

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 _____ of _____ Dunkirk _____
Town _____
Village _____

Local Law No. _____ 2 _____ of the year 19__ 97__

A local law _____ creating a moratorium on the erection of communication towers _____
(Insert Title)

in the Town of Dunkirk _____

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

County _____
City _____ of _____ Dunkirk _____ as follows:
Town _____
Village _____

SECTION 1: PURPOSE - The Town Board of the Town of Dunkirk is concerned that existing Zoning Ordinance of the Town enacted as by the Town Board of Dunkirk on May 11, 1977, including all subsequent amendments thereto, are inadequate to deal with any application that might be made in the Town of Dunkirk to erect a communications tower and/or communication antenna for the purpose of transmission of radio, television, or wireless communication services such as cellular telephones, personal communication services, microwave communications, and/or paging devices. That the Town Board of the Town of Dunkirk is aware of the enactment of recent Federal Law setting certain siting policies within which local government may act, regulate and issue permits. That the Town Board of the Town of Dunkirk desires to have a reasonable amount of time to study the issues involved in this complex area, to examine the interplay between the recent federal legislation and the Town of Dunkirk's existing zoning law and to enact legislation governing the regulation of communication towers and/or antennas in the Town of Dunkirk.

SECTION 2: ENACTMENT OF MORATORIUM - The Town Board of the Town of Dunkirk hereby enacts a moratorium on the granting of any permit for the erection of any communication tower and/or communication antenna of any height for any commercial purpose within the Town of Dunkirk. This moratorium on the erection of any and all communication towers and/or communication antennas shall apply to any and all structures designed to support antennas and includes without limitation free-standing towers, guyed towers,

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

(1)

monopoles and any similar structure and any and all communication antennas that transmit or receive radio frequency signals, including but not limited to radio, television, cellular, paging, personal communication services, and microwave communications. During the period of the moratorium, no permit for the erection or construction of such a tower and/or antenna shall be granted, nor shall any person, firm, corporation, or entity commence or continue the construction and/or erection of any such communication tower and/or communication antenna. This moratorium shall not apply to personal radio or television antennas, constructed or erected for personal, residential use and accessory to a residence.

SECTION 3: DURATION OF MORATORIUM - The moratorium shall be in effect for six (6) months from the effective date of this local law.

SECTION 4: PENALTY FOR VIOLATION - The penalties for any violation of this local law shall be the same as for a violation of the Zoning Ordinance of the Town of Dunkirk, enacted May 11, 1977, including all subsequent amendments thereto for the Town of Dunkirk.

SECTION 5: This Local Law shall take effect immediately upon filing with the Secretary of State of the State of New York.

(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 1997 of the (County)(City)(Town)(Village) of Dunkirk was duly passed by the Town Board on 19 97, 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 approved)(repassed after disapproval) by the and was deemed duly adopted on 19 ,
(Name of Legislative Body) (Elective Chief Executive Officer*)
in accordance with the applicable provisions of law.

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 approved)(repassed after disapproval) by the on 19 . Such local law was submitted
(Name of Legislative Body) (Elective Chief Executive Officer*)
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.

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 approved)(repassed after disapproval) by the on 19 . Such local law was subject to
(Name of Legislative Body) (Elective Chief Executive Officer*)
permissive referendum and no valid petition requesting such referendum was filed as of 19 , 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.

2. (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____, 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____ at 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 a majority 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.

Mary Jane Willis
Clerk of the County to which the local law is annexed, Town or Village Clerk Mary Jane Willis
or officer designated by local legislative body

(Seal)

Date: February 27, 1997

(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 CHAUTAUQUE

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]
Signature

Town Attorney

Title

County _____
City of Dunkirk
Town _____
Village _____

Date: February 28, 1997