

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 underlining to indicate new matter.

County City Town Village

(Select one.)

of Masrtinsburg

Local Law No. 4 of the year 20¹²

A local law to provide authorization for the appointment of alternate members to the Planning Board
(Insert Title)
and Zoning Board of Appeals of the Town of Martinsburg.

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

County City Town Village

(Select one.)

of Martinsburg as follows:

Article 1. - Statement of Authority. The Town Board of the Town of Martinsburg, pursuant to the authority granted it under Sections 267 and 271 of the Town Law and Sections 10 and 20 of the Municipal Home Rule Law, hereby enacts as follows:

Article 2. - Statement of Purpose and Findings. The Town Board of the Town of Martinsburg hereby finds that from time to time due to illness, absence or conflicts of interest, it can be difficult to obtain quorums for the Town of Martinsburg Planning Board and the Zoning Board of Appeals. It would be useful in these cases to have alternate members who could substitute. It is the purpose of this local law to provide authorization for the appointment of alternate members to the Planning Board and Zoning Board of Appeals of the Town of Martinsburg.

Article 3. Enactment. The Town Board of the Town of Martinsburg hereby amends the Development Code of the Town of Martinsburg as follows:

A. Section 950, of the Town of Martinsburg Development Code is hereby amended to add the following sentence:

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

The Town Board is authorized by Section 271, subdivision 15, of the Town Law to appoint up to two (2) alternate members of the Planning Board to fill in for other members of the Planning Board if they are unable to participate in matters due to illness, absence or conflict of interest. The Town Board may appoint up to two alternate members of the Planning Board for these purposes. The term for each such alternate shall be two years.

B. Section 945(4) is amended to add the following sentences:

The Town Board is authorized by Section 267, subdivision 11, of the Town Law to appoint up to two (2) alternate members of the Zoning Board of Appeals to fill in for other members of the Zoning Board of Appeals if they are unable to participate in matters due to illness, absence or conflict of interest. The Town Board may appoint up to two alternate members of the Zoning Board of Appeals for these purposes.

Article 4 - Severability. If any part of this Chapter shall be found to be void, voidable, or unenforceable for any reason whatsoever, it shall not affect the validity or enforceability of any remaining section or provision of this Chapter.

Article 5 - Effective Date. This local law shall take effect immediately upon filing with the Secretary of State.

(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. 4 of 2012 of the ~~(County)(City)(Town)(Village)~~ of Martinsburg was duly passed by the Town Board on November 20, 2012, 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 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, 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 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

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 _____ 20____, 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 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, 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 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.

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 20____ 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 _____ 20____, 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 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, 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.

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

Date: _____

(Seal)