

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 of Enfield

~~Village~~

Local Law No. 1 of the year ~~19~~ 2002

A local law Proposed Moratorium Resolution
(Insert Title)

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

~~County~~

~~City~~

Town of Enfield as follows:

~~Village~~

(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. 1 of ~~19~~ 2002 of the ~~(County)(City)~~(Town)(Village) of Enfield was duly passed by the Town Board on 1/9 /2002 ~~19~~ xx, 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.)

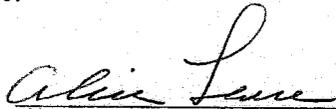
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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.



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

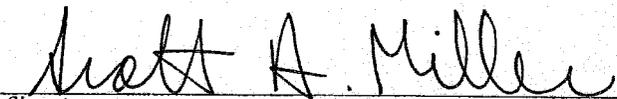
(Seal)

Date: January 14th, 2002

(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.



Signature

Title Town Attorney

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

Date: January 15, 2002

LOCAL LAW Number 1 of the Year 2002

PROPOSED MORATORIUM RESOLUTION

A Local Law Amending Town of Enfield's Local law No.1 of the Year 1999 and Local Law No.1 of the Year 1998 (Site Plan Review Law) to Provide for a Temporary Moratorium on the Construction of New Communications Towers.

BE IT ENACTED by the Town Board of the Town of Enfield, as follows:

Section 1. Title.

This Local Law shall be referred to as the "Temporary Moratorium on the Construction of New Communications."

Section 2. Purpose.

The Town of Enfield recognizes that it must impose a moratorium on the construction of new communications towers for a period sufficient to identify and present for legislative action appropriate measures for the safety, protection, and enhancement of the town.

(A) There shall be moratorium on the construction of new communications towers.

Section 3. Area subject to moratorium.

Town of Enfield.

Section 4. Moratorium

(A) There is hereby established, for a period of three (3) months from January 15, 2002, within the area described in Section 4 of this law, a moratorium on the construction of new communications towers.

(B) During the period of the moratorium, the Building and Codes Enforcement Officer shall cease to issue building permits for the construction of new communications towers in the moratorium area.

(C) During the period of the moratorium, the Town shall endeavor to complete an in-depth study of site plan review laws in the area encompassed by the moratorium.

Section 5. Scope of Controls.

During the effective period of this Local Law, within the area encompassed by this law, with respect to new communications towers, no site plans shall be approved, whether by action of the Planning Board or by default and no other approvals, permits, certificates of compliance or certificates of occupancy shall be granted by any board, committee or officer of the Town. This Local Law shall be binding on all Town departments, boards and commissions and any applicant or property owner in the Town.

Section 6. Applications for Relief.

Whenever there is a showing by persons whose premises are affected by this moratorium that relief therefrom is necessary to avoid unnecessary financial hardship or a taking of private property beyond what is permissible by valid regulation, the Town Board, upon petition, may grant appropriate relief from this Local Law subject to whatever conditions are deemed necessary to protect the public. Applications for such relief shall be by verified petition to the Town Board and shall be supported by competent financial evidence in dollars and cents form. The Town Board shall hold a hearing on any such petition within thirty(30) days and decide such applications within fifteen (15) days after the closing of such hearing. The default of the Town Board in action on such application shall not result in a default granting of such relief but shall permit the applicant to seek such relief pursuant to Article 78 of the CPLR.

Section 7. Penalties.

- (A) Any person, firm or corporation that shall construct any new communications tower in violation of the provisions of this Local Law or shall otherwise violate any of the provisions of this Local Law shall be guilty of a violation. Each day a violation continues shall be considered a separate violation.
- (B) The Town may apply to a court of competent jurisdiction for injunctive relief to cease any and all such actions which conflict with this Local Law.

Section 8. Validity.

The invalidity of any provision of the Local Law shall not affect the validity of any Other provision which can be given effect without such invalid provision.

Section 9. This Law shall take effect immediately upon filing with the New York State Secretary of State.