

**VILLAGE of AURORA
COUNTY OF CAYUGA, STATE OF NEW YORK
PROPOSED LOCAL LAW NO. 2 of 2019**

BE IT ENACTED by the Village Board of the Village of Aurora as follows:

Section 1. Title

This local law shall be known as Local Law No. 2 of 2019 the "Temporary Moratorium on Fireworks Permits, Applications and Approvals within the Village of Aurora."

Section. 2. Findings, Intent and Purpose

It is the intent of the Village Board to provide for the orderly transition within the time necessary to accomplish same by hereby adopting interim legislation for a reasonable time during consideration of the changes in the Zoning Law to protect the public interest and welfare. Thus, the Village Board finds that it is in the best interests of the Village to adopt a local law imposing a **9-month** moratorium on the filing, acceptance and/or, approval of applications for Fireworks Permits, Applications and Approvals within the Village of Aurora, by the Building Inspector/Code Enforcement Officer or the Village Board of Trustees, as the case may be, pursuant to New York State Constitution Article IX, Municipal Home Rule Law §§ 10, 20 and 22, the relevant provisions of the Village Law of the State of New York, the law of the Village of Aurora and the general police power vested with the Board of Trustees of the Village of Aurora to promote the health, safety and welfare of the residents and property owners in the Village of Aurora.

As a moratorium, this local law is a Type II Action under the State Environmental Quality Review Act regulations and is not subject to further environmental review.

Section 3. Scope and Duration of Moratorium

- A. This moratorium prohibits the filing, acceptance and/or approval of any and all applications for Fireworks Permits, Applications and Approvals
- B. Notwithstanding the provisions of any other local law or resolution, during the term of this moratorium:
 - 1. The Village Board shall not accept or approve any document, application or request for relief or approvals as set forth in 3(A), above, for which this moratorium has been imposed; and
 - 5. Village staff members and officials, including the Building Inspector shall not issue any permit and shall not accept or approve any document, application or request for the issuance of any permits or document for any development that would require any

approval referred to in paragraph 3(A) of this Local Law where such approval was not granted prior to the effective date of this Local Law.

6. This moratorium shall apply whether or not the application at issue has been filed with the Village and whether or not review of the application has begun. It shall not apply to any application that received an approval prior to the effective date of this Local Law. Any expiration dates or other deadline shall be tolled during the period of this moratorium with respect to applications delayed by this moratorium.

Section 4. Penalties

Except as herein otherwise expressly provided, any person, firm or corporation, discharges or causes to have discharged and fireworks or pyrotechnics, with exception of those legally allowed to be discharged by private individuals, in violation of the provisions of this Local Law, or is accessory to said violation and who fails to abate said violation within the time period specified on the violation notice and after written notice has been served upon him or her either by mail or personal service shall be liable to a fine of \$1000.00 or imprisonment for a period not to exceed 15 days, or both for each such violation, in addition to any penalty or remedies for enforcement provided for any violation of the Village Code of the Village of Aurora, including the Village Zoning Law and Subdivision Regulations. Each and every day during which such violation of this Local Law exists shall be deemed a separate violation. Nothing herein shall be construed as depriving the Village or the Village Board or any official thereof of the right to apply for an injunction to prevent any violation of this Local Law or of the right to employ any other available remedy, including an order stopping all work. This Local Law shall be enforced by the Building Inspector/Code Enforcement/Zoning Enforcement Officer of the Village of Aurora.

Section 5. Severability/Validity

In the event any word, section, clause, paragraph, phrase, sentence, part or provision of this Local Law is found invalid, unenforceable or contrary to law by a court of competent jurisdiction, such determination shall not affect the validity of any other part hereof.

Section 6. Judicial Review

Review of decisions of the Village Board with respect to any portion of this Local Law may be had by a proceeding commenced in Supreme Court of the State of New York, County of Cayuga, within thirty (30) days after such determination is filed in the Office of the Village Clerk.

Section 7. Default Approvals Abolished

Notwithstanding any law, rule or regulation to the contrary, no development approval shall be granted, deemed granted or dispensed with as a result of a passage of time. Any and all development approvals granted during the period of the moratorium shall require the affirmative

vote of the reviewing board(s) with jurisdiction and endorsement of the plat or plot plan as otherwise required by law.

Section 8. Supersession

This Local Law shall supersede all provisions of the law of the State of New York and any ordinances, regulations and local laws of the Village of Aurora, including the Village of Aurora Zoning Law, in conflict with the provisions of this Local Law to the extent inconsistent with the same and to the extent permitted by the New York State Constitution, the Municipal Home Rule Law, or any other statute determined to be in conflict with the provisions hereof.

Section 9. Effective Date

This local law enacting a temporary moratorium shall take effect upon filing with the New York State Secretary of State subsequent to having been duly adopted by the Village Board and shall remain in full force for 9 months from date of filing.