

**Town of New Scotland
Proposed Local Law C of the year 2020**

A Local Law Amending the Town of New Scotland “Lighting Law,” Local Law No. 3 of 2012, entitled “a local law regulating artificial lighting.”

Be it enacted by the Town Board of the Town of New Scotland as follows:

SECTION I. BACKGROUND, PURPOSE AND FINDINGS

In June 2012, the Town Board enacted Local Law No. 3 of 2012, which was designed to prevent unreasonably bright artificial lighting and to reduce the level of artificial lighting on surrounding properties within the Town so as to preserve, protect and promote the public health, safety and welfare within the Town and its inhabitants. Since then, the Town has continued to receive complaints that in certain cases the regulations are difficult to enforce, or residents have used exceptions in the law to circumvent the restrictions. The Town Board finds that excessive artificial light levels are offensive and detrimental to the enjoyment of property, and that excessive and unnecessary artificial light within the Town of New Scotland is a nuisance and menace to public health, safety, welfare and the comfort of the people of the Town, and negatively affects the value of their property.

SECTION II. AMENDMENTS

Section 190-33(C)(3) of the Town of New Scotland Code is hereby amended by adding the following paragraph in the place and stead of subsection (3):

(3) Temporary holiday lighting fixtures and lights, except when placed on a vacant, or unoccupied, dwelling (including any accessory buildings (garage, shed, etc.) associated with the dwelling) or residence that is not being used as a residence and/or is unoccupied at the time the holiday lights are turned on. For purposes of Section 190-33, a dwelling is “unoccupied” when no person is residing in, and sleeping at, the dwelling during any 72 hour consecutive period. If the dwelling is unoccupied, the holiday lights cannot be turned on. No temporary holiday lights can be used for a period in excess of eight (8) consecutive weeks.

SECTION III. SEVERABILITY

Each separate provision of this local law shall be deemed independent of all other provisions herein, and if any provisions shall be deemed or declared invalid, all other provisions hereof shall remain valid and enforceable.

SECTION IV. REPEAL OF OTHER LAWS

All local laws in conflict with provisions of this Local Law are hereby superseded. This Local Law supersedes any inconsistent provisions in Chapter 110 and Chapter 190 of the Town of New Scotland Code, relating to highway specifications, zoning and permitted and special uses.

SECTION V. EFFECTIVE DATE

This Local Law shall take effect immediately, as provided by law, upon filing with the Secretary of State.

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. ____ of 20____ of the Town of New Scotland was duly passed by the New Scotland Town Board on _____ 20__, 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 Town of New Scotland was duly passed by the New Scotland Town Board _____ on 20 ____ , and was (approved) (not approved) (repassed after disapproval) by the _____ and was deemed duly adopted on _____, 20 _____ , in accordance with the applicable provisions of law.

*** Elective Chief Executive Officer 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.**

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. ____ of 20 ____ of the Town of New Scotland was duly passed by the New Scotland Town Board _____ 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 Town of New Scotland 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.

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.

New Scotland Town Clerk

(Seal)

Date: _____

(Certification to be executed by Town Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF ALBANY

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 _____
New Scotland Town Attorney

Date: _____