

New York State Department of State
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001
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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 underling to indicate new matter.

~~County~~
~~City~~ of
Town DUNKIRK
~~Village~~

Local Law No. 2 of the year 2012.

**A LOCAL LAW AMENDING AND SUPERCEDING THE APPLICATION OF
TOWN LAW, SECTION 267(11) TO PERMIT THE APPOINTMENT OF
ALTERNATE MEMBERS TO THE ZONING BOARD OF APPEALS OF THE
TOWN OF DUNKIRK.**

Be it enacted by the Town Board of the

Town of DUNKIRK as follows:

Section One – Authority:

This Local Law is enacted pursuant to the authority of Section 10 of the Municipal Home Rule Law authorizing Towns to adopt a Local Law which amends or supercedes any provision of the Town Law in relation to the property, affairs, or government of the Town, or in relation to any of the other enumerated subject matters in Section 10, unless there is a State Legislative restriction on such amendment or supercession. This Local Law is also enacted pursuant to authority granted in Section 267(11) of the Town Law of the State of New York to appoint alternate members to a Zoning Board of Appeals.

Section Two – Purpose:

In order to permit the Zoning Board of Appeals to transact business in the event that absence or conflicts of interest preclude a full membership of five (5) members from considering a particular matter, it is deemed advantageous by the Town Board of the Town

of Dunkirk to enact a local law implementing, adding to and superceding in part Section 267(11) of the Town Law of the State of New York to provide for the appointment of temporary/alternate members of the Zoning Board of Appeals.

Section Three –

The Town Board of the Town of Dunkirk may, in any year it deems necessary, appoint alternate members to its Zoning Board of Appeals to serve as provided in this section. The number of temporary members so appointed pursuant to this section in any year shall not exceed two. Each alternate/temporary member shall be appointed for a one-year term. The Chairman of the Zoning Board of Appeals shall assign the alternate/temporary member as necessary when a conflict or absence of regular members of the Board would otherwise prevent five (5) members of the Board from considering any pending matter. No more than two alternate/temporary members shall sit in determination on any pending matter. The alternate/temporary members shall be designated on a rotating basis in the manner provided in the general governing rules of the Zoning Board of Appeals so that each alternate/temporary member shall be afforded an equal opportunity to serve. Once designated to serve on a particular matter before the Board, the alternate/temporary member shall have the same powers and duties as regular members of the Board until that matter is concluded. Any determination by the Board consisting of temporary/alternate members shall have the same weight and be entitled to the same authority as the act or deed of the regular Zoning Board of Appeals and all laws, statutes and regulations shall apply and be applied with equal force and effect. Temporary/alternate members appointed pursuant to this section shall be paid for their respective services as fixed by resolution of the Town Board of the Town of Dunkirk.

Section Four – Validity

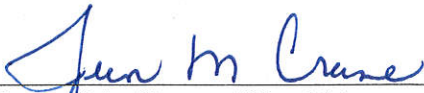
If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances.

Section Five– Effective Date

This Local Law shall be effective upon filing with the Secretary of State.

1. I hereby certify that the local law annexed hereto, designated as local law No. 2 of 2012 of the Town of Dunkirk was duly passed by the Town Board of the Town of Dunkirk on November 7, 2012, in accordance with the applicable provisions of law.

(Seal)


Clerk of the Town of Dunkirk

Date: 11/09/12