

**VILLAGE OF CAMBRIDGE**

**LOCAL LAW #1 OF 2008**

**A LOCAL LAW ENTITLED: "VILLAGE OF CAMBRIDGE TEMPORARY ZONING LAW NO. 1 OF 2008"**

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 Temporary Zoning Law No. 1 of 2008." This local law may be cited as "VOC LL1-2008".

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.

(a) The Village of Cambridge is presently experiencing an increase in growth and property development, including the placement, or proposed placement, of outdoor furnaces within the Village.

(b) The Village of Cambridge presently has a Zoning Ordinance, adopted June 17, 1974 [the "Zoning Ordinance"], which provides some indirect regulation of the placement and

use of outdoor furnaces in the Village; however, it is the determination of the Board of Trustees that such regulation is inadequate.

(c) An Advisory Committee has been established by the Board of Trustees of the Village of Cambridge to make recommendations to the Village Board regarding the enactment of amendments and modifications to the current Village Zoning Ordinance.

(d) Pending the completion of the Committee's work and the Village's Board's subsequent enactment of amendments to its zoning ordinance—and in response to a significant recent increase in the cost of home heating oil—numerous new outdoor furnaces may be placed within the Village and such placement may be inconsistent with the ultimate guidelines and recommendations of the Advisory Committee and the Village's Comprehensive Plan, and may: i) substantially reduce the effectiveness of any zoning ordinance or local law which the Village may adopt or enact; and ii) interfere with the ability of the Board of Trustees to properly plan for growth and development in the Village and 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.

(e) A temporary moratorium on the construction and placement of new outdoor furnaces in the Village of Cambridge will allow the Village appropriate time to complete and adopt amendments to the Village's current zoning ordinance, as contemplated by the provisions of the Village's Comprehensive Plan.

(f) The Board of Trustees further finds that the moratorium on the construction and placement of new outdoor furnaces in the Village of Cambridge which was enacted by Local Law 1 of 2007 will expire before the recommendations of the Advisory Committee and the Village's Comprehensive Plan may be implemented by the Village Board and that it would serve

to promote and protect the public health, safety and general welfare of the citizenry 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 construction and/or placement of any outdoor furnaces on property within the Village of Cambridge and the issuance of permits and approvals for such construction and/or placement.

Section 5: Moratorium.

(a) Scope. For a period of six (6) months from the later of 1) the expiration of Village of Cambridge Local Law No. 1 of 2007 or; 2) the effective date of this local law:

(i) No outdoor furnace of any kind shall be constructed or placed 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 for the construction or placement of outdoor furnaces of any kind shall be accepted; no plans for the construction or placement of such outdoor furnaces shall be reviewed; and no permits or approvals to construct or place such outdoor wood burning furnaces shall be issued; and

(ii) No person, partnership, limited partnership, corporation, association, limited liability company, trust, estate, joint venture or other entity shall undertake, or cause to be undertaken, the construction and/or placement of any outdoor furnace of any kind within the corporate limits of the Village of Cambridge, except as expressly provided herein.

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

(i) The maintenance, repair, replacement, modification or alteration of existing outdoor furnaces lawfully located in the Village of Cambridge on the date of enactment of this local law; and

(ii) The completion of any construction or placement of an outdoor furnace for which a building permit has been issued prior to June 5, 2006 and, upon such completion, the issuance of a certificate of occupancy with respect thereto.

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, limited partnership, association, corporation, limited liability company, trust, estate, joint venture, 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 structure, dwelling or building erected, constructed, 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 9 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.

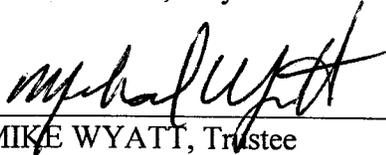
Section 10: Effective Date and Duration.

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, or until the effective date of a subsequently enacted zoning law of the Village of Cambridge, whichever first occurs.

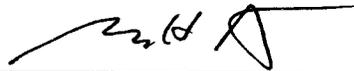
ENACTED this 4th day of February, 2008 by the Board of Trustees of the Village of Cambridge, Washington County, New York.



DEDE NASH, Mayor



MIKE WYATT, Trustee



MARK SPIEZIO, Trustee



GEOFFREY HOFFER, Trustee



CHRISTOPHER W. CALLAHAN, Trustee