

LOCAL LAW NO. 6 OF 2018
A LOCAL LAW CREATING A MORATORIUM OF
ERECTING AND OPERATING WIRELESS TELECOMMUNICATIONS TOWERS
IN THE CITY OF PORT JERVIS, ORANGE COUNTY, NEW YORK

Section 1. Purpose. It is recognized that there are some uses which, because of their very nature, are recognized as having potentially serious, negative operational characteristics while having potential benefit to the local citizenry and society at large; that such operational characteristics may be deleterious to the health, welfare, enjoyment and well-being of the citizens of the City of Port Jervis and those who live within the City; and that the concentration of such activities can and does adversely and seriously impact and potentially endanger adjacent areas also. It is recognized that it is necessary to insure that these uses will not contribute to the blighting or downgrading of neighborhoods. It is further recognized that because the City of Port Jervis is a small, mostly residential City, the proliferation of such uses could dangerously affect the welfare of the entire community and a regulation is required in order to prevent such endangering. Wireless Telecommunication Towers are this kind of use.

Section 2. Legislative Findings.

A. The Common Council of the City of Port Jervis has determined to conduct a study and evaluation to examine how to regulate Wireless Communications Towers within the City and what additional or alternative regulations need to be adopted in addition to or as an alternative to the existing City regulations, in order to accomplish the stated purposes of the Common Council.

B. This action is exempt under SEQR pursuant to 6 NYCRR Section 617.5(c)(30) as an action involving the adoption of a moratorium on land development or construction.

Section 3. Moratorium Imposed.

A. For a period of six (6) months following date of adoption of this local law, no site plan shall be approved by action of the Planning Board and no other approvals, permits, or certificates of

occupancy be granted by any board, department, or officer of the City for the opening, siting, maintenance and operation of any Wireless Communications Towers as defined by §520-3(B) of the City Code of the City of Port Jervis. This Local Law shall be binding on the Building Official, Planning Board, Zoning Board of Appeals and every applicant or property owner within the City.

B. This moratorium may be extended by two (2) additional periods of up to six (6) months each by resolution of the Common Council of the City of Port Jervis upon finding a necessity for such extension.

C. During the period of the moratorium, the City shall endeavor to complete a comprehensive set of regulations to apply to wireless telecommunication towers or to ban the same outright.

Section 4. Violation.

A violation of this law shall constitute a violation under the penal law. Any person convicted of violating this law shall be a violation and subject to a fine not exceeding \$1,000.00 or ninety (90) days in jail or both. Each day a violation continues shall be considered a separate violation. In the event that a violation is committed by a business organization or a corporation, the officers and/or directors of said business enterprise shall be personally liable for any such violations.

Section 5. This Local Law shall take effect immediately.

PLEASE TAKE NOTICE TO THE EXTENT THAT THIS LOCAL LAW MAY CONFLICT WITH APPLICABLE PORTIONS OF THE GENERAL MUNICIPAL LAW OF THE STATE OF NEW YORK, IT IS THE STATED INTENTION OF THE CITY OF PORT JERVIS 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 OF PORT JERVIS 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.

