LOCAL LAW FILING

New York State Department of State
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue
Albany, NY 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.

County
City
Town of Starkey
Village

Local Law No. 2 of the year **2024**

A local law **"Establishing a Moratorium on Junkyards, Junk Storage and Scrap Metal Recycling Facilities"**

(Insert Title)

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

County
City
Town of **Starkey**
Village

as follows:

Section 1. STATEMENT OF LEGISLATIVE INTENT:

It is the purpose of this moratorium to enable the Town of Starkey to have sufficient time to review existing laws pertaining to junkyards, junk storage and scrap metal recycling facilities and to recommend modifications to those laws or to the Town of Starkey Comprehensive Plan or to recommend the adoption of new laws regarding junkyards, junk storage and scrap metal recycling facilities. This review is in accordance with the existing Town of Starkey Comprehensive Plan.

The Town Board is concerned that approval of junkyards, junk storage and scrap metal recycling facilities under existing laws may not support the best uses for lands within the Town of Starkey.

It is, therefore, the intent of the Town Board to suspend the review, approval, permitting or creation of all junkyards, junk storage and scrap metal recycling facilities on lands within the Town of Starkey. This will afford the Town sufficient time to review the Town of Starkey Comprehensive Plan and Town laws and, if determined to be necessary, amend pertinent sections of the Town of Starkey Comprehensive Plan or of such Town laws or to draft new Town laws.

Based on the foregoing, the Town Board wants to ensure that any junkyards, junk storage and scrap metal recycling facilities are reviewed under the new regulations and not under the existing laws.

Section 2. DEFINITIONS

A. CODE ENFORCEMENT OFFICER: Town of Starkey Code Enforcement Officer

B. JUNK: Shall have the same definition as in the Town of Starkey Local Law 1 of 1992.

C. JUNKYARD: Shall have the same definition as in the Town of Starkey Local Law 1 of 1992.

D. PLANNING BOARD: Town of Starkey Planning Board

E. TOWN: Town of Starkey, Yates County, New York

F. TOWN BOARD: Town of Starkey Town Board

G. ZONING BOARD OF APPEALS: Town of Starkey Zoning Board of Appeals

Section 3. MORATORIUM.

A. The Town Board hereby enacts a moratorium, which shall prohibit the review, approval, permitting, creation, establishment, placement, relocation, construction, reconstruction, enlargement, modification or erection anywhere within the Town of any of a junkyard, of junk storage or of a scrap metal recycling facility.

B. This moratorium shall be in effect for a period of one (1) year from the effective date of this Local Law and shall expire on the earlier of (i) the date one (1) year from said effective date, unless renewed; or (ii) the enactment by the Town Board of a resolution indicating the Town Board is satisfied that the need for the moratorium no longer exists.

C. This moratorium shall apply to all zoning districts and all real property within the Town.

D. Pursuant to this moratorium, the Planning Board shall not review any applications for any junkyard, junk storage or scrap metal recycling facility nor shall it grant any preliminary or final approval to any special use permit, site plan or subdivision application that includes a junkyard, junk storage or a scrap metal recycling facility as part of the application; except that reviews of existing special use permits that are required to come regularly before the Town for re-approval, may be reviewed and approved by the Town, provided such applications do not request any modifications to an existing junkyard, junk storage or scrap metal recycling facility.

E. Pursuant to this moratorium, the Code Enforcement Officer shall not issue Junkyard Permits, Building Permits or Certificates of Occupancy for any junkyard, junk storage or scrap metal recycling facility anywhere within the Town.

F. Pursuant to this moratorium, the Zoning Board of Appeals shall not review, process or grant any applications for variances that involve the establishment, placement, relocation,

construction, reconstruction, enlargement, modification or erection of any junkyard, junk storage or scrap metal recycling facility.

Section 4. PENALTIES.

Any person, firm, entity or corporation which shall violate the provisions of this Local Law, shall be subject to:

1. A penalty in the amount of $250.00 for each day that such violation shall exist; and

2. Injunctive relief in favor of the Town to cease any and all such actions which conflict with this Local Law and, if necessary, to remove any construction or improvements which may have been built in violation of this Local Law.

It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Local Law.

Section 5. VARIANCES

Any property owner affected by this moratorium may apply to the Zoning Board of Appeals and make use of the existing variance procedures under the Zoning Law of the Town of Starkey to seek relief from the restrictions of this local law.

Section 6. VALIDITY.

If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been ordered.

Section 7. SUPERSEDING EFFECT.

Pursuant to New York Municipal Home Rule Law, Section 22, the provisions of this law are to supersede any inconsistent provision of state or local law.

Section 8. EFFECTIVE DATE.

This Local Law shall take effect immediately upon filing with the New York Department of State and shall remain in force and effect for a period of one (1) year from the date of such filing.

(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 2024 of the **Town of Starkey** was duly passed by the Starkey Town Board on May 9, 2024, 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[1].)

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.

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[1] 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 2005 of the City of _____ 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.

Sandra J. Bryant
Clerk of the Town

(Seal)

Date: 5/9/2024

RESOLUTION AUTHORIZING ADOPTION BY THE TOWN BOARD OF THE TOWN OF STARKEY OF LOCAL LAW NO. 2 OF 2024

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Starkey for a public hearing to be held by said Town Board on May 9, 2024, at 7:00 p.m. at the Starkey Town Hall, 40 Seneca Street, Dundee, New York, to hear all interested parties on a proposed Local Law entitled, "A Local Law Establishing a Moratorium on Junkyards, Junk Storage and Scrap Metal Recycling Facilities"; and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Town of Starkey, on April 11, 2024 and other notices required to be given by law were properly served, posted or given; and

WHEREAS, said public hearing was duly held on May 9, 2024, at 7:00 p.m. at the Starkey Town Hall, 40 Seneca Street, Dundee, New York, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said Proposed Local Law, or any part thereof; and

WHEREAS, the Town Board of the Town of Starkey, after due deliberation, finds it in the best interest of the Town of Starkey to adopt said Local Law.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Starkey hereby adopts said Local Law No. 2 of 2024, entitled "A Local Law Establishing a Moratorium on Junkyards, Junk Storage and Scrap Metal Recycling Facilities", a copy of which is attached hereto and made a part of this resolution, and be it further

RESOLVED, that the Town Clerk be and she hereby is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Starkey, and to give due notice of the adoption of said local law to the Secretary of State of New York.

I, Candace Iszard, Town Clerk of the Town of Starkey do hereby certify that the aforementioned resolution was adopted by the Town Board of the Town of Starkey on May 9, 2024, by the following vote:

	Aye	**Nay**
George Lawson	X	
Caryl Sutterby	X	
Jeremy Hall	X	
Julie Dunkelberger	X	
John Socha	X	

Dated: May 9, 2024

Candace J Iszard
Candace Iszard, Town Clerk

SEAL