article 4 of the Existing Zoning Law is hereby further amended, so as to add the following (new) Section 4.30 thereto, said new Section to be inserted immediately after the text of Section 4.20 of the Existing Zoning Law, and immediately prior to Article 5 of the Existing Zoning Law:**

**"4.30 -- Explicitly Prohibited Uses; Prohibition Against Natural Gas And/Or Petroleum Extraction, Exploration Or Production Wastes.**

**a. Explicitly Prohibited Uses. Without limiting the generality of the statements elsewhere in this Law that uses not set forth on Schedule I are prohibited in the Town, the following uses and activities are hereby expressly and explicitly prohibited in each**

and every zoning district within the Town, and no building or structure shall be created, altered or erected, and no body of water, land or building thereon shall be used, for any of such uses or activities:

- (i) Land Application Facility;
- (ii) Natural Gas And/Or Petroleum Exploration Activities;
- (iii) Natural Gas And/Or Petroleum Extraction Activities;
- (iv) Natural Gas And/Or Petroleum Exploration, Extraction Or Production Wastes Disposal/Storage Facility;
- (v) Natural Gas And/Or Petroleum Exploration, Extraction, Or Production Wastes Dump;
- (vi) Natural Gas Compression Facility;
- (vii) Natural Gas Processing Facility;
- (viii) Underground Injection; and
- (ix) Underground Natural Gas Storage.

Any condition caused or permitted to exist in violation of this clause a. of section 4.30 is a threat to public health, safety and welfare, and is hereby declared and deemed to be a nuisance. Collectively the above expressly prohibited uses may be referred to in this law as "Explicitly Prohibited Uses," any one of the above expressly prohibited uses may be referred to in this Law as an "Explicitly Prohibited Use," and any combination of more than one such use may also be referred to as "Explicitly Prohibited Uses."

b. Prohibition against Natural Gas And/Or Petroleum Exploration, Extraction Or Production Wastes. The Town of Starkey hereby exercises its authority and right under NY ECL § 27-0711 to adopt a local law that is consistent with the Environmental Conservation Law Article 27, such consistency demonstrated by the fact that this Local Law complies "with at least the minimum applicable requirements" set forth in such statute, and the rules and regulations promulgated pursuant to said Article 27.

It shall be unlawful for any person to produce, store, inject, discard, discharge, dispose, release, or maintain, or to suffer, cause or permit to be produced, stored, injected, discarded, discharged, disposed, released, or maintained, anywhere within the Town, any Natural Gas And/Or Petroleum Exploration, Extraction Or Production Wastes.

c. No Application to Customary Local Lines, Etc. The prohibitions set forth above in clause a. of this Section 4.30 are not intended, and shall not be construed, to

(x) prevent or prohibit the right to use roadways in commerce or otherwise for travel; (y) prevent or prohibit the transmission of natural gas through utility pipes, lines, or similar appurtenances for the limited purpose of supplying natural gas to residents of or buildings located in the Town; or (z) prevent or prohibit the incidental or normal sale, storage, or use of lubricating oil, heating oil, gasoline, diesel fuel, kerosene, or propane in connection with legal Agricultural, residential, business, commercial, and other uses within the Town."

### **2.3. Amendments to Article 5 of the Existing Zoning Law**

**A.** Article 5 of the Existing Zoning Law is hereby amended so as to replace the present title of such Section ("SUPPLEMENTARY LOT REGULATIONS") with the words "SUPPLEMENTARY LOT REGULATIONS; ACCESSORY STRUCTURES; FLOODWAY ZONES; PRE-EXISTING, LEGAL NON-CONFORMING NATURAL GAS AND/OR PETROLEUM EXTRACTION ACTIVITIES".

**B.** Subsection b. of Section 5.71 of the Existing Zoning Law ("Special Uses") is hereby amended so as to add the text "(provided, however, that that the foregoing is not intended, and shall not be construed, to authorize within the Town any Explicitly Prohibited Use)" to the end of each of clause '(4)' and clause '(6)' of said subsection b. of Section 5.71.

**C.** Article 5 of the Existing Zoning Law is hereby further amended so as to add a new section thereto (to be numbered 'Section 5.80. '), said new Section 5.80 to be inserted immediately after the text of present Section 5.72 of the Existing Zoning Law, and immediately prior to Article 6 of the Existing Zoning Law:

**"5.80. -- PRE-EXISTING, LEGAL NON-CONFORMING NATURAL GAS AND/OR PETROLEUM EXTRACTION ACTIVITIES.**

Notwithstanding any provision of this Law to the contrary, any Natural Gas And/Or Petroleum Extraction Activities that are being conducted in the Town as of the effective date of this Local Law shall be subject to the following:

a.1. If, as of the effective date of this Local Law, substantive Natural Gas And/Or Petroleum Extraction Activities are occurring in the Town, and those activities are in all respects being conducted in accordance with all applicable laws and regulations, including without limitation the possession of valid, non-revoked permits for all matters for which permits are required, and including compliance with each, any, and all permit conditions, as are or may be required by the New York State Department of Environmental Conservation ("DEC") and/or all other regulating local, state, and federal governments, bureaus, or agencies, then and only then such Activity by or on behalf of the holder of the permits(s) shall be considered a pre-existing, non-conforming use and shall be allowed to continue, subject, however, to the provisions of clauses b. and c. of this Section 5.80.

2. Natural Gas And/Or Petroleum Extraction Activities that are being conducted in the Town as of the effective date of this Local Law and which do not qualify

for treatment under the preceding clause a. 1. of this Section 5.80. shall not be grandfathered (or be permitted to continue or deemed lawful pre-existing uses), and shall in all respects be prohibited as contemplated by Section 4.30 hereof.

b. Upon the depletion, closing, or reclamation of any well which is allowed to remain in operation after the effective date of this Local Law by virtue of clause a. 1. of this Section 5.80, or upon any other substantive cessation of Natural Gas And/Or Petroleum Extraction Activities for a period of more than twelve (12) months, then and in either of such events the pre-existing and/or non-conforming use status (and any related 'grandfathering rights') of or relating to such Activity shall terminate, and thereafter such Natural Gas And/Or Petroleum Extraction Activities shall in all respects be prohibited as contemplated by Section 4.30 hereof.

c. Notwithstanding any provision hereof to the contrary, the pre-existing, non-conforming status conferred and recognized by clause a. 1. of this Section 5.80 is not intended, and shall not be construed, to authorize or grandfather any Natural Gas And/Or Petroleum Extraction Activities extending beyond whatever well bore is authorized in any DEC permit in existence as of the effective date of this Local Law. Further, any expansion or attempted or purported expansion of such well, whether as to its production, depth, horizon(s) or otherwise, shall not be grandfathered under clause a.1. of this Section 5.80, and instead shall in all respects be prohibited as contemplated by Section 4.30 hereof."

## **2.4. Amendments to Article 6 of the Existing Zoning Law**

**A.** Section 6.32 of the Existing Zoning Law is hereby amended so as to add the following text as the (new) second sentence thereof, said new sentence to be inserted immediately after the sentence that begins 'Such uses shall be limited ...', and immediately prior to the sentence that begins 'Where applicable, the landscaping ...':

"Nothing in this Section 6.32 (or elsewhere in Section 6.30 hereof) shall be construed to authorize within the Town any Explicitly Prohibited Use."

**B.** Section 6.41 of the Existing Zoning Law is hereby amended so as to add the following text as the (new) second sentence of the first paragraph thereof, said new sentence to be inserted immediately after the sentence that begins 'The purpose of Planned Unit Development ...':

"Nothing in this Section 6.41 (or elsewhere in Section 6.40 hereof) shall be construed to authorize within the Town any Explicitly Prohibited Use."

**C.** Section 6.51 of the Existing Zoning Law is hereby amended so as to add the following text as the (new) second sentence of subsection 'b.' thereof ('Number of Parking Spaces Required'), said new sentence to be inserted immediately after the sentence that begins 'The number of off-street ...':

"Nothing in this Section 6.51 (or elsewhere in Section 6.50 hereof) shall be construed to authorize within the Town any Explicitly Prohibited Use."

D. Section 6.79 of the Existing Zoning Law is hereby amended so as to add the following text as the (new) second sentence of subsection 'b.' thereof ('Examples and exclusions'), said new sentence to be inserted immediately after the sentence that begins 'Examples of temporary uses are ...':

"Nothing in this Section 6.79 shall be construed to authorize within the Town any Explicitly Prohibited Use."

## **2.5. Amendments to Article 7 of the Existing Zoning Law**

A. Article 7 of the Existing Zoning Law is hereby amended so as to replace the present title of such Section ("ADMINISTRATION AND ENFORCEMENT") with the word "ADMINISTRATION".

B. Section 7.50 of the Existing Zoning Law is hereby amended, so as to delete the word "VIOLATIONS" therefrom, and to substitute "[Intentionally omitted]" therefor.

C. Article 7 of the Existing Zoning Law is hereby further amended, so as to delete the number, title, and text of Section 7.51 in the entirety.

D. Article 7 of the Existing Zoning Law is hereby further amended, so as to delete the number, title, and text of Section 7.52 in the entirety.

## **2.6. Amendments to Article 8 of the Existing Zoning Law**

A. Section 8.21 of the Existing Zoning Law is hereby amended, so as to delete the text thereof in the entirety, and to insert the following text in substitution thereof:

"The Board of Appeals shall have the authority, on appeal from the decision or determination of the Zoning Officer, or otherwise as contemplated by this Law, to grant use variances and area variances, subject to and upon the terms and conditions set forth herein.

### **a. Use Variances**

1. No use variance shall be granted unless, in addition to satisfying all other applicable provisions of law and this Law, the Board of Appeals finds that otherwise applicable zoning regulations and restrictions have caused unnecessary hardship.

(i) Unnecessary Hardship. In order to prove such unnecessary hardship the applicant is required to clearly demonstrate to the Board of Appeals that, with respect to every permitted use under the zoning regulations for the particular district where the

property is located, each and every of the following four criteria is satisfied: (w) the applicant cannot realize a reasonable return on the entire parcel of property, and such lack of return is substantial as demonstrated by competent financial evidence; (x) that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood involved; (y) that the requested use variance, if granted, will not alter the essential character of the neighborhood; and (z) that the alleged hardship has not been self-created.

(ii) Reasonable Rate of Return. In evaluating whether the applicant can realize a reasonable rate of return, the Board of Appeals shall examine whether the entire original or expanded property holdings of the applicant are incapable of producing a reasonable rate of return (and not just the site of the proposed project). No use variance shall be granted unless, in addition to satisfying all other applicable provisions of law and this Law, the Board of Appeals finds that the applicant has clearly demonstrated, by detailed, written "dollar and cents" proof, the inability to obtain a reasonable return for the entire parcel (and not just the site of the proposed project) and for each and every permitted use in the district (including those uses permitted by special use permit).

(iii) Unique Hardship. No use variance shall be granted unless, in addition to satisfying all other applicable provisions of law and this Law, the Board of Appeals finds that the entire parcel of which the project is a part possesses unique characteristics that distinguish it from other properties in the area.

(iv) Essential Character of the Neighborhood. No use variance shall be granted unless, in addition to satisfying all other applicable provisions of law and this Law, the Board of Appeals finds that the proposed project will not alter the essential character of the neighborhood.

(v) Self-Created Hardship. No use variance shall be granted unless, in addition to satisfying all other applicable provisions of law and this Law, the Board of Appeals finds that the alleged hardship was not self-created. The Board of Appeals may find that the applicant suffers from a self-created hardship in the event that the Board finds that (x) the applicant's inability to obtain a reasonable return on the property as a whole results from having paid too much or from a poor investment decision; (y) the applicant previously divided the property and is left with only a portion which suffers from some unique condition for which relief is sought and which did not apply to the parcel as a whole; or (z) when the applicant purchased the property, he or she knew or should have known the property was subject to the zoning restrictions.

2. The Board of Appeals, in the granting of use variances, shall grant only the minimum variance that it shall deem necessary and adequate to allow an economically beneficial use of the property, and at the same time preserve and protect the essential character of the neighborhood and the health, safety and welfare of the community.

3. The Board of Appeals, in the granting of use variances, shall have the authority to

impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed project. Such conditions shall be consistent with the spirit and intent of this Law, and shall be imposed for the purpose of minimizing any adverse impact such use variance may have on the neighborhood or community. Such conditions may include, but are not limited to, landscaping, lighting, access and egress, signs, screening, architectural features, location and layout of buildings, limitations upon the use or characteristics of the use which are reasonably related to the public health, safety and general welfare and as may be necessary to carry out the intent of this Law. If the applicant refuses to accept such requirements and conditions, the use variance shall be denied.

b. Area Variances.

1. In making a determination whether to grant, grant conditionally, or deny an application for an area variance, the Board of Appeals shall take into consideration the benefit to the applicant if the area variance is granted, and balance this benefit against the detriment to the health, safety and welfare of the neighborhood or community by making such grant. In making such determination the Board shall consider each of the following factors: (a) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (b) whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance; (c) whether the requested area variance is substantial; (d) whether the proposed area variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (e) whether the alleged difficulty was self-created. (In contrast to the context of a *use* variance, in the context of an *area* variance application whether or not the alleged difficulty was self-created shall be relevant to the decision of the Board of Zoning Appeals but a finding that the difficulty was self-created shall not in and of itself preclude the granting of the area variance.)

2. The Board of Appeals, in the granting of area variances, shall grant the minimum area variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

3. In addition to the application requirements from time to time established pursuant to law and this Law, applications for an area variance shall contain a typewritten narrative explaining what the application is for, and how the project meets or exceeds all of the criteria for an area variance.

4. The Board of Appeals shall, in the granting of area variances, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of this Law, and shall be imposed for the purpose of minimizing any adverse impact such area variance may have on the neighborhood or community.

If the applicant refuses to accept such requirements and conditions, the area variance shall be denied."

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## **2.7. Amendments to Article 10 of the Existing Zoning Law**

Article 10 of the Existing Zoning Law (entitled "AMENDMENTS"), including present Sections 10.10, 10.20, 10.30, 10.40, and 10.50 thereof, is hereby amended so as to delete the text thereof in the entirety, and to insert the following text in substitution thereof:

### **"ARTICLE 10**

#### **AMENDMENTS TO THIS LAW**

##### **10.10. AMENDMENTS TO THIS ZONING LAW**

A. The Town Board may from time to time on its own motion, or on petition, or on the recommendation of the Planning Board, amend, supplement, or repeal all or any portion of this Zoning Law, upon compliance with notice and public hearing requirements required by law.

B. Every proposed change initiated by the Town Board or upon petition shall be referred to the Planning Board for its non-binding consideration and recommendation; the Town Board's final public hearing regarding such change shall not be conducted by the Town Board unless 30 days or more have elapsed since the proposed change was referred to the Planning Board as aforesaid.

C. Any enactment by the Town Board of a change in or to this Zoning Law shall comply with the provisions of General Municipal Law section 239-m (regarding referral to Yates County Planning), and Town Law section 265 (regarding protest petitions), to the extent applicable."

## **2.8. Amendments to Article 11 of the Existing Zoning Law**

Clause a. of Section 11.42 of the Existing Zoning Law is hereby amended, so as to delete the final sentence thereof (which begins "Each week of ...") in the entirety, and to insert the following sentence in substitution thereof: "Each day of continued violation shall constitute a separate violation."

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## **2.9. Severability**

If any word, phrase, sentence, part, section, subsection, or other portion of this Local Law, or the application thereof to any person or to any circumstance, is adjudged or declared invalid or unenforceable by a court or other tribunal of competent jurisdiction, then, and in such event, such judgment or declaration shall be confined in its interpretation and operation only to the provision of this Local Law that is directly involved in the controversy in which such judgment or declaration is rendered, and such judgment or declaration of invalidity or unenforceability shall not affect or impair the validity or enforceability of the remainder of this Local Law or the application hereof to any other persons or circumstances. If necessary as to such person or circumstances, such invalid or unenforceable provision shall be and be deemed severed herefrom, and the Town Board of the Town hereby declares that it would have enacted this Local Law, or the remainder thereof, even if, as to particular provisions and persons or circumstances, a portion hereof is severed or declared invalid or unenforceable.

### **2.10. Effective Date of this Local Law**

This Local Law shall be effective upon filing with the office of the Secretary of State, and the Town Clerk is directed to immediately file a copy of this Local Law with the New York State Secretary of State as required by law.

Adopted by the Starkey Town Board on July 9, 2015

I hereby certify that the local law annexed hereto, designated as Local Law No. 1 of 2015 of the Town of Starkey, was duly passed by the Town Board on July 9, 2015 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 the preceding paragraph.



Sue Crans, Town Clerk

Date: July 14, 2015

**APPENDIX A**  
ATTACHED TO AND FORMING A PART OF  
TOWN OF STARKEY (NY) LOCAL LAW NO. 1 of the YEAR 2015,  
known as:

A local law to amend and supplement  
the Town of Starkey Zoning Ordinance adopted January 8, 1970  
(as heretofore amended),  
by:

Confirming that any Uses not Expressly Permitted are Prohibited;  
Articulating Certain Explicitly Prohibited Uses;  
Adding Certain New Definitions, and Changing Certain Existing Definitions;  
Modifying, Clarifying, and Adding to the Provisions Regarding Variances; and  
Adding a Severability Clause.

The Town Of Starkey (NY) Local Law No. 1 of The Year 2015 to which this Appendix A is attached is herein sometimes referred to as "this Local Law" or "this Law."

This Appendix A is a part of the Local Law to which it is attached for all purposes.

**Section 1. Authority and Intent.** This Local Law is intended to be consistent with and is adopted pursuant to the authority granted to the Town Board of the Town of Starkey under the New York State Constitution, and the Laws of the State of New York, including but not limited to the following authorities: New York State Constitution Article IX, Section 2 (c)(ii)(6), (10); Municipal Home Rule Law § 10(1)(i); Municipal Home Rule Law § 10(1)(ii)(a)(6), (11), (12), and (14); Municipal Home Rule Law § 10(1)(ii)(d)(3); Municipal Home Rule Law § 10(2); Municipal Home Rule Law § 10(3); Municipal Home Rule Law § 10(4)(a), and (b); Statute of Local Governments §10(1), (6), and (7); Town Law § 64 (17-a), (20-b), and (23); Town Law § 130(5), (6), (7), (8), (11), (14), (15), and (23); Town Law § 135; Town Law Article 16 (Zoning & Planning) inclusive; Environmental Conservation Law § 17-1101, §27-0711; and New York State Law, Public Health Law § 228 (2), and (3).

This Law is a police power and land use regulation. This Law is intended and is hereby declared to address matters of local concern. It is further declared that it is not the intention of the Town to address matters of statewide concern. This Local Law is intended to act as, and is hereby declared to exercise, the permissive "incidental control" of a land use law that is concerned with the broad area of land use planning and the physical use of land and property within the Town, including the physical externalities associated with certain herein-identified land uses, such as negative impacts on roadways, traffic congestion, and other deleterious impacts upon a community. This Law is not intended to regulate the operational processes of any business. This Local Law is a law of general applicability and is intended to promote the interests of the community as a whole.

As is consistent with law (including, without limitation NY ECL § 27-0711) this Local Law intends to, and hereby does, regulate certain land uses so as to promote the health and welfare of the citizens of the Town by, among other things, prohibiting the dumping, discharging, injection and disposal of materials herein defined as "Natural Gas And/Or Petroleum Extraction, Exploration Or Production Wastes" on lands and in bodies of water within the Town. Further, this Local Law is intended and declared to protect drinking water supplies, and is intended and declared to supplement and enhance, but not limit or impinge upon, the Safe Drinking Water Act or the Underground Injection Control programs administered by the Environmental Protection Agency. This Local Law is also intended and declared to impose conditions and restrictions that are directly related and incidental to certain uses of property, with such conditions and restrictions being aimed at minimizing or precluding adverse impacts in and upon the Town that could result from certain uses of property that could pose a unique risk of adverse impacts to, and effects upon, the comfort, peace, enjoyment, health and safety of residents, other property owners, and their property.

## **Section 2. Findings of Fact.**

1. Starkey is a community in Yates County that takes great pride in and assigns great value to its rural residential character, small-town atmosphere, high-quality agricultural land, and scenic and other natural resources.
2. Many residents are dependent upon aquifers and wells for life-sustaining water; maintaining the quality of water resources within the Town is critical to protecting the natural environment of the Town, the general health and welfare of Town residents, and the local economy. Certain of the Explicitly Prohibited Uses defined and described in this Local Law have the potential to damage surface and ground water resources, in the event of (by way of example) human error, power outages, flooding or other natural disasters, or engineered materials and structures experiencing stresses beyond those for which they were designed. Water pollution is hazardous to the public health. If a domestic water source is contaminated, remediation is time and cost intensive, and may not restore the water resource to a quality acceptable for domestic use.
3. Preservation of the Town's irreplaceable scenic sites, air quality and water quality, and priceless and unique character, is of significant value to the inhabitants of the Town and to the tourists who visit here.
4. The Town's rich natural environment is a valuable asset that creates a sense of identity and well-being for residents of the area. Preserving and protecting the agricultural, scenic, recreational, and other natural resources of the Town is important for both a healthy environment and vibrant economy. Aesthetic issues are real and evoke strong reactions from people. They also deeply affect the way people feel about a place, and affect whether businesses will want to locate within, or people will want to live in and visit, a place.

5. Allowing certain of the Explicitly Prohibited Uses defined and described in the Local Law could impair the existing character of the Town, because by their very nature such activities have the potential to produce a combination of negative impacts upon the environment and people living in or in proximity to the areas or communities in which such activities are located. Such negative impacts may include, without limitation, traffic, noise, vibrations, fumes, damage to roadways, degradation of water quality, degradation of air quality, decreased availability of affordable housing, damage to and loss of agricultural lands and soils, damage to and loss of open space, natural areas and scenic views, the fragmentation of natural communities and valuable wildlife and flora corridors, decreased recreational opportunities, and damage to tourism industries.
6. If one or more of the Explicitly Prohibited Uses defined and described in the Local Law are conducted within the Town, traffic generated thereby could be hazardous or inconvenient to the inhabitants of the Town and could be dangerous to pedestrians (especially children), cyclists, and motorists, and could result in traffic congestion that could delay emergency response times for medical emergencies, fires and accidents. Certain of the Explicitly Prohibited Uses defined and described in the Local Law typically involve a large volume of heavy vehicles and accidents involving heavy vehicles have greater potential for death or serious injuries and property damages than those involving smaller vehicles. Further, such accidents are more likely to occur on roads (such as many roads in the Town) that have sharp corners, narrow lanes, short sight lines, and overall limited roadway geometries. Thus, an increased volume of heavy vehicular traffic may cause, contribute to, or create unsafe conditions for the traveling public and thus place a strain on emergency responders. Increased heavy vehicular traffic also tends to increase air pollution and noise levels, and decrease the quality of life and property values for those living nearby. Roads are a critical public resource and constitute a major investment of the public's money. The Town is not in a position to bear the high costs associated with the road use impacts that typically accompany many of the Explicitly Prohibited Uses defined and described in the Local Law.
7. If one or more of the Explicitly Prohibited Uses defined and described in the Local Law are conducted within the Town, the air pollution, dust, noise, vibrations, and odors generated thereby (whether onsite or by truck traffic to and from the proposed site of such activities) could be hazardous or inconvenient to the inhabitants of the Town. Air pollution is a known hazard to the public health.
8. If one or more of the Explicitly Prohibited Uses defined and described in the Local Law are conducted within the Town, noise, vibrations, seismic, subterranean, lateral and subjacent support impacts, and light pollution typically caused by such activities, could be hazardous or inconvenient to the inhabitants of the Town. Noise, traffic congestion, nighttime lighting, vibrations, and seismic and other impacts to subterranean surface support, can have negative effects on human health and wildlife.
9. The creation, generation, keeping, storage or disposal of Natural Gas And/Or Petroleum Extraction, Exploration Or Production Wastes (as that term is defined in the Local Law) within the Town could have a negative impact on the public health, safety and welfare of

the inhabitants of the Town.

10. The high costs associated with the disposal of Natural Gas And/Or Petroleum Extraction, Exploration Or Production Wastes (as that term is defined in the Local Law) have in other localities resulted, and could in our Town result, in persons seeking to avoid such costs by depositing such material along roadways, in vacant lots, on business sites, in the private dumpsters of others, or in other unauthorized places. Such activities could pose a hazard to the public health, safety, and welfare of the inhabitants of the Town.

**Section 3. Purposes.** This Local Law is enacted so as to take proactive steps to protect and preserve the quality of the Town's air, water, and other resources and assets, and to protect and promote the health, safety, and welfare of the Town and its present and future residents. Without limiting the generality of the foregoing, this Local Law is intended and declared by the Town Board to:

- a. promote the purposes of planning and land use regulation by, among other things, preserving the roads and protecting limited and related fire, police, and other emergency response services in the Town;
- b. promote the health, safety and welfare of the Town, its present and future inhabitants, by preventing adverse public nuisances and/or land use impacts and effects that could result if the Explicitly Prohibited Uses defined and described in this Local Law were allowed to be conducted within the Town;
- c. protect the Town's priceless and unique character, the preservation of which is of significant value to the inhabitants of the Town and the tourists who visit here, by protecting it from adverse public nuisances and/or land use impacts and effects that could result if the Explicitly Prohibited Uses defined and described in this Local Law were allowed to be conducted within the Town; and
- d. protect the Town's irreplaceable historic, scenic, and natural resources, and the Town's water and air quality, by protecting each and all of the same from adverse public nuisances and/or land use impacts and effects that could result if the Explicitly Prohibited Uses defined and described in this Local Law were allowed to be conducted within the Town.

--- END ---

(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 20 15 of the (County)(City)(Town)(Village) of Starkey was duly passed by the Town Board on July 9 20 15, 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) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted *(Elective Chief Executive Officer\*)* 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 (approved)(not approved) *(Name of Legislative Body)* (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) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_. Such local *(Elective Chief Executive Officer\*)* 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   1  , above.

Sue A. Ciars  
Clerk of the county legislative body, City Town Village Clerk or officer designated by local legislative body

Date: July 14, 2015

(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 ONTARIO

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  
Attorney to the Town  
Title

County  
City of Starkey  
Town  
Village

Date: 7/23/15