CITY OF BEACON

Iola C. Taylor
City Clerk
One Municipal Plaza, Suite One
Beacon, New York 12508

Telephone (845) 838-5003
Facsimile (845) 838-5012

I, IOLA C. TAYLOR, Clerk of the City of Beacon, New York, do hereby certify that the attached is a true and accurate copy of Local Law No. 04 of 2020 entitled:

LOCAL LAW TO AMEND CHAPTER 223, SECTION 61.3 OF THE CODE OF THE CITY OF BEACON CONCERNING THE REQUIREMENTS FOR PUBLIC NOTICES

adopted by the Beacon City Council at a regular meeting held on May 4, 2020. Council Member Aymar-Blair made the motion to adopt the proposed local law. The motion was seconded by Council Member McCredo. On roll call Council Members Nelson, Rhodes, Mansfield, McCredo, Grant, Aymar-Blair and Mayor Kyriacou voted in favor (7).

Motion Carried.

WITNESS THERE I have set my hand and seal of the City of Beacon this 7th day of May 2020.

Signed Iola C. Taylor
Iola C. Taylor, City Clerk

SEAL

(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. 04 of 2020 of the City of Beacon was duly passed by the City Council on May 4, 2020 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 01____of the City of Beacon was duly passed by the City Council on _____01____, and was (approved)(not approved) (repassed after disapproval) by the * _____and was deemed duly adopted on _____01____, 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 01__of the City of Beacon was duly passed by the City Council on _____01___, and was (approved) (not approved) (repassed after disapproval) by the *_____ on _____01_. 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_____01____, 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 01____ of the_____ was duly passed by _____on _____01____, and was (approved) (not approved) (repassed after disapproval) by the *_____ on_____01____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____01____, 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 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 01___.
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 _____01___, 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 01___, of the County of _____, State of New York, having been submitted to the electors at the General Election of November _____, 01__, 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 considered 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.

Yale C. Tyler

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

(Seal)

Date: May 7, 2020

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

STATE OF NEW YORK
COUNTY OF Dutchess

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.

Drew Gamils

Signature

City Attorney

Title

City of Beacon

Date: May 7, 2020

Local Law Filing

New York State Department of State
41 State Street, Albany, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~County~~
City of.....**Beacon**.....
~~Town~~
~~Village~~
Local Law No....04...of the year....2020.....

LOCAL LAW TO AMEND CHAPTER 223, SECTION 61.3 OF THE CODE OF THE CITY OF BEACON CONCERNING THE REQUIREMENTS FOR PUBLIC NOTICES

BE IT ENACTED by the City Council of the City of Beacon as follows:

Section 1. Chapter 223, Section 61.3 of the Code of the City of Beacon entitled "Public notice signs" is hereby amended as follows:

§ 223-61.3 Hearing notice requirements.

Prior to any public hearing required for applications for approval of a site development plan, special permit, subdivision, or any public hearing before the Board of Appeals, the applicant shall comply with the following notice requirements at its sole cost and expense:

A. The City shall submit a notice of public hearing to the official City newspaper and one additional local newspaper for publication at least five days before such hearing. The applicant shall reimburse the City for the cost of such publications.

B. Notice of hearing shall be sent by the applicant, by certified mail (return receipts not required) to all property owners within a distance of 250 feet of any boundary of the subject property which is the subject of an application involving single-family or two-family properties, and to all property owners within a distance of 500 feet of any boundary of the subject property which is the subject of an application involving multifamily properties, non-residentially zoned properties or nonresidential uses. Notice shall be provided to properties owners on both sides of the street on which the subject property fronts, to the

adjoining property owner or owners to the rear of the property affected, and to all non-owner occupants of the property affected at least 10 days before the hearing. For purposes of notice, a property shall be deemed to have non-owner occupants when the primary owner mailing address on file with the City of Beacon Tax Assessor is different than the property address. In such case, a notice shall be mailed to the property addressed to the occupant, and if a multifamily dwelling, then to all individual dwelling units on the property. Prior to the public hearing, the applicant shall submit to the secretary of the applicable board a signed affidavit of mailing setting forth details of the mailing, including date of mailing, names and addresses to whom the mailing was sent, and a copy of the notice of hearing.

C. Public notice signs.

(1) The applicant shall post one notification sign on the subject property, or in the case of a corner lot post a notification sign on all abutting streets, no later than 10days prior to the initial public hearing and any continued public hearing thereafter. The applicant shall update said sign at least 10 days prior to every public hearing at which the applicant's matter will be heard. The Building Inspector may require, in his or her discretion, the applicant to post an additional public notice sign, based on topography of the surrounding land, parcel size and shape, or any other factors the Building Inspector, in his or her discretion, feels may impact effective public notice.

(2) Such sign shall be at least two feet by three feet in size, consist of sturdy and serviceable material containing a white background with black letters and be placed in a location visible from the most commonly traveled street or highway upon which the property fronts, or in the case of a corner lot on all streets, but in no case more than 20 feet back from the front lot line. Such sign shall read as follows, in legible lettering with the heading at least five inches in height and the content at least two inches in height:

PUBLIC NOTICE A PUBLIC HEARING FOR A [application type] APPLICATION WILL BE HELD BY THE CITY OF BEACON [City Council, Planning Board, or Zoning Board of Appeals] ON [insert date] AT [insert time] P.M. AT THE CITY OF BEACON CITY HALL, 1 MUNICIPAL PLAZA, BEACON, NY ADDITIONAL INFORMATION IS AVAILABLE AT THE BEACON BUILDING DEPARTMENT (845) 838-5020

(3) In the event that the applicant shall appear before more than one board, the sign shall be appropriately revised to reflect the time and place of each board's meeting. At least two working days before the public hearing, the applicant shall also submit to the secretary of the applicable board a signed affidavit certifying to the fact and date of said posting.

(4) The applicant shall, in good faith, maintain the public notice sign in good condition throughout the posting period.

(5) The applicant shall remove the notification sign within five days of the adoption of any resolution concerning the application.

D. Modifications to notification requirements. The approval authority may modify the notification requirements set forth in this section herein unless required elsewhere by county or state law.

Section 2. Ratification, Readoption and Confirmation

Except as specifically modified by the amendments contained herein, Chapter 223 Section 61.3 of the City of Beacon are otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

Section 3. Numbering for Codification

It is the intention of the City of Beacon and it is hereby enacted that the provisions of this Local Law shall be included in the Code of the City of Beacon; that the sections and subsections of this Local Law may be re-numbered or re-lettered by the Codifier to accomplish such intention; that the Codifier shall make no substantive changes to this Local Law; that the word "Local Law" shall be changed to "Chapter," "Section" or other appropriate word as required for codification; and that any such rearranging of the numbering and editing shall not affect the validity of this Local Law or the provisions of the Code affected thereby.

Section 4. Severability

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their petition to other persons or circumstances. It is hereby declared to be the legislative intent that this Local law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part hereof is held inapplicable had been specifically exempt there from.

Section 5. Effective Date

This local law shall take effect immediately upon filing with the Office of the Secretary of State.