

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.

RECEIVED
STATE RECORDS

JUN 14 2018

County City Town Village
(Select one:)

of Knox, New York

DEPARTMENT OF STATE

Local Law No. 2 of the year 2018

A local law [establishing] Alternate Planning Board and Zoning Board of Appeals Members
(Insert Title)

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

County City Town Village
(Select one:)

of Knox _____ as follows:

(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 2018 of the ~~(County)(City)(Town)(Village)~~ of Knox was duly passed by the Town Board of the Town of Knox on April 10 2018, 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____. 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.)

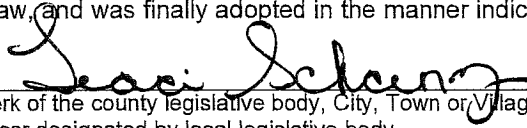
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified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


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

Date: April 16, 2018

Traci Schanz, Town Clerk

(Seal)

TOWN OF KNOX

LOCAL LAW NO. 2 OF THE YEAR 2018

Alternate Planning Board and Zoning Board of Appeals Members

BE IT ENACTED by the Town Board of the Town of Knox as follows:

§1. Legislative intent.

The Town Board of the Town of Knox recognizes that it is sometimes difficult to maintain a quorum on the Planning Board and Zoning Board of Appeals because Members are ill, are on extended vacation or find that they have a conflict of interest situation on a specific matter before such board. In such instances, official business cannot be conducted which may delay or impede adherence to required timeliness. The use of Alternate Members in the absence of Planning Board or Zoning Board of Appeals Members is hereby authorized pursuant to the provisions of this local law.

§2. Short title; applicability.

Short Title: "Alternate Planning Board and Zoning Board of Appeals Members Act." This Article shall apply to the appointment, terms, functions and powers of Alternate Members appointed to serve on the Planning Board or Zoning Board of Appeals in the Town of Knox.

§3. Definitions.

As used in this Article the following terms shall have the meanings indicated:

ALTERNATE MEMBER – an individual appointed by the Knox Town Board to serve on the Planning Board or Zoning Board of Appeals of the Town of Knox when a regular Member is unable to participate on an application or matter before the Planning Board or Zoning Board of Appeals as provided herein.

MEMBER – an individual appointed by the Knox Town Board to serve on the Planning Board or Zoning Board of Appeals of the Town of Knox pursuant to the provisions of the local law or ordinance which first established such Planning Board or Zoning Board of Appeals.

PLANNING BOARD - the Planning Board of the Town of Knox as established by the Town Board of the Town of Knox pursuant to the provisions of Section 271 of the Town Law of the State of New York.

ZONING BOARD OF APPEALS – the Zoning Board of Appeals of the Town of Knox as established by the Town Board by local law or ordinance pursuant to provisions of Section 267 of the Town Law of the State of New York.

PROPOSED DRAFT

§4. Authorization and effect.

A. The Town Board of the Town of Knox hereby enacts this local law to provide a process for appointing alternate members of the Planning Board and/or Zoning Board of Appeals. Such Alternate Members would serve when Members of the Planning Board or Zoning Board of Appeals are absent or unable to participate on an application or matter before the respective Board.

B. Alternate Members of the Planning Board and Zoning Board of Appeals shall be appointed by resolution of the Knox Town Board, for a term of (3) years.

C. The Chairperson, or the Acting Chairperson in the absence of the Chairperson, of the Planning Board or Zoning Board of Appeals may designate an Alternate Member to substitute for a Member when such Member is unable to participate in an application or matter before the respective Board. When so designated the Alternate Member shall possess all the powers and responsibilities of a Member of such Board. Such designation shall be entered into the minutes of the initial Planning Board or Zoning Board of Appeals meeting at which the substitution is made.

D. All provisions of state law relating to Planning Board and/or Zoning Board of Appeals Member eligibility, vacancy in office, removal, compatibility of office and service on other boards, as well as any provisions of a local law relating to training, continuing education, compensation and attendance, shall also apply to Alternate Members.

§5. Supersession of Town Law.

This local law is hereby adopted pursuant to the provisions of Section 10 of the New York State Municipal Home Rule Law and Section 10 of the New York State Statute of Local Governments. It is the intent of the Town Board of the Town of Knox, pursuant to Section 10 of the New York State Municipal Home Rule Law, to supersede the provisions of Section 271 of the New York State Town Law relating to the appointment of Members of the Town Planning Board and/or of Section 267 of the New York State Town Law relating to the appointment of Members to the Zoning Board of Appeals.

§6. Severability.

If any provisions of this local law are held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, the remaining provisions of this local law shall remain in full force and effect.

§7. Effective Date.

This local law shall take effect immediately upon the filing with the Secretary of State.

**BY ORDER OF THE KNOX TOWN BOARD
TRACI SCHANZ, TOWN CLERK**

I, TRACI SCHANZ, Town Clerk of the Town of Knox, Albany County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board of the Town of Knox on April 10, 2018 and that the foregoing is a true and correct transcript of the original resolution and of the whole thereof and that said original resolution is on file in the Town Clerk's office.

I DO FURTHER CERTIFY that each of the members of the Town Board had due notice of the said Town Board meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Knox this April 10, 2018.



Traci Schanz, Town Clerk

