

Local Law Filing

(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
(Select one.)

of PORT JERVIS

Local Law No. _____ of the year 20 17

A local law REPEALING LOCAL LAW NO. 7 OF 2015 WHICH AMENDED CHAPTER 535 OF THE PORT JERVIS CITY CODE ENTITLED "ZONING" AND THE TABLE OF USE
(Insert Title)
REQUIREMENTS ATTACHED AS AN AMENDMENT TO THE CITY'S ZONING LAW REMOVING PLACES OF WORSHIP AND RELATED FACILITIES FROM PERMITTED, CONDITIONAL OR ACCESSORY USES WITHIN THE SERVICE COMMERCIAL (SC) ZONING DISTRICT AND THE CENTRAL BUSINESS DISTRICT (CBD) WITHIN THE CITY OF PORT JERVIS

Be it enacted by the COMMON COUNCIL _____ of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of PORT JERVIS _____ as follows:

SEE ANNEXED PAGES.

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

LOCAL LAW NO. OF 2017

**A LOCAL LAW REPEALING LOCAL
LAW NO. 7 OF 2015 WHICH AMENDED CHAPTER 535
OF THE PORT JERVIS CITY CODE ENTITLED
“ZONING” AND THE TABLE OF USE REQUIREMENTS
ATTACHED AS AN AMENDMENT TO THE CITY’S ZONING
LAW REMOVING PLACES OF WORSHIP AND
RELATED FACILITIES FROM PERMITTED,
CONDITIONAL OR ACCESSORY USES WITHIN THE
SERVICE COMMERCIAL (SC) ZONING DISTRICT
AND THE CENTRAL BUSINESS DISTRICT (CBD)
WITHIN THE CITY OF PORT JERVIS**

1. **Purpose.** Attached herewith and made a part hereof as Schedule “A” is Local Law No. 7 of 2015, adopted by the Common Council of the City of Port Jervis on December 14, 2015. Pursuant to a Consent Decree between the U.S. Attorney’s Office for the Southern District of New York and the City of Port Jervis, accepted by the U.S. District Court in Manhattan and filed with the Court on November 22, 2016, the City of Port Jervis agreed to amend its laws by repealing Local Law No. 7 of 2015. The purpose of this Local Law is to repeal Local Law No. 7 of 2015 and to allow places of worship and related facilities, as permitted, conditional or accessory uses within the Service Commercial (SC) Zoning District and the Central Business District (CBD) as they existed prior to the enactment of Local Law No. 7 of 2015 on December 14, 2015.

2. **Legislation.** Effective immediately, Local Law No. 7 of 2015, in all respects, is herein and hereby repealed.

PLEASE TAKE NOTICE TO THE EXTENT THAT THIS LOCAL LAW MAY CONFLICT WITH APPLICABLE PORTIONS OF THE GENERAL CITY LAW OF THE STATE OF NEW YORK, IT IS THE STATED INTENTION OF THE CITY TO EXERCISE ITS AUTHORITY TO SUPERSEDE AND AMEND, AS GRANTED UNDER THE MUNICIPAL HOME RULE LAW OF THE STATE OF NEW YORK, SECTION 10. THE CITY HEREBY PROVIDES NOTICE THAT IT IS EXERCISING ITS AUTHORITY TO SUPERSEDE AND AMEND PURSUANT TO MUNICIPAL HOME RULE LAW OF THE STATE OF NEW YORK SECTION 22.

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County City Town Village
(Select one.)

of PORT JERVIS

Local Law No. 7 of the year 20 15

A local law AMENDING CHAPTER 535 OF THE PORT JERVIS CITY CODE ENTITLED
(Insert Title)
"ZONING" AND THE TABLE OF USE REQUIREMENTS ATTACHED AS AN
AMENDMENT TO THE CITY'S ZONING LAW REMOVING PLACES OF WORSHIP
AND RELATED FACILITIES FROM PERMITTED CONDITIONAL OR ACCESSORY
USES WITHIN THE SERVICE COMMERCIAL (SC) ZONING DISTRICT AND
CENTRAL BUSINESS DISTRICT (CBD) WITHIN THE CITY OF PORT JERVIS

Be it enacted by the COMMON COUNCIL of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of PORT JERVIS

as follows:

SEE ANNEXED PAGES.

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

CITY OF PORT JERVIS, ORANGE COUNTY, NEW YORK
LOCAL LAW NO. 7 OF 2015

A LOCAL LAW AMENDING CHAPTER 535 OF THE
PORT JERVIS CITY CODE ENTITLED "ZONING" AND
THE TABLE OF USE REQUIREMENTS ATTACHED
AS AN AMENDMENT TO THE CITY'S ZONING LAW
REMOVING PLACES OF WORSHIP AND RELATED
FACILITIES FROM PERMITTED CONDITIONAL OR
ACCESSORY USES WITHIN THE SERVICE COMMERCIAL (SC)
ZONING DISTRICT AND CENTRAL BUSINESS DISTRICT (CBD) WITHIN
THE CITY OF PORT JERVIS

1. Legislative Findings and Intent. The Common Council of the City of Port Jervis, Orange County, New York wishes to promote business, commerce and community development within the Central Business Zoning District and Service Commercial Zoning Districts within the City. These two (2) Zoning Districts are two of seven Zoning Districts established within the Zoning Law of the City of Port Jervis. Places of worship and related facilities are permitted in all residential districts of the City of Port Jervis. Places of worship and related facilities fit within the residential communities and neighborhoods within the City and promote, nurture and support these residential neighborhoods and communities. However, places of worship may have a detrimental effect on business, commercial and community development within the Central Business Zoning District and the Service Commercial Zoning District of the City. Because of the need for parking; the restrictions set forth for liquor licenses for restaurants, breweries, micro-breweries, micro-distilleries, pubs and other eating and drinking establishments commonly located within the Central Business Zoning District and Service Commercial Zoning District of the City, as set forth in the Alcoholic Beverage Control legislation of the State of New York, places of worship and related facilities may deter and prohibit the location and expansion of business and commercial uses within the Central Business Zoning District and Service Commercial Zoning District in the City.

The Common Council of the City of Port Jervis intends that the provisions of this Local Law are to prevent the prohibition of location and expansion of business, commercial and community development properties within the aforementioned Zoning Districts because of the location of places of worship and the related facilities within these Zoning Districts.

2. Legislation. Effective immediately, places of worship and related facilities shall not be permitted uses within the Central Business Zoning District and Service Commercial Zoning District of the City of Port Jervis.

PLEASE TAKE NOTICE TO THE EXTENT THAT THIS LOCAL LAW MAY CONFLICT WITH APPLICABLE PORTIONS OF THE GENERAL CITY LAW OF THE STATE OF NEW YORK, IT IS THE STATED INTENTION OF THE CITY TO EXERCISE ITS AUTHORITY TO SUPERSEDE AND AMEND, AS GRANTED UNDER THE MUNICIPAL HOME RULE LAW OF THE STATE OF NEW YORK, SECTION 10. THE CITY HEREBY PROVIDES NOTICE THAT IT IS EXERCISING ITS AUTHORITY TO SUPERSEDE AND AMEND PURSUANT TO MUNICIPAL HOME RULE LAW OF THE STATE OF NEW YORK SECTION 22.

(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. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, 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 15 of the ~~(County)(City)(Town)(Village)~~ of Port Jervis was duly passed by the Common Council on _____ 20 15, and was (approved)(not approved) (repassed after disapproval) by the Mayor and was deemed duly adopted on 12/14 20 15, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(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 15 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____.
(Name of Legislative Body)
(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 _____ 20____, 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 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.
(Name of Legislative Body)
(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.)

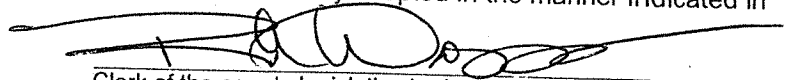
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting hereon 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.



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

(Seal)

Date: 12/14/15

(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. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, in accordance with the applicable 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 20 17 of the ~~(County)(City)(Town)(Village)~~ of PORT JERVIS was duly passed by the COMMON COUNCIL on _____ 20 16, and was (approved)(not approved) (repassed after disapproval) by the MAYOR and was deemed duly adopted on _____ 20 16, 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 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.

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 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 2 above.

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

(Seal)

Date: _____