

Town of Columbia
Local Law No. 1 (ONE) of 2017

A Local Law Imposing A Moratorium on the Installation of New Billboards within the Town of Columbia

Be it enacted by the Town of Columbia as follows:

Section 1: Title

This local law shall be referred to as “The local law imposing a Six Month Moratorium on Issuance of any Zoning or Building Permit for a Billboard Sign Within the Town of Columbia.”

Section 2: Purpose and Intent:

Pursuant to the statutory powers vested in the Town Board of the Town of Columbia to regulate and control land use, and to protect the health, safety and welfare of its residents, the Town Board of the Town of Columbia hereby declares a six-month moratorium on the establishment, placement, construction, enlargement, and upon the issuance of any zoning permit, building permit, special use permit, or permitting process for any new or existing billboards within the Town of Columbia in order to protect the public interest and welfare on a comprehensive, town-wide basis.

The Town of Columbia Town Board recognizes the need for responsible growth and to address in a careful and prudent manner the establishment, placement, construction enlargement and permitting process for billboards. In order to provide for the protection and enhancement of the public health and local quality of life and to reduce the potential, adverse effects of the taking of actions during the pendency of the review process and amendment of the Town’s Zoning Land Use Law, Section 425, Signs, this Town Board finds it necessary to take responsible temporary measures to prohibit the installation of new billboards within the Town of Columbia as under current law the ability to plan for the orderly development of sign usage in its rural and open community may not be adequate.

The Town Board finds that pursuant to 6 NYCRR 617.5(c)(30) the adoption of a moratorium on land development or construction is a Type II action under the New York State Environmental Quality Review Act (“SEQRA”) which has been determined not to have a significant impact on the environment. Further, this moratorium is enacted by the Town Board pursuant to its authority to adopt local laws under Article IX of the New York State Constitution and Municipal Home Rule Law Section 10.

Section 3: Moratorium

1. A moratorium is hereby imposed on the establishment, placement, construction, enlargement, or addition, or modification of or to, any new or existing free-standing or billboard sign within the Town of Columbia from the effective date of this local law for a period of six months. During the period of such moratorium the Town Board of the Town of Columbia, the Zoning

Board of Appeals of the Town of Columbia, the Planning Board of the Town of Columbia, the Building Inspector/Code Enforcement Officer, and the Zoning Enforcement Officer shall not consider any new applications.

2. The Town Board of the Town of Columbia reserves the right to direct the Town Building Inspector/Code Enforcement Officer, or Zoning Enforcement Officer to revoke or rescind any building permit or approval issued in violation of this Local Law.

3. Any permit or approval previously issued by the Town of Columbia, or any board or officer thereof, prior to the enactment of this Local Law, but where the placement, construction, enlargement, or addition, or modification of any new or existing billboard sign as referred to herein, has not occurred prior to the enactment of this Local Law, said prior approval or permit shall be deemed null and void and of no further effect.

Section 5: Penalties

Any person, firm, corporation or entity that shall establish, place, construct, enlarge or erect any new advertising sign or billboard sign or any addition or modification to an existing advertising sign or billboard sign in violation of the provisions of this Local Law, or shall otherwise violate any of the provisions of this Local Law, shall be subject to: a) such penalties as may otherwise be applicable by local law, ordinance, rule or regulation of the Town of Columbia for such violations, and b) injunctive relief in favor of the Town of Columbia to cease any and all such actions which conflict with this Local Law and, if necessary, to remove any construction that may have taken place in violation of this Local Law.

Section 6: Hardship

Should any owner of property affected by this Local Law suffer an unnecessary hardship due to the enactment and application of this Local Law, then the owner of said property may apply to the Zoning Board of Appeals of the Town of Columbia in writing for a variance from strict compliance with this Local Law upon submission of proof of such unnecessary hardship. It shall be the burden of the applicant for such relief to demonstrate to the satisfaction of the Zoning Board of Appeals upon competent evidence that an unjust result and extraordinary hardship will occur to the applicant, if such relief is not granted, and such showing must demonstrate that the proposed activity for which relief is sought shall be consistent with the reasonable and orderly development of the Town. For the purposes of this Local Law, unnecessary hardship shall not be the mere delay in being permitted to make an application or waiting for a decision on the application for a variance, special permit, site plan, subdivision, or other permit during the period of the moratorium imposed by this Local Law. Such request will be taken under the procedural provisions of the existing Town of Columbia Zoning Local Land Use Law in relations to appeals, and shall be the subject of a public hearing before the Zoning Board of Appeals in accordance with such procedures. It shall be within the discretion of the Zoning Board of Appeals to grant, in whole or in part, or deny, the application for such relief from the terms of this moratorium.

Section 7: Severability

Should any sections of the provisions of this local law be determined by the courts to be unconstitutional or invalid, such decision shall not effect the validity of any other provision of the local law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

Section 8: Effective Date

This local law shall become effective upon its adoption and after filing in the office of the Secretary of State of New York.

Adopted: June 8, 2017