

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, 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~~

of New Scotland

~~Town~~

~~Village~~

Local Law No. 3 of the year 2004

A local law ~~Interim application process for wireless telecommunications~~
(Insert Title)

facilities

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

~~County~~

~~City~~

of New Scotland

~~Town~~

~~Village~~

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. 3 of 2004 of the ~~(County)~~(City)(Town)(Village) of New Scotland was duly passed by the Town Board on July 14, 2004, 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.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

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.

Diane R. Desheres

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

(Seal)

Date: July 14, 2004

(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 Albany

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.

L. Michael Mackey

Signature

Town Attorney
Title

~~County~~
~~City~~ of New Scotland
Town
~~Village~~

Date: July 14, 2004

LOCAL LAW NO. 3 FOR 2004

BE IT ENACTED by the Town Board of the Town of New Scotland as follows:

SECTION 1. Local Law No. 3 for 2004 is entitled:

**A LOCAL LAW OF THE TOWN OF NEW SCOTLAND, NEW YORK,
CREATING AN INTERIM APPLICATION PROCESS FOR WIRELESS
TELECOMMUNICATION FACILITIES.**

SECTION 2. **Purpose.** The Town of New Scotland is currently considering the enactment of a Local Law (hereinafter "Telecommunications Law") to govern the permitting, constructing and use of wireless telecommunications facilities and towers. While the enactment of such a law is being considered, it is anticipated that applications for the construction of such facilities may be filed with the town. The purpose of this local law is to allow such applications to be accepted and processed while the enactment of a Telecommunications Law is being debated. It is the further purpose of this Local Law that any interim application be subject to the terms and conditions of any telecommunications law enacted by the Town of New Scotland within 90 days after the effective date of this local law. This local law is in lieu of a moratorium.

SECTION 3. **Ninety day interim application process.** Any and all applications for the permitting, construction, or use of wireless telecommunications facilities, or related structures and facilities, shall be subject to the terms and conditions of any Telecommunications Law enacted by the Town of New Scotland within ninety days following the effective date of this local law.

SECTION 4. **Effective date.** This local law shall take effect immediately upon passage.