

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~~ of Caroga
~~Town~~
~~Village~~
~~XXX~~



STATE OF NEW YORK
DEPARTMENT OF STATE
FILED
DEC 01 2008

Local Law No. 2 of the year 2008

A local law "To Amend Local Law #2-2006"
(Insert Title)

**MISCELLANEOUS
& STATE RECORDS**

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

~~County~~
~~City~~ of Caroga as follows:
~~Town~~
~~Village~~

Section 1. **LEGISLATIVE INTENT**

This local law shall apply to the appointment, terms function and powers of an alternate member appointed to serve on the Zoning Board of Appeals in the Town of Caroga.

Section 2. **DECLARATION ON POLICY**

In the event the Town of Caroga Zoning Board of Appeals (hereinafter ZBA) lacks a regular member for any reason on any matter pending before it, the Chairperson may appoint the alternate member to be seated in place of the absent or conflicted member. Such appointment shall be noted in the minutes of that hearing or meeting.

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

Section 3. **DEFINITIONS**

- A. "Zoning Board" means, the Zoning Board of Appeals of the Town of Caroga as established by the Town Board pursuant to the provisions of S267 of Town Law.
- B. "Member" means an individual appointed by the Town board to serve on the Town Zoning Board of Appeals pursuant to the provisions of the local law or ordinance, which first established such Zoning Board.
- C. "Alternate Member" means an individual appointed by the Town Board when a regular member is unable to participate on an application or matter before the respective board, as provided herein.

Section 4. **AUTHORIZATION/EFFECT**

- A. The Town Board of the Town of Caroga hereby enacts this local law to provide a process for appointing an "alternate" member of the Zoning Board. This individual would serve when a member is absent or unable to participate on an application or matter before the board.
- B. The alternate member of the Zoning Board shall be appointed by the Town Board for a term of one (1) year with the term to expire on December 31st.
- C. The chairperson of the Zoning Board may designate an alternate to substitute for a member when such member is unable to participate on an application or matter before the board. When so designated, the alternate member shall possess all the powers and responsibilities of such member of the board. Such designation shall be entered into the minutes of the initial Zoning Board meeting, at which the substitution is made. Said alternate shall continue to sit for any adjourned dates for applications presented to the Board for consideration when initially heard by the alternate board member so as to provide continuity with the application.
- D. All provisions of state law relating to the Zoning Board Members eligibility, vacancy in office, removal, compatibility of office and service on other boards, as well as any provisions of a local law/local ordinance relating to training, continuing education, attendance, and compensation shall also apply to the alternate member.

Section 5. **SUPPRESSION OF TOWN LAW**

This local law is hereby adopted pursuant to the provisions of S10 of the NYS Municipal Home Rule Law and S 10 of the NYS statute of Local Governments. It is the intent of the town Board pursuant to S10 of the NYS Municipal Home Rule, Law to supersede the provisions of:

- (1) Section 267 of the Town Law relating to the appointment of members to Town Zoning Boards.

Section 6. **MISCELLANEOUS**

- A. This Local Law shall be deemed to supersede and repeal any other Local Laws to the extent therein inconsistent herewith.
- B. If any part of the Local Law shall be judicially declared to be invalid, void, unconstitutional, or unenforceable, all unaffected provisions hereof shall survive such declaration and this Local Law shall remain in full force and effect as if the invalidated portion had not been enacted.
- C. Nothing herein shall be deemed to be a waiver or restriction upon any rights and powers available to the Town of Caroga to further regulate the subject matter of this Local Law.

Section 7. **EFFECTIVE DATE**

This Local Law shall become effective upon filing with Secretary of State of the State of New York as required by the Municipal Home Rule Law.

(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 2008 of the ~~(County)~~(City)(Town)(Village) of Caroga was duly passed by the Town Board on Nov. 12 2008, 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_____.
(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.)

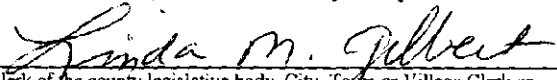
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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.


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

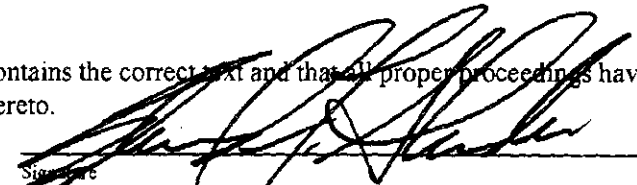
Date: November 25, 2008

(Seal)

(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 Fulton

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.


Signature
Town Attorney

Title

~~County~~
~~City~~ of Caroga
Town
~~Village~~

Date: November 25, 2008