

# 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.

County  City  Town  Village  
(Select one:)

of Volney

FILED  
STATE RECORDS

AUG 30 2022

DEPARTMENT OF STATE

Local Law No. 3 of the year 2022

A local law amending Local Law No. 1 of 2021.  
(Insert Title)

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

County  City  Town  Village  
(Select one:)

of Volney as follows:

## SECTION 1: TITLE

This shall be known as Local Law 3 of the year 2022, a local law amending Local Law No. 1 of the year 2021.

## SECTION 2: LEGISLATIVE INTENT

It is the intent of this local law to amend Local Law No. 1 of the year 2021 adding in Section IX: AMENDMENTS and Section XII: REPEALER, which was erroneously omitted from Local Law No. 1 of 2021.

## SECTION XI: AMENDMENTS will read as follows:

### A. Procedure

The Town Board may, from time to time, on its own motion, or on petition, or on recommendation from the Planning Board, amend the regulations and districts established under Local Law No. 1 of the year 2021 after public notice and hearing in

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

each case. All petitions for any amendments of the regulations or districts herein established shall be filed in writing in a form required by the Town Board, and shall be accompanied by a certified check in the amount of the fee which shall be established from time to time by resolution by the Town Board and listed in the schedule of fees, to help defray the cost of advertising the hearing on said petition and incidental disbursements.

B. Advisory

Report by Planning Board: Every proposed amendment, unless initiated by the Planning Board, shall be referred to the Planning Board. The Planning Board shall report its recommendations thereon to the Town Board, accompanied by a full statement of the reasons for such recommendations, prior to the public hearing. If the Planning Board fails to report within a period of 45 days from the date of receipt of notice or such longer time as may have been agreed upon by it and the Town Board, the Town Board may act without such report. If the Planning Board disapproves the proposed amendment, or recommends modification thereof, the Town Board shall not act contrary to such disapproval or recommendation except by the adoption of a resolution fully setting forth the reasons for such contrary action.

C. Public Notice and Hearing

The Town Board, by resolution, shall fix the time and place of the public hearing and cause notice to be given as follows:

1. By publishing a notice of the proposed amendment and the time and place of the public hearing in a newspaper of general circulation in the Town not less than five days prior to the date of public hearing.
2. By giving written notice of hearing to any required Municipal, County, Regional, Metropolitan, State or Federal Agency in the manner prescribed by law.

D. Protest by Owners

If a protest against the proposed amendment is presented to the Town Board, duly signed and acknowledged by the owners of twenty percent or more of the area of land included in such proposed amendment, or by the owners of twenty percent or more of the area of the land immediately adjacent extending 100 feet therefrom, or by the owners of twenty percent or more of the area of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such amendment shall not be passed except by the favorable vote of at least four members of the Town Board.

E. Changes by Planning Board

The Planning Board, in accordance with Town Law, Section 281, may simultaneously with the approval of any plat, make any reasonable change to the regulations established

under Local Law No. 1 of 2021 with respect to the land so platted. Before the Planning Board shall make any such change, there shall be a public hearing preceded by the same notice as in the case of the approval of the plat itself. Once the plat is filed in the office of the County Clerk, such changes shall be and become part of the regulations of Local Law No. 1 of 2021, shall take the place of any regulations established herein by the Town Board, shall be enforced in the same manner, and shall be similarly subject to amendment.

F. Publication and Posting

Every amendment to the Zoning Law, Local Law No. 1 of 2021, including any map incorporated therein, adopted in accordance with the Town Law shall be entered in the minutes of the Town Board and a copy thereof, exclusive of any map incorporated therein, shall be published once in the official newspaper of the Town of Volney and a copy of such amendment together with a copy of any map incorporated therein, shall be posted on a sign board maintained by the Town Clerk pursuant to Subdivision 6 of Section 30 of the Town Law. Affidavits of the publication and posting thereof shall be filed with the Town Clerk.

SECTION XII – REPEALER will read as follows:

This Local Law shall repeal any former Zoning Ordinances of the Town of Volney, excepting Local Law No. 1 of 2021.

SECTION 3: EFFECTIVE DATE

This local law shall take effect immediately upon filing with the Secretary of State.

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

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

I hereby certify that the local law annexed hereto, designated as local law No. 3 of 20 22 of the ~~(County)(City)(Town)(Village)~~ of Volney was duly passed by the Town Board on Aug 18<sup>th</sup> 20 22, 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 1 above.

*Michelle Vant*

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

Date: *Aug 18, 2022*

(Seal)

