

# Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE  
162 WASHINGTON AVENUE, ALBANY, N.Y. 12241

(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. Use italics or underlining to indicate new matter.

STATE OF NEW YORK  
DEPARTMENT OF STATE  
**FILED**  
JUN 30 1998  
*Alfred F. Ciccarone*  
Secretary of State

County  
City of Champion  
Town  
Village

Local Law No. 4 of the year 1998

A local law enacting a moratorium on the permitting of  
telecommunication towers.

Be it enacted by the Town Board of the

County  
City of Champion as follows:  
Town  
Village

See attached.

(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. 4 of 1998 of the (County)(City)(Town)(Village) of Champion was duly passed by the Town Board on June 1 1998 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 19 of the (County)(City)(Town)(Village) of was duly passed by the on 19, and was (approved)(not approved)(repassed after disapproval) by the and was deemed duly adopted on 19, 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 19 of the (County)(City)(Town)(Village) of was duly passed by the on 19, and was (approved)(not approved)(repassed after disapproval) by the on 19. 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 19, 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 19 of the (County)(City)(Town)(Village) of was duly passed by the on 19, and was (approved)(not approved)(repassed after disapproval) by the on 19. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of 19, 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 19\_\_\_\_\_ 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 \_\_\_\_\_ 19\_\_\_\_, 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 19\_\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 19\_\_\_\_, 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.

Christina M. Vargulick  
Clerk of the County Legislature, City, Town or Village of Champion  
or officer designated by local legislative body  
Christina M. Vargulick

Date: June 1, 1998

X (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 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.

Timothy A. Farley  
Signature  
Timothy A. Farley, Attorney for the  
Title

County:  
City of Champion  
Town  
Village:  
Date: 6/1/98

Town of Champion Local Law No.    of 1998  
Temporary 180 Day Moratorium  
on Placement of Commercial Communication Towers

Section 1. Title.

This Local Law shall be referred to as the "Temporary 180 Day Moratorium on Placement of Commercial Communication Towers".

Section 2. Purpose and Intent.

Pursuant to the statutory powers vested in the Town of Champion to regulate and control land use, and to protect the health, safety and welfare of its residents, the Town Board hereby declares a temporary 180 day moratorium on the establishment, placement, construction, enlargement or erection of Commercial Communication Towers in the Town of Champion.

The Town of Champion has inadequate zoning regulations governing the placement of Commercial Communication Towers within the Town. It is clear that application for these facilities will be multiplying in the near future due to recent Federal Government actions. The location of the Town of Champion along the Black River with its scenic resources and its proximity to the International border obliges the Town to place in effect the best possible regulations to govern the location and placement of Communication Towers. These regulations will encourage and foster improved communication resources within the Town while protecting the natural and scenic resources of the area through proper regulation of land use in the placement of the towers.

The Town of Champion's present failure to adequately regulate Commercial Communication Towers in the face of past and anticipated applications, represents a clear and obvious deficiency in the Town of Champion's system of land use regulation.

The Town Board desires to address the establishment, placement, construction, enlargement and erection of Commercial Communication Towers on a comprehensive Town-wide basis, and to adopt a zoning ordinance to regulate same.

Section 3. Scope of Controls.

A. During the effective period of this Local Law:

1) The Town Board shall not grant any approvals which would have as the result the establishment, placement, construction, enlargement or the erection of a Commercial Communication Tower.

2) The Town of Champion Planning Board shall not grant any preliminary or final approval to a subdivision plat, site plan, special use permit or wetlands permit which would have as a result the establishment, placement, construction, enlargement or the erection of a Commercial Communication Tower.

3) The Zoning Board of Appeals shall not grant any variance for any use which would result in the establishment, placement, construction, enlargement or the erection of a Commercial Communication Tower.

4) The Zoning Enforcement Officer shall not issue any permit which would result in the establishment, placement, construction, enlargement or the erection of a Commercial Communication Tower.

B. The Town Board reserves the right to direct the Zoning Enforcement Officer or Building Code Inspector to revoke or rescind any Zoning Permits, Building Permits or Certificates of Occupancy issued in violation of this Local Law.

#### Section 4. No Consideration of New Applications.

No applications for construction effected by this Local Law or for approvals for site plan, special use permit, subdivision, variance or wetlands permit shall be considered by any board or agency of the Town of Champion while this Local Law is in effect.

#### Section 5. Term.

This Local Law shall be in effect for a period of 180 days from its effective date.

#### Section 6. Penalties.

Any person, firm or corporation that shall establish, place, construct, enlarge or erect any Commercial Communication Tower in violation of the provisions of this Local Law or shall otherwise violate any of the provisions of this Local Law shall be subject to:

A. Such penalties as may otherwise be provided by laws, rules and regulations of the Town of Champion for 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 7. 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 8. Hardship.

A. Should any owner of property affected by this Local Law suffer an unnecessary hardship in the way of carrying out the strict letter of this Local Law then the owner of said property may apply to the Town Board in writing for a variation from strict compliance with this Local Law upon submission of proof of such unnecessary hardship. For the purposes of this Local Law unnecessary hardship shall not be the mere delay in being permitted to make an application or waiting for a decision on the application for a variance, special permit, site plan, wetlands permit or subdivision during the pendency of this Local Law.

### B. Procedure.

Upon submission of a written application to the Town Clerk by the property owner seeking a variation of this local Law, the Town Board shall within thirty (3) days of receipt of said application schedule a Public Hearing on said application upon five (5) days written notice in the Official Newspaper of the Town. At said Public Hearing the property owner and any other parties wishing to present evidence with regard to the application shall have an opportunity to be heard, and the Town Board shall within fifteen (15) days of the close of said Public Hearing render its decision either granting or denying the application for a variation from the strict requirements of this Local Law. If the Town Board determines that a property owner will suffer an unnecessary hardship if this Local Law is strictly applied to a particular property, then the Town Board shall vary the application of this Local Law to the minimum extent necessary to provide the property owner relief from strict compliance with this Local Law.

The Town Board in considering the application shall apply the criteria established by Section 267-b(2) of the Town Law for the granting of use variances.

## Section 9. 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.