

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
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(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~~

of Jackson

Local Law No. ONE of the year 1999

A local law providing for a temporary moratorium on installation
(Insert Title)
of signs in the Town of Jackson

Be it enacted by the Town Board of the
(Name of Legislative Body)

~~x~~ County

~~City~~

~~Town~~

~~Village~~

of Jackson as follows:

SECTION 1. Purpose:

(a) It is the purpose of this law to prevent and avoid serious detrimental environmental, planning and economic concerns for a reasonable period of time in order to effectuate solutions to those serious and detrimental conditions which threaten the Town of Jackson by allowing degradation of its significant environmental and agricultural resources and in order not to undermine the conscious and continuous determination by the town to resolve and lessen such threats to the health, safety and welfare of the citizens of the Town of Jackson.

(b) It is the further purpose of this law to enable the Town of Jackson to stop the installation of any new signs for a reasonable time pending the completion of a plan for regulating signage for the Town of Jackson, pending the adoption of a local law or other ordinances necessary to effectuate that plan by the Town of Jackson and pending any necessary SEQR process to evaluate each of the above actions.

(c) It is further the purpose of this law to fulfill the town's constitutional, statutory and legal obligations to protect and preserve the public health, welfare, and safety of the citizens of the Town of Jackson, and in particular to protect the value, use and enjoyment of property in the town, to prohibit the installation of new signs and thus defer any necessary official governmental action

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

permitting installation of new signs until the planning board and town board have instituted and completed proceedings on recommendations for adoption of the sign ordinance and any other necessary ordinances or amendments to ordinances of the Town of Jackson.

SECTION 2. Imposition of Moratorium.

(a) For a period of one hundred eighty (180) days from and after the adoption date of this law, no new signs larger than thirty five (35) square feet may be installed or placed within the Town.

(b) A sign shall be defined as any material, structure or device, or part thereof, composed of lettered or pictorial matter which is located out-of-doors, or on the exterior of any building, or indoors as a window sign, displaying an advertisement, announcement, notice or name, and shall include any declaration, demonstration, display, representation, illustration or insignia used to advertise or promote the interests of any person or business or cause when such is placed in view of the general public.

SECTION 3. Alleviation of Hardship.

(a) The town board of the Town of Jackson may authorize exceptions to the moratorium imposed by this law when it finds, based upon evidence presented to it, that deferral of installation of a sign for the duration of the moratorium would impose an extraordinary hardship on a landowner or applicant.

(b) A request for an exception based upon extraordinary hardship shall be filed with the town supervisor or his designee, by the landowner or the applicant with consent of the landowner. The request shall provide a recitation of the specific facts that are alleged to support the claim of extraordinary hardship, and shall contain such other information as the town supervisor or his designee shall prescribe as necessary for the town board to be fully informed with respect to the application. The applicant shall pay the costs of advertising the public hearing required in subparagraph (c) below.

(c) A public hearing on any request for an exception for extraordinary hardship shall be held by the town board at the first regular meeting of the town board that occurs after the expiration of the publication of notice of the request for an exception. The notice shall be advertised in the town's designated legal newspaper at least 10 days prior to the date of the public hearing.

(d) In reviewing an application for an exception based upon a claim of extraordinary hardship, the town board shall consider the following criteria:

(1) The extent to which the proposed sign would cause significant environmental degradation, adversely impact adjacent natural resource areas, or cause the loss of agricultural land.

(2) Whether the moratorium will expose the applicant to substantial monetary

liability to third persons; or would leave the applicant completely unable, after a thorough review of alternative solutions, to earn a reasonable return on the property or to adequately give notice to the public of applicant's business.

(3) The extent to which actions of the applicant were undertaken in good faith belief that the proposed sign would not lead to significant environmental degradation, undue adverse impacts on agricultural land, or adverse impacts on adjacent natural resource areas.

(e) At the conclusion of the public hearing and after reviewing the evidence and testimony placed before it, the town board shall act upon the request either to approve, deny or approve in part and deny in part the request made by the applicant. In the case of approval the applicant shall be directed to proceed with the installation of the sign.

SECTION 4. Enforcement.

(a) In the event of a violation or attempted violation of this local law, the town may seek a court order preventing such violation or an order requiring removal of any sign installed in violation of this local law.

(b) In the event the town is successful in its proceedings against any offender, then the town shall be entitled to recover from such offender the costs of the enforcement proceeding including attorneys fees.

SECTION 5. Validity.

(a) If any section, sentence, clause or phrase of this law is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in now way affect the validity of the remaining portions of this law.

SECTION 6. Effective Date.

(a) This law shall become effective upon filing in the office of the Secretary of State.