

COPY



STATE OF NEW YORK
DEPARTMENT OF STATE
ALBANY, NY 12231-0001

ALEXANDER F. TREADWELL
SECRETARY OF STATE

June 3, 1997

STEPHEN W. HAGGAS
ATTORNEYS AT LAW
587 MAIN STREET
NEW YORK MILLS, NY 13417

RE: Town of Deerfield, Local Law 1, 1997, filed 05/09/97

The above referenced material was received and filed by this office as indicated. Additional local law filing forms will be forwarded upon request.

Sincerely,

Janice G. Durfee

Janice G. Durfee
Principal File Clerk
Bureau of State Records
(518) 474-2755

JGD:ml

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 Deerfield, New York

Local Law No. ---1--- of the year 19.97.

A local law Telecommunications Tower Moratorium Law
(Insert Title)

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

~~County~~

~~City~~

Town

~~Village~~

of Deerfield as follows:

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

TOWN OF DEERFIELD

LOCAL LAW No. 1

TELECOMMUNICATIONS TOWER MORATORIUM LAW

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

Section 1. PURPOSE

(a) It is the purpose of this law to prevent and avoid serious detrimental health, environmental and planning conditions for a reasonable period of time in order to effectuate the solutions to those serious and detrimental conditions which threaten the Town of Deerfield by allowing degradation of its significant environmental and agricultural resources and in order not to undermine the conscious and continuous determination by the town to resolve and lessen such threats to the health, safety and welfare of the citizens of the Town of Deerfield.

(b) It is the further purpose of this law to enable the Town of Deerfield to stop the construction or erection of telecommunications transmission towers and relay stations for a reasonable time pending the completion of a master plan for tower construction for Deerfield, pending the adoption of ordinances necessary to effectuate that master plan through amendments to the zoning ordinance of the Town of Deerfield, and other ordinances of the Town of Deerfield, pending the adoption of ordinances rezoning property to conform to the tower construction master plan and pending the necessary SEQOR process to evaluate each of the above actions.

(c) It is further the purpose of this law to fulfill the town's constitutional, statutory and legal obligations to protect and preserve the public health, welfare, and safety of the citizens of the Town of Deerfield, and in particular to protect the value, use and enjoyment of property in the town, to prohibit the filing of new applications for tower construction and thus defer official governmental action permitting the construction of towers until the planning board and town board have instituted and completed proceedings on recommendations for adoption of the tower construction master plan, amendments to the text of the zoning ordinance of the Town of Deerfield and other ordinances of the Town of Deerfield.

Section 2. IMPOSITION OF MORATORIUM

(a) For a period of six months from and after the adoption date of this law, no application for the construction or erection of telecommunications transmission towers and relay stations may be filed, accepted or processed except as provided in paragraph (b) below and Section 3 of this law. For the purpose of this law, an application for tower construction shall be deemed to mean any request for official action by the town board or planning board which request and approval would

in any way commence or continue the process whereby a telecommunications tower or relay station is or may be constructed or erected.

(b) The imposition of this law shall not affect the processing of applications or tower construction for which official concept approval has been granted by the planning board prior to the effective date of this law.

Section 3. EXCEPTIONS FOR ACCESSORY STRUCTURES AND MAINTENANCE OR REPAIR OF EXISTING BUILDINGS.

Notwithstanding the provisions of Section 2 of this law, an application for building permit may be filed, accepted and processed, and a building permit may be issued for the construction of accessory structures (as that term is defined in the Zoning Ordinance of the Town of Deerfield), fences, and the maintenance or repair of existing buildings, where no changes in use, or increase in intensity of use, is involved.

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 local law shall take effect immediately upon the filing with the Secretary of State pursuant to the Municipal Home Rule Law.

~~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 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.

Virginia Conway

~~Clerk of the County of Oneida, Town of Deerfield~~

(Seal)

Date: May 7, 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 Oneida

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.

Stephen W. Haggas

Signature Stephen W. Haggas
Attorney for the Town
Title

~~COUNTY~~
~~CITY~~ of Deerfield
Town
~~VILLAGE~~

Date: May 8, 1997