VILLAGE OF CAMBRIDGE

LOCAL LAW #1 OF 1999

A LOCAL LAW ENTITLED: "VILLAGE OF CAMBRIDGE MOBILEHOME/ TRAVEL TRAILER MORATORIUM OF 1999"

Be it enacted by the Board the Trustees of the Village of Cambridge as follows:

Section 1: Title.

The title of this local law shall be "Village of Cambridge Mobilehome/Travel Trailer Moratorium of 1999", and may be cited as Village of Cambridge Local Law #1 of 1999.

Section 2: Authority.

This local law is enacted pursuant to the authority of Municipal Home Rule Law Section 10(1)(i), which authorizes a Village to adopt a local law not inconsistent with the provisions of the Constitution or not inconsistent with any general law relating to its property, affairs or government.

Section 3: Legislative Findings.

The Village of Cambridge is presently experiencing an increase in growth and property development, including the placement, or proposed placement, of mobile homes within the Village. The Village of Cambridge presently has a Zoning Ordinance, adopted June 17, 1974 (the "Zoning Ordinance"), which provides some regulation of the placement and use of mobilehomes and travel trailers in the Village; however, it is the determination of the Board of Trustees, upon reviewing said Zoning Ordinance, that the Zoning Ordinance has become

outdated and no longer meets the needs of the Village with respect to the regulation of mobilehome and travel trailer development within the Village. The undeveloped property of the Village of Cambridge is the Village's most valuable resource and the Village Board has determined that this resource may be in jeopardy if revisions to the Zoning Ordinance are not adopted at this time. By resolution dated July 20, 1998, a Mobilehome/Travel Trailer Committee was established by the Board of Trustees to thoroughly investigate mobilehome/travel trailer regulation for the Village of Cambridge and make recommendations to the Village Board regarding the enactment of amendments and revisions to the Zoning Ordinance. This committee has made substantial progress towards the accomplishment of its purpose and goals, but the Village anticipates that an additional three to six months will be needed before the recommendations of the committee can be incorporated into an amended zoning ordinance. The Board of Trustees hereby finds that, pending the completion of the necessary surveys, studies, meetings, hearings and other actions incident to the proper consideration of revisions and amendments to the Village's existing regulations concerning mobilehomes and travel trailers, significant development may occur which may be inconsistent with the ultimate guidelines and recommendations of the Mobilehome/Travel Trailer Committee. The Board of Trustees further finds that significant development in the Village prior to the completion of the Committee's work may substantially reduce the effectiveness of any amendments which the Village may make to its existing mobilehome/travel trailer regulations and interfere with the ability of the Board of Trustees to properly plan for growth and development and the ability of the Board of Trustees to afford adequate facilities for the distribution of public services, comfort, convenience, public health and safety, and the general welfare of the citizenry of the Village. The Board of Trustees

further finds that the moratorium on the placement of mobile homes and travel trailers on property in the Village of Cambridge which was enacted on July 20, 1998 by Local Law No. 1 of 1998 will expire before the recommendations of the Mobilehome/Travel Trailer Committee can be received and implemented by the Village Board and that it would serve to promote and protect the public health, safety and general welfare of the citizency of the Village for such moratorium to be extended for an additional term of six (6) months.

Section 4: Purpose.

The purpose of this local law is to protect the public health, safety and welfare by continuing a temporary moratorium upon the placement of mobilehomes and travel trailers on property within the Village of Cambridge and the issuance of permits for the creation of mobilehome parks and travel trailer camps in the Village of Cambridge.

Section 5: Moratorium.

(a) Scope. For a period of six (6) months from the effective date of this local law, no Mobilehome or Travel Trailer shall be parked, placed, located or occupied within the Village of Cambridge, and no Mobilehome Park or Trailer Camp shall be developed, approved, occupied or operated within the Village of Cambridge, except as expressly provided herein. During the continuation of this moratorium, no applications for the issuance of permits or approvals under the Zoning Ordinance shall be accepted; no plans for the development of Mobilehome Parks or Trailer Camps shall be reviewed; and no permits or approvals to construct or place Mobilehome Parks, Trailer Camps, Mobilehomes or Travel Trailers shall be issued.

(b) Exceptions. The foregoing restriction shall not apply to the following:

(i) The maintenance, repair, replacement, modification or alteration of existing Mobilehomes, Travel Trailers, Mobilehome Parks or Trailer Camps lawfully located in the Village of Cambridge on the date of enactment of this local law; and

(ii) The development of any Mobilehome Park or Trailer Camp which, as of the date of enactment of this local law, has a complete application pending before the Planning Board of the Village of Cambridge for review under Section 402 of the Zoning Ordinance, and which is subsequently approved by the Planning Board of the Village of Cambridge.

(c) Definitions. As used in this local law, the terms Mobilehome, Travel Trailer, Mobilehome Park and Trailer Camp shall have the following meanings:

(i) A Mobilehome is any structure, transportable in one or more sections, which in the traveling mode is eight (8) body feet or more in width or forty (40) body feet or more in length, or when erected on site is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling (with or without a permanent foundation) when connected to required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein.

(ii) A Mobilehome Park is any parcel of land whereon two (2) or more Mobilehomes are parked or located or which is planned or improved for the placement of two (2) or more Mobilehomes and which is held open to the public for the parking or placement of Mobilehomes.

(iii) A Travel Trailer is any vehicle designed or used or intended to be used for temporary living quarters for travel, recreational or vacation purposes.

(iv) A Trailer Camp is any parcel of land whereon two (2) or more Travel Trailers are parked or located, or which is planned and improved for the placement of two (2) or more Travel Trailers and which is held open to the public for the parking or placement of Travel Trailers.

Section 6: Appeal Provisions.

The Board of Trustees shall have the power to vary or modify the application of any provision of this local law upon its determination, in its absolute legislative discretion, after hearing, that this local law would impose extraordinary hardship upon a landowner or developer, and that a variance from the provisions of the law would not adversely affect the health, safety and general welfare of the Village. Any requests for an exception or variance shall be filed with the Building Inspector, or his designee, and shall include a fee of One Hundred Dollars ($100.00) for the processing of such application and security, in such form as may be designated by the Village Attorney, for the payment of the actual costs incurred by the Village for engineering, legal or other similar services rendered in connection with the consideration of the variance request, which costs shall be reimbursed to the Village by the applicant.

Section 7: Penalties.

(a) Any person, partnership, association, trust, joint venture, corporation, limited liability company or other entity which violates any provision of this local law shall be guilty of an offense against this law and subject to either:

(i) a fine not exceeding Three Hundred Fifty Dollars ($350.00) or imprisonment

for a period not to exceed six months, or both, for a conviction of a first offense; for a conviction of a second offense both of which were committed within a period of five (5) years, punishable by a fine not less than Three Hundred Fifty Dollars ($350.00) nor more than Seven Hundred Dollars ($700.00) or imprisonment for a period not to exceed six (6) months or both; and upon conviction for a third or subsequent offense, all of which were committed within a period of (5) years, punishable by a fine not less than Seven Hundred Dollars ($700.00) nor more than One Thousand Dollars ($1,000.00) or imprisonment for a period not to exceed six (6) months, or both; or

(ii) a civil penalty not exceeding Three Hundred Fifty Dollars ($350.00) for a first offense; for a conviction of a second offense, both of which were committed within a period of five (5) years, a civil penalty of not less than Three Hundred Fifty Dollars ($350.00) nor more than Seven Hundred Dollars ($700.00); and upon a conviction for a third or subsequent offense all of which were committed within a period of five (5) years, punishable by a civil penalty not less than Seven Hundred Dollars ($700.00) nor more than One Thousand Dollars ($1,000.00);

(b) Each week's continued violation shall constitute a separate additional violation, for which separate and additional fines and punishment or civil penalties may be imposed and recovered.

(c) In the event that the penalty sought is within the monetary jurisdiction of the justice court, as established in Article 18 of the Uniform Justice Court Act, such action to recover such penalty may, as shall be determined by the attorney representing the Village, be commenced as a small claim pursuant to the provisions of Article 18 of the Uniform Justice Court Act.

(d) The imposition of the penalties herein prescribed shall not preclude the Village from

instituting an appropriate action or proceeding for an injunction to prevent an unlawful maintenance or use, or to restrain, correct or abate a violation, or to prevent the occupancy of any Mobile Home or Travel Trailer placed or occupied in violation of this local law.

Section 8: Severability.

If any term or provision of this local law, or the application thereof to any person or circumstance, shall to any extent be determined by a court of competent jurisdiction to be invalid or unenforceable, the remainder of this local law, or the application of such term or provision to persons or circumstances other than those to which it is held invalid or unenforceable, shall not be affected thereby, and each term and provision of this local law shall be valid and be enforced to the fullest extent permitted by law.

Section 9: Effect of Other Laws.

All ordinances and local laws in conflict with the provisions of this local law are hereby suspended and superseded during the duration of this local law, to the extent necessary to give this local law full force and effect. Upon the expiration of this local law, however, any ordinances or local laws so suspended and superseded by virtue of the provisions of this Section 8 shall again be deemed to be in full force and effect in accordance with their terms unless expressly modified, suspended or repealed by the terms of another ordinance or local law hereafter adopted.

Section 10: Effective Date and Duration.

This local law shall take effect upon adoption and filing with the Secretary of State, as provided in Section 27(3) of the Municipal Home Rule Law, and shall remain in force and effect for a period of six (6) months from its effective date.

ENACTED this _____ day of January, 1999 by the Board of Trustees of the Village of Cambridge, Washington County, New York.

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ROBERT E. SHAY, Mayor

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RICHARD C. FEUS, Trustee

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JOSEPH F. SARTORIS, Trustee

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DANIEL J. WALSH, Trustee

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RONALD J. CREPEAU, Trustee