

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.

County **TANNERSVILLE**
City of _____
Town _____
Village _____

Local Law No. 2 of the year 2006

STATE DEPARTMENT OF STATE
FILED
JUN 2 2006

MISCELLANEOUS
& STATE RECORDS

IMPOSING A TEMPORARY SIX MONTH MORATORIUM

A local law _____

(Insert Title)

ON THE APPROVAL OF NEW DEVELOPMENT

BOARD OF TRUSTEES

Be It enacted by the _____ of the
(Name of Legislative Body)

County **TANNERSVILLE**
City of _____ as follows:
Town _____
Village _____

Be it enacted by the Village Board of the Village of Tannersville as follows:

Section 1. Title.

This Local Law shall be referred to as the "Local Law Imposing a Temporary Six Month Moratorium on the Approval of New Development"

Section 2. Purpose and Intent.

Pursuant to the statutory powers vested in the Village of Tannersville to regulate and control land use, and to protect the health, safety and welfare of its residents, the Village Board of the Village of Tannersville hereby declares a temporary six (6) month moratorium on new development, including but not limited to 1) approval of Site Plan applications; 2) the approval, establishment or development of any new subdivisions of land involving more than three lots; and 3) the approval of new applications to receive municipal water service, in the Village, or the issuance of any approvals or building permits in connection with such applications.

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

The Village Board has recently adopted a new Comprehensive Plan and is now in the process of writing and enacting new local laws to implement the said Comprehensive Plan, which address, among other things, site plan review and the subdivision of land.

Further, the Village has recently received several applications involving a large number new buildings and homes which require water service from the municipal system in the Village. The Village Board has been informed that the safe yield of such municipal water system is at its capacity and the New York state Department of Health has recommended that additional sources of water supply be obtained prior to the addition of new consumers to the system.

The Village Board finds and determines that it needs the period of time covered by the moratorium imposed herein in order to carefully complete the implementation and enactment of the necessary statutory and other tools to execute the Comprehensive Plan, including but not limited to, drafting proposed amendments to the Village Code, making appropriate changes to the draft of the proposed new Local Laws, scheduling and holding the required public hearing on the Local Law, performing an appropriate environmental review of the comprehensive plan, complying with applicable provisions of law, adopting the Local Law, and filing same, as adopted, with the Secretary of State of the State of New York.

The Village Board further finds that it is in process of locating and constructing a new water source to increase flow and water availability for the municipal water system. The Village has received grants and has hired engineers to complete such process and must take necessary steps to protect the water quality for the Village residents currently receiving water service from the said municipal system during the upgrade process.

Section 3. Scope of Controls.

A. During the effective period of this Local Law:

1. The Village Board shall not grant any approvals which would have as the result the establishment or development of a) any new site plan application; b) any new subdivision which involves more than three lots; c) the approval of new applications to receive municipal water service; or d) the issuance of any approvals or building permits in connection with such applications within the Village.

2. The Code Enforcement Officer/Building Inspector of the Village shall not issue any building permit or other permit which would result in the establishment or development of a) any new site plan application; b) any new subdivision which involves more than three lots; c) the approval of new applications to receive municipal water service; or d) the issuance of any approvals or building permits in connection with such applications within the Village.

B. The Village Board reserves the right to direct the Village Building and Code Inspector to revoke or rescind any Building Permits or Certificates of Occupancy issued in violation of this Local Law.

Section 4. Term.

The moratorium imposed by this Local Law shall be in effect for a period of six (6) months from the effective date of this Local Law.

Section 5. Penalties.

Any person, firm or corporation that shall establish, develop or attempt obtain a) any new site plan; b) any new subdivision; c) any new municipal water service; or d) commence or continue

(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. 2 of 2006 of the (County)(City)(Town)(Village) of TANNERSVILLE was duly passed by the BOARD OF TRUSTEES on 4/25 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.
(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____. 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.~~

* 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.



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


(Seal)

Date: 4/25/06

(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 GREENE

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.



ATTORNEY FOR THE VILLAGE
Title

County _____
City of TANNERSVILLE
Town _____
Village _____

Date: 4/25/06