

**FILING LOCAL LAW**

New York State Department of State  
162 Washington Avenue, 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  
Town  
Village of **Clifton Springs**

Local Law No. **1** of the year **2003**.

STATE OF NEW YORK  
DEPARTMENT OF STATE  
**FILED**  
APR 2 2003  
MISCELLANEOUS  
& STATE RECORDS

A local law **Establishing a Moratorium on Construction in the Village of Clifton Springs**  
(Insert Title)

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

County  
City  
Town  
Village of **Clifton Springs**

as follows:

Section 1. TITLE:

This Local Law shall be known as the "Moratorium on Construction in the Village of Clifton Springs".

Section 2. STATEMENT OF LEGISLATIVE INTENT:

The character of the Village of Clifton Springs, along with its architecture, is an important asset and has proven itself by winning outside awards and accolades such as the 2002 Uncommonly Good Award. To promote the Village's values and character, the Village has determined a need to more properly regulate development in all zoning districts. After many years of little growth within the Village, the last five years have brought a significant amount of growth. Additionally, the Village has made several significant improvements and developments in the past decade that need to be preserved to ensure a healthy environment for future generations to enjoy and prosper from. Future growth in the community needs to be thought out carefully on how it will impact the Village. The character and charm of the Village need to be maintained.

The Village is now actively engaged in the implementation of the Comprehensive Plan that was adopted by the Village Board approximately four years ago. To accomplish the goals outlined in

the Comprehensive Plan and to preserve the Village's character and charm, the Village needs to integrate a more detailed decision making process for the Village Planning Board and establish more detailed zoning laws for the Village Zoning Board. Current zoning laws are outdated and too general in some cases, and could bring unhealthy growth and development into the Village.

Controlled and well thought development taking into consideration traffic, architecture, lighting, the environment, signage, landscaping and other criteria will help maintain a healthy environment for the Village and bring continued interest for future development.

### Section 3.     DEFINITIONS

- A.     Village:                     Village of Clifton Springs, Ontario County, New York
- B.     Zoning Code:               Village of Clifton Springs Zoning Code
- D.     Village Board:             Village of Clifton Springs Village Board
- E.     Planning Board:           Village of Clifton Springs Planning Board
- F.     Zoning Board:             Village of Clifton Springs Zoning Board
- G.     Building Inspector:      Village of Clifton Springs Building Inspector

### Section 4.     MORATORIUM.

A.     The Village Board hereby enacts a moratorium which shall prohibit all construction within the Village, except as stated in this local law.

B.     This moratorium shall be in effect for a period of six (6) months from the effective date of this Local Law and shall expire on the earlier of (i) the date six (6) months from said effective date, unless renewed; or (ii) the enactment by the Village Board of a resolution indicating the Village Board is satisfied that the need for the moratorium no longer exists.

C.     This moratorium shall apply to all zoning districts and all real property within the Village, except as stated in this local law.

D.     Pursuant to this moratorium, the Planning Board shall not grant any preliminary or final approval to any site plan for construction within the Village, except as stated in this local law.

E.     Pursuant to this moratorium, the Building Inspector shall not issue Building Permits for any construction within the Village, except as stated in this local law.

F.     Pursuant to this moratorium, no applications for a variance or other approvals authorizing construction within the Village shall be granted, except as stated in this local law.

G. The foregoing restrictions shall not apply to the following:

1. In R-1 and R-2 districts within the Village, all construction except the construction of a new home.
2. Any construction for which a building permit has already been issued prior to the effective date of this local law.
3. Any construction for which preliminary and final site plan approval has already been issued prior to the effective date of this local law.

Section 5. PENALTIES.

Any person, firm, entity or corporation which shall construct, erect or install any building, improvement or structure, or use land in violation of the provisions of this Local Law, shall be subject to:

1. A civil penalty in the amount of \$100.00 for each day that such violation shall exist; and
2. Injunctive relief in favor of the Village to cease any and all such actions which conflict with this Local Law and, if necessary, to remove any construction, improvements, or related items or byproducts which may have taken place in violation of this Local Law.

Section 6. ENFORCEMENT

It shall be the duty of the Building Inspector to enforce the provisions of this Local Law.

Section 7. VALIDITY.

If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been ordered.

Section 8. EFFECTIVE DATE.

This Local Law shall take effect immediately upon filing with the New York Department of State and shall remain in force and effect for a period of six months from the date of such filing.

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

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2003 of the ~~(County)~~(City)(Town)(Village) of Clifton Springs was duly passed by the Village Board of Trustees on April 14 2003, in accordance with the applicable provisions of law. (Name of Legislative Body)

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. (Elective Chief Executive Officer\*)

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. (Elective Chief Executive Officer\*)

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\*)

\* 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 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.

*Rai C. Reeb*

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

April 16, 2003

Date: \_\_\_\_\_

(Seal)

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

STATE OF NEW YORK  
COUNTY OF Ontario

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: *[Handwritten Signature]*

Village Attorney

Title

~~County~~

~~City~~

~~Town~~

Village

of Clifton Springs

Date: April 17, 2003