

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 CHAMPION

Town

Village

Local Law No 3 of the year 2010

FILED
STATE RECORDS

OCT 07 2010

DEPARTMENT OF STATE

A local law A Local Law Prohibiting the Building of Primary Residences on Qualified Abandoned or seasonal Use Highways in the Town of Champion

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

County

City

of Town of CHAMPION

as follows:

Town

Village

Be it enacted by the Town Board of the Town of Champion:

Section 1. Title. This Local Law shall be referred to as the "Local Law Prohibiting Construction of Primary Residences on Qualified abandoned or seasonal Use Highways in the Town of Champion.

Section 2. Purpose and Intent. Pursuant to the statutory powers vested in the Town Board of the Town of Champion to regulate and control land use to protect the health, safety and welfare of the residents of the Town of Champion, the Town Board is acting to take an inventory of those roads within the Town of Champion which are not suitable for year-round use due to their condition, location, and/or intensity of use, and further the Town Board is using this inventory to allocate the resources of the Town. The Town Board finds that the cost of constructing roads sufficient for year-round maintenance and access will not be financially feasible for the Town. Therefore, the Town is acting by this Local Law to prohibit the construction of any dwellings which will require year round highway access to be constructed and maintained by the Town.

The Town Board of the Town of Champion shall, from time to time, review carefully the existing pattern of residential and other uses within the Town with the intent of modifying the classification of roads within the Town.

Section 3. Prohibited Activities.

(a) The construction of any residence or dwelling intended to be used on a year round basis on any qualified abandoned or seasonal use highway within the Town of Champion is prohibited.

(b) It is prohibited to change, modify or reconstruct an existing structure in the Town of Champion such that it may be used as a primary residence if said existing structure is located on a qualified abandoned or seasonal use highway in the Town of Champion.

Section 4. Scope of Controls.

A.

- 1) The Zoning Enforcement Officer of the Town of Champion shall not issue a zoning permit for the construction of a residence which is intended to be year round primary residence on any road within the Town of Champion which is served by a qualified abandoned or seasonal use highway.
- 2) The Planning Board of the Town of Champion shall not grant any preliminary or final approval to a subdivision plat, site plan, special use permit or other permit which would have as a result the construction of a primary residence on a road which is classified as a qualified abandoned or seasonal use highway by the Town of Champion.
- 3) The Town of Champion Zoning Board of Appeals shall not grant any variance or other permit for any use which would result in the construction of a residence intended to be a primary residence on any qualified abandoned or seasonal use highway in the Town of Champion.

B. The Town Board of the Town of Champion reserves the right to direct the Town of Champion Zoning Enforcement Officer to revoke or rescind any Zoning Permit or Certificates of Occupancy issued in violation of this Local Law.

Section 5. Penalties. Any person, firm, or corporation that shall construct a dwelling intending to be a year-round residence on a qualified abandoned or seasonal road in the Town of Champion in violation of this Local Law shall be subject to:

- A. A penalty not to exceed \$250 or ten days in jail for each of those violations, and
- B. Injunctive relief in favor of the Town of Champion to cease any and all such actions which conflict with this Local Law and, if necessary, to remove any construction which may have taken place in violation of this Local Law.

Section 6. Validity. The invalidity of any provision of this Local Law shall not effect the validity of any other provision of this Local Law which can be given effect without such invalid provision.

Section 7. Effective Date.

This Local Law shall take effect immediately upon filing with the Office of the Secretary of State as provided in Section 27 of the Municipal Home Rule Law.

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

(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. 3 of 2010 of the ~~(County)(City)(Town)(Village)~~ of CHAMPION was duly passed by the Town Board on September 22, 2010 in accordance with the applicable *(Name of Legislative body)* 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 2010 of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 2010, and was ~~(approved)~~(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer)* on _____ 2010, 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 2010 of the ~~(County)(City)(Town)(Village)~~ of CHAMPION _____ was duly passed by the _____ on _____ and was ~~(approved)(not approved)~~ ^(Name of Legislative Body) ~~(repassed after disapproval)~~ by the _____ on _____ (Elective Chief Executive Officer*)

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 _____, 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 2010 of the ~~(County)(City)(Town)(Village)~~ of _____ was duly passed by the _____ on _____ 2010, and was ~~(approved)(not approved)~~ ~~(repassed after disapproval)~~ ^(Name of Legislative Body) by the _____ on _____ 2010. (Elective Chief Executive Officer*)¹

Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 2010, 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 2010 of the Town 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 town voting thereon at the ~~(special)(general)~~ election held on _____ 2010, became operative.

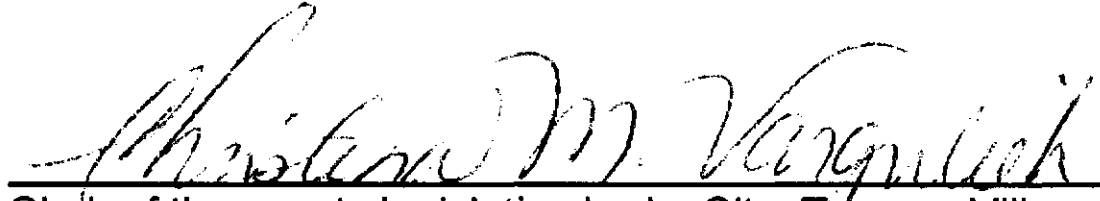
6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 2010 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.)

¹ * 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.

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.



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

Christina M. Vargulick

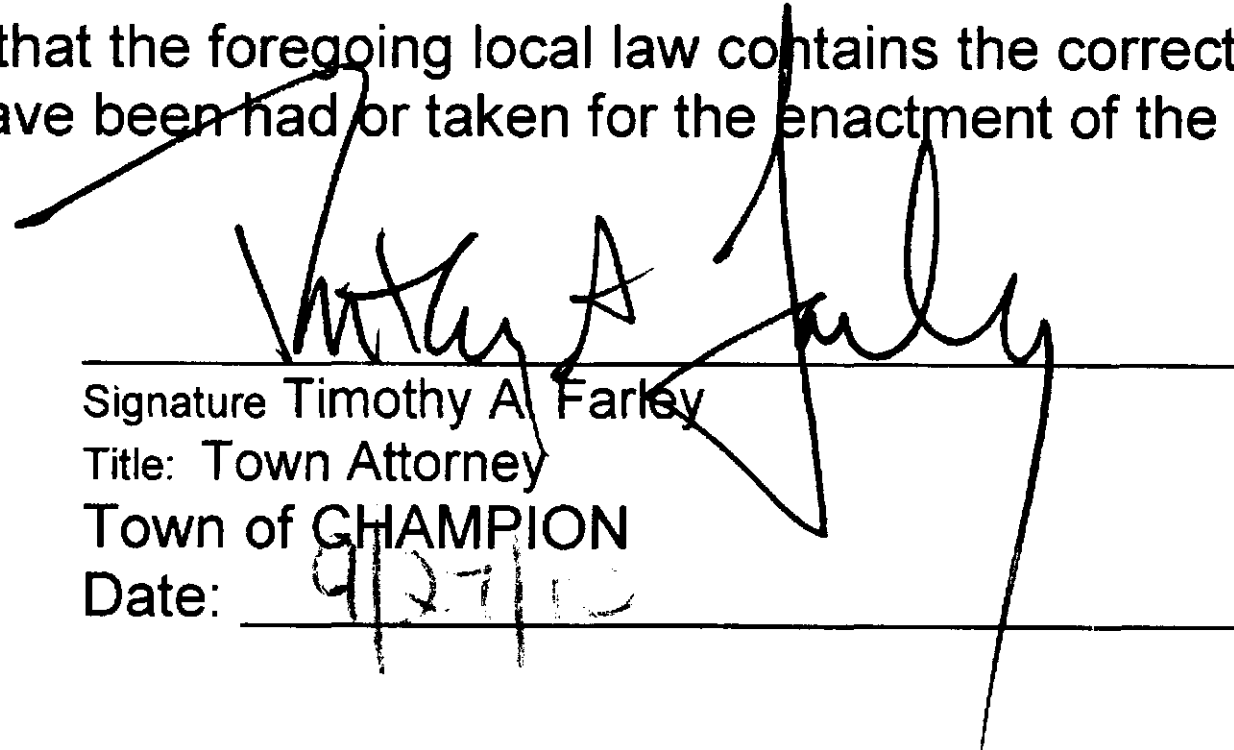
(Seal)

Date: 9/24/10

(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 JEFFERSON

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 Timothy A. Farley

Title: Town Attorney

Town of CHAMPION

Date: 9/27/10