

Local Law Filing

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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 Montgomery

Local Law No. 2 of the year 2023

A LOCAL LAW AMENDING CHAPTER 235 OF THE CODE OF THE TOWN OF MONTGOMERY TO ESTABLISH A RIGHT-TO-FARM POLICY IN THE TOWN OF MONTGOMERY, DEFINING AND REGULATING AGRITOURISM USES, AND RELIEVING CERTAIN ANCILLARY COMPONENTS OF FARM OPERATIONS FROM REGULATION UNDER THE ZONING LOCAL LAW

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

See attached.

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

TOWN OF MONTGOMERY

LOCAL LAW NO. 2 OF 2023

A LOCAL LAW AMENDING CHAPTER 235 OF THE CODE OF THE TOWN OF MONTGOMERY TO ESTABLISH A RIGHT-TO-FARM POLICY IN THE TOWN OF MONTGOMERY, DEFINING AND REGULATING AGRITOURISM USES, AND RELIEVING CERTAIN ANCILLARY COMPONENTS OF FARM OPERATIONS FROM REGULATION UNDER THE ZONING LOCAL LAW.

Be it enacted by the Town Board of the Town of Montgomery, County of Orange, State of New York as follows:

Section 1. Purpose And Intent.

The purpose and intent of this local law is to implement the recommendations of “Vision 20/20,” the Comprehensive Plan for the Town of Montgomery. The first enumerated goal of the Plan of the Town of Montgomery is to, “Ensure the benefits of working agricultural uses and ecological preserves including maintaining rural character, open space preservation, local food security, and fiscal benefits.”

The further purpose of this local law is to implement several recommendations that will help to meet the objectives to, “Preserve at least 1,000 more acres of working farmland and/or ecologically sensitive lands by 2030,” “relieve viable existing agricultural uses from undue development pressure,” and “increase value of land for agricultural use by facilitating complimentary and accessory uses.” Recommendations of the Comprehensive Plan that are intended to be implemented through this local law include:

- Adopt a right-to-farm resolution;
- Allow for industry complimentary to agriculture in the Town’s land use regulations;
- Ease and streamline the approval of “agritourism” uses such as farm vacations, catering halls, events, glamping (camping in semi-permanent luxury tents), farm education, farm markets, farm breweries, cideries, and distilleries, to allow farmland to add value without ceasing agricultural use
- Promote the adaptive reuse of farm buildings for agritourism for catering facilities.
- Streamline the permitting process to allow and encourage existing agricultural businesses to host theme fairs, harvest/holiday festivals, events, corn mazes or other family-friendly on-site agricultural related activities.

Section 2. Definitions. Section 235-3.2 (Definitions of words and terms) of the Zoning Law of the Town of Montgomery is hereby amended to add the following definitions referenced under the Right to Farm Law in appropriate alphabetical order:

AGRICULTURAL SUPPORTIVE BUSINESS – An establishment that provides products or services primarily to farmers to support production, sale, marketing, and distribution of their products including but not limited to, farm equipment repair, farm equipment sales, soil preparation services, crop services, veterinary services, farm labor and management services, seed or fertilizer sales, refrigeration, aggregation and distribution. Agricultural business shall include the processing of local agricultural products including but not limited to cooking, dehydrating, pasteurizing, refining, milling, packing, cutting, juicing, pickling,

jelling, saucing, flash-freezing, warehousing and distribution. Agricultural support business shall include dairies and creameries. Agricultural supportive business shall not include animal processing facilities as defined herein or any use in which animals are slaughtered or processed.

AGRICULTURE - Those activities involved in the production of agricultural products for sale. Further, agricultural activities shall include an activity engaged in, by, or on behalf of a farmer in connection with and furtherance of the business of agriculture and shall include but not be limited to, the collection, transportation, distribution, composting, cooling, drying and storage of animal and poultry waste; storage, transportation and use of equipment for tillage, planting, harvesting and marketing; transportation, storage and use of legally permitted fertilizers and limes, insecticides, pesticides, herbicides, and fungicides; construction of farm structures and facilities, including farm wineries and other on-farm food processing as permitted by local and State building code regulation; construction and maintenance of fences and other enclosures; and the use and/or maintenance of related pastures, idle or fallow land, woodland, wetland, farm ponds, farm roads and certain farm buildings and other structures related to agricultural practices. Agriculture also includes agritourism as defined hereafter.

AGRICULTURAL PRACTICES – See agriculture.

AGRICULTURAL PRODUCTS – Those products as defined in section 301(2) of Article 25AA of the State Agriculture and Markets Law, including but not limited to:

- a. Field crops, including corn, wheat, rye, barley, hay, potatoes and dry beans.*
- b. Fruits, including apples, peaches, grapes, cherries and berries.*
- c. Vegetables, including tomatoes, snap beans, cabbage, carrots, beets and onions.*
- d. Horticultural specialties, including nursery stock, ornamental shrubs, ornamental trees and flowers.*
- e. Livestock and livestock products, including cattle, sheep, hogs, goats, horses, poultry, llamas, ratites, such as ostriches, emus, rheas and kiwis, farmed deer, farmed buffalo, fur bearing animals, milk and milk products, eggs, furs, and poultry products.*
- f. Maple sap and sugar products.*
- g. Christmas trees derived from a managed Christmas tree operation whether dug for transplanting or cut from the stump.*
- h. Aquaculture products, including fish, fish products, water plants and shellfish.*
- i. Short rotation woody crops raised for bioenergy.*
- j. Production and sale of woodland products, including but not limited to logs, lumber, posts and firewood*

AGRICULTURAL PRODUCTS, LOCAL – Agricultural products grown in the State of New York or outside of the State of New York but within 75 miles of the Town of Montgomery, NY.

AGRITOURISM – Activities conducted on a parcel located within an Agricultural District not related to the direct production of agricultural products, but supportive of a farm operation by providing accommodations, facilities, tours, events and activities designed to attract people to the farm operation to promote the sales, education and enjoyment of local agricultural products. Agritourism includes, but is not limited to, farm retail outlets, public farm markets, farm stands, farm breweries, farm cideries, farm distilleries, farm wineries, farm-to-table restaurants, farm vacations, farm events, farm assembly venue and farm

education, harvest event, weddings & catering halls.

ANIMAL PROCESSING FACILITY - A USDA-inspected slaughter plant, a state-registered 5-A plant, a state registered 20-C commercial kitchen or other facility used for processing animals or animal parts in accordance with state or federal requirements.

FARM ASSEMBLY VENUE – An agritourism use comprised of an arena, assembly hall, catering hall, conference center, or similar indoor or outdoor facility designed to support public assembly on a regular basis.

FARM BREWERY, CIDERY, WINERY, MEADERY OR DISTILLERY — An agritourism use comprised of a brewery, cidery, winery, meadery or distillery, licensed to produce New York State labelled product and required by license to utilize New York State agricultural products as a minimum percentage of ingredients by weight.

FARM EDUCATION – An agritourism use comprised of the touring of farms for the purpose of teaching people about agriculture. Farm education may include the transport of groups to and from a farm and may include one or more structures or portions of structures used as classrooms, museums, lecture halls or exhibit space.

FARM EVENT – A transient agritourism use comprised of public assembly.

FARM MARKET, PUBLIC — A temporary agritourism use comprised of an event held indoors or outdoors for the buying or sale of farm and food products.

FARM OPERATION - the land and on-farm buildings, equipment, facilities, and agricultural practices which contribute to the production, preparation and marketing of agricultural products, as a commercial enterprise, including a "commercial horse boarding operation" as defined in subdivision thirteen of Article 25-AA of the Agricultural Districts Law and "timber processing" as defined in subdivision fourteen of Article 25-AA. Such farm operation may consist of one or more parcels of owned or rented land, which parcels may be contiguous or noncontiguous to each other.

FARM RETAIL OUTLET, PRIVATE — An agritourism use comprised of one or more permanent structures or portions thereof, operated on a seasonal or year-round basis, that allows for farmers to retail agricultural products directly to consumers. Farm retail outlets may sell products other than agricultural products, but such sales shall be subordinate to the retail of local agricultural products.

FARM STAND — An agritourism use comprised of a direct farm marketing operation without a permanent structure and only offering outdoor shopping on the farm premises. Such an operation is seasonal in nature and features on-farm produce as well as local agricultural products, enhanced agricultural products and handmade crafts.

FARM-TO-TABLE RESTAURANT — An agritourism use comprised of a restaurant which prepares and sells dishes which significantly feature local agricultural products as ingredients.

FARM VACATION — An agritourism use comprised of temporary residency on the premises

of a farm operation, by paying, transient guests, for the purpose of observing and/or participating in the ongoing activities of an agricultural operation and learning about agricultural life.

FARMER – any person, organization, entity, association, partnership, limited liability company, or corporation engaged in the business of agriculture, whether for profit or otherwise, including the cultivation of land, the raising of crops, or the raising of livestock

FARMLAND -- Land within an agricultural district created pursuant to Section 303 of the New York Agriculture and Markets Law, used primarily for bona fide agricultural production, for commercial purposes, of all those items and products defined in the New York Agriculture and Markets Law, Section 301.

HARVEST EVENT – An agritourism use where the public is invited at harvest time to pick fruits or vegetables grown on-site and optionally supplemented with local agricultural products. Farm events may include traditionally attendant activities such as corn mazes, Christmas tree harvesting, cooking contests, eating contests, petting zoos, sale of prepared foods, live music and similar activities. Harvest events may extend over the span of several weeks.

HORTICULTURAL SPECIALTY - The production of fruits, vegetables, flowers, ornamental trees and landscape plants but not staple crops or livestock. Horticultural specialty may include greenhouses and retail outlets.

Section 3. Removal of competing definition. The existing definition for “AGRICULTURAL ACTIVITY” contained in §235-10.5(definitions) of §235-10 (Stormwater Management and erosion and sediment control) is hereby deleted in its entirety.

Section 4. Right to Farm. §235-4 (Applicability of regulations) is hereby amended to add a new subsection §235-4.5 entitled “Right to farm” as described hereafter:

§235-4.5. *Right to farm.*

- A. Farmers, as well as those employed, retained, or otherwise authorized to act on behalf of farmers, may lawfully engage in agricultural practices within this Town at all times and all such locations, as limited herein, as are reasonably necessary to conduct the business of agriculture. For any agricultural practice, in determining the reasonableness of the time, place, and method of such practice, due weight and consideration shall be given to both traditional customs and procedures in the farming industry as well as to advances resulting from increased knowledge, research and improved technologies.*
- B. Agriculture as defined herein is a permitted use on any properties which lie within an Agricultural District in any district of the Town and shall not be subject to site plan or special use approval except as identified hereafter.*
- C. Agricultural practices conducted on farmland as defined herein shall not be found to*

be a public or private nuisance if such agricultural practices are:

- (1) Reasonable and necessary to the particular farm or farm operation,*
- (2) Conducted in a manner which is not negligent or reckless,*
- (3) Conducted in conformity with generally accepted and sound agricultural practices,*
- (4) Conducted in conformity with all local state, and federal laws and regulations,*
- (5) Conducted in a manner which does not constitute a threat to public health and safety or cause injury to health or safety of any person, and*
- (6) Conducted in a manner which does not reasonably obstruct the free passage or use of navigable waters or public roadways.*
- (7) An agritourism use conducted pursuant to the limitations contained herein in Paragraphs G and I, and any requirements imposed as part of site plan approval (where applicable).*

D. Nothing in this law shall be construed to prohibit an aggrieved party from recovering damages for bodily injury or wrongful death due to a failure to follow sound agricultural practice.

E. Notification of Real Estate Buyers. In order to promote harmony between farmers and their neighbors, the Town requires land holders and/or their agents and assigns to comply with Section 310 of Article 25-AA of the State Agriculture and Markets Law and provide notice to prospective purchasers and occupants as follows: "It is the policy of this state and this community to conserve, protect and encourage the development and improvement of agricultural land for the production of food, and other products and also for its natural and ecological value. This notice is to inform prospective residents that the property they are about to acquire lies partially or wholly within an agricultural district and that farming activities occur within the district. Such farming activities may include, but not be limited to, activities that cause noise, dust and odors." This notice shall be provided to prospective purchase of property within an agricultural district or on property with boundaries within 500 feet of a farm operation located in an agricultural district. A copy of this notice shall be included by the seller or seller's agent as an addendum to the purchase and sale contract at the time an offer to purchase is made.

F. The following agritourism uses shall be deemed to be permitted components of farm operations in any zoning district in the Town for properties which lie within an Agricultural District where they meet the requirements of paragraphs G and I hereafter.

- (1) Farm retail outlets;*
- (2) Farm stands;*
- (3) Farm breweries, farm cideries, farm distilleries, farm meaderies, farm wineries;*
- (4) Farm-to-table restaurants;*
- (5) Farm vacations including no more than 10 demised units of overnight accommodations;*
- (6) Harvest events;*
- (7) Farm events for up to 300 people;*
- (8) Farm assembly venue with a maximum capacity of up to 300 people;*
- (9) Farm education;*

G. *The following restrictions shall apply to agritourism uses permitted pursuant to these provisions. These restrictions shall not be construed to apply to those portions of the farm operation not used for agritourism or in support of the agritourism (such as parking areas and outdoor assembly spaces) nor shall such areas of the farm operation be subjected to site plan review by the Town Board or Planning Board as described hereafter.*

- (1) The principal use of the lot shall be for a farm operation, and the farm operation and agritourism use shall be located on land meeting the definition of farmland and located within an agricultural district. The agritourism use shall be subordinate to the farm operation.*
- (2) All agritourism uses shall meet the requirements of the Building Codes of the State of New York. No structures shall be constructed, nor sites cleared, graded or improved in support of an agritourism use before issuance of a building permit by the Building Inspector.*
- (3) Agritourism uses involving less than 4,000 square feet of permanent enclosed interior floor area and/or parking areas for less than 75 vehicles shall be deemed minor and subject to expedited site plan approval by the Town Board in accordance with the provisions of Paragraph I.*
- (4) Agritourism uses involving 4,000 square feet or more but less than 10,000 square feet of permanent enclosed interior floor area and/or parking areas for 75 or more vehicles but less than 150 vehicles shall be subject to expedited site plan review by the Planning Board in accordance with the provisions of paragraph I*
- (5) Where any use proposes 10,000 square feet or more of permanent enclosed interior floor area or parking areas for 150 vehicles or more, such use shall be subject to full site plan review in accordance with the provisions of §235-16.5.*
- (6) No more than one farm event per day is permitted.*
- (7) The minimum lot size for the farm operation and agritourism use is 10 acres.*
- (8) Any new structure shall meet the yard and height requirements of the zoning district in which the agritourism use is proposed to be located.*
- (9) No outdoor areas available for public access shall be located closer than 200 feet from a neighboring residence.*
- (10) The use shall be available for inspection annually and at any time upon reasonable advance notification by the building department to ensure continuing compliance with these provisions.*
- (11) All permits shall be secured from the New York State Department of Health (or other delegated authority) as required by law including but not limited to any permits for public gatherings, public water supply, food service facilities, sanitary sewer, lodging, etc.*
- (12) With the exception of overnight accommodations and setup and clean-up of events, agritourism uses shall only be permitted to operate between the hours of 8:00 AM and 10:00 PM Monday through Thursday, 8:00 AM and 11:30 PM on Friday, 9:00 AM and 11:30 PM on Saturday and 10:00 AM and 10:00 PM on Sunday and any holiday on which the Town Clerk's office is closed. Regardless of whether or not site plan approval is required for agritourism uses, the Planning Board or Town Board may modify the terms of these restrictions for good cause shown.*
- (13) Agritourism uses shall be subject to the provisions of §235-16*

(Administration and Enforcement) except that the time to remedy a violation established by §235-16.10(B) of ten days shall be extended to 60 days, except where the Building Inspector determines an emergency situation exists. The time to remedy shall only be so extended for violations arising from noncompliance with the conditions outlined in §235-4.5(H) or imposed as a requirement of site plan approval of the agritourism use. All other requirements shall be subject to the timeframes outlined by §235-16.10(B).

- (14) The Town Board may revoke the right to an agritourism use that it finds to be in continuous violation of its approval for ninety consecutive days which revocation may be for a term of up to three years.*

H. Accessory Animal Processing. The incidental processing of animals or animal parts is recognized to be a customary accessory use to farm operations and is authorized as a permitted accessory use to any farm operation located within an agricultural district subject to the following requirements:

- (1) The operation does not meet the threshold for requiring a permit from the United States Department of Agriculture.*
- (2) No animal processing operations shall be located within 200 feet of a property line.*
- (3) No animals shall be processed within substantial public view.*
- (4) The animal processing is in accordance with all state and federal requirements.*
- (5) Where more than 4,000 square feet of interior floor area is proposed for use as accessory animal processing, it shall be subject to expedited site plan approval in conformance with the provisions of Paragraph I.*

I. Expedited Site Plan.

- (1) A sketched general plan for the site shall be provided on a tax parcel map or other sufficient available base map showing the boundaries and dimensions of the parcel of land involved, and identifying contiguous properties and any known easements or rights-of-way and roadways. The sketch plan shall also include the approximate location of the following: (Note: Parcel maps showing lot lines and aerial photos of the site may be downloaded or printed from the Orange County GIS website at <https://gis.orangecountygov.com>)*
 - a. Existing features of the site including land and water areas, water or sewer systems and the approximate location of all existing structures on or immediately adjacent to the site shall be indicated on the sketch plan..*
 - b. The proposed location and arrangement of buildings and uses on the site, including means of ingress and egress, parking and circulation of traffic.*
 - c. The proposed location and arrangement of specific land uses, such as pasture, crop fields, woodland, livestock containment areas or manure storage / manure composting sites.*
 - d. Sketch of any proposed building, structure or sign, including exterior dimensions and elevations of front, side and rear views. Include copies of any available blueprints, plans or drawings.*
- (2) Provide a description of the farm operation (existing and / or proposed) and a narrative of the intended use and / or location of proposed buildings, structures, or signs, including any anticipated changes in the existing topography and natural features of the parcel to accommodate the changes.*

Include the name and address of the applicant and any professional advisors. If the applicant is not the owner of the property, provide authorization of the owner.

- (3) If any new structures are going to be located adjacent to a stream or wetland provide a copy of the floodplain map and wetland map that corresponds with the boundaries of the property.*
- (4) The Planning Board or Town Board shall review the submissions in order to determine that the following limited standards are met:*
 - a. Vehicular site ingress and egress are appropriate in number and location and provide adequate sight distance and such turning lanes as are necessary to provide safe vehicular access to the site.*
 - b. Adequate parking is provided so as to prevent parking on public roads. Any parking or loading standard of the zoning code may be waived where the Reviewing Board believes that adequate alternative facilities are provided to meet the practical needs of the proposed facility.*
 - c. Adequate emergency service access is provided to protect life and property.*
 - d. Adequate site lighting is provided to provide safe access by the public, but without resulting in excessive glare or impacts to the night sky.*
 - e. Buildings, entrances, walkways, utilities, outdoor assembly areas and other proposed site features are compliant with the Americans with Disabilities Act ("ADA") and laid out in a manner that does not endanger life or property or result in significant impacts to the environment or create unreasonable nuisances to neighboring residences.*
- (5) No cost for review by professionals shall be charged to the applicant except in unusual circumstances. Where the Planning Board or Town Board retains professionals to review the proposed agritourism use, the fees of such professionals shall be paid by the Town. Other standard Planning Board and Building Department fees may be charged to the applicant and the Planning Board or Town Board may request review and opinion by the Building Inspector.*
- (6) No public hearing shall be required for an expedited site plan review. However, the reviewing board may conduct a public hearing at its discretion if it determines that circumstances warrant such hearing.*
- (7) The Planning Board or Town Board shall render its decision upon an expedited site plan review within 60 days of a determination by the Building Inspector that a complete application has been submitted or within thirty (30) days of the closure of any public hearing, whichever is later. The reviewing board may impose any and all reasonable conditions upon a site plan approval which it determines to be in the public interest. Such conditions may include, but not be limited to, the issuance of a five-year approval conditioned upon the applicant submitting annual reports demonstrating that its agritourism use is subordinate to the farming operations on the property and that the agritourism revenue does not exceed a specific percentage of the farm's overall gross revenue in accordance with the requirements of the New York State Department of Agriculture and Markets. If the applicant cannot make the required showing, the reviewing board shall retain the authority to suspend or revoke the agritourism use approval.*

J. State Environmental Quality Review (SEQR). Agricultural farm management

practices including construction, maintenance and repair of farm buildings and structures, and land use changes consistent with generally accepted principles of farming are typically Type II Actions pursuant to 6 NYCRR 617.5(c)(4). Farm operations including agritourism uses and accessory animal processing in accordance with this chapter are considered components of agriculture and may therefore qualify as Type II actions pursuant to SEQR, when proposed as part of a farm operation. Notwithstanding the foregoing, the reviewing board is vested with the discretion to determine that a proposed agritourism use is either a Type I or Unlisted action pursuant to the SEQR regulations which requires environmental review prior to approval.

Section 5. Right to farm deed notices. A new section “E” shall be added to Section 1 (General Requirements) of Article IV (General Requirements and Design Standards) of the Town of Montgomery Subdivision Regulations as follows:

E. Requirement for Deed and Plat Notification of Right-to-farm. Prior to approval of any application for subdivision, re-subdivision or lot line change, the Planning Board shall require that each and every deed conveying all or any portion of the lands which lie within an Agricultural District thereby subdivided, as well as on any plat filed in the office of the County Clerk, contain the following record notice to and waiver by grantees of such present or future proximate farming uses, which provision shall be made to run with the land: “By accepting title to this property, the grantee hereby acknowledges notice that agricultural activities exist throughout the town and that there are presently or may in the future be farm uses adjacent or in close proximity to the within-described premises. The grantee acknowledges that farmers have the right to undertake sound agricultural activities as defined by the State of New York which may generate dust, odor, fumes, noise and vibrations associated with agricultural practices, and that these activities are permitted under the Town of Montgomery’s Right-to-Farm Law, and, by acceptance of this conveyance, the grantee does hereby waive objection to such activities.”

Section 6. Agricultural Supportive Business. Attachment A (Table of Use Regulations) is amended to list “Agricultural Supportive Business” under “E. Business Uses” as a permitted (P) use in the RA-CE, RA-0.5, Crossroads Overlay, B-1, B-2, I-1, I-2, and I-3 zoning districts. “Agricultural Supportive Business” shall be identified as Intensity Classification of “IV” in Table 235-11.9-A.

Section 7. Animal Processing Facility. All references in Chapter 235 (Zoning) referring to “Abattoir” or “USDA Slaughterhouse, 5-A state plants and meat processing facilities” shall be amended to read, “animal processing facility.”

Section 8. Severability Clause. If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Town Board of the Town of Montgomery hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

Section 9. Effective Date. This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

(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 2023 of the (County)(City)(Town)(Village) of Montgomery was duly passed by the Town Board of the Town of Montgomery on February 28, 2023, 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 _____ 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 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.



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

(Seal)

Date: March 1, 2023