

COPY

(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 Victory

Village

Local Law No. 1 of the year 2004

A local law entitled "Temporary Zoning Law No. 1 of 2004"
(Insert Title)

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

~~COUNTY~~

~~CITY~~

~~TOWN~~

Village

of Victory as follows:

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

VILLAGE OF VICTORY

LOCAL LAW #1 OF 2004

A LOCAL LAW ENTITLED: "VILLAGE OF VICTORY TEMPORARY ZONING LAW NO. 1 OF 2004"

Be it enacted by the Board the Trustees of the Village of Victory as follows:

Section 1: Title.

The title of this local law shall be "Village of Victory Temporary Zoning Law No. 1 of
_2004.

Section 2: Authority.

This local law is enacted pursuant to the authority of Municipal Home Rule Law Section 10(1)(i), which authorizes a Village to adopt a local law not inconsistent with the provisions of the Constitution or not inconsistent with any general law relating to its property, affairs or government.

Section 3: Legislative Findings.

- (a) The Village of Victory is presently experiencing an increase in growth and property development.
- (b) The Village of Victory does not currently have a zoning ordinance or local law.
- (c) The undeveloped property of the Village of Victory is the Village's most valuable resource and this resource may be in jeopardy if appropriate local land use regulations are not adopted at this time.
- (d) A Zoning Committee has been established by the Board of Trustees of the Village of Victory to make recommendations to the Village Board regarding the enactment of a zoning

ordinance.

(e) Pending the completion of the Zoning Committee's work and the Village's Board's subsequent enactment of a zoning ordinance or local law, significant development may occur which may be inconsistent with the ultimate guidelines and recommendations of the Zoning Committee and the Village's Comprehensive Plan, and which may: i) substantially reduce the effectiveness of any zoning ordinance or local law which the Village may adopt or enact; and ii) interfere with the ability of the Board of Trustees to properly plan for growth and development in the Village and afford adequate facilities for the distribution of public services, comfort, convenience, public health and safety, and the general welfare of the citizenry of the Village.

(f) A temporary moratorium on new development in the Village of Victory will allow the Village appropriate time to complete and adopt a zoning ordinance or local law, as contemplated by the provisions of the Village's Comprehensive Plan.

Section 3: Purpose.

The purpose of this local law is to protect the public health, safety and welfare by imposing a temporary moratorium upon the placement of mobilehomes and travel trailers on property within the Village of Victory and the issuance of permits for the creation of mobilehome parks and travel trailer camps in the Village of Victory.

Section 4: Moratorium.

(a) Scope. For a period of six (6) months from the effective date of this local law:

(i) No applications shall be received, no reviews shall be conducted, nor shall any permits be issued by the Village of Victory Building Inspector for any development and/or

construction of any kind within the corporate limits of the Village of Victory, except as expressly provided herein; and

(ii) No person, partnership, limited partnership, association, limited liability company, trust, estate, joint venture or other entity shall undertake, or cause to be undertaken, any new development and/or construction of any kind within the corporate limits of the Village of Victory, except as expressly provided herein.

(b) Exceptions. The foregoing restriction shall not apply to the following:

(i) The maintenance, repair, replacement, modification or alteration of existing buildings, dwellings or structures lawfully located in the Village of Victory on the date of enactment of this local law; and

(ii) The completion of any construction or development for which a building permit has been issued prior to April 6, 2004 and, upon such completion, the issuance of a certificate of occupancy with respect thereto.

Section 5: Appeal Provisions.

The Board of Trustees shall have the power to vary or modify the application of any provision of this local law upon its determination, in its absolute legislative discretion, after hearing, that this local law would impose extraordinary hardship upon a landowner or developer, and that a variance from the provisions of the law would not adversely affect the health, safety and general welfare of the Village. Any requests for an exception or variance shall be filed with the Building Inspector, or his designee, and shall include a fee of One Hundred Dollars (\$100.00) for the processing of such application and security, in such form as may be designated by the Village Attorney, for the payment of the actual costs incurred by the Village for

engineering, legal or other similar services rendered in connection with the consideration of the variance request, which costs shall be reimbursed to the Village by the applicant.

Section 6: Penalties.

(a) Any person, partnership, limited partnership, association, corporation, limited liability company, trust, estate, joint venture, or other entity which violates any provision of this local law shall be guilty of an offense against this law and subject to either:

(i) a fine not exceeding Three Hundred Fifty Dollars (\$350.00) or imprisonment for a period not to exceed six months, or both, for a conviction of a first offense; for a conviction of a second offense both of which were committed within a period of five (5) years, punishable by a fine not less than Three Hundred Fifty Dollars (\$350.00) nor more than Seven Hundred Dollars (\$700.00) or imprisonment for a period not to exceed six (6) months or both; and upon conviction for a third or subsequent offense, all of which were committed within a period of (5) years, punishable by a fine not less than Seven Hundred Dollars (\$700.00) nor more than One Thousand Dollars (\$1,000.00) or imprisonment for a period not to exceed six (6) months, or both; or

(ii) a civil penalty not exceeding Three Hundred Fifty Dollars (\$350.00) for a first offense; for a conviction of a second offense, both of which were committed within a period of five (5) years, a civil penalty of not less than Three Hundred Fifty Dollars (\$350.00) nor more than Seven Hundred Dollars (\$700.00); and upon a conviction for a third or subsequent offense all of which were committed within a period of five (5) years, punishable by a civil penalty not less than Seven Hundred Dollars (\$700.00) nor more than One Thousand Dollars (\$1,000.00);

(b) Each week's continued violation shall constitute a separate additional violation, for