

# Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE  
41 STATE STREET, ALBANY, NY 12231

(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 **CAIRO**  
City of \_\_\_\_\_  
Town  
Village

Local Law No. 3 of the year 2010

## ESTABLISHING A SIX-MONTH MORATORIUM ON JUNK YARD APPROVALS

A local law \_\_\_\_\_  
(Insert Title)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### TOWN BOARD

Be It enacted by the \_\_\_\_\_ of the  
(Name of Legislative Body)

County **CAIRO**  
City of \_\_\_\_\_ as follows:  
Town  
Village

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 2010 of the ~~(County)~~(City)(Town)~~(Village)~~ of CAIRO was duly passed by the TOWN BOARD on November 4, 2010, 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<sup>2</sup>.)~~**

~~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 *(Name of Legislative Body)* disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 20\_\_\_\_ *(Elective Chief Executive Officer<sup>2</sup>)* 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 *(Name of Legislative Body)* disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_ Such local law was submitted *(Elective Chief Executive Officer<sup>2</sup>)*

~~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 *(Name of Legislative Body)* disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was subject to *(Elective Chief Executive Officer<sup>2</sup>)* 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 countywide 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.

*Lara L. Rumpf*

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

Date: November 4, 2010

(Seal)

**(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)**

STATE OF NEW YORK  
COUNTY OF Greene

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.

*John J. Pappas*

Signature

ATTORNEY FOR THE TOWN

Title

County

City of CAIRO

Town

Village

Date: 11/4/10

**TOWN OF CAIRO  
LOCAL LAW # 3 OF 2010  
JUNK YARD MORATORIUM**

Be it enacted by the Town Board of the Town of Cairo as follows:

Section 1. Title.

This Local Law shall be referred to as the "Local Law Imposing a Temporary Six Month Moratorium on the Establishment of New Junk Yards."

Section 2. Definitions

**GARBAGE** – All animal and vegetable waste resulting from the growing, processing, marketing and preparation of food items, including the container in which packaged.

**JUNK APPLIANCE** – Any abandoned, wrecked, discarded, dismantled or partly dismantled household appliance, including but not limited to stoves, washing machines, dryers, dishwashers, freezers, refrigerators, air conditioners, water heaters, computers or televisions, that is stored or placed outside of any residence or structure.

**JUNK FURNITURE** – Any abandoned, wrecked, discarded, dismantled or partly dismantled furniture, including but not limited to sofas, mattresses, bed frames, desks, tables, lawn furniture, chairs and chests of drawers, that is stored or placed outside of any residence or structure.

**JUNK MATERIAL** – Any abandoned, wrecked, discarded, dismantled or partly dismantled material including but not limited to a junk appliance, junk furniture, a junk vehicle, or garbage, rubbish, clutter and debris.

**JUNK VEHICLE** - Any vehicle, or used parts or waste materials from vehicles, that is a) Uninspected or unregistered; or b) Abandoned, wrecked, discarded, dismantled or partly dismantled; or c) Not in condition for legal use upon the public highways.

**JUNK YARD** – The use of any land for the temporary or permanent storage of garbage, rubbish, clutter, litter, debris, junk appliance(s), junk furniture, junk material, or more than one junk vehicle regardless of the intended future use of materials. Junk yard shall also mean those activities defined in Local Law #6 of 1985 of the Town of Cairo entitled "Salvage and Junk Yards".

**RUBBISH, CLUTTER, LITTER AND DEBRIS** – Household or commercial trash, including, but not limited to, paper and paper products, barrels, cartons, boxes, cardboard, cans, glass, metals, machinery, plastics, rubber, crates, furniture, rags, mattresses, blankets, cigarettes, tires, lumber, brick, stone and other building materials, no longer intended for in condition for customary use, and any and all tangible personal property no longer intended or in condition for customary use.

**UNINSPECTED VEHICLES** – A vehicle that has not been currently inspected for the State of New York and approved for safe and regular operation on roads and highways in the State of New York or does not bear an appropriate or valid inspection sticker by regulating agencies of any state or other governmental entity.

**UNREGISTERED VEHICLE** – A vehicle that has not been currently registered for the State of New York or does not bear an appropriate or valid registration sticker by regulating agencies of any state or other governmental entity.

**VEHICLE** – A device or conveyance used for the purpose of carrying or transporting passengers or goods or equipment or any combination of the above purposes, including but not limited to automobiles, buses, trailers, trucks, tractors, motor homes, mobile homes, campers, motorcycles, mini bikes, recreational vehicles, boats, all-terrain vehicles or snowmobiles.

### Section 3. Purpose and Intent.

Pursuant to the statutory powers vested in the Town of Cairo to regulate and control land use, and to protect the health, safety and welfare of its residents, the Town Board hereby declares a temporary six month moratorium on the establishment or development of new junk yards or similar business activities in the Town, or the issuance of any approvals or permits therefore.

The Town Board is now in the process of considering various options relating to this issue and is nearing completion of a proposed zoning law that will address the issue. The Town Board finds and determines that it needs the period of time covered by the moratorium imposed herein in order to carefully study the issue, draft proposed amendments to the Town local laws, including a new zoning document, make appropriate changes to the draft of the proposed new Local Laws, schedule and hold the required public hearing on the Local Laws, comply with applicable provisions of law, adopt the Local Law, and file a copy of the Local Laws (as adopted) with the Secretary of State of the State of New York.

### Section 4. Scope of Controls.

A. During the effective period of this Local Law:

1. The Town Board shall not grant any approvals which would have as the result the establishment or development of any new junk yard or related business activity within the Town whether in accordance with Local Law #6 of 1985, Entitled "Salvage and Junk Yards" or otherwise.

2. The Town Planning Board shall not approve any site plan, approve any special use permit or other permit which would have as a result the establishment or development of any new junk yard or related business activity within the Town.

3. The Code Enforcement Officer/Building Inspector of the Town shall not issue any building permit or other permit which would result in the establishment or development of any new junk yard or related business activity within the Town.

4. The Town Board reserves the right to direct the Town Building and Code Inspector to revoke or rescind any Building Permits or Certificates of Occupancy issued in violation of this Local Law.

#### Section 5. No Consideration of New Applications.

No applications for any junk yard or related business activity affected by this Local Law or for approval for a site plan, a variance, a special use permit or other permits relating to junk yards shall be considered by any board, officer or agency of the Town while the moratorium imposed by this Local Law is in effect.

#### Section 6. Term.

The moratorium imposed by this Local Law shall be in effect for a period of six (6) months from the effective date of this Local Law. In the event that a local law relating to mining is adopted prior to the date that the moratorium imposed by this Local Law expires, then in that event the moratorium imposed by this Local Law shall expire immediately on the date that the Local Law relating to mining takes effect in accordance with section 27 of the Municipal Home Rule Law.

#### Section 7. Penalties.

Any person, firm or corporation that shall establish or develop any new junk yard or related business activity in violation of the provisions of this Local Law shall be subject to:

- A. Such penalties as may otherwise be provided by applicable local laws, ordinances, rules, regulations of the Town violations; and
- B. Injunctive relief in favor of the Town to cease any and all such actions which conflict with this Local Law and, if necessary, to restore any adult entertainment business which may have taken place in violation of this Local Law.

#### Section 8. Validity.

The invalidity of any provision of this Local Law shall not affect the validity of any other provision of this Local Law which can be given effect without such invalid provision.

#### Section 9. Effective Date.

This Local Law shall take effect immediately when it is filed in the Office of the Secretary of State in accordance with section 27 of the Municipal Home Rule Law.