

(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 MARGARETVILLE
Town
Village

Local Law No. 1 of the year 20 01

A local law ESTABLISHING ALTERNATE PLANNING BOARD AND ZBA MEMBERS ACT
(Insert Title)

Be it enacted by the BOARD OF TRUSTEES of the
(Name of Legislative Body)

County
City of MARGARETVILLE as follows:
Town
Village

Section 1. Short Title and Applicability.

Alternate Planning Board & ZBA Members Act. This local law shall apply to the appointment, terms, functions and powers of alternate member appointed to serve on the planning board / zoning board of appeals in the Village of Margaretville.

Section 2. Declaration of Policy.

It is sometimes difficult to maintain a quorum on the planning board / zoning board of appeals, because members are ill, on extended vacation or find 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 timelines. 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 Village of Margaretville as established by the Village Board of Trustees by local law or ordinance, pursuant to the provisions of Section 271 of the Town Law / Section 27 of the General City Law Section 7-718 of the Village Law / Section 239-c of the General Municipal Law
- B. "Zoning Board of Appeals" means, the zoning board of appeals of the Village of Margaretville as established by the Village Board of Trustees by local law or ordinance, pursuant to the provisions of Section 267 of the Town Law / Section 81 of the General City Law / Section 7-712 of the Village Law.
- C. "Member", means an individual appointed by the Village Mayor to serve on the Village planning board , or the Village zoning board of appeals pursuant to the provisions of the local law or ordinance which first established such planning board / zoning board of appeals.
- D. "Alternative Member", means an individual appointed by the Village Mayor to serve on the Village planning board or the Village zoning board of appeals when a regular member is unable to participate on an application or matter before the respective board, as provided herein.

Section 4. Authorization / Effect.

- A. The Village Board of Trustees Body of Margaretville, hereby enacts this local law to provide a process for appointing "alternate" members of planning boards / zoning boards of appeals. These individuals would serve when members are absent or unable to participate on an application or matter before the respective board.
- B. Alternate members of the planning board/ zoning board of appeals shall be appointed by the Village Mayor or other duly authorized appointing authority, for a term of 1 year(s).
- C. The chairperson of the planning board / zoning board of appeals may designate an alternate to substitute for a member when such member is unable to participate on an application or matter before the board. When so designated, the alternate member shall possess all the powers and responsibilities of such member of the board. Such designation shall be entered into the minutes of the initial planning board / zoning board of appeals meeting at which the substitution is made.
- D. All provisions of state law relating to planning board / 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 / local ordinance relating to training, continuing education, compensation and attendance, shall also apply to alternate members.

Section 5. Supersession of Village Law

This local law is hereby adopted pursuant to the provisions of s10 of the NYS Municipal Home rule Law and s10 of the NYS Statute of Local Governments. It is the intent of the Board of Trustees pursuant to s10 of the NYS Municipal Home Rule Law, to supersede the provisions of:

- (1) Section 7-718 of the Village Law relating to the appointment of members to the Village planning board; and/or
- (2) Section 7-712 of the Village Law relating to the appointment of members to the Village zoning board of appeals.

Section 6. Severability.

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

Section 7. Effective Date.

This local law shall take effect 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. _____ of 20_____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, 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.
(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.
(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.
(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.

Betty DeSilva

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

(Seal)

Date: 9/28/01

(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 OTSEGO

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.

H. B. Yearno

Signature

Village Attorney
Title

County
City of MARGARETVILLE
Town
Village

Date: Sept 24, 2001