

Local Law Filing

(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.

NEW YORK
DEPARTMENT OF STATE
FILED
JUN 15 2006

MISCELLANEOUS
& STATE RECORDS

County
City of KNOX
Town
Village

Local Law No. 1 of the year 2006

A local law The Town of Knox Moratorium on Wind Energy Deriving Towers,
(Insert Title)
 Meterological Towers, Wireless Telecommunications Facilities and
 Transmission Facilities Law

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

County
City of Knox as follows:
Town
Village

LOCAL LAW No. 1 of the year 2006 ENTITLED "THE TOWN OF KNOX MORATORIUM ON WIND ENERGY DERIVING TOWERS, METEOROLOGICAL TOWERS, WIRELESS TELECOMMUNICATIONS FACILITIES AND TRANSMISSION FACILITIES LAW"

BE IT ENACTED by the Town Board of the Town of Knox, New York as follows:

ARTICLE I: ENACTMENT, AUTHORIZATION, TITLE, PURPOSE

Section 1. Enactment and Authorization.

The Town Board of the Town of Knox does hereby ordain and enact the Town of Knox Moratorium on Wind Energy Deriving Towers, Meteorological Towers, Wireless Telecommunications Facilities and Transmission Facilities Law pursuant to authority and provision of Section 10 of the Municipal Home Rule Law.

Section 2. Title.

This local law shall be known as the Town of Knox Moratorium on Wind Energy Deriving Towers, Meteorological Towers, Wireless Telecommunications Facilities and Transmission Facilities Law.

Section 3. Purpose.

a. It is the purpose of this law to prevent and avoid serious detrimental health, environmental and planning conditions which threaten the Town of Knox by allowing degradation of its significant environmental resources and in order not to undermine 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 of Knox.

b. It is the further purpose of this law to enable the Town of Knox, to stop the construction or erection of wind energy deriving towers, meteorological towers , wireless telecommunications facilities and associated transmission facilities for a reasonable time pending the completion of a local law regulating such tower construction in the Town of Knox.

ARTICLE II: IMPOSITION OF MORATORIUM

Section 1. Imposition of Moratorium.

For a period of one year from and after the adoption date of this law, no application for construction or erection of wind energy deriving towers,

meteorological towers, wireless telecommunications facilities and transmission facilities may be filed, accepted or processed by the Town of Knox. For the purpose of this law an application for tower construction shall be deemed to mean any request for official action by the Town Board, Planning Board, Zoning Board of Appeals or Supervising Building Inspector, which request and approval would in any way commence or continue the process whereby a wind energy deriving tower, meteorological tower, , wireless telecommunications facilities or associated transmission facilities is or may be constructed or erected.

This moratorium is intended to ensure that no review or approvals for building permits or associated matters within an application duly filed with the Town of Knox proceed until this Board may complete its review with respect to such wind energy deriving towers, meteorological towers, wireless telecommunications facilities and transmission facilities and have the opportunity to consider and enact comprehensive Code changes, as appropriate.

Section 2. Exception to Moratorium.

The exceptions to this moratorium are as follows:

- a. If the Town Board shall have adopted a local law determining that this moratorium shall no longer be effective; or
- b. The Town Board shall have adopted a local law or zoning ordinance regulating the construction of wind energy deriving towers, and/or meteorological towers, and/or wireless telecommunications facilities and/or associated transmission facilities.

Section 3. Extension of Moratorium.

At the discretion of the Town Board, this moratorium may be extended for one (1) additional six (6) month period, after proper notice and a public hearing, to be held within forty-five (45) days prior to the expiration of said moratorium period.

ARTICLE III: VALIDITY

Section 1. Validity.

If any section, sentence, clause or phrase of this 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 the law.

ARTICLE IV: SEVERABILITY

Section 1. Severability.

If any clause, sentence, paragraph or part of this local law or the application thereof to any person or circumstances shall be adjudged by any court to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof or the application thereof to other persons and circumstances but shall be confined in its operation to the clause, sentence, paragraph or part thereof and the persons and circumstances directly involved in the controversy in which such judgment shall have been rendered.

ARTICLE V: EFFECTIVE DATE

Section 1. Effective Date.

This local law, if passed by the Town Board, shall become effective upon the filing of the same with the Secretary of State of New York.

(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 2006 of the ~~(County)(City)(Town)(Village)~~ of Knox was duly passed by the Knox Town Board on June 13, 2006, 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_____.
(Name of Legislative Body)
(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) (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.

Kimberly D. Secorin
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body TOWN CLERK

(Seal)

Date: June 13, 2006

(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 ALBANY

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.

John E. Dorfman
Signature
John E. Dorfman, Esq., Knox Town Attorney
Title

County _____
City of Knox
Town _____
Village _____

Date: June 13, 2006