

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.

FILED
STATE RECORDS

DEC 07 2016

County City Town Village
(Select one:)

of Wesley Hills

DEPARTMENT OF STATE

Local Law No. 2 of the year 2016

A local law A Local Law Amending Local Law #14 of 1984, as Amended, to Impose a Temporary and
(Insert Title)
Limited Moratorium on Applications for Wireless Communication Services Facilities

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

County City Town Village
(Select one:)

of Wesley Hills

as follows:

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

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, 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. ² _____ of 20¹⁶ of the (County)(City)(Town)(Village) of Wesley Hills was duly passed by the Village Board of Trustees on November 3 20¹⁶, and was approved (not approved) (Name of Legislative Body) (repassed after disapproval) by the Village Board of Trustees (Elective Chief Executive Officer*) on November 3 20¹⁶, 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 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.)

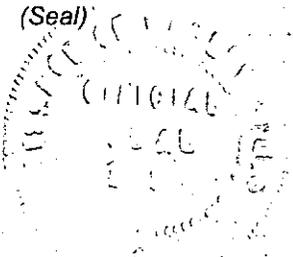
I hereby certify that the local law annexed hereto; designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, 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 2____ above.

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 11/30/14



Local Law #2 of 2016

A Local Law Amending Local Law No. 14 of 1984; as Amended, to Impose a Temporary and Limited Moratorium on Applications for Wireless Communication Services Facilities.

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF WESLEY HILLS, AS FOLLOWS:

Section 1. This Local Law shall be known as the Interim Moratorium Law of the Village of Wesley Hills with respect to Wireless Communication Services Facilities.

Section 2. - **Purposes.** The Board of Trustees is currently reviewing and considering amendments to the Zoning Law of the Village of Wesley Hills concerning the consideration of wireless communication services facilities. The Board of Trustees finds that unless reasonable measures are taken for an interim period to protect the public interest while the appropriate analyses, reviews, public hearings, meetings and discussions are being conducted, wireless communication services facilities may be constructed in such a manner as to undermine the intent of the proposed amendments to the Zoning Law.

Section 3 - **Intent.** It is the intent of the Board of Trustees to protect the public health, safety and welfare by enacting this interim moratorium law for a reasonable period. During said period, the Board of Trustees can complete its review of the proposed amendments, refer such amendments to the Planning Board for review and recommendation, conduct public hearings, consider public comments and decide upon the enactment of the proposed amendments to the Zoning Law.

Section 4 - **Regulations.**

1. No building permit or certificate of occupancy or special permit for a wireless communication services facility shall be issued for any property within the Village of Wesley Hills, except for any application therefore that was filed with the Village prior to the effective date of this Local Law.
2. The Planning Board shall not grant or consider special permit applications for wireless communication services facilities, except for any application therefore that was filed with the Village prior to the effective date of this Local Law.
3. The Board of Appeals shall not grant any variances of the Zoning Law for any application involving wireless communication services facilities, except for any application therefor that was filed with the Village prior to the effective date of this Local Law.

4. No building permit or certificate of occupancy for a wireless communication services facility (minor) shall be issued for any property within the Village of Wesley Hills, except for any application therefore that was filed with the Village prior to the effective date of this Local Law.

Section 5 - Appeal Provisions.

1. The Board of Trustees shall have the power to modify the application of any provision of this Local Law on its determination, in its absolute legislative discretion, that such variance or modification is consistent with the spirit of the Zoning Law upon which this Local Law is based and with the health, safety and general welfare of the Village.

2. Upon receiving any such application for such variance or modification, the Board of Trustees shall refer such application to the Planning Board for a report with respect to the effect of the prospective variance or modification upon the intended revisions of the Zoning Law. Such report shall be returned by the Planning Board to the Board of Trustees within thirty (30) days of such referral and shall be placed on the next agenda of the Board of Trustees.

Section 6 - Penalties for Offenses.

Any person, firm, entity or corporation that shall construct, erect, enlarge or alter any building or structure in violation of the provisions of this Local Law shall be deemed to have violated the provisions of the Zoning Law by such action and shall be subject to penalties otherwise provided by the Zoning Law of the Village of Wesley Hills for such violation.

Section 7 - Severability.

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this Local Law shall not affect the validity of any other part of this Local Law which can be given effect without such invalid part or parts.

Section 8 - Repealer.

All Local Laws or parts thereof in conflict with the provisions of this Local Law are hereby repealed to the extent necessary to give this Local Law full force and effect during the effective period.

Section 9 - When Effective.

This Local Law shall become effective immediately and shall remain in effect for a period of six (6) months from the date of adoption or until final decision is made by the Board of Trustees with respect to the adoption of any wireless communication services facilities law amendments, whichever should first occur.