

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.)

FILED
STATE RECORDS

MAR 26 2024

of Allegany

DEPARTMENT OF STATE

Local Law No. 2 of the year 2024

A local law Amendment to the Town of Allegany Zoning Map Adding an Aquifer Protection
(Insert Title)
Overlay District

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

County City Town Village
(Select one.)

of Allegany as follows:

See Attached.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

Local Law No. 2 of the Year 2024
Amendments to the Town of Allegany Zoning Map
Adding an Aquifer Overlay Protection District

Allegany Town Board

Be it enacted by the Town Board of the Town of Allegany, County of Cattaraugus and State of New York, to protect the health, safety and welfare of the residents of the Town of Allegany, as follows:

SECTION 1. TITLE

This Local Law shall be known as Local Law No. 2 of the Year 2024 and shall be titled Amendment to the Town of Allegany Zoning Map Adding an Aquifer Overlay Protection District.

SECTION 2. AUTHORITY

New York Town Law §§ 261, 264 and 265 as well as § 11.01 of Town of Allegany Zoning Ordinance III.

SECTION 3. PURPOSE, LEGISLATIVE INTENT AND LEGISLATIVE FINDINGS

The Aquifer Protection Overlay District (APOD) was added to the Town of Allegany Zoning Ordinance III by Local Law Number 1 of 2024. This local law is enacted to effectuate Local Law Number 1 of 2024 by its inclusion on the Town of Allegany Zoning Map.

SECTION 4. TEXT OF LOCAL LAW

The Town of Allegany Zoning Map is hereby amended as follows on the next page of this Local Law:

SECTION 5. 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 adjudicated 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 application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

SECTION 6. EFFECTIVE DATE

This Local Law shall take effect immediately upon adoption by the Town Board of the Town of Allegany and 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. 2 of 2024 of the (County)(City)(Town)(Village) of Allegheny was duly passed by the Town Board on February 13, 2024, 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)*
(Name of Legislative Body)

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____.
(Elective Chief Executive Officer)*
(Name of Legislative Body)

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.
(Elective Chief Executive Officer)*
(Name of Legislative Body)

* 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.



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

Date: 3/1/2024

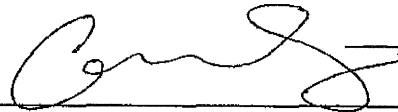
(Seal)

Certification of Town Clerk

STATE OF NEW YORK
COUNTY OF CATTARAUGUS

I, the undersigned, hereby certify that I have compared the foregoing local law duly adopted by the Town Board of The Town of Allegany on the 13th day of February, 2024 with the original thereof now on file in my office, and the same is a true and correct copy of said resolution and of the whole thereof.

Dated: March 1, 2024



Grace C. Straub, Allegany Town Clerk

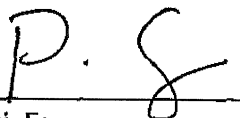
seal

Certification of Town Attorney

STATE OF NEW YORK
COUNTY OF ERIE

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.

Dated: March 1, 2024

A handwritten signature in black ink, appearing to read "P. Sorgi", is written above a horizontal line.

Peter J. Sorgi, Esq.
Town Attorney, Town of Allegany, New York