

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.

FILED
STATE RECORDS

DEC 14 2016

County of Yates, Orleans County, New York
City of _____
Town _____
Village _____

DEPARTMENT OF STATE

Local Law No. 3 of the year 2016.

A local law known as Extension of the Town of Yates Moratorium on Wind Energy Facilities
Law.
(Insert Title)

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

County of Yates, Orleans County, New York
City of _____ as follows:
Town _____
Village _____

ARTICLE I: ENACTMENT, AUTHORIZATION, TITLE, PURPOSE

Section 101: Enactment and Authorization

The Town Board and the Town of Yates does hereby ordain and enact this Extension of the Town of Yates Moratorium on Wind Energy Facilities Law pursuant to authority and provisions of Section 10 of the Municipal Home Rule Law of the State of New York and Article 16 of the Town Law of the State of New York.

Section 102: Title

This local law shall be known as the "Extension of the Town of Yates Moratorium on Wind Energy Facilities Law."

Section 103: Purpose

- a) The purpose of this Local Law is to advance the Town's constitutional and statutory obligation to protect and preserve the public health, welfare, and safety of the citizens of the Town of Yates, as well as the value, use and enjoyment of property in the Town, through the extension of a moratorium on the construction or modification of wind energy facilities first adopted by the Yates Town Board as Local Law No. 1. of 2016 on the 12th day of May, 2016, and filed with the New York State Department of State on the 19th day

of May, 2016 (hereinafter "Original Moratorium"), pending review of and revisions to the Yates-Carlton-Kendall Local Waterfront Revitalization Plan and Town Comprehensive Plan.

- b) It is the further purpose of this Local Law to prevent and avoid serious detrimental health and environmental impacts which threaten the Town of Yates by allowing degradation of its significant environmental and agricultural resources, and preserve the conscious and continuous determination by the Town to resolve and lessen such threats to the health, safety and welfare of the citizens of the Town.

ARTICLE II: EXTENSION OF MORATORIUM

Section 201: Extension of Moratorium

No application for the construction or erection of Wind Energy Facilities, or modification for any existing facility, as defined in Section 591(D) of the Town of Yates Zoning Regulations, may be filed or processed for one hundred eighty (180) additional days following the date on which the Original Moratorium was set to expire. During such moratorium as extended by this law, no Board or Town official may consider, grant, or approve any application for any permit or approval, including special use permit, variance, rezoning, or building permit. For the purpose of this local law, an "application" shall be deemed to mean any request for official action by the Town Board, Planning Board, Zoning Board, Code Enforcement Officer, or Building Inspector which would in any way commence or continue the process whereby Wind Energy Facilities are or may be constructed, modified, or erected. The moratorium, as extended by this law, shall be effective until May 14, 2017, which date is one hundred eighty (180) days after the date on which the Original Moratorium was otherwise set to expire, or until the Yates Town Board acts on all of the aforementioned amendments to the Local Waterfront Revitalization Plan and Town Comprehensive Plan, whichever is the shorter period of time.

Section 202: Variance

An application for a variance from the terms of this moratorium may be submitted, with a \$100 fee, to the Town Clerk. Notwithstanding the provisions of Article 16 of the Town Law and the Zoning Regulations of the Town of Yates, such variance requests shall be considered by the Town Board in accordance with the requirements for a use variance.

ARTICLE III: VALIDITY

Section 301: Validity

If any section, sentence, clause or phrase of this local law is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this local law.

Section 302: Supersession

The requirements of Article 16 of the New York Town Law and Town Law sections 267-a, b, and c, are hereby superseded in that the Town Board shall be the body to consider variance requests under this moratorium. The time periods for holding public hearings and issuing decisions on applications set forth in Article 16 of the New York Town Law, including but not

limited to Town Law sections 264, 267-a, b, and c, 274-a, 274-b, 276, 277, and 278, are hereby superseded.

ARTICLE IV: EFFECTIVE DATE

Section 401: Effective Date

This local law shall take effect immediately upon filing with the Department 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. 3 of 2016, of the (County) (City) (Town) (Village) of Yates, New York was duly passed by the Town Board on October 13, 2016, in accordance with the applicable provisions of law.

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) _____ was duly passed by the _____ on _____ 20____, and was (approved) (not disapproved) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 2006, 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 2016 of the (County) (City) (Town) (Village) of _____ was duly passed by the _____ on _____ 2016, and was (approved) (not disapproved) (repassed after disapproval) by the _____ on _____ 2016. 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 2016 of the (County) (City) (Town) (Village) of _____ was duly passed by the Town Board on _____ 2016, and was (approved) (~~not disapproved~~) (~~repassed after disapproval~~) by the _____ on _____ 2016. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 2016, 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.

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.)

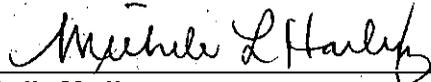
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____, State of New York, having been submitted to the

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 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.

(SEAL)

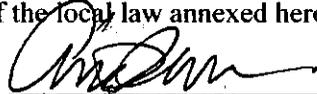


Shelly Harling
Town Clerk, Town of Yates
Date: November 15, 2016

(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.



Andrew W. Meier
Town Attorney

County _____
City of Yates
Town _____
Village _____
Date: 11/17/16