

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

Local Law No. 1 of the year 20 22

A local law Local Law #1
(Insert Title)

A Local Law to give the Newport Planning Board Sole Authority to Approve and Grant
Special Use permits Without any Reference to the Town Board.

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

County City Town Village
(Select one.)

of Newport

as follows:

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
It is the intent of this local law to give the Newport Planning Board sole authority to approve and grant Special Use Permits in accordance with the provisions of the Newport Zoning Ordinance.
Section 2. Authority
This local law is adopted pursuant to Section 10 of the Municipal Home Rule Law and Section 274-b of the Town Law of the State of New York.
Section 3. Authority to Approve and Grant Special Use Permits.
Chapter 11.2 of the Town of Newport Zoning Ordinance is amended to give the Newport Planning Board sole authority to approve and grant Special Use Permits in accordance with the standards and requirements set forth in the Zoning Ordinance without any reference required to be made to the Town Board for review.
Section 4. Severability
If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its applications to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.
Section 5. Effective date
This Local Law shall take effect immediately upon filing with the Secretary of State.

(Complete the certification in the paragraph that applies to the timing 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. 1 of 2022 of the (County)(City)(~~Town~~)(Village) of Newport was duly passed by the Newport Town Board on September 12, 2022, 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 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.

Stella Sodge

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

Date: 9/27/22



STATE OF NEW YORK
DEPARTMENT OF STATE

ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001
[HTTPS://DOS.NY.GOV](https://dos.ny.gov)

KATHY HOCHUL
GOVERNOR

ROBERT J. RODRIGUEZ
SECRETARY OF STATE

October 12, 2022

Town Clerk
Town of Newport
PO Box 519
Newport NY 13416

RE: Town of Newport, Local Law 1 2022, filed on September 30 2022

Dear Sir/Madam:

The above referenced material was filed by this office as indicated. Additional local law filing forms can be obtained from our website, www.dos.ny.gov.

Sincerely,
State Records and Law Bureau
(518) 473-2492

STATE OF NEW YORK)
COUNTY OF HERKIMER)
TOWN OF NEWPORT)

LOCAL LAW NO. 1 OF THE YEAR 2022
Town of Newport, County of Herkimer

**A Local Law to give the Newport Planning Board
Sole Authority to Approve and Grant Special Use Permits
Without any Reference to the Town Board**

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

It is the intent of this local law to give the Newport Planning Board sole authority to approve and grant Special Use Permits in accordance with the provisions of the Newport Zoning Ordinance.

Section 2. Authority

This local law is adopted pursuant to Section 10 of the Municipal Home Rule Law and Section 274-b of the Town Law of the State of New York.

Section 3. Authority to Approve and Grant Special Use Permits

Chapter 11.2 of the Town of Newport Zoning Ordinance is amended to give the Newport Planning Board sole authority to approve and grant Special Use Permits in accordance with the standards and requirements set forth in the Zoning Ordinance without any reference required to be made to the Town Board for review.

Section 4. Severability

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect,

Town of Newport

On motion of Councilman J. Butler, seconded by Councilman J. Brucker to adjourn regular meeting and go into closed session: All in favor (5-0). Carried.

September 12, 2022 at 7:30 pm: PLEASE TAKE NOTICE that pursuant to Section 10 of the Municipal Home Rule Law and the provisions of Section 274-b of the Town Law of the State of New York, the Town Board of the Town of Newport will conduct a public hearing at the Newport Town Hall, 2788 Newport Road, Newport, New York, on Monday, September 12, 2022 at 7:30 pm to consider enactment of a local law to amend Chapter 11.2 of the Town of Newport Zoning Ordinance so as to give the Newport Planning Board sole authority to approve and grant Special Use Permits in accordance with the standards and requirements set forth in the Zoning Ordinance without requiring any reference to be made to the Town Board for review.

LOCAL LAW NO. 1 OF THE YEAR 2022, TOWN OF NEWPORT, COUNTY OF HERKIMER.

On motion of Councilman N. Lowell, Seconded by Councilman J. Brucker to enact local law #1 to give the Newport Planning Board sole authority to approve and grant Special Use Permits without any reference to the Town Board. All in favor (5-0). Carried.

Voting as Follows:

Supervisor M. McEvoy:	Aye
Councilman J. Brucker:	Aye
Councilman J. Butler:	Aye
Councilwoman P. Goodman:	Aye
Councilman N. Lowell:	Aye

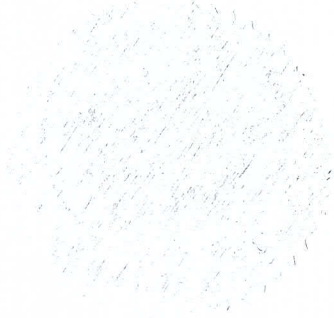
LOCAL LAW NO. 1 PASSED.

By the order of the Newport Town Board

On motion of Councilman Brucker, Seconded by Councilwoman P. Goodman to exit the closed session and reopen the regular meeting.

I hereby certify this Local Law.

Stella Dodge
Stella Dodge, Newport Town Clerk



STATE OF NEW YORK)
COUNTY OF HERKIMER)
TOWN OF NEWPORT) :SS

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that pursuant to Section 10 of the Municipal Home Rule Law and the provisions of Section 274-b of the Town Law of the State of New York, the Town Board of the Town of Newport will conduct a public hearing at the Newport Town Hall, 2788 Newport Road, Newport, New York, on **Monday, September 12, 2022 at 7:30 p.m.** to consider enactment of a local law to amend Chapter 11.2 of the Town of Newport Zoning Ordinance so as to give the Newport Planning Board sole authority to approve and grant Special Use Permits in accordance with the standards and requirements set forth in the Zoning Ordinance without requiring any reference to be made to the Town Board for review.

The public is invited to attend and all interested persons will be heard at said time and place.

Dated: August 24, 2022

BY ORDER OF THE TOWN BOARD, TOWN OF NEWPORT, NEW YORK

Ad Preview

**STATE OF NEW YORK
COUNTY OF HERKIMER)
TOWN OF NEWPORT):SS
NOTICE OF PUBLIC
HEARING**

PLEASE TAKE NOTICE that pursuant to Section 10 of the Municipal Home Rule Law and the provisions of Section 274-b of the Town Law of the State of New York, the Town Board of the Town of Newport will conduct a public hearing at the Newport Town Hall, 2788 Newport Road, Newport, New York, on Monday, September 12, 2022 at 7:30 p.m. to consider enactment of a local law to amend Chapter 11.2 of the Town of Newport Zoning Ordinance so as to give the Planning Board sole authority to approve and grant Special Use Permits in accordance with the standards and requirements set forth in the Zoning Ordinance without requiring any reference to be made to the Town Board for review.

The public is invited to attend and all interested persons will be heard at said time and place.

Dated: September 1, 2022
BY ORDER OF THE TOWN
BOARD, TOWN OF
NEWPORT, NEW YORK

TOWN CLERK'S CERTIFICATION

STATE OF NEW YORK

:SS:

COUNTY OF HERKIMER

I, the undersigned Clerk of the Town of Newport, Herkimer County, New York,
DO HEREBY CERTIFY:

THAT I have compared the attached proceedings of the Town Board of the Town of Newport including the resolution contained therein with the originals thereof on file in my office and that the same is a true and correct copy of the said original as recorded in the minutes of the Town Board meeting dated SEPTEMBER 12, 2022 and filed in the Office of the Town Clerk.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Newport, New York this 27th day of SEPTEMBER, 2022.



Stella M. Dodge

Stella M. Dodge

Town Clerk

Town of Newport

