

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
162 WASHINGTON AVENUE, 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~~
~~City~~
Town
~~Village~~

of Enfield

Local Law No. 2 of the year 19 98.

A local law For A Moratorium On Telecommunication Towers
(Insert Title)

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

~~County~~
~~City~~
Town
~~Village~~

of Enfield 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. 2 of 19 98 of the ~~(County)(City)(Town)(Village)~~ of Enfield was duly passed by the Town Board on 9-2 19 98 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 19 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 19____, 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 19 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19____. 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 _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

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 19 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 19____, 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 chairman 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 19____ 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 _____ 19____, 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 19____ of the County of _____, State of New York, having been submitted to the electors at the General Election of November _____ 19____, 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 of 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.

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

Date: September 3, 1998

(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 Tompkins

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.

Phil C. Mulvey
Signature
Town Attorney
Title

~~County~~
~~City~~
Town of Enfield
~~Village~~

Date: 9/9/98

TOWN OF ENFIELD
LOCAL LAW NO. 2 1998
A LOCAL LAW FOR A MORATORIUM ON TELECOMMUNICATION TOWERS

Be it enacted by the Town Board of the Town of Enfield as follows:

Sec. 1 Purpose

- a.) The Federal telecommunications act (the "Act") was signed into law in Feb. 1996. The Act preserves the authority of local governments over reasonable nondiscriminatory decisions regarding the placement, construction, and modification of telecommunication towers. The passage of the act, the increase sale of airway rights, the issuance of licenses of the FCC, the increased demand for wireless communications services, and new technology have led to a significant increase in the demand for telecommunications towers within the state. The Town of Enfield expects to receive requests.
- b. The Town has significant concerns over the location of telecommunications towers within the town. The town would like to insure that the installation of these towers proceeds in a fashion that minimizes any adverse impacts while maximizing services and benefits to the community. The town wants to accommodate the need for telecommunications towers while regulating their location and number, minimize adverse visual effects through proper design, siting and screening, and avoid potential physical damage to adjacent properties.
- c. This law is necessary in order to address the town's concerns by prohibiting the filing of new applications for tower construction and thus defer official government action permitting the construction of towers to give the town board time to research the issues and adopt a local law regulating telecommunication towers and accessory uses.

Section 2. Definitions

- a. Telecommunication tower - A structure, including one or more antennas that is intended for transmitting and or receiving radio, television, telephone, or microwave communications but excluding those used either for fire, police and other dispatch communications, or exclusively for private radio and television reception and private citizens bands, amateur radio and other similar private residential communications.
- b. Accessory use - An accessory use serves the principle use, is subordinate in area, extend or purpose to the principle use, and is located on the same lot as the principle use. Examples of such uses include transmission equipment and storage sheds.

Section 3. Imposition of moratorium.

- a. For a period of ninety (90) days from and after the effective date of this law, no application for the construction or erection of a telecommunications tower or accessory use may be filed, accepted or processed. For the purpose of this law, an

application for tower construction shall be deemed to mean any request for official action by the legislative body or other boards which request and approval would in any way commence or continue the process whereby a telecommunications or accessory use is or maybe constructed or erected.

- b. The imposition of this law shall not affect the processing of applications for tower construction for which approval has been granted prior to the effective date of this law or for existing towers.

Section 4 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 this law.

Section 5 Effective date.

This law shall become effective upon filing in the office of the Secretary of State.