

# 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. 4 of the year 2015

A local law TO ADOPT ORANGE COUNTY GREENWAY COMPACT  
(Insert Title)

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* \_\_\_\_\_

*LOCAL LAW NO. 4 OF THE YEAR 2015*

A local law to adopt *Orange County Greenway Compact*.

Be it enacted by the Common Council of the City of Port Jervis as follows:

Section 1. Adoption of Orange County Greenway Compact

1. Pursuant to the provisions of Section 44-0119 of the Environmental Conservation Law of the State of New York, the City of Port Jervis hereby adopts the statement of land use policies, principles and guides entitled "Orange County Greenway Compact " (hereinafter referred to as "*Orange County Greenway Compact*"), by which action the City of Port Jervis becomes a participating community in the Greenway compact.
2. Proposals to amend *Orange County Greenway Compact* may from time to time be made by The Hudson River Valley Greenway Communities Council (hereinafter referred to as "Greenway Council") in response to requests from participating communities. Within ninety days of receipt of any such proposal from the Greenway Council, the Common Council of the City of Port Jervis shall determine by resolution whether to accept or to reject such proposed amendment. Any proposed amendment so accepted shall be considered an amendment of *Orange County Greenway Compact* as adopted by the City of Port Jervis. Any proposed amendment rejected by the Common Council will not be considered to be an amendment of *Orange County Greenway Compact* for the City of Port Jervis and notice of such rejection shall promptly be provided to the Greenway Council.
3. It is the stated policy of the City of Port Jervis, that to the extent the City amends its current, or enacts new, land use laws and regulations, such new or amended laws and regulations, where appropriate, will be designed to be consistent with the *Orange County Greenway Compact*.

Section 2. Amendment of Zoning Law

To implement *Orange County Greenway Compact* in the City of Port Jervis, the Zoning Law of the City of Port Jervis is hereby amended by the addition of the following provision:

§\_\_\_\_. *Orange County Greenway Compact*. By Local Law No. 4 of the year 2015 the City of Port Jervis has adopted the "Orange County Greenway Compact," as amended from time to time, as a statement of land use policies, principles and guides. In its discretionary actions under this zoning law, the reviewing agency should take into consideration said statement of policies, principles and guides.

Section 3. Amendment of Subdivision Law [if separate from zoning law]

To implement *Orange County Greenway Compact* in the City of Port Jervis, the Subdivision Law of the City of Port Jervis is hereby amended by the addition of the following provision:

§\_\_\_\_. *Orange County Greenway Compact*. By Local Law No. 4 of the year 2015 the City of Port Jervis has adopted the "Orange County Greenway Compact," as amended from time to time, as a statement of land use policies, principles and guides. In its discretionary actions under this subdivision law, the reviewing agency should take into consideration said statement of policies, principles and guides.

#### Section 4. Home Rule Authority and Withdrawal

Nothing in this local law, in the adoption of the *Orange County Greenway Compact*, or in becoming a participating community in the Greenway compact is intended or shall be construed (a) to limit the home rule authority of the City under state law to make local land use and zoning decisions, (b) to authorize any other entity to supercede the City's land use laws and regulations or to impose any requirements on the City, or (e) to prevent the City in its sole discretion from adopting a local law at a later date for the purpose of withdrawing from the Greenway compact or the *Orange County Greenway Compact*.

#### Section 5. Separability

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Common Council of the City of Port Jervis hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

#### Section 6. Effective Date

This Local Law shall take effect immediately upon filing in the office of the Secretary of State in accordance with section twenty-seven of the Municipal Home Rule Law.

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.

**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. 4 of 20<sup>15</sup> of the ~~(County)(City)(Town)(Village)~~ of PORT JERVIS COMMON COUNCIL was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20<sup>15</sup>, and was (approved)(not approved) (repassed after disapproval) by the MAYOR \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 20<sup>15</sup>, 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

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

(Seal)