

# 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 North Dansville

Local Law No. 1 of the year 2024

A local law ESTABLISHING A MORATORIUM ON THE PROCESSING AND CONSTRUCTION OF  
(Insert Title)  
CERTAIN TELECOMMUNICATIONS AND 5G TRANSMISSION FACILITIES AND  
SYSTEMS IN THE TOWN OF NORTH DANSVILLE, LIVINGSTON COUNTY, NEW YORK

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

County  City  Town  Village  
(Select one:)

of NORTH DANSVILLE

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. 1 of 2024 of the (County)(City)(Town)(Village) of NORTH DANSVILLE was duly passed by the TOWN BOARD 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) *(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.)**

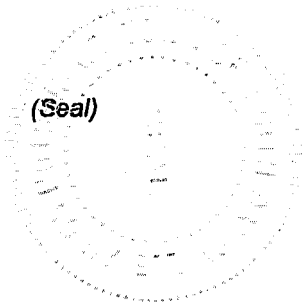
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the 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.

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

Date: 6/16/2024



**TOWN OF NORTH DANSVILLE LOCAL LAW NO. 1 of 2024**

**A LOCAL LAW CREATING A MORATORIUM ON THE PERMITTING, PROCESSING AND CONSTRUCTION OF CERTAIN TELECOMMUNICATIONS AND 5G TRANSMISSION FACILITIES AND SYSTEMS IN THE TOWN OF NORTH DANSVILLE, LIVINGSTON COUNTY, NEW YORK.**

BE IT ENACTED by the Town Board of the Town of North Dansville, Livingston County, New York as follows:

**SECTION 1. NAME.** This Local Law shall be entitled "A Local Law Creating a Moratorium on the Permitting, Processing and Construction of Certain Telecommunications and 5G Transmission Facilities and Systems in the Town of North Dansville, Livingston County, New York.

**SECTION 2: PURPOSE.** The purpose of this Local Law is to protect the public health, safety, and welfare of the residents of the Town of North Dansville, and to maintain the status quo as to certain telecommunications and 5G transmission facilities and systems, since the present zoning laws and regulations of said Town do not adequately address these types of use. This moratorium is meant to stop the processing of all applications, the issuance of all permits, certificates of occupancy and approvals, and the construction and erection for certain land uses relating to telecommunications and 5G transmission facilities and systems. This moratorium is for a period of twelve (12) months, allowing the Town Board to analyze and determine potential appropriate revisions and amendments to the Town of North Dansville Zoning Local Law concerning these uses.

**SECTION 3. LEGISLATIVE FINDINGS.** The Town of North Dansville Town Board does hereby find that without a temporary halt by all agencies to the processing, permitting, approval, and construction of certain telecommunications and 5G transmission facilities and system land uses, there is a potential that any of such uses could be located in unsuitable areas within the Town and/or on particular lots without adequate dimensional, aesthetic and control measures in place. The potential for the unsuitable location and lack of proper regulations for any of such uses would likely have material adverse consequences and irreversible impacts on the Town and its residents. The Town Board also finds that it needs time to properly perform the necessary analysis of all the issues concerning the potential telecommunications and 5G transmission facilities and systems that could be located in the Town. By the Town and all other governmental agencies maintaining the status quo concerning such uses during this moratorium, the Town Board can plan and provide for the planned orderly growth and development of the Town. To the extent that the State may have any jurisdiction, it is requested that the State abide by this moratorium in all respects to honor this Town's Home Rule so that the Town can control its own environment.

**SECTION 4. MORATORIUM IMPOSED, APPLICABILITY.** For a period of twelve (12) months following the effective date of the adoption of this Local Law, no application shall be processed, no permits, certificates of occupancy, approvals, denials, determinations or interpretations shall be issued or granted, no construction and/or erection shall be allowed, and no public or private land within the Town of North Dansville shall be used, for any telecommunications or 5G transmission facilities or systems which are commercial in nature other than those installed on telephone poles, and for underground transmission cables, within the Town. This Local Law shall be binding on the North Dansville Town Board, Planning Board, Zoning Board of Appeals, Zoning Officer, Code Enforcement Officer, all Town

official and employees, and all applicants and real property owners of land within the Town. During this moratorium, the Town Board shall endeavor to complete all reasonable and necessary review, study, analysis and, if warranted, revisions to the Town of North Dansville Zoning or other appropriate Local Laws. During said twelve months, no applications shall be accepted, and no action shall be taken by any governmental authority, nor shall any development be authorized or commenced on any aforesaid facility or system to which this moratorium is applicable within the Town of North Dansville.

**SECTION 5. TERM.** This moratorium shall be in effect for a period of twelve (12) months from its effective date. This Local Law may be extended for two (2) additional periods of six (6) months each, if the Town Board finds such necessary, by resolution of such board.

**SECTION 6. EFFECT ON OTHER LAWS.** To the extent this Local Law conflicts with any other law, local law, rule or regulation, this Local Law shall control under the authority of the Municipal Home Rule Law. So that the Town can properly control its land use, it is requested that New York State not accept any application nor take any action on any applicable telecommunication and/or 5G transmission facility or system during the period of this moratorium.

**SECTION 7.** Owing to the limited scope of this moratorium, no provision is made in this Local Law for any waivers to its applicability. However, the Town Board may, but is not obligated to, promulgate regulations by a resolution of said Board authorizing a hardship waiver to this moratorium.

**SECTION 8. SEVERABILITY.** If any clause, sentence, paragraph, section, or part of this Local Law shall be adjudged by a court of competent jurisdiction to be invalid, the remaining portions of this Local Law shall remain valid and in full force and effect.

**SECTION 9. EFFECTIVE DATE.** This Local Law shall take effect immediately upon its filing with the Secretary of State in accordance with the Municipal Home Rule Law.