

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.

FILED
STATE RECORDS

MAY 20 2016

County
City of
Town
Village

BRANT

DEPARTMENT OF STATE

Local Law No. 1 of the year 20 16

A local law

(Insert Title)
A Local Law amending SECTION 1161-67. B.3 of
the TOWN OF BRANT ZONING CODE Relative TO
Renewals of Special Use permits

Be it enacted by the

BRANT TOWN BOARD
(Name of Legislative Body)

of the

County
City of
Town
Village

BRANT

as follows: *

* See LAST 2 pgs. of this packet. (marked as pages 1+2)

(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 20 16 of the (County)(City)(Town)(Village) of BRANT was duly passed by the BRANT TOWN BOARD on APRIL 12 20 16, in accordance with the applicable provisions of law.

~~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.~~

~~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 _____. 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.~~

* 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.)~~

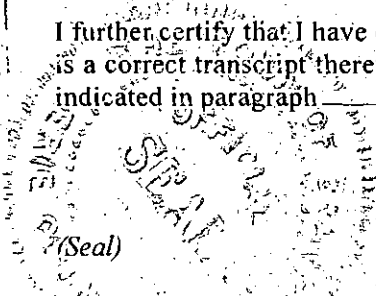
~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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.



Barbara Daniel

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

Date: MAY 13, 2016

(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 _____

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

County _____
City of _____
Town _____
Village _____

Date: _____

Local Law No. 1 of the year 2016 As Adopted
Local Law No. 1 of the year 2016

Town of Brant, County of Erie

A local law amending Section 161-67.B.3 of the Town of Brant Zoning Code relative to renewals of special use permits.

Section 1. Legislative intent

It is the intent of this local law to specify the process for periodic renewals of special use permits.

Section 2. Repeal and Replacement of Existing Town of Brant Zoning Code Section 161-67.B.3

Existing Section 161-67.B.3 of the Town of Brant Zoning Code is hereby repealed in its entirety and is replaced with a new Section 161-67.B.3 which reads as follows:

All special use permits are subject to annual renewal by the Town Board unless the Town Board specifies another period of time for periodic renewal or unless the Town Board specifically exempts the permit from periodic renewal. This periodic renewal allows the Town Board to monitor the community and neighborhood impact of the use(s) allowed by the special use permit as well as the permittee's compliance with conditions which may have been attached to the special use permit.

All such renewals shall be granted by the Town Board following due public notice and hearing and renewal may be withheld only upon determination by the Town Board that such conditions as may have been prescribed by the Town Board in conjunction with the existing special use permit have not been, or are no longer being complied with or are no longer appropriate or effective to mitigate damaging, detrimental or undesirable community or neighborhood impacts; including, but not limited to, impacts which have arisen since or were not contemplated when the special use permit was granted or last renewed.

Each permittee whose special use permit is subject to periodic renewal shall submit a renewal application and pay any applicable fee to the Town Clerk at least thirty (30) days prior to the expiration of its existing permit.

Before a special use permit is revoked as part of this renewal process (that is, separate from any revocation resulting from enforcement proceedings), the

Local Law No 1 2016 As Adopted

permittee may request a period of thirty (30) days to come into full compliance with all special use permit conditions (including any new conditions set by the Town Board at the time of the renewal review); and such 30-day compliance period shall be granted unless the Town Board makes a determination that the community and neighborhood impacts are so severe that immediate revocation is necessary and appropriate. All such determinations shall be solely the responsibility of the Town Board based upon such investigations, reports and evaluations as may be required by the Town Board.

‡

No town officer or agent may modify any condition or extend any deadline in any special use permit without the express authorization and approval of the Town Board.

Section 3. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 4. Effective date

This local law shall take effect immediately upon adoption by the Brant Town Board.

Adopted: April 12, 2016

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