

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza, 99 Washington Ave.
ALBANY, NEW YORK 12231-0001

(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.

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED

OCT 02 2012

MISCELLANEOUS
& STATE RECORDS

County

City of Romulus

Town

Village

Local Law No. 2 of the year 2012.

A local law to permit the appointment of alternate members
to the Planning Board of the Town of Romulus

(Insert Title)

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

County

City of Romulus as Follows

Town

Village

SECTION 1. LEGISLATIVE INTENT

This local law shall apply to the appointment, terms, functions and powers of alternate member appointed to serve on the Planning Board in the Town of Romulus.

SECTION 2. DECLARATION OF POLICY

It is sometimes difficult to maintain a quorum on the Planning Board because members are ill or on an extended vacation or find they have a conflict of interest situation on a specific matter before the board. In such instances, official business cannot be conducted which may delay or impede adherence to required timelines. According to informal opinions of the New York State Attorney General, town boards may utilize their authority to amend or supersede provisions of the Town Law to modify the structure of planning boards [1987 Op Atty Gen (Inf) 117; 1986 Op Atty Gen (Inf) 128; 1992 Ops Atty Gen (Inf) 1059]. The use of alternate members in such instances is hereby authorized pursuant to the provisions of this local law.

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

SECTION 3. DEFINITIONS

- A. "Planning Board" means the Planning Board of the Town of Romulus as established by the Town Board, pursuant to the provisions of Section 271 of the Town Law of the State of New York.
- B. "Member" means an individual appointed by the Town board to serve on the Town Planning Board pursuant to the provisions of the local law or ordinance which first established such Planning Board.
- C. "Alternate Member" means an individual appointed by the Town Board to serve when a regular member is unable to participate on an application or matter before the Planning Board, as provided herein.

SECTION 4. AUTHORIZATION/EFFECT

- A. The Town Board of the Town of Romulus hereby enacts this local law to provide for appointing "alternate" members of the Planning Board. These alternate members would serve when permanent members are absent or unable to participate on any matter before the Planning Board.
- B. Alternate members of the Planning Board shall be appointed by the Town Board of the Town of Romulus at the town board's annual reorganizational meeting, for a term of (1) year with the term to expire on December 31 of each year.
- C. The chairpersons of the Planning Board may designate an alternate to substitute for a permanent member when such member is unable to participate on any matter before the board. When so designated, the alternate member shall possess all the powers and responsibilities of such permanent member of the board. Such designation shall be entered into the minutes of the initial planning board meeting at which the substitution is made.
- D. All provisions of state law pertaining to Planning Board member eligibility, vacancy in office, removal, compatibility of office and service on other boards, as well as any provisions of a local law/local ordinance relating to training, continuing education, compensation and attendance, shall also apply to alternate members.

SECTION 5. SUPERSESSION OF NEW YORK STATE TOWN LAW

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

This local law is hereby adopted pursuant to the provisions of Section 10 of the New York State Municipal Home Rule Law and Part 10 of the New York State Statute of Local governments. It is the intent of the Town Board pursuant to Section 10 of the New York State Municipal Home Rule Law, to supersede the provisions of Section 271 of the Town Law relating to the appointment of members to the Town Planning Board.

SECTION 6. MISCELLANEOUS

- A. This Local Law shall be deemed to supersede and repeal any other Local Laws to the extent therein inconsistent herewith.
- B. If any part of the Local Law shall be judicially declared to be invalid, void, unconstitutional or unenforceable, all unaffected provisions hereof shall survive such declaration and this Local Law shall remain in full force and effect as if the invalidated portion had not been enacted.
- C. Nothing herein shall be deemed a waiver or restriction upon any rights and powers available to the Town of Romulus to further regulate the subject matter of this Local Law.

SECTION 7. EFFECTIVE DATE

This Local Law shall become effective upon filing with the Secretary of State of the State of New York, as required by the Municipal Home Rule Law.

(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. 2 of 2012 of the ~~(County)(City)(Town)(Village)~~ of Romulus was duly passed by the Town Board (Name of Legislative Body) on September, 19, 2012 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 200__ of the ~~(County)(City)(Town)(Village)~~ of _____ was duly passed by the _____ on _____, 20__, and was (approved)(not approved)(repassed after (Name of Legislative Body) disapproval) by the _____ and was deemed duly adopted on _____ (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 20__ of the ~~(County)(City)(Town)(Village)~~ of _____ was duly passed by the _____ on _____, 20__, and was (approved)(not disapproved)(repassed (Name of Legislative Body) after disapproval) by the _____ on _____, 20__. Such local law (Elective Chief Executive Officer*) 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 2002 of the ~~(County)(City)(Town)(Village)~~ of _____ was duly passed by the _____ on _____, 20__, and was (approved)(~~not disapproved~~)(~~repassed after disapproval~~) by the _____ on _____, (Elective Chief Executive Officer*) 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 chairman 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.

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

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 of 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.

Mary E. Farnsworth, Deputy Clerk
Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body

(Seal)

Date: 9/21/12

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney or locality.)

STATE OF NEW YORK
COUNTY OF SENECA

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.

SG
Signature Steven J. Getman
Title: Attorney

Town of Romulus

Date: 9-21-12

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