

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. 8 of the year 20 16

A local law AMENDING SECTION 535-55D OF ARTICLE XII OF CHAPTER 535 OF THE
(Insert Title)
PORT JERVIS CITY CODE WHICH IS ENTITLED "ZONING"

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. 8 OF 2016

A LOCAL LAW AMENDING SECTION 535-55D
OF ARTICLE XII OF CHAPTER 535 OF THE
PORT JERVIS CITY CODE WHICH IS ENTITLED
"ZONING"

1. **Purpose.** In order to comply with the constitutional requirements of due process and notice, the Common Council wishes to repeal, in its entirety, subparagraph D of Section 535-55 of Article XII of Chapter 535 of the Port Jervis City Code. Section 535-55 deals with non-conforming uses of real property in the City of Port Jervis. The purpose of the repeal of the current amendment and establishment of new language is to set forth the rules and regulations with regard to the potential loss of a non-conforming use and the obligation of the Building Official to send a notice to the owner of the property advising the owner of the Code sections that exist, the date of potential loss of use, the proof that is required and the ability to appeal to the Zoning Board of Appeals after a determination by the Building Official.

2. **Legislation.** Section 535-55, subparagraph D, in Chapter 535 of the Port Jervis City Code relating to non-conforming uses and the discontinuance of non-conforming uses of real property is hereby and herein repealed, effective immediately. The following language is hereby adopted as the new Section 535-55, subparagraph D, of Chapter 535 of the Port Jervis City Code:

"Shall not be reestablished if such use has been discontinued by reason of vacancy for any reason or no reason at all for a continuous period of 240 days or more; or has been changed to, or replaced by, a conforming use. If vacancy is caused by the loss of a certificate of occupancy due to unaddressed and uncorrected building and zoning code violations, the time of such vacancy shall count toward the 240-day period in this Code Section. Furthermore, in any building or property having multiple dwelling units, occupancy of only one or fewer dwelling units and vacancy in the remaining units shall be deemed a vacancy for the purposes of this Code Section. Intent to resume a nonconforming use shall not confer the right to do so. Such time period shall apply to properties whose nonconforming use was discontinued after the enactment of this statute. Properties whose nonconforming use was discontinued prior to the enactment of this statute shall not reestablish or resume the nonconforming use after a period of one year. The Building Official of the City of Port Jervis must send a notice to the owner of the real property advising the owner of the Code sections that exist relating to potential loss of use and discontinuance, the date of potential loss of use or discontinuance, the proof that is required, and the ability to appeal to the Zoning Board of Appeals after a determination by the Building Official."

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.

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 16 above.



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

(Seal)

Date: 3/29/2016

NOTICE OF ADOPTION OF LOCAL LAW

PLEASE TAKE NOTICE that the Local Law, annexed hereto, designated as Local Law #8 of the year 2016 for the City of Port Jervis, Orange County, New York, entitled "A Local Law Amending Section Section 535-55D of Article XII of Chapter 535 of the Port Jervis City Code Which is Entitled "Zoning" was duly passed by the Common Council on the 28th day of MARCH, 2016, in accordance with the applicable provisions of law.



ROBIN D. WAIZENEGGER,
City Clerk-Treasurer

DATED: 3/29, 2016