

# 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.

County  City  Town  Village

(Select one:)

of NEWPORT

FILED  
STATE RECORDS

AUG 10 2020

DEPARTMENT OF STATE

Local Law No. 3 of the year 20<sup>20</sup>

A local law TO AMEND ARTICLE IV - USE REGULATIONS OF THE TOWN OF NEWPORT

(Insert Title)

ZONING LAW

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

County  City  Town  Village

(Select one:)

of NEWPORT

as follows:

See Attached.

(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 2020 of the ~~(County)(City)(Town)(Village)~~ of NEWPORT was duly passed by the Newport Town Board on June 22 2020, 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) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted *(Elective Chief Executive Officer\*)* 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) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. *(Elective Chief Executive Officer\*)*

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) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local *(Elective Chief Executive Officer\*)* 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.

*Josephine Coleman*  
\_\_\_\_\_  
Clerk of the county legislative body, City, Town or Village Clerk or  
officer designated by local legislative body

Date: 8-5-2020

(Seal)

TOWN OF NEWPORT LOCAL LAW #3 OF 2020

A LOCAL LAW TO AMEND THE  
ZONING LAW OF NEWPORT

BE IT ENACTED by the Town Board of the Town of Newport, County of Herkimer,  
State of New York, as follows:

**Section 1. Legislative Intent.**

This local law amends Article IV – “Use Regulations” of Town of Newport Zoning Ordinance dated January 26, 2017 to provide more flexibility for property owners in R-2 Districts by increasing the allowed uses under special use permits in R-2 Districts. This local law also amends Article II – “Definitions” of the Zoning Ordinance to change the current definition of “Sawmills” and add “Garden Center” and “Retail Store”.

**Section 2. Amendment of Article IV – “Use Regulations”**

**4.2** Uses Permitted with a Special Use Permit in R-2 Residential Districts is amended to add the following uses:

Retail Store  
Restaurant and Diners  
Non-motorized recreational vehicle sales and service (bicycles, kayaks,  
canoes, floats, etc.)  
Ice cream parlors  
Garden Center

**Section 3. Article II – “Definitions” is amended to add the following definitions under Section 2.2:**

COMMERCIAL SAWMILL: An operation for the purpose of purchasing timber/logs for processing into lumber/building materials and then selling said lumber/building materials to the public.

**GARDEN CENTER:** A business that specializes in the sales of plants and other gardening products. This may include the sales of Christmas trees, pumpkins, and other seasonal items.

**RETAIL STORE:** A business that purchases products/goods at wholesale to then provide these said products/goods for resale to the public at a profit.

The definition of "PORTABLE SAWMILL" is deleted and the definition of "SAWMILL" is changed to: Any sawmill for milling timber into usable lumber.

**Section 4.        Effective Date**

This Local Law shall become effective upon filing with the Secretary of State of the State of New York subsequent to having been duly adopted by the Town Board.