

(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.

~~XXXXX~~

~~XX~~

of Victory

~~XXXX~~

Village

Local Law No. 2 of the year 2004

A local law entitled "Temporary Zoning Law"  
(Insert Title)

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

~~XXXXXX~~

~~XX~~

of Victory

~~XXXXX~~

Village

as follows:

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

**VILLAGE OF VICTORY**

**LOCAL LAW #2 OF 2004**

**A LOCAL LAW ENTITLED: "VILLAGE OF VICTORY TEMPORARY ZONING LAW NO. 2 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. 2 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 was established by the Board of Trustees of the Village of

Victory on July 1, 2003 to make recommendations to the Village Board regarding the enactment of a zoning ordinance.

(e) A draft zoning law was adopted by the Zoning Committee on July 8, 2004 and submitted to the Board of Trustees for its review and action.

(f) A public hearing was held by the Board of Trustees on August 3, 2004 to receive the comments of the public with respect to the draft zoning law. Numerous residents, property owners and other interested parties attended this hearing and offered comments and suggestions regarding the content of the draft law.

(g) The Board of Trustees is currently working with the Village Attorney and its consulting engineers to review the many issues raised at the public hearing and, where deemed appropriate, to prepare revisions to the draft law in response to the same.

(h) Pending the completion of the Board of Trustee's review of the draft zoning law and its subsequent enactment of a revised zoning 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 law which the Village may 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.

(i) A temporary moratorium on new development in the Village of Victory [the "Development Moratorium"] was enacted on April 19, 2004 and became effective upon its filing with the Department of State on April 28, 2004. Said law will expire before the Board of Trustees can complete the preparation of a revised zoning law and enact the same into law.

(j) It would serve to promote and protect the public health, safety and general welfare of the citizenry of the Village of Victory for the Development Moratorium to be extended for an additional term of six (6) months. Said extension should allow the Village appropriate time to complete and adopt a zoning 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 extending the Development Moratorium for a period of six (6) additional months.

Section 4: Moratorium.

(a) Scope. For a period of six (6) months, commencing on October 27, 2004—i.e., the termination date of Village of Victory Temporary Zoning Law No. 1 of 2004—and continuing until midnight on April 26, 2005 or the effective date of a subsequently enacted zoning law of the Village of Victory, whichever first occurs:

(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 which separate and additional fines and punishment or civil penalties may be imposed and recovered.

(c) In the event that the penalty sought is within the monetary jurisdiction of the justice court, as established in Article 18 of the Uniform Justice Court Act, such action to recover such penalty may, as shall be determined by the attorney representing the Village, be commenced as a small claim pursuant to the provisions of Article 18 of the Uniform Justice Court Act.