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December 22, 2015

Town of Yorkshire
P.O. Box 6
82 Main Street
Delevan, NY 14042

Attn: M. Fred Clark, Town Clerk

RE: Town of Yorkshire, Local Law No. 2 of the year 2015 – Amendment of Town Zoning Laws

Dear Mr. Clark:

Enclosed herewith please find a copy of the filing receipt we received from the Secretary of State relative to the above referenced matter.

Thank you for your help and cooperation. Should you have any questions and/or concerns please do not hesitate to contact me.

Very truly yours,

DIFILIPPO, FLAHERTY & STEINHAUS, PLLC

By: 
Robert D. Steinhaus, Esq.

RDS/dme
Enclosure

(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.

XXXXXX

XXX of
Town

YORKSHIRE

XXXXXX

Local Law No. 2 of the year 1996

"A local law REPEALING LOCAL LAW NO. 1-1992 AND CREATING A PLANNING BOARD OF THE (Insert Title) TOWN OF YORKSHIRE CONSISTING OF FIVE MEMBERS"

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

XXXXXX

XX

Town

of

YORKSHIRE

as follows:

XXXXXX

- Section 1. Local Law No. 1-1992 entitled "A LOCAL LAW AMENDING AND SUPERSEDING THE APPLICATION OF SECTION 271 OF THE TOWN LAW TO PERMIT THE APPOINTMENT OF NINE (9) MEMBERS TO THE PLANNING BOARD OF THE TOWN OF YORKSHIRE" is hereby repealed.
- Section 2. Pursuant to the provisions of Section 271 of the Town Law the membership of the Planning Board of the Town of Yorkshire is decreased from nine (9) members to five (5) members, to take effect upon the next four expirations of terms. Members now holding office shall remain in office until the expiration of their terms until the membership of the Board is reduced to five (5) members.
- Section 3. The terms of members or their successors hereafter appointed shall be for five (5) years which is equal in years to the number of members of the Board.
- Section 4. This local law shall take effect immediately upon the filing thereof in the office of the Secretary of State.

(Please Use this Form for Filing your 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~~ of Yorkshire
Town
~~Village~~

Local Law No. 2 of the year 19 79

A local law providing for written notice to the Town Board of the
(Insert title)

Town of Yorkshire and to the Town Superintendent of Highways of the Town of Yorkshire with regard to defective and/or snow and ice conditions of highways and/or any other property owned by the Town of Yorkshire or any of its improvement districts

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

~~County~~
~~City~~ of Yorkshire as follows:
Town
~~Village~~

(See attached)

(If additional space is needed, please attach sheets of the same size as this and number each)

Section 1. No civil action shall be maintained against the Town or the Town Superintendent of Highways or against any improvement district of the Town, for damages or injuries to person or property sustained by reason of any highway, bridge, culvert, sidewalk, crosswalk or any other property owned by the Town, or any property owned by any improvement district, being defective, out of repair, unsafe, dangerous or obstructed, unless written notice of the defective, unsafe, dangerous or obstructed condition of such highway, bridge, culvert, sidewalk, crosswalk or any other property owned by the Town, or any property of any improvement district, was actually given to the Town Clerk or the Town Superintendent of Highways, and that there was a failure or neglect within a reasonable time after giving of such notice to repair or remove the defect, danger or obstruction complained of; and no such action shall be maintained for damages or injuries sustained by person or property solely in consequence of the existence of snow or ice upon any highway, bridge, culvert, sidewalk, crosswalk or any other property owned by the Town or any property owned by any improvement district in the Town, unless written notice thereof, specifying the particular place, was actually given to the Town Clerk or the Town Superintendent of Highways, and there was a failure or neglect to cause such snow or ice to be removed or to make the place otherwise reasonably safe within a reasonable time after the receipt of such notice.

Section 2. The Town Superintendent of Highways shall transmit in writing to the Town Clerk within ten (10) days after the receipt thereof all written notices received by him pursuant to this Local Law.

Section 3. The Town Clerk shall keep an indexed record, in a separate book, of all written notices which she shall receive of the existence of a defective, unsafe, dangerous or obstructed condition in or upon, or of an accumulation of ice or snow upon any Town highway, bridge, culvert, sidewalk, crosswalk, or any other property of the Town

or any property of any improvement district, which records shall state the date of receipt of the notice, the nature and location of the condition stated to exist, and the name and address of the person from whom said notice is received. The record of each notice shall be preserved for a period of five (5) years after the date it is received.

Section 4. The Town Clerk shall within ten (10) days after receipt thereof, transmit in writing to the Town Superintendent of Highways all written notices received by her pursuant to this Local Law, after recording said notices pursuant to §3. of this Local Law.

Section 5. Nothing contained in this Local Law shall be held to repeal or modify or waive any existing requirements or statute of limitations which is applicable to these classes of actions, but on the contrary shall be held to be additional requirements to the right to maintain such action, nor shall anything herein contained be held to modify any existing rule of law relative to the question of contributory negligence or comparative negligence, nor to impose upon the Town and/or any of its improvement districts, any greater duty or obligation than that it shall keep its streets, sidewalks and other public places in a reasonably safe condition for public use and travel.

Section 6. If any clause, sentence, phrase, paragraph or any part of this Local Law shall for any reason be finally adjudged by a Court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Local Law, but shall be confined in its operation and effect to the clause, sentence, phrase, paragraph or part thereof directly involved in the controversy or action in which such judgment shall have been rendered. It is hereby declared to be the legislative intent that the remainder of any such section would have been adopted had any such provision not been included.

Section 7. This Local Law shall take effect immediately upon the filing thereof in the offices of the Secretary of State and of the Comptroller of the State of New York.

file

Zoning Law
revised

(Please Use this Form for Filing your 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~~ of YORKSHIRE
Town
~~Village~~

Local Law No. 2 of the year 19 83

A local law PROVIDING FOR THE CONTROL AND REGULATION OF THE DISPOSAL
(insert title)
OF HAZARDOUS WASTE, TO BE KNOWN AS THE HAZARDOUS WASTE
PROHIBITION LAW OF THE TOWN OF YORKSHIRE

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

~~County~~
~~City~~ of Yorkshire as follows:
Town
~~Village~~

(see attached)

(If additional space is needed, please attach sheets of the same size as this and number each)

Section 1. TITLE

This Local Law shall be known as and may be cited as "Hazardous Wastes Prohibition" Law of the Town of Yorkshire.

Section 2. PURPOSE

The Town of Yorkshire is primarily responsible for promoting the health, safety and general welfare of its residents and the environmental quality of its lands. This Law is designed to preserve, protect and insure the quality of the natural man-made environment within the Town of Yorkshire for this generation of residents and generations to follow.

Section 3. APPLICABILITY

This Local Law shall apply to all territory within the Town of Yorkshire. Minor quantities of five (5) pounds or less of hazardous wastes resulting from local agricultural, commercial or residential sources are excluded from this Law, provided these wastes are managed in an environmentally safe manner, consistent with Federal and State Regulations dealing with hazardous wastes.

Section 4. DEFINITIONS: ADOPTION BY REFERENCE: COPIES ON FILE

Certain terms used herein shall be defined as follows:

Facility - Shall mean any combinations of structures and/or machinery, lagoons, pits, beds, excavations, landfills, burial sites and devices, designed in whole or in part for the purpose of or in association with the permanent or temporary storage, recycling, processing, neutralizing, drying, solidification or incineration of chemical wastes.

Hazardous Waste - Shall be those identified and defined by Title 40 of the Code of Federal Regulations, Part 261, and any future modifications or amendments of Title 40, Part 261 shall become a part of this Local Law. Title 40 of the Code of Federal Regulations, Part 261 is adopted by the Town Board and incorporated herein by reference as if fully set out at length. A copy of said Title and Part as published in the Federal Register Vol. 45, No. 98, dated Monday, May 19, 1980, and being pages 33119 through 33133 are now filed in the office of the Clerk of the Town of Yorkshire.

Person - Shall mean any individual, partnership, firm, association, business, industry, enterprise, public or private corporation, political sub-division of the State, Government Agency, municipality, estate, trust or any other legal entity whatsoever.

Section 5. PROHIBITED ACTIVITIES

No person shall construct, operate and/or establish a facility for the internment, storage, temporary storage, recycling and/or processing of hazardous waste within the Town of Yorkshire. The only exemption under this Section is that described in Section 3. above mentioned.

Section 6. ENFORCEMENT

A violation of this Local Law or any regulations or provisions thereof will be deemed a Class A Misdemeanor punishable by a fine not exceeding \$1,000.00 or imprisonment not exceeding one (1) year, or both. Each and every day that the violation of this Local Law is permitted to exist will constitute a separate offense. In addition, any violation of this Local Law or regulation or provision thereof, will create a liability to the people of the Town for a civil penalty not to exceed \$5,000.00 to be assessed after a hearing upon due notice and with the right to a specification of the charges, and to be represented by counsel at such hearing.

Section 7. CONFLICTING LAWS PRE-EMPTED

All Ordinances and Local Laws or parts thereof in conflict herewith are pre-empted by this Local Law.

Section 8. EFFECTIVE DATE

This Local Law shall take effect immediately upon filing in the office of the New York Secretary of State.

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
162 WASHINGTON AVENUE, 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~~
~~City~~ of YORKSHIRE
Town
~~Village~~

Local Law No. 2 of the year 19 91

"A local law known as the "SOLID WASTE DISPOSAL LAW OF THE TOWN OF YORKSHIRE" (Insert Title)

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

~~County~~
~~City~~ of YORKSHIRE as follows:
Town
~~Village~~

(SEE ATTACHED SHEETS)

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

I. TITLE

This Local Law shall be known as the "Solid Waste Disposal Law of the Town of Yorkshire."

II. INTRODUCTORY MATTERS

A. Findings of the Town Board

The Town Board finds that environmental science is presently inadequate to satisfactorily evaluate and control pollution from solid waste disposal facilities such as landfills; ash fills; resource recovery or incinerator facilities. Among other factors, the Board finds as follows:

1. The inability of geological science to precisely ascertain the existence and flow of ground waters and to map subterranean geology makes it impossible to determine the extent to which solid waste disposal may, or may not be, contaminating water supplies.

2. Moreover, the accumulated extent of hazardous waste disposal in solid waste disposal facilities cannot be measured or accurately determined because of state and federal regulations permitting disposal of residential or small user quantities of hazardous wastes.

3. The Town's needs for solid waste disposal are being met by the Cattaraugus County Department of Public Works and private firms.

4. Future correction of pollution from sanitary landfills may be very expensive or impossible to achieve. Ground water pollution threatens the health and livelihood of Town residents who rely exclusively on ground water for human consumption and agricultural purposes.

5. The Town's existing community character will be adversely and unalterably impacted by the location and operation of any solid, liquid, radioactive or infectious waste management facilities within the Town.

6. Substantial scientific opinion questions the environmental and health effects of both "resource recovery" facilities that incinerate or burn solid waste and of the handling and disposal of ash residue from such facilities. Recent NYSDEC and Federal Environmental Protection Agency studies indicate that such ash often demonstrates the characteristics of hazardous waste by the leaving of heavy metals in toxic amounts.

7. Solid, liquid and radioactive waste regulation under the New York Environmental Conservation Law (ELC) is inadequate to relieve the foregoing concerns.

B. Purpose of Local Law

The Town Board intends by this Local Law:

1. To prohibit the operation of solid waste management facilities within the Town in order to preserve and promote a clean, wholesome, and attractive environment for the community.

2. To protect the residents of the Town from the effects of solid waste disposal, including

a. unaesthetic results, including odors, blowing litter, increased traffic, dust, and noise, and

b. deterioration in property values associated with adjacent or proximate disposal operation that may interfere with the orderly development of properties; and

c. threats to public health or the environment by contamination of air, land, surface waters, or groundwaters.

3. To exercise the Town's police powers under the Municipal

Home Rule Law and Sections 130 and 136 of the Town Law for the physical and mental well-being and safety of its citizens and to prohibit solid, liquid, radioactive and infectious waste disposal operations within the Town that might otherwise be permitted under the Environmental Conservation Law (ECL). Section 27-0711 of the ECL specifically recognizes and authorizes the right and authority of a town to legislate stricter controls on solid, liquid, radioactive and infectious waste disposal operations than state law requires.

III. DEFINITIONS

The following definitions shall apply to the corresponding words:

A. 6 NYCCR - Title 6 of the New York Code, Rules and Regulations.

B. SOLID WASTE MANAGEMENT FACILITY - any facility employed beyond the initial solid waste collection process and managing solid waste including, but not limited to: storage areas or facilities; transfer stations; rail-haul or barge-haul facilities; processing facilities; landfills; ashfills; disposal facilities; solid waste incinerators; recycling facilities; and waste tire storage facilities.

C. SOLID WASTE - all putrescible and non-putrescible materials or substances that are discarded or rejected as being spent, useless, worthless, or in excess to the owners at the time of such discard or rejection, including but not limited to garbage, refuse, industrial, commercial and household waste, sludges from air or water treatment facilities, rubbish, tires, ashes, contained gaseous material, incinerator residue and

construction and demolition debris. In addition:

1. A material is "discarded" if it is abandoned by being:

- a. disposed of;
- b. burned or incinerated, including being burned as a fuel for the purpose of recovering useable energy; or
- c. accumulated, stored, or physically, chemically, or biologically treated (other than burned or incinerated) instead of or before being disposed of.

2. A material is "disposed of" if it is discharged, deposited, injected, dumped, spilled, leaked or placed into or on any land or water.

3. The following are not solid waste for the purposes of this local law:

- (i) domestic sewage;
- (ii) any mixture of domestic sewage and other wastes that passes through a sewer system to a publicly owned treatment works for treatment, except for any material that is introduced into such system in order to avoid the provisions of this local law;
- (iii) industrial wastewater discharges that are actual point source discharges subject to permits under ECL Article 17;
- (iv) irrigation return flows;
- (v) radioactive materials which are source, special nuclear, or byproduct material as defined by the Atomic Energy Act of 1954, as amended;
- (vi) wood chips used for mulch, landscaping or erosion control purposes.

D. INDUSTRIAL WASTE - any liquid, gaseous, solid, or waste substance or combination thereof resulting from any process of industry, manufacturing, trade, or business. It shall include but not be limited to, pesticides, lime, acids, chemicals, petroleum products, tar, and dye-stuffs.

E. COMMERCIAL WASTE,- solid waste generated by stores, warehouses, restaurants, hospital, medical and dental facilities.

F. HOUSEHOLD WASTE - solid waste from residential sources.

G. CONSTRUCTION AND DEMOLITION DEBRIS - uncontaminated, inert solid waste resulting from the construction, remodeling, repair and demolition of structures, and from road building and land clearing. Such waste includes, but is not limited to, bricks, concrete and other masonry materials, soil, rock, wood, wall coverings, plaster, drywall, plumbing fixtures, non-asbestos insulation, roofing shingles, asphaltic pavement, glass, plastics that are not sealed in a manner that conceals other wastes, and metals that are incidental to any of the above.

H. LANDFILL, or SANITARY LANDFILL - any disposal area for solid wastes in or upon the ground.

I. ASHFILL - any landfill designed to accept ash, ash residue, bottom ash, combined ash or fly ash.

J. ASH RESIDUE - all the solid residue and any entrained liquids resulting from the combustion of solid waste at a solid waste incinerator, including bottom ash, boiler ash, fly ash, and the solid residue of any air pollution control device used at a solid waste incinerator.

K. BOTTOM ASH - the ash residue remaining after combustion of solid waste in a solid waste incinerator that is discharged through and from the grates or stoker.

L. COMBINED ASH - the mixture of bottom ash and fly ash.

M. FLY ASH - the ash residue from the combustion of solid waste that is entrained in the gas stream of the solid waste incinerator, which includes, but is not limited to, particulates, boiler ash, cinders, soot, and solid waste from air pollution control equipment.

N. PERSON - any individual, partnership, firm, association, business, industry, enterprise, public or private corporation, political subdivision of the state, government agency, municipality, estate, trust, or any other legal entity whatsoever.

O. RECYCLING - means the reuse of solid waste recovered from the solid waste stream into goods or materials suitable for reuse in original or changed form.

IV. EXEMPTIONS

The following are not subject to this Local Law:

A. Any disposal of manure in normal farming operations,

B. Any operation or facility which receives or collects only non-putrescible, nonhazardous solid waste and beneficially uses or reuses or legitimately recycles or reclaims such waste. Such exempt facilities would include citizen recycling programs, municipal recycling programs, municipal recycling operations, and bona-fide salvage dealers.

None of the above exemptions shall be construed to permit any activity contrary to existing building codes or other laws or as exempting persons engaging in any such activities from obtaining any other permits required by state or local law.

V. PROHIBITED ACTIVITY

A. No solid waste management facility (landfill, ashfill,

solid waste incinerator, etc.) shall be permitted to commence operation or to continue operation within the Town.

B. Waivers from these prohibitions may be granted by the Town Board in its discretion, and on such conditions as it may reasonably establish, only for facilities located on an applicant's premises and serving only the applicant's waste products generated within the Town. Persons who believe they qualify for such a waiver shall apply to the Town Board and provide such information, proof of financial security, and other such documents as the Town Board may reasonably require. No person who qualifies for and receives this waiver shall accept, handle, import, transport, or handle any waste created or generated by any other party or from any location outside of the Town. In addition, such person shall be liable for all damages and claims that may result from disposal of any solid or liquid waste on his or her premises.

VI. ENFORCEMENT

A. Upon a violation of this Local Law by any person, the Town Board shall be entitled to obtain an injunction against such persons prohibiting further violations and, in addition, ordering that any solid or liquid waste disposed of in violation hereof be removed from the Town, ordering that any land on which solid waste is disposed of in violation of this Local Law be restored as nearly as possible to its former condition by the removal of any waste illegally disposed of and by such other restorative measures as are available, and further ordering that the operator remedy any effects of the violation on surrounding or adjacent properties or resources, including,

without limitation, air crops, water bodies, wetlands, and groundwaters.

B. For any violation of this Local Law the violator shall be subject to a civil penalty of up to \$25,000 for each violation. Each day of non-compliance shall be a separate and distinct violation. The Town shall be entitled to recover such fines in an action at law in any court of competent jurisdiction.

C. Upon an action for injunctive relief or for a civil penalty hereunder, the Town shall be entitled to a further award and judgment for its costs, expenses, disbursements, and reasonable attorneys' fees in connection therewith.

D. If any person who obtained a waiver pursuant to Section V.C. violates any term or condition of the waiver then the Town, in addition to A, B, and C above, shall also be entitled to revoke the waiver.

VII. MISCELLANEOUS

A. This Local Law shall be deemed to supersede and repeal any other ordinances and local laws to the extent inconsistent therewith.

B. If any part of this Local Law shall be judicially declared to be invalid, void, unconstitutional, or unenforceable, all unaffected provisions hereof shall survive such declaration, and this Local Law shall remain in full force and effect as if the invalidated portions had not been enacted.

C. Nothing herein shall be deemed to be a waiver of or restriction upon any rights and powers available to the Town to further regulate the subject matter of this Local Law.

VIII. EFFECTIVE DATE

This Local Law shall become effective when it is filed with the Secretary of State pursuant to the Municipal Home Rule Law.

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
162 WASHINGTON AVENUE, 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~~
~~City~~ of YORKSHIRE
Town
~~Village~~

Local Law No. 2 of the year 19 92

"A local law ESTABLISHING CROSS CONNECTION CONTROL FOR THE TOWN OF YORKSHIRE WATER SYSTEM"
(Insert Title)

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

~~County~~
~~City~~ of YORKSHIRE as follows:
~~Village~~

(SEE ATTACHED SHEETS)

ARTICLE I

LEGISLATIVE INTENT

The purpose of this Local Law is to safeguard potable water supplies from potential contamination by preventing back flow from a water user's system into the public water system. It is the intent of this Local Law to recognize that there are varying degrees of hazard and to apply the principle that the degrees of protection should be commensurate with the degrees of hazard. Further, it is the intent of the Town of Yorkshire, New York, to comply with the requirements of New York State Sanitary code, Part 5, Section 5-1.31 which section mandates the requirement that the supplier of water protect their water system in accordance with procedures acceptable to the Commissioner of Health. These mandated requirements are as set forth in the Cross Connection Control Manual published by the New York State Department of Health (NYSDOH) and to that extent, the terms, conditions and provisions of the New York State Sanitary code, Part 5, Section 5-1.31 and the Cross Connection Control Manual are incorporated in this Local Law by reference as if more fully stated.

ARTICLE II

DEFINITIONS

- 1) Cross Connections. The terms "cross connection" as used in this Local Law means any unprotected connection between any part of a water system used or intended to be used as a supply of water for drinking purposes in a source or systems containing water or substance that is not or cannot be approved as equally safe, wholesome and potable for human consumption.
- 2) Approved Water Supply. The term "approved water supply" means any water supply approved by the New York State Department of Health.
- 3) Auxiliary Supply. The term "auxiliary supply" means any water supply on or available to the premises other than the approved public water supply.
- 4) Vacuum Breaker - Pressure Type and Non-Pressure Type. A vacuum breaker which can only be used for internal plumbing control and, therefore, not acceptable as a containment device.
- 5) Approved Check Valve. The term "approved check valve" means a check valve that seals readily and completely. It must be carefully machined to have free moving parts and assured water tightness. The face of the closure element and valve seal must be bronze, composition, or other non-corrodible material which will seal tightly under all prevailing conditions of field use.

Pins and bushings shall be of bronze and other non-corrodible, non-sticking material, machined for easy dependable operation. The closure element shall be internally weighted or otherwise internally equipped to promote rapid and positive closure in all sizes where this feature is obtainable.

- 6) Approved Double Check Valve Assembly. The term "approved double check valve assembly" means two single independently acting check valves, including tightly closing shut off valves located at each end of the assembly and suitable test connections. This device must be approved as a complete assembly.
- 7) Approved Reduced Pressure Zone Device. The term "approved reduced pressure zone device" means a minimum of two independently acting check valves together with automatically operated pressure differential relief valve located between the two check valves. In case of leakage of either check valve, the differential relief valve, by discharging to the atmosphere, shall operate to maintain the pressure between the checks at less than the supply pressure. The unit must include tightly closing shut off valves located at each end of the device, and each device shall be fitted with properly located test cocks. This device must also be approved as a complete assembly.
- 8) Air Gap Separation. The term "air gap separation" means a physical break between a supply pipe and a receiving vessel. The air gap shall be at least double the diameter of the supply pipe, measured vertically above the top rim of the vessel, in no case less than one inch.
- 9) Water Supervisor. The term "water supervisor" means the consumer or a person on the premises charged with the responsibility of complete knowledge and understanding of the water supply piping within the premises and for maintaining the consumer's water system free from cross connections and other sanitary defects, as required by this Local Law and all other required regulations and laws.
- 10) Certified Back Flow Prevention Device Tester. The terms "certified flow prevention device tester" is an individual who has successfully completed a New York State Department of Health approved course in the testing of back flow prevention devices and has been issued a certificate by the New York State Department of Health.

ARTICLE III

- A) Where Protection is Required. The water system shall be required

to maintain a degree of protection commensurate with the degree of hazard regardless of whether the hazard is immediate or potential. To that extent, the Cross Connection Control Manual published by NYSDOH shall be used, as a guide, to determine where protection is "required". It shall be the responsibility of the water user to provide and maintain such required protection devices and such devices shall be of a type acceptable to the New York State Department of Health. Plans for the installation of protective devices must be submitted to the Superintendent of the Village Water Department and the County Health Department for approval.

B) Type of Protection. The protective device required shall depend on the degree of hazard as tabulated below:

(1) Where a residential customer maintains an auxiliary water supply in addition to the public water supply, the two systems must not be interconnected. Where the two systems are interconnected, the following options will be deemed appropriate with existing New York State policies and recommendations and with this local law.

a. Disconnection of the auxiliary water supply from the public water supply. An inspection to determine compliance will be made initially and at least every three years thereafter or whenever the property is sold. The inspection may be made by the water supplier or the local building codes inspector;

b. Installation of an acceptable Reduced Pressure Zone (RPZ) device on the public water supply connection;

c. Proper abandonment of the auxiliary water supply;

d. Sampling for the auxiliary water supply to determine quality in accordance with Sections 5-1.50 and 5-1.51 of the New York State Sanitary Code. Sampling frequency will be specified by the State or local health department. Where water quality does not meet the standards, one of the first three alternatives would apply.

(2) At the service connection to any premises on which a substance that would be objectionable (but not necessarily hazardous to health if introduced into the public water supply) is handled so as to constitute a cross connection, the public water supply shall be protected by an approved double check valve assembly.

(3) At the service connection to any premises on which a substance of unusual toxic concentration or danger to health is or may be handled; but not under pressure, the public water supply shall be protected by an air gap separation or an

approved reduced pressure zone back flow prevention device. If an air gap is installed, it shall be located as close as practical to the water meter, and all piping between the water meter and receiving tanks shall be entirely visible. A reduced pressure zone device when installed shall be located as close as possible to the property line.

(4) At the service connection to any premises on which any material dangerous to health, or toxic substance and toxic concentration, is or may be handled under pressure, the public water supply shall be protected by an air gap separation. The air gap shall be located as practical to the water meter, and any piping between the water meter and receiving tanks shall be entirely visible. If these conditions cannot reasonably be met, the public water supply shall be protected with an approved reduced pressure zone back flow prevention device and it shall be located as close as possible to the property line.

(5) At the service connection to any sewage treatment plant or sewage pumping station, the public water supply shall be protected by an air gap separation. The air gap shall be located as close as practicable to the water meter and all piping between the water meter and receiving tanks shall be entirely visible. If these conditions cannot be reasonably met, the public water supply shall be protected by an approved reduced pressure zone back flow prevention device and it shall be located as close as possible to the property line.

- C) Frequency of Inspection of Protective Devices. It shall be the duty of the water user on any premises on account of which back flow protective devices are installed, to have competent inspections made at least once a year, or more often in instances where successive inspections indicate repeated failure. Devices shall be repaired, overhauled or replaced at the expense of the water user whenever they are found to be defective. These tests shall be performed by a qualified back flow prevention device tester and all test results will be provided to the water supplier within 72 hours after the test is made. Records of such tests, repairs and overhaul shall also be kept and made available to the water supplier and the local health department upon request.

ARTICLE IV

PENALTIES AND RECOURSE FOR NON-COMPLIANCE

- A) No water service connection to any premises shall be installed or maintained by the water user, unless the water supply is protected as required by this Local Law and such other applicable local, state and federal laws, rules and regulations.

B) If any facility served by a water system denies a water department person access to their premises for the purposes of determining if protection to the public water system is necessary, then the maximum protection condition shall be imposed with the requirement that the number of devices shall equal the number of service lines.

C) The following penalties shall be applicable for a violation of this Local Law:

1. Failure to install the appropriate back flow prevention device within a prescribed time frame after first notice:

\$250.00

2. Failure to install the appropriate back flow prevention device within prescribed time frame after second notice:

Termination of Service

3. Failure to at least annually test the back flow prevention device:

\$300.00 and/or termination of water service

4. Failure to replace or repair a back flow prevention device as required:

\$1,000.00 and/or termination of water service

ARTICLE V

EFFECTIVE DATE

This Local Law shall take effect upon filing with the office of the Secretary of State.

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
162 WASHINGTON AVENUE, 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.

~~XXXXXX~~

~~City~~

of YORKSHIRE

Town

~~XXXXXX~~

Local Law No. 2 of the year 19 93...

"A local law REQUIRING PERMITS FOR PUBLIC IMPROVEMENTS IN THE TOWN OF YORKSHIRE"
(Insert Title)

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

~~XXXXXX~~

~~City~~

of YORKSHIRE

Town

~~XXXXXX~~

as follows:

SECTION 1 ACTIONS REQUIRING PERMIT

All improvements intended by a property owner or developer to be dedicated to the Town of Yorkshire or to be maintained by the Town of Yorkshire, either within a subdivision or as part of the development of a single parcel or lot, or public improvements and no such public improvement shall be installed without a public improvement permit issued by the Town of Yorkshire. Without limitation, public improvement permits must be obtained for the construction of roadways, pavements, curbs and gutters, sanitary sewers, ditches, channels, drainage systems, storm sewers and water mains.

SECTION 2 APPLICATION

Before the construction of any public improvement is commenced, the landowner or developer shall apply to the Town Clerk of the Town of Yorkshire for a public improvement permit for the construction thereof. The application shall be made on a form provided by the Town Clerk and shall be based on complete plans and specifications for the public improvement project approved by the Town Engineer and in accordance with the Town of Yorkshire Public Improvements Policy dated July 9, 1990. Such plans and specifications shall include descriptions of the proposed public improvements, including locations, dimensions, type of material proposed to be used and detailed itemized quantities.

(see attached sheets)

SECTION 3 DETERMINATION OF COST OF IMPROVEMENTS

The estimated construction cost of the proposed public improvements shall be subject to the approval of the Town Engineer.

SECTION 4 FEES

- 4.1 Public improvement permit fees are intended to recover the cost of inspection of the construction of the improvements. Such inspection shall be provided by the Town Engineer or by authorized agents or representatives of the Town Engineer. Fees for public improvement permits shall be determined on the basis of estimated construction costs of the proposed public improvements and in accordance with the fee schedule for public improvement permits. The public improvement fees do not include survey or stakeout work. Such survey and stakeout work is to be borne at the expense of the permit applicant with work done by competent, qualified personnel acceptable to the Town Engineer.
- 4.2 Public improvement permit fees shall be payable to the Town Clerk prior to the issuance of a public improvement permit pursuant to the provisions of this Local Law.
- 4.3 Public improvement permit fees shall be as follows: the fee for the first \$30,000 in estimated construction costs shall be 5% of that amount. The fee for estimated costs in excess of the initial cost of \$30,000 shall be 4%.

SECTION 5 PERFORMANCE BOND

- 5.1 Where, by action of the Town Board, the owner is permitted to defer to a later date the construction of required public improvements, or subsequent part or phase of the development of a subdivision or single lot or parcel, the owner shall furnish and pay for a performance bond, acceptable to the Town Attorney, in an amount at least equal to one hundred percent (100%) of the estimated construction costs of said required public improvements. Such performance bond shall constitute security for the construction of the public improvements, whose construction has been deferred, within the time specified by the Town Board, in accordance with approved plans and specifications and for the payment of all persons performing labor and furnishing materials in connection with such construction.
- 5.2 The application for a public improvement permit for any subdivision or parcel or lot where construction of required improvements has been deferred shall state the name and address of the surety company that has furnished the performance bond and the amount of the performance bond.
- 5.3 The Town Board may accept that cash or certified funds be placed in escrow with the Town in lieu of furnishing a performance bond. Such cash or certified funds will be released when the deferred work is completed and the Town Engineer has issued a certificate of approval.

SECTION 6 MAINTENANCE BOND

- 6.1 The Owner shall furnish and pay for surety bonds, acceptable to the Town Attorney, for the maintenance, restoration and replacement of any parts of the public improvements where an unsatisfactory condition or damage developed due to defects in workmanship and materials, erosion, settlement of backfill or other causes within a period of 2 years from the date of issue of the certificate of approval. The maintenance bond shall be for an amount at least equal to twenty-five percent (25%) of the estimated construction of the proposed improvements.
- 6.2 The application for a public improvement permit shall state the name and address of the surety company that has furnished the maintenance bond and the amount of the maintenance bond.

SECTION 7 SPECIAL DISTRICT AGREEMENTS

Where applicable, prior to the issuance of a public improvement permit, the Owner will be required to submit special district and homeowners' association agreements acceptable to the Town Attorney. Easements and right-of-way deeds for drainage purposes must be filed with the Cattaugus County Clerk's office and the Town Clerk's office prior to receipt of the public improvement permit.

SECTION 8 REQUIREMENTS OF OWNER'S STATEMENT

The application for a public improvement permit shall include statements by the Owner, to be subscribed and sworn to before a notary public to the effect that:

- 8.1 All work will be performed in accordance with approved plans and specifications and requirements of federal, state and local laws.
- 8.2 The Owner will obtain and pay for all necessary permits.
- 8.3 The Owner will commence work not later than six (6) months from the date of approval of the public improvement permit by the Town Board and will complete all work within one (1) year of said date of approval. The Owner should apply for a special extended permit from the Town Board in those instances when additional time is necessary for the proper completion of the public improvement.
- 8.4 The Owner will notify the Town Engineer forty-eight (48) hours before commencing work under the public improvement permit.
- 8.5 The Owner is cognizant of the fact that the public improvement permit fee is based on work being performed during normal working hours (7:00 AM to 5:00 PM) Monday through Friday, except for legal holidays and that deviations from such schedule or hours will require Town Board approval and may also involve imposition of additional fees.

SECTION 9 ISSUANCE OF CERTIFICATE OF APPROVAL

Upon completion of all work included in the public improvement permit in a manner satisfactory to the Town Engineer, The Town Engineer will issue a certificate of approval.

SECTION 10 NUMBER OF APPLICATION COPIES

Application for public improvement permits shall be submitted in quadruplicate to the Town Clerk, together with six (6) complete sets of drawings (prints), one (1) set of reproducible mylars of the plans and six (6) complete copies of specifications for the project.

SECTION 11 APPROVAL REQUIRED

Granting of a public improvement permit will be contingent upon approvals of the Town Engineer, the Town Highway Department and the Town Board. The public improvement permit shall not be effective until approval by the Town Board and until the Town Clerk has certified that the total public improvement fee has been paid.

SECTION 12 PENALTIES

Any violation of this Local Law is an offense, punishable by a fine not exceeding \$250.00 or imprisonment for a period not to exceed six (6) months or both. Each week's continued violation shall constitute a separate additional violation.

(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

of YORKSHIRE

~~Village~~

Local Law No. 2 of the year 19 94

"A local law AUTHORIZING THE TOWN OF YORKSHIRE TO ENTER INTO A SERVICE CONTRACT FOR (Insert Title) PUBLIC TRANSPORTATION"

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

~~County~~

~~City~~

Town

of YORKSHIRE as follows:

~~Village~~

(SEE ATTACHED SHEET)

WHEREAS, the Town of Yorkshire desires public transportation service for town residents with disabilities requiring transportation for services not available within the town; and

WHEREAS, it has been determined that it is in the best interests of the Town of Yorkshire to enter into a service contract with Wyoming Transit Service, Inc., an operating subsidiary of the Rochester-Genesee Regional Transportation Authority, for the provision of such service, including transportation of town residents with disabilities to Suburban Adult Service, a local service agency in Sardinia, New York.

NOW, THEREFORE, be it resolved:

Section 1. Pursuant to the provisions of Section 119-r of the General Municipal Law, the Town of Yorkshire is empowered to contract with Wyoming Transit Services, Inc., an operating subsidiary of Rochester-Genesee Regional Transportation Authority or any other designated agent, to provide public transportation service for town residents with disabilities requiring transportation for services not available within the town.

Section 2. This local law shall take effect upon the filing thereof in 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 1994 of the ~~(County)(City)~~(Town)(~~Village~~) of Yorkshire was duly passed by the Town Board on October 17 1994, 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 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)~~

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19____. 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 _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

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 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

*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 chairman 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 19____ 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 _____ 19____, 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 19____ of the County of _____, State of New York, having been submitted to the electors at the General Election of November _____ 19____, 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 of 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
Town Clerk

Date: October 17, 1994

(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 Cattaraugus

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.

Signature

Town Attorney
Title

~~City~~
~~Village~~
Town of Yorkshire

Date: October 20, 1994

NYS DEPARTMENT OF STATE
BUREAU OF STATE RECORDS
162 Washington Avenue
Albany, NY 12231-0001

DATE: 12/01/94

MUNICIPALITY		
Town of Yorkshire		
LOCAL LAW(S) NO.	YEAR	FILING DATE
2	1994	10/24/94

RECEIVED

DEC 6 1994

Local Law Acknowledgment

Jeremiah J. Moriarty, III
Moriarty & Swanz
Four South Main Street
Franklinville, NY 14737

MORIARTY & SWANZ

The above-referenced material was received
and filed by this office as indicated.

Additional local law filing forms will be
forwarded upon request.

DOS-236 (Rev. 6/90)

MORIARTY & SWANZ
ATTORNEYS AT LAW
FOUR SOUTH MAIN STREET
FRANKLINVILLE, NEW YORK 14737

TO
Hon. Duane Dedrick
Town Clerk
P.O. Box 6
Delevan, New York 14042-0006

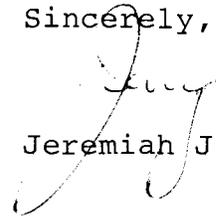
DATE December 6, 1994

SUBJECT

Dear Pat:

Enclosed please find a copy of the filing receipt from the Secretary of State showing Local Law No. 2-1994 was filed on October 24, 1994 making that the effective date of that local law.

Sincerely,



Jeremiah J. Moriarty III

JJM III:pg
Enclosure

SERVICE CONTRACT FOR PUBLIC TRANSPORTATION

BETWEEN

TOWN OF YORKSHIRE, CATTARAUGUS COUNTY, NEW YORK

and

THE ROCHESTER-GENESEE REGIONAL TRANSPORTATION AUTHORITY

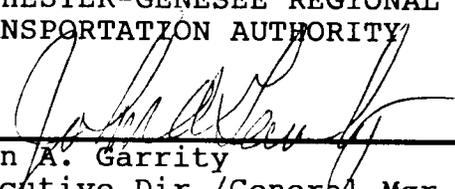
The Town of Yorkshire desires public transportation service for town residents with disabilities requiring transportation for services needed by them and not available within the town. Therefore, it is determined to be in its best interest to enter into a service contract with the Rochester-Genesee Regional Transportation Authority which is a public authority formed under the Public Authorities Law, Section 1299-dd for the provision of such services.

The Town, pursuant to Article 119-r, Section C, states that the a town may enter into a contract provided it has adopted a local law authorizing same which the Town has done.

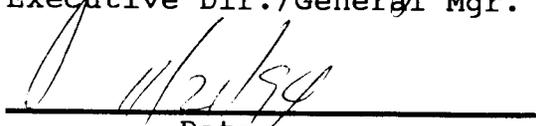
It is understood that the Rochester-Genesee Regional Transportation Authority will designate one of its operating subsidiaries - the Wyoming Transit Service, Inc. to provide this service.

The Town of Yorkshire shall incur absolutely no financial responsibility. The Rochester - Genesee Regional Transportation Authority shall hold the Town harmless from any legal liability whatsoever. This Agreement may be canceled upon sixty (60) days written notice by either party.

ROCHESTER-GENESEE REGIONAL
TRANSPORTATION AUTHORITY

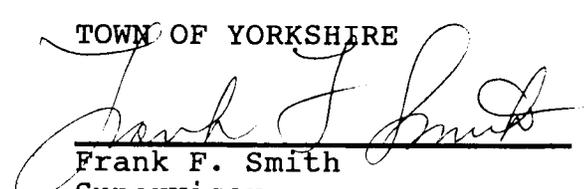


John A. Garrity
Executive Dir./General Mgr.



Date

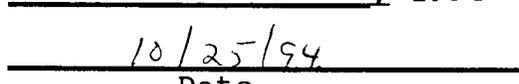
TOWN OF YORKSHIRE



Frank F. Smith
Supervisor

In accordance with a
Resolution adopted by the
Yorkshire Town Board

October 17, 1994



Date

SERVICE CONTRACT FOR PUBLIC TRANSPORTATION

BETWEEN

TOWN OF YORKSHIRE, CATTARAUGUS COUNTY, NEW YORK

and

THE ROCHESTER-GENESEE REGIONAL TRANSPORTATION AUTHORITY

The Town of Yorkshire desires public transportation service for town residents with disabilities requiring transportation for services needed by them and not available within the town. Therefore, it is determined to be in its best interest to enter into a service contract with the Rochester-Genesee Regional Transportation Authority which is a public authority formed under the Public Authorities Law, Section 1299-dd for the provision of such services.

The Town, pursuant to Article 119-r, Section C, states that the a town may enter into a contract provided it has adopted a local law authorizing same which the Town has done.

It is understood that the Rochester-Genesee Regional Transportation Authority will designate one of its operating subsidiaries - the Wyoming Transit Service, Inc. to provide this service.

The Town of Yorkshire shall incur absolutely no financial responsibility. The Rochester - Genesee Regional Transportation Authority shall hold the Town harmless from any legal liability whatsoever. This Agreement may be canceled upon sixty (60) days written notice by either party.

ROCHESTER-GENESEE REGIONAL
TRANSPORTATION AUTHORITY

TOWN OF YORKSHIRE

John A. Garrity
Executive Dir./General Mgr.

Frank F. Smith
Supervisor

Date

In accordance with a
Resolution adopted by the
Yorkshire Town Board

October 17, 1994

Date

(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~~ of YORKSHIRE
Town of
~~Village~~

Local Law No. 2 of the year 19 95..

" A local law AMENDING THE TRAFFIC ORDINANCE OF THE TOWN OF YORKSHIRE"
(Insert Title)

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

~~County~~
~~City~~ of YORKSHIRE as follows:
Town of
~~Village~~

(See attached sheet)

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

WHEREAS, the Town Board of the Town of Yorkshire has heretofore adopted the Traffic Ordinance of the Town of Yorkshire, and

WHEREAS, the Town Board now desires to amend the Traffic Ordinance to provide for truck exclusions on town roads.

NOW, THEREFORE, pursuant to the authority conferred by the Vehicle and Traffic Law and Municipal Home Rule Law of the State of New York, the Town Board of the Town of Yorkshire does hereby enact the following Local Law amending the Traffic Ordinance of the Town of Yorkshire to establish truck exclusions on town roads as follows:

ARTICLE VI - A

TRUCK EXCLUSIONS

Section 1. Trucks over eight (8) tons excluded. Trucks in excess of eight (8) tons are hereby excluded from the following highways within the Town of Yorkshire, as follows:

- a. Weaver Road between County Road 21
(Delevan-Elton Road) and Eddy Road.

Section 2. The regulations established in this Article shall not be construed to prevent the local delivery or pickup of merchandise or other property along the highways from which such vehicles are otherwise excluded.

Section 3. This Local Law shall take effect immediately upon the filing thereof with the office of 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 1995 of the ~~(County)(City)(Town)(Village)~~ of Yorkshire was duly passed by the Town Board on February 13, 1995, 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 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body) (Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19____. 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 _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body) (Elective Chief Executive Officer*)

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 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 19____ in accordance with the applicable provisions of law.
(Name of Legislative Body) (Elective Chief Executive Officer*)

*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 chairman 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 19____ 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 _____ 19____, 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 19____ of the County of _____, State of New York, having been submitted to the electors at the General Election of November _____ 19____, 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 of 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

Town Clerk

Date: February 13, 1995

(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 Cattaraugus

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.

Signature _____

Town Attorney

Title _____

~~CORPORATION~~

~~CITY~~

Town

of

Yorkshire

~~VILLAGE~~

Date: February 15, 1995

NYS DEPARTMENT OF STATE
BUREAU OF STATE RECORDS
162 Washington Avenue
Albany, NY 12231-0001

DATE: 2/24/95

MUNICIPALITY Town of Yorkshire		
LOCAL LAW(S) NO. 1 & 2	YEAR 1995	FILING DATE 2/23/95

Local Law Acknowledgment

JEREMIAH J. MORIARTY
MORIARTY & SWANZ
FOUR SOUTH MAIN STREET
FRANKLINVILLE NY 14747

DOS-236 (Rev. 6/90)

RECEIVED

MAR 2 1995

RECORDED BY MORIARTY

The above-referenced material was received and filed by this office as indicated.

Additional local law filing forms will be forwarded upon request.

(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 1996 of the ~~(XXXXX)(XXX)~~(Town)(~~Village~~) of Yorkshire was duly passed by the Town Board on August 12 1996, 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 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 19____ in accordance with the applicable provisions of law.
(Name of Legislative Body) (Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ of _____ 19____. 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 _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body) (Elective Chief Executive Officer*)

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 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body) (Elective Chief Executive Officer*)

*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 chairman 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 19____ 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 _____ 19____, 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 19____ of the County of _____, State of New York, having been submitted to the electors at the General Election of November _____ 19____, 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 of 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.

Laura Redick

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

Date: August 12, 1996

(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 CATTARAUGUS

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.

Signature

Town Attorney

Title

~~XXXXX~~
~~XXX~~ of Yorkshire
Town
~~XXXXXX~~

Date: August 15, 1996



STATE OF NEW YORK
DEPARTMENT OF STATE
ALBANY, NY 12231-0001

ALEXANDER F. TREADWELL
SECRETARY OF STATE

August 27, 1996

JEREMIAH J. MORIARTY III
ATTORNEY AT LAW
FOUR SOUTH MAIN STREET
FRANKLINVILLE, NY 14737

RE: Town of Yorkshire, Local Law 2, 1996, filed 08/21/96

The above referenced material was received and filed by this office as indicated. Additional local law filing forms will be forwarded upon request.

Please be advised only 1 original local law is required to be filed in our office.

Sincerely,

A handwritten signature in cursive script that reads "Janice G. Durfee".

Janice G. Durfee
Principal File Clerk
Bureau of State Records
(518) 474-2755

JGD:ml

RECEIVED
SEP 3 1996
MORIARTY & SWANZ

MORIARTY & SWANZ
ATTORNEYS AT LAW
FOUR SOUTH MAIN STREET
FRANKLINVILLE, NEW YORK 14737

TO Hon. Duane Dedrick
Town Clerk
P.O. Box 6
Delevan, New York 14042-0006

DATE September 3, 1996

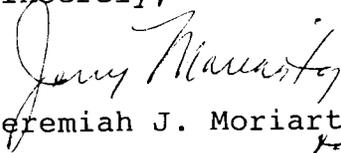
SUBJECT

Dear Pat:

Enclosed please find copies of letters received from the Department of State stating that Local Law No. 1-1996 and Local Law No. 2-1996 were both filed on August 21, 1996, making that the effective date for those two laws.

With personal regards, I am

Sincerely,


Jeremiah J. Moriarty III
JS

JJM III:pg
Enclosures

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.

COPY

~~County~~
~~City~~ of YORKSHIRE
Town
~~Village~~

Local Law No. 2 of the year 2001

"A local law entitled THE TOWN OF YORKSHIRE ZONING LAW"
(Insert Title)

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

~~County~~
~~City~~ of YORKSHIRE as follows:
Town
~~Village~~

See attached pages i through 15-1.

(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. _____ 2 _____ of 2001 of the ~~(County)(City)(Town)(Village)~~ of Yorkshire was duly passed by the Town Board on June 11, 2001, 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 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19 __, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 19____. 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 _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

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 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

* 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 19_____ 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 _____ 19____, 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 19_____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 19____, 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.

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

(Seal)

Date: June 11, 2001

(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 Cattaraugus

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.

[Signature]
Signature
Town Attorney
Title

County
~~City~~ of Yorkshire
Town
~~Village~~

Date: June 14, 2001

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~~ of

Yorkshire

Town

~~Village~~

Local Law No. 2 of the year 2005

A local law of the Town of Yorkshire that provides that the Town
(Insert Title)
Board of the Town of Yorkshire may appoint, from time
to time, non-residents to town-appointed positions,
to conduct town business.

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

~~County~~

~~City~~ of

Yorkshire

as follows:

Town

~~Village~~

See attached one page containing Local Law #2 of 2005

(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. 2 of 20 05 of the ~~(County)(City)(Town)(Village)~~ of Yorkshire was duly passed by the Town Board on August 8, 20 05, in accordance with the applicable provisions of law.

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.

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 _____. 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 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.)

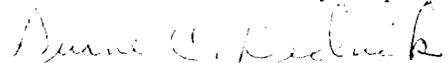
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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

(Seal)

Date: August 9, 2005

(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 Cattaraugus

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.

Signature
Attorney for the Town

Title

~~County~~
~~City~~ of Yorkshire
Town
~~Village~~

Date: August 9, 2005

**LOCAL LAW NO. 2
OF 2005
OF THE TOWN OF YORKSHIRE**

A LOCAL LAW OF THE TOWN OF YORKSHIRE THAT PROVIDES THAT THE TOWN BOARD OF THE TOWN OF YORKSHIRE MAY APPOINT, FROM TIME TO TIME, NON-RESIDENTS TO TOWN APPOINTED POSITIONS, TO CONDUCT TOWN BUSINESS.

SECTION 1 - TITLE

This Local Law is adopted pursuant to Section 10 of the Municipal Home Rule Law and shall be known and cited as "a local law of the Town of Yorkshire authorizing the Town Board, from time to time, to appoint non-residents.

SECTION 2 - PUBLIC OFFICERS LAW AND TOWN LAW IN THE STATE OF NEW YORK SUPERCEDED

Section 3 of the Public Officers Law of the State of New York, and Section 23 of the Town Law, and acts amendatory thereof are hereby superceded in part to provide that the Town Board, from time to time, may appoint non-residents as public officials to conduct town business.

SECTION 3 - SEPARABILITY

Should any section, paragraph, clause or phrase of this local law be declared unconstitutional or unjust for any reason by a court of competent jurisdiction, the remainder of this local law shall not be affected thereby.

SECTION 4 - INCONSISTENCY

All ordinances, local laws and parts thereof inconsistent with this local law are hereby repealed.

SECTION 5 - EFFECTIVE DATE

This local law shall take effect immediately.

TOWN OF YORKSHIRE

COUNCIL

DANNY LAIRD

MARCIA SPENCER

CONSTANCE WALKER

DEPUTY SUPERVISOR

KENNETH FISHER

RICHARD FULLER, Supervisor

P. O. Box 6

Delevan, New York 14042

Phone: (716) 492-1640

Fax: (716) 492-4832

TOWN CLERK

DUANE C. DEDRICK

HIGHWAY SUPERINTENDENT

CHRISTOPHER LEXER

August 10, 2005

Anthony DiFilippo, Esq.
382 Main Street
East Aurora, New York 14052

Dear Mr. DiFilippo:

Enclosed please find two copies of Local Law No. 2 of 2005 that I have signed, per our telephone conversation, for you to file with the Secretary of State.

Thank you for taking care of this matter for the town.

Very truly yours,

Duane Dedrick
Town Clerk

LAW OFFICES OF
DIFILIPPO & FLAHERTY, P.C.

ANTHONY DIFILIPPO, III
CAROL A. FLAHERTY

382 MAIN STREET
EAST AURORA, NEW YORK 14052
(716) 652-9600
FAX: (716) 655-7777
EMAIL: ea1aw@Choiceonemail.com

LEGAL ASSISTANTS:
Denise M. Ertl
Samantha J. Newland
Sandra A. Roemer
Judith A. Ross, Paralegal

August 9, 2005

Duane C. Dedrick, Town Clerk
Town of Yorkshire
PO Box 6
82 Main Street
Delevan, New York 14042

Re: Proposed Local Law No. 2 of 2005

Dear Duane:

Pursuant to our telephone conference, I am enclosing the Local Law filing for your review and execution where indicated on page 3.

Please sign and return both copies to me and I shall in turn file them with the Secretary of State and forward a copy of the filing to you for the Town's records.

Thank you very much for your help and cooperation.

Very truly yours,

DIFILIPPO & FLAHERTY, P.C.

Anthony DiFilippo, III

ADIII/ms
Enclosure
cc: Hon. Richard P. Fuller, Supervisor
Members of the Town Board, Town of Yorkshire

LAW OFFICES OF
DIFILIPPO & FLAHERTY, P.C.

ANTHONY DIFILIPPO, III
CAROL A. FLAHERTY

382 MAIN STREET
EAST AURORA, NEW YORK 14052
(716) 652-9600
FAX: (716) 655-7777
EMAIL: ealaw@Choiceonemail.com

LEGAL ASSISTANTS:
Denise M. Ertl
Samantha J. Newland
Sandra A. Roemer
Judith A. Ross, Paralegal

August 11, 2005

State Record and Law Bureau
Department of State
41 State Street
Albany, New York 12231

Re: Town of Yorkshire Local Law #2 for the Year 2005

Dear Department of State:

I am the attorney for the Town of Yorkshire, and I am enclosing herewith the required Local Law Filing covering the adoption of the Local Law No. 2 for 2005 for the Town of Yorkshire adopted on August 8, 2005.

Would you please acknowledge the receipt and filing of the Local Law.

Thank you very much for your help and cooperation.

Very truly yours,

DIFILIPPO & FLAHERTY, P.C.

Anthony DiFilippo, III

ADIII:sar

Enclosure

pc: Hon. Duane C. Dedrick, Town Clerk, Town of Yorkshire ✓
Hon. Richard Fuller, Supervisor, Town of Yorkshire
Members of the Town Board, Town of Yorkshire

LAW OFFICES OF
DIFILIPPO & FLAHERTY P.C.

ANTHONY DIFILIPPO, III
CAROL A. FLAHERTY

382 MAIN STREET
EAST AURORA, NEW YORK 14052
(716) 652-9600
FAX: (716) 655-7777
EMAIL: eaalaw@Choiceonemail.com

LEGAL ASSISTANTS:
Denise M. Ertl
Samantha J. Newland
Sandra A. Roemer
Judith A. Ross, Paralegal

September 12, 2005

Hon. Duane C. Dedrick, Town Clerk
Town of Yorkshire
P.O Box 6
82 Main Street
Delevan, New York 14042

RE: Proposed Local Law #2 of 2005

Dear Duane:

I have received and I am enclosing confirmation from the State of New York Department of State that Local Law #2 of 2005 was filed on August 19, 2005.

Thank you very much for your help and cooperation.

Very truly yours,

DIFILIPPO & FLAHERTY, P.C.



Anthony DiFilippo, III

ADIII/dme

Enclosure

cc: Hon. Richard P. Fuller, Supervisor

Members of the Town Board, Town of Yorkshire



STATE OF NEW YORK
DEPARTMENT OF STATE
41 STATE STREET
ALBANY, NY 12231-0001

GEORGE E. PATAKI
GOVERNOR

September 8, 2005

RANDY A. DANIELS
SECRETARY OF STATE

Difilippo & Flaherty, PC
382 Main Street
East Aurora, NY 14052

RECEIVED
SEP 12 2005

RE: Town of Yorkshire, Local Law 2, 2005, filed on 8/19/2005

To Whom It May Concern:

The above referenced material was received and filed by this office as indicated. Additional local law filing forms will be forwarded upon request.

Sincerely,
Linda Lasch
Principal Clerk
State Records & Law Bureau
(518) 474-2755

LL:cb

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 of Yorkshire
- Town
- Village

Local Law No. 2 of the year 20 07

A local law to permit the appointment of alternate members of the Zoning Board of Appeals
(Insert Title)
and the Planning Board

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

- County
- City of Yorkshire
- Town
- Village

as follows:

(Delete this line of text and enter text of local law here)

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. 2 of 20 07 of the (County)(City)(Town)(Village) of Yorkshire was duly passed by the Town Board on November 7, 20 07, in accordance with the applicable (Name of Legislative Body) provisions of law.

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) and was deemed duly adopted (repassed after disapproval) by the (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) on 20 (repassed after disapproval) by the (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) on 20 (repassed after disapproval) by the (Elective Chief Executive Officer*). 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 one _____, above.

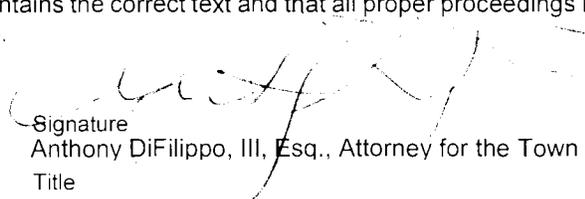

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body
Duane C. Dedrick, Town Clerk
Date: November 7, 2007

(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 CATTARAUGUS

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.


Signature
Anthony DiFilippo, III, Esq., Attorney for the Town
Title

County _____
City of Yorkshire
 Town
Village _____

Date: November 7, 2007

**LOCAL LAW NO. 2
OF 2007
OF THE TOWN OF YORKSHIRE**

**A LOCAL LAW OF THE TOWN OF YORKSHIRE TO PERMIT THE
APPOINTMENT OF ALTERNATE MEMBERS TO THE
ZONING BOARD OF APPEALS AND THE PLANNING BOARD**

Section 1. LEGISLATIVE INTENT

This local law shall apply to the appointment, terms, functions, and powers of alternate members appointed to serve on the Zoning Board of Appeals and Planning Board in the Town of Yorkshire.

Section 2. DECLARATION ON POLICY

It is sometimes difficult to maintain a quorum on the Zoning Board of Appeals and Planning Board because members are ill or on extended vacations or find they have a conflict of interest situation on a specific matter before such a board. In such instances, official business cannot be conducted which may delay or impede adherence to required time lines. The use of alternate members in such instance is hereby authorized pursuant to the provisions of this local law.

Section 3. DEFINITIONS

- A. "Zoning Board of Appeals" means the Zoning Board of Appeals of the Town of Yorkshire as established by the Town Board, pursuant to the provisions of Section 267 of the Town Law.
- B. "Planning Board" means the Planning Board of the Town of Yorkshire, as established by the Town Board, pursuant to the provisions of Section 271 of the Town Law.
- C. "Member" means an individual appointed by the Town Board to serve on the Town Zoning Board of Appeals or Town Planning Board pursuant to the provisions of the local law or ordinance that first established such Zoning Board of Appeals or Planning Board.
- D. "Alternate Member" means an individual appointed by the Town Board when a regular member is unable to participate on an application or

matter before the respective board, as provided herein.

Section 4. AUTHORIZATION/EFFECT

- A. The Town Board of the Town of Yorkshire hereby enacts this local law to provide a process for appointing "alternate" members of the Zoning Board of Appeals and the Planning Board. These individuals would serve when members are absent or unable to participate on an application or matter before the respective board.
- B. Alternate members of the Zoning Board of Appeals and Planning Board shall be appointed by the Town Board or other duly authorized appointing authority, for a term of three (3) years with the terms to expire on December 31st of the third year after the date of their appointment.
- C. The Chairperson of the Zoning Board of Appeals or Planning Board may designate an alternate to substitute for a member when such member is unable to participate on an application or matter before the board. When so designated, the alternate member shall possess all the powers and responsibilities of such member of the board. Such designation shall be entered into the minutes of the initial Zoning Board of Appeals meeting, or Planning Board meeting, at which the substitution is made.
- D. All provisions of stated law relating to the Zoning Board of Appeals or Planning Board member eligibility, vacancy in office, removal, compatibility of office, and service on other boards, as well as any provisions of a local law/ordinance relating to training, continuing education, compensation, and attendance, shall also apply to alternate members.

Section 5. SUPERCESSION OF TOWN LAW

This local law is hereby adopted pursuant to the provisions of Section 10 of the NYS Municipal Home Rule Law and Section 10 of the NYS Statute of Local Governments. It is the intent of the Town Board, pursuant to Section 10 of the NYS Municipal Home Rule Law, to supersede the provisions of:

- (1) Section 267 of the Town Law relating to the appointment of members to a Town Zoning Board of Appeals; and/or
- (2) Section 271 of the Town Law relating to the appointment of members to Town Planning Board.

Section 6. MISCELLANEOUS

- A. This local law shall be deemed to supersede or repeal any other local laws to the extent that they be inconsistent herewith, including the appointment provisions provided under the Town Zoning Ordinance.
- B. If any part of the local law shall be judicially declared to be invalid, void, unconstitutional or unenforceable, all unaffected provisions hereof shall survive such declaration and this local law shall remain in full force and effect as if the invalidated portion had not been enacted.
- C. Nothing herein shall be deemed to be a waiver or restriction upon any rights and powers available to the Town of Yorkshire to further regulate the subject matter of this local law.

Section 7. EFFECTIVE DATE

This Local Law shall become effective upon filing with the Secretary of State of the State of New York, as required by the Municipal Home Rule Law.



STATE OF NEW YORK
DEPARTMENT OF STATE
41 STATE STREET
ALBANY, NY 12231-0001

ELIOT SPITZER
GOVERNOR

LORRAINE A. CORTÉS-VÁZQUEZ
SECRETARY OF STATE

November 29, 2007

RECEIVED

NOV 30 2007

Anthony DiFilippo III
382 Main Street
East Aurora NY 14052

RE: Town of Yorkshire, Local Law No. 2, 2007, filed on November 16, 2007

Dear Sir/Madam:

The above referenced material was received and filed by this office as indicated. Additional local law filing forms can be obtained from our website, www.dos.state.ny.us/corp/misc.html.

Sincerely,
Linda Lasch
Principal Clerk
State Records and Law Bureau
(518) 474-2755

LAW OFFICES OF
DIFILIPPO & FLAHERTY, P.C.

ANTHONY DIFILIPPO, III
CAROL A. FLAHERTY

382 MAIN STREET
EAST AURORA, NEW YORK 14052
(716) 652-9600
FAX: (716) 655-7777
EMAIL: eaalaw@Choiceonemail.com

LEGAL ASSISTANTS:
Denise M. Ertl
Wendy Francis
Yvonne M. Harling
Samantha J. Newland
Sandra A. Roemer

November 14, 2007

State Records and Law Bureau
Department of State
41 State Street
Albany, New York 12231

Re: Town of Yorkshire - Local Law No. 2 of 2007 -
Appointment of Alternate Members to the Zoning Board of Appeals
and the Planning Board

Dear Secretary of State:

The Town Board of the Town of Yorkshire adopted Local Law No. 2 of 2007 on November 7, 2007, and we are therefore enclosing herewith the required Local Law Filing.

Would you please acknowledge receipt of the same and advise as to the date of filing.

Thank you very much for your help and cooperation.

Very truly yours,

~~DIFILIPPO & FLAHERTY, P.C.~~

Anthony DiFilippo, III

ADIII:sar
Enclosure

pc: Hon. Richard P. Fuller, Supervisor
Members of the Town Board, Town of Yorkshire
Hon. Duane C. Dedrick, Town Clerk

LAW OFFICES OF
DIFILIPPO & FLAHERTY, P.C.

ANTHONY DIFILIPPO, III
CAROL A. FLAHERTY

382 MAIN STREET
EAST AURORA, NEW YORK 14052
(716) 652-9600
FAX: (716) 655-7777
EMAIL: ealaw@Choiceonemail.com

LEGAL ASSISTANTS:
Denise M. Ertl
Wendy Francis
Yvonne M. Harling
Samantha J. Newland
Sandra A. Roemer

December 4, 2007

Hon. Duane C. Dedrick, Town Clerk
Town of Yorkshire
P.O. Box 6, 82 Main Street
Delevan, New York 14042

Re: Local Law No. 2 of 2007

Dear Pat:

I am enclosing for the Town's record the letter received from the State of New York Department of State dated November 29, 2007 confirming the filing of Local Law No. 2, 2007 with the Department of State on November 16, 2007.

Thank you very much for your help and cooperation.

Very truly yours,

DiFILIPPO & FLAHERTY, P.C.



Anthony DiFilippo, III

ADIII:dme
Enclosure

cc: Members of the Town Board, Town of Yorkshire

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 of Yorkshire
- Town
- Village

Local Law No. 2 of the year 20 09

A local law Establishing Dog License Fees
(Insert Title)

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

- County
- City of Yorkshire 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. 2 of 20 09 of the ~~(County)(City)(Town)(Village)~~ of Yorkshire was duly passed by the Town Board on April 13, 20 09, 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.

LOCAL LAW NO. 2 OF 2009 OF THE
TOWN OF YORKSHIRE

Being enacted by the Town Board of the Town of Yorkshire that Local Law No. 1 of the year 2001 entitled Establishing Dog License Fees is hereby amended as follows:

1. Section 2 is hereby retained but renumbered and designated as Section 4.

2. Section 3 is retained but is hereby renumbered and designated as Section 5.

3. That a new Section 2 is added to the Local Law to read as follows:

The fee for each dog that is sheltered by the Town shall be \$10.00 per day plus any and all necessary veterinarian expenses for care and/or treatment of the dog.

4. That a new Section 3 is added to the Local Law to read as follows:

The Town Board of the Town of Yorkshire by Resolution may from time to time hereby amend the fees as set forth in Section 1 of this Local Law and the fees for sheltering a dog by the Town as set forth in Section 2 of this Local Law.

5. This Local Law shall take effect immediately upon the filing thereof in the office of the Secretary of State.

LAW OFFICES OF
DIFILIPPO & FLAHERTY, P.C.

ANTHONY DIFILIPPO, III
CAROL A. FLAHERTY

382 MAIN STREET
EAST AURORA, NEW YORK 14052
(716) 652-9600
FAX: (716) 655-7777
EMAIL: ealaw@Choiceonemail.com

LEGAL ASSISTANTS:
Denise M. Ertl
Wendy Francis
Samantha J. Newland
Sandra A. Roemer

April 20, 2009

Secretary of State
State Records and Law Bureau
Department of State
41 State Street
Albany, New York 12231

Re: Town of Yorkshire - Local Law No. 2 Pertaining to Dog License Fees

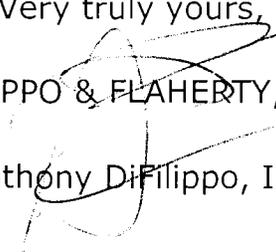
Dear Secretary of State:

I am enclosing herewith for filing the New York State Department of State Local Law No. 2 of the year 2009 of the Town of Yorkshire entitled Establishing Dog License Fees.

Thank you very much for your help and cooperation and would you please confirm the filing.

Thank you very much for your help and cooperation.

Very truly yours,


DIFILIPPO & FLAHERTY, P.C.

Anthony DiFilippo, III

ADIII:dme
Enclosure

cc: Hon. Duane C. Dedrick, Town Clerk
Town of Yorkshire



STATE OF NEW YORK
DEPARTMENT OF STATE
ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001

DAVID A. PATERSON
GOVERNOR

LORRAINE A. CORTÉS-VÁZQUEZ
SECRETARY OF STATE

April 23, 2009

Anthony DiFilippo III
Dilippo & Flaherty PC
382 Main Street
East Aurora NY 14052

RECEIVED
APR 23 2009

RE: Town of Yorkshire, Local Law No. 2, 2009, filed on April 22, 2009

Dear Sir/Madam:

The above referenced material was received and filed by this office as indicated. Additional local law filing forms can be obtained from our website, www.dos.state.ny.us/corp/misc.html.

Sincerely,
Linda Lasch
Principal Clerk
State Records and Law Bureau
(518) 474-2755

LAW OFFICES OF
DIFILIPPO & FLAHERTY P.C.

ANTHONY DIFILIPPO, III
CAROL A. FLAHERTY

382 MAIN STREET
EAST AURORA, NEW YORK 14052
(716) 652-9600
FAX: (716) 655-7777
EMAIL: eaalaw@Choiceonemail.com

LEGAL ASSISTANTS:
Denise M. Ertl
Wendy Francis
Samantha J. Newland
Sandra A. Roemer

April 29, 2009

Hon. Duane Dedrick, Town Clerk
Town of Yorkshire
P.O. Box 6
82 Main Street
Delevan, New York 14042

RE: Town of Yorkshire - Local Law No. 2, Pertaining to Dog License Fees

Dear Pat:

I have received and I am enclosing for your record a copy of the Department of State letter of April 23, 2009 confirming the fact that the Local Law was filed on April 22, 2009.

Thank you very much for your help and cooperation.

Very truly yours,

DIFILIPPO & FLAHERTY, P.C.

Anthony DiFilippo, III

ADIII/dme
Enclosures

LAW OFFICES OF
DIFILIPPO & FLAHERTY P.C.

ANTHONY DIFILIPPO, III
CAROL A. FLAHERTY

382 MAIN STREET
EAST AURORA, NEW YORK 14052
(716) 652-9600
FAX: (716) 655-7777
EMAIL: ealaw@Choiceonemail.com

LEGAL ASSISTANTS:
Denise M. Ertl
Wendy Francis
Samantha J. Newland
Sandra A. Roemer

April 29, 2009

Hon. Duane Detrick, Town Clerk
Town of Yorkshire
P.O. Box 6
82 Main Street
Delevan, New York 14042

RE: Town of Yorkshire - Local Law No. 2, Pertaining to Dog License Fees

Dear Pat:

I have received and I am enclosing for your record a copy of the Department of State letter of April 23, 2009 confirming the fact that the Local Law was filed on April 22, 2009.

Thank you very much for your help and cooperation.

Very truly yours,

DIFILIPPO & FLAHERTY, P.C.

Anthony DiFilippo, III

ADIII/dme
Enclosures

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 Yorkshire

Local Law No. 2 of the year 2012

A local law imposing a twelve month moratorium on hydrofracking within the Town of Yorkshire
(insert Title)

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

County City Town Village
(Select one.)

of Yorkshire as follows:

Pursuant to the statutory powers vested in the Town Board of the Town of Yorkshire (hereinafter the "Town") to regulate and control land use, and to protect the health, safety and welfare of its residents, the Town Board of the Town hereby declares a temporary twelve (12) month moratorium on Hydrofracking activities in the Town, or the issuance of any approvals or building permits therefor.

(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. 2 of 2012 of the (County)(City)(Town)(Village) of Yorkshire was duly passed by the Town Board on September 10 2012, 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.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

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

* 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 _____ above

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

Date: *Deane D. Dech*

(Seal)

A Local Law Imposing a Temporary 12 Month Moratorium on Hydrofracking

Local Law 2-2012

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

Section 1. Title.

This Local Law shall be referred to as the “Local Law Imposing a Temporary 12 Month Moratorium on Hydrofracking.”

Section 2. Purpose and Intent.

Pursuant to the statutory powers vested in the Town Board of the Town of Yorkshire (hereinafter the “Town”) to regulate and control land use, and to protect the health, safety and welfare of its residents, the Town Board of the Town hereby declares a temporary twelve (12) month moratorium on Hydrofracking activities in the Town, or the issuance of any approvals or building permits therefor.

The Town anticipates that there may be an increase in the demand for mineral resources now located in the Town and that it may receive a number of new applications for, and inquiries about, the establishment or enlargement of Hydrofracking within the Town.

The question of integrating Hydrofracking within the Town’s existing pattern of predominately residential and agricultural land use emphasizes the need for suitable siting, land use and zoning standards with reference to mineral extraction, consistent with applicable provisions of law.

The Town Board of the Town desires to address, in a careful manner, this integration question on a comprehensive Town-wide basis, rather than on an ad hoc basis, and to adopt Land Use Local Law provisions to properly regulate same.

The Town Board of the Town is now in the process of considering various options relating to this issue. The Town Board of the Town finds and determines that it needs the period of time covered by the moratorium imposed herein in order to carefully study the integration issue, draft proposed amendments to the Land Use Local Law, make appropriate changes to the draft of the proposed Local Law, schedule and hold the required public hearing on the Local Law, perform an appropriate environmental review of the Local Law, comply with applicable provisions of law, adopt the Local Law, and file a copy of the Local Law (as adopted) with the Secretary of State of the State of New York.

Section 3. Scope of Controls.

A. During the effective period of this Local Law:

1. The Town Board of the Town shall not grant any approvals which would have as the result the establishment or development of any new Hydrofracking activities or the enlargement of any existing Hydrofracking activities within the Town.

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 Hydrofracking activity or the enlargement of any existing Hydrofracking activity within the Town.

3. The Town Zoning Board of Appeals shall not grant any variance, special use permit or other permit for any use which would result in the establishment or development of any new Hydrofracking activity or the enlargement of any existing Hydrofracking activity within the Town.

4. The Building and Code Inspector of the Town shall not issue any building permit or other permit which would result in the establishment or development of any new Hydrofracking activity or the enlargement of any existing Hydrofracking activity within the Town.

B. The Town Board of the Town 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 4. No Consideration of New Applications.

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

Section 5. Term.

The moratorium imposed by this Local Law shall be in effect for a period of twelve (12) months from the effective date of this Local Law. In the event that the Local Law entitled, "A Local Law Amending the Land Use Local Law of the Town of Yorkshire, New York (Hydrofracking)" or a similar local law relating to Hydrofracking 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 Town Local Law relating to Hydrofracking takes effect in accordance with section 27 of the Municipal Home Rule Law.

Section 6. Penalties.

Any person, firm or corporation that shall establish or develop any new Hydrofracking activity or enlarge any existing Hydrofracking 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 for 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 extraction or excavation which may have taken place in violation of this Local Law.

Section 7. 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 8. Hardship.

A. Should any owner of property affected by this Local Law suffer an unnecessary hardship in the way of carrying out the strict letter of this Local Law, then the owner of said property may apply to the Town Board of the Town in writing for a variation from strict compliance with this Local Law upon submission of proof of such unnecessary hardship. For the purposes of this Local Law, unnecessary hardship shall not be the mere delay in being permitted to make an application or waiting for a decision on the application for a variance, special use permit, site plan, or other permit during the period of the moratorium imposed by this Local Law.

B. Procedure.

Upon submission of a written application to the Town Clerk by the property owner seeking a variation of this Local Law, the Town Board shall, within thirty (30) days of receipt of said application, schedule a Public Hearing on said application upon five (5) days' written notice in the Official Newspaper of the Town. At said Public Hearing the property owner and any other parties wishing to present evidence with regard to the application shall have an opportunity to be heard, and the Town Board shall, within fifteen (15) days of the close of said Public Hearing, render its decision either granting or denying the application for a variation from the strict requirements of this Local Law. If the Town Board determines that a property owner will suffer an unnecessary hardship if this Local Law is strictly applied to a particular property, then the Town Board shall vary the application of this Local Law to the minimum extent necessary to provide the property owner relief from strict compliance with this Local Law.

Section 9.

Notwithstanding the effective date of this Local Law, the provisions of this Local Law shall not be applicable to any portion of any lot within the Town for which any person has specifically applied prior to September 1, 2012 to the New York State Department of Environmental Conservation for a permit.

Section 10. 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.

DiFilippo, Flaherty & Steinhaus, PLLC

Carol A. Flaherty
John J. Flaherty
Robert D. Steinhaus

305 Main Street
East Aurora, New York 14052
(716) 652-9600
FAX (716) 655-7777
EMAIL: info@dfslawyers.com

Legal Assistants:
Denise M. Ertl
Wendy K. Francis

Anthony DiFilippo, III
(1938-2010)
Thomas P. Flaherty
(1925-2009)
Gerson L. Steinhaus
(1935-1973)

Litigation Paralegal:
Renée M. Zaccarine

September 4, 2012

Attn: Duane Dedrick, Town Clerk
Town of Yorkshire
P.O. Box 6
82 Main Street
Delevan, NY 14042

RE: Hydrofracking

Dear Pat:

Last week I provided you with the Notice of Public Hearing with respect to Local Law 2 -2012 imposing a (12) month Moratorium on Hydrofracking.

I have enclosed herewith the text of the Local Law which must be made available to anyone wishing to see it prior to and/or during the Public Hearing.

Thank you for your help and cooperation. Should you have any questions and/or concerns please do not hesitate to contact me.

Very truly yours,

DIFILIPPO, FLAHERTY & STEINHAUS, PLLC

By: 

Robert D. Steinhaus, Esq.

RDS/dme
cc: Marcia Spencer, Town Supervisor
Enclosure

TOWN OF YORKSHIRE

COUNCIL
KENNETH FISHER
MICHAEL MILES
TERESA HEWITT

MARCIA SPENCER, Supervisor

P. O. Box 6
Delevan, New York 14042
Phone: (716) 492-1640
Fax: (716) 492-4832

TOWN CLERK
DUANE C. DEDRICK

HIGHWAY SUPERINTENDENT
CHRISTOPHER LEXER

DEPUTY SUPERVISOR
CONSTANCE WALKER

July 31, 2012

DiFilippo, Flaherty & Steinhaus, PLLC
c/o Robert Steinhaus, Esq.
305 Main Street
East Aurora, New York 14052

Dear Mr. Steinhaus:

Enclosed, herewith, please find a signed copy of Local Law No. 2 of the year 2012 that you prepared for us that you will file with the Secretary of State.

Thank you for taking care of this matter for the town.

If you have any questions, or comments, please do not hesitate to contact me.

Sincerely,

Duane Dedrick
Town Clerk



STATE OF NEW YORK
DEPARTMENT OF STATE
ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001

ANDREW M. CUOMO
GOVERNOR

CESAR A. PERALES
SECRETARY OF STATE

October 12, 2012

Robert D Steinhaus
DiFilippo Flaherty & Steinhaus
305 Main Street
East Aurora NY 14052

RE: Town of Yorkshire, Local Law 2 2012, filed on October 5, 2012

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.state.ny.us.

Sincerely,
State Records and Law Bureau
(518) 474-2755

DiFilippo, Flaherty & Steinhaus, PLLC

Carol A. Flaherty
John J. Flaherty
Robert D. Steinhaus

305 Main Street
East Aurora, New York 14052
(716) 652-9600
FAX (716) 655-7777
EMAIL: info@dfsllawyers.com

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Denise M. Ertl
Wendy K. Francis

Anthony DiFilippo, III
(1938-2010)
Thomas P. Flaherty
(1925-2009)
Gerson L. Steinhaus
(1935-1973)

Litigation Paralegal:
Renée M. Zaccarine

October 19, 2012

Attn: Duane Dedrick, Town Clerk
Town of Yorkshire
P.O. Box 6
82 Main Street
Delevan, NY 14042

RE: Town of Yorkshire, Local Law 2-2012 - Hydrofracking

Dear Pat:

For your records enclosed herewith please find a copy of the filing receipt we received from the Department of State relative to the above referenced matter.

Thank you for your help and cooperation. Should you have any questions and/or concerns please do not hesitate to contact me.

Very truly yours,

DIFILIPPO, FLAHERTY & STEINHAUS, PLLC

By: _____

Robert D. Steinhaus, Esq.

RDS/dme
Enclosure

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 Yorkshire

Local Law No. 2 of the year 2013

A local law imposing a twelve month moratorium on hydrofracking within the Town of Yorkshire
(Insert Title)

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

County City Town Village
(Select one.)

of Yorkshire as follows:

Pursuant to the statutory powers vested in the Town Board of the Town of Yorkshire (hereinafter the "Town") to regulate and control land use, and to protect the health, safety and welfare of its residents, the Town Board of the Town hereby declares a temporary twelve (12) month moratorium on Hydrofracking activities in the Town, or the issuance of any approvals or building permits therefor.

(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. 2 of 2013 of the (County)(City)(Town)(Village) of Yorkshire was duly passed by the Town Board on October 21 2013, 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 _____ above.

Duane C. Dedrick

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

Date: 10-25-13

(Seal)

A Local Law Imposing a Temporary 12 Month Moratorium on Hydrofracking

Local Law 2-2013

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

Section 1. Title.

This Local Law shall be referred to as the “Local Law Imposing a Temporary 12 Month Moratorium on Hydrofracking.”

Section 2. Purpose and Intent.

Pursuant to the statutory powers vested in the Town Board of the Town of Yorkshire (hereinafter the “Town”) to regulate and control land use, and to protect the health, safety and welfare of its residents, the Town Board of the Town hereby declares a temporary twelve (12) month moratorium on Hydrofracking activities in the Town, or the issuance of any approvals or building permits therefor.

The Town anticipates that there may be an increase in the demand for mineral resources now located in the Town and that it may receive a number of new applications for, and inquiries about, the establishment or enlargement of Hydrofracking within the Town.

The question of integrating Hydrofracking within the Town’s existing pattern of predominately residential and agricultural land use emphasizes the need for suitable siting, land use and zoning standards with reference to mineral extraction, consistent with applicable provisions of law.

The Town Board of the Town desires to address, in a careful manner, this integration question on a comprehensive Town-wide basis, rather than on an ad hoc basis, and to adopt Land Use Local Law provisions to properly regulate same.

The Town Board of the Town is now in the process of considering various options relating to this issue. The Town Board of the Town finds and determines that it needs the period of time covered by the moratorium imposed herein in order to carefully study the integration issue, draft proposed amendments to the Land Use Local Law, make appropriate changes to the draft of the proposed Local Law, schedule and hold the required public hearing on the Local Law, perform an appropriate environmental review of the Local Law, comply with applicable provisions of law, adopt the Local Law, and file a copy of the Local Law (as adopted) with the Secretary of State of the State of New York.

Section 3. Scope of Controls.

A. During the effective period of this Local Law:

1. The Town Board of the Town shall not grant any approvals which would have as the result the establishment or development of any new Hydrofracking activities or the enlargement of any existing Hydrofracking activities within the Town.

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 Hydrofracking activity or the enlargement of any existing Hydrofracking activity within the Town.

3. The Town Zoning Board of Appeals shall not grant any variance, special use permit or other permit for any use which would result in the establishment or development of any new Hydrofracking activity or the enlargement of any existing Hydrofracking activity within the Town.

4. The Building and Code Inspector of the Town shall not issue any building permit or other permit which would result in the establishment or development of any new Hydrofracking activity or the enlargement of any existing Hydrofracking activity within the Town.

B. The Town Board of the Town 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 4. No Consideration of New Applications.

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

Section 5. Term.

The moratorium imposed by this Local Law shall be in effect for a period of twelve (12) months from the effective date of this Local Law. In the event that the Local Law entitled, "A Local Law Amending the Land Use Local Law of the Town of Yorkshire, New York (Hydrofracking)" or a similar local law relating to Hydrofracking 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 Town Local Law relating to Hydrofracking takes effect in accordance with section 27 of the Municipal Home Rule Law.

Section 6. Penalties.

Any person, firm or corporation that shall establish or develop any new Hydrofracking activity or enlarge any existing Hydrofracking activity in violation of the provisions of this Local Law shall be subject to:

STATE OF NEW YORK
DEPARTMENT OF STATE

ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001
WWW.DOS.NY.GOV

ANDREW M. CUOMO
GOVERNOR

CESAR A. PERALES
SECRETARY OF STATE

December 15, 2015

Robert D Steinhaus
DiFlippo, Flaherty & Steinhaus
305 Main Street
East Aurora NY 14052

RE: Town of Yorkshire, Local Law 2 2015, filed on December 15, 2015

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



Department
of State

Town Planning Board
TOWN of YORKSHIRE
P. O. Box 6
Delevan, New York 14042

July 29, 2015

Supervisor and Town Board
Town of Yorkshire
PO Box 6
Delevan, NY 14042

Re: Zoning Law Revisions

Dear Supervisor & Boardmembers;

Last night the Planning Board finished its review of its proposed Fences Section for the Zoning Law, as you requested. The Town Attorney recommended that either fences should be placed on a property line or that there be no reference to location ("silent"). We have decided to revise the proposed Section 5.13.1.1 so that it does not reference fence location. It should read:

- 1. Fences as envisioned herein, include: man-made walls or barriers to access to a lot; constructed of wood, steel, vinyl, etc. or hedges or plantings used as a visual screen or access barrier. Fences must be kept in good repair by the owner of the fence. A ~~building~~ zoning permit is required for all fences, except as exempted below.*

This will give property owners flexibility in the placement of their fences.

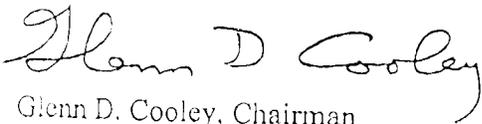
Next, item 10 in our proposed revisions that said:

Edit Section 5.12.4:

Delete the word fences.

That change should be removed from our recommendations as fences would be exempt from setback requirements.

Very Truly Yours,



Glenn D. Cooley, Chairman
Town Planning Board

PROPOSED REVISIONS TO TOWN OF YORKSHIRE ZONING LAW

1. Section 2.2 Specific Definitions

Add: RENTAL STORAGE FACILITY Any building, enclosure or fenced area where goods or materials are stored on a for fee basis.

Such a facility would be a Permitted Use in I and C districts and be a Special Permitted Use in HC & AR districts.

Add: SIGN, PORTABLE A sign that is designed and intended to be transported from place to place and is readily and easily removed and is not affixed to a building or structure. Portable signs are temporary or moveable signs."

Delete from "DWELLING, SINGLE FAMILY" the words "a minimum of 24 feet wide and".

Delete the definition for YARD SALE.

2. Section 4.1.4 Special Permitted Uses (AR District)

Add:

20. Rental Storage Facility

3. Section 4.3.5 Special Permitted Uses (HC District)

Add:

14. Rental Storage Facility

4. Section 4.5.2 Permitted Uses (I District)

Add:

6. Rental Storage Facility

5. Section 4.6.3 Principal Permitted Uses (C District)

Add:

24. Rental Storage Facility

6. Section 4.7 Planned Development District (P-D)

Change to:

Section 4.7 Master Planned District (MPD)

To be consistent with existing text

7. Section 5.10 Minimum size for single family dwelling

Delete the words "a minimum of 24 feet in width and".

8. Section 5.11 Building Separation: Change to "as per NYS Building Code."

5.12.4. Notwithstanding any other provision of this law, clothesline poles, flag poles, garden trellises, ~~fences~~ and retaining walls shall be exempt from any setback requirements.

11. **Section 6.6 Keeping of Large Animals in the Hamlet of Yorkshire**

Add an item " 4. Manure, hay or other products can not be stored closer than 75 feet from any adjacent property line. Manure piles must be completely disposed of each spring by April 15th."

12. **Section 6.10.2.1. General Standards:** Delete the words "alter" and "altered".

13. **Section 6.10.3 Exempt Signs:** Add the following:

10. Any sign attached or painted on a window inside of the building to advertize a special sale.

11. Neon signs in the window or a retail establishment not larger than four (4) square feet or 25% of the window area, whichever is less, provided that the sign is lit only during business hours.

12. Portable signs

14. **Revise Section 6.10.4 Signs Requiring Sign Permits**

Delete the first sentence in second paragraph:

~~A freestanding pole sign not over 10 feet in height and not in excess of 32 square feet in sign area may also be permitted for each business providing that:~~

Replace with:

A freestanding pole sign not over 20 feet in height and not in excess of 32 square feet in sign area with a minimum distance of 8 feet to the bottom of the sign panel from grade may also be permitted for each business providing that:

15. **Section 7.1.4 Setbacks:** Add the following paragraph:

"Any setback shall include a fall zone surrounding any support towers, which fall zone must have a radius at least equal to the height of such support tower and any antenna(s) attached thereto. The entire fall zone may not include public roads and must be on property either owned or leased by the Applicant. It may not contain any structure other than those associated with the telecommunications facilities. If the facility is attached to any existing structure, fall zone requirements may be relaxed by specific permission of the Town Planning board."

16. **Section 7.8.2 Definitions:** Add:

Adult Material - Books, magazines, periodicals or other printed matter or photographs, films, motion pictures, video cassettes, slides or other visual representations or recordings, novelties and devices that have as their primary or dominant theme matter depicting, illustrating, or describing specified sexual activity or specified anatomical areas. Instruments, devices or paraphernalia designed for use in connection with specified sexual activity.

17. **Section 7.8.3 General Restrictions** : Change the first paragraph to:
"Adult Uses, including but not limited to Adult Bookstores, Adult Entertainment Establishments, Adult Cabarets, Adult Motion Picture Theaters and Adult Theaters **and sale of Adult Material** shall be permitted subject to the following restrictions:"
18. **Section 7.11. Hazardous Wastes**: Delete this section, it is an expanded repeat of Section 7.6
19. **Section 13.3 Certificate of Compliance**: Add:
"13.3.4. Upon receipt of an application therefore, the Code Enforcement Officer may issue a temporary certificate of occupancy or a temporary certificate of zoning compliance to be effective for a variable period at the discretion of the CEO, but not to exceed 180 days from date of issuance."
20. Add French Road to the Zoning Map.