

Local Law No. P-3 of the year 2024.

Introduced by Mayor Rosenquest on April 18, 2024 at a Regular meeting of the Common Council.

Public Hearing to be held on Thursday, May 2, 2024 at 5:31pm in the Council Chambers, 41 City Hall Place, Plattsburgh, NY 12901.

A local law amending Chapter 360 “Zoning” of the City Code of the City of Plattsburgh by adding “Article X: Waterfront Overlay Consistency Review and Development Guidelines” to Chapter 360 “Zoning” of the City Code of the City of Plattsburgh.

Be it enacted by the Common Council of the City of Plattsburgh as follows:

1. “Article X: Waterfront Overlay Consistency Review and Development Guidelines” will be added to Chapter 360 “Zoning of the City Code of the City of Plattsburgh and will read as follows:

Article X: Waterfront Overlay Consistency Review and Development Guidelines

§ 360-63 Establishment of district and purpose.

- A.** The purpose of the Overlay District-Waterfront (OD-W) is to provide special controls to guide land use and development within the waterfront areas of the City. The regulations are designed to protect the sensitive waterfront areas and to maintain consistent land use with the City of Plattsburgh's Local Waterfront Revitalization Program (LWRP). The OD-W regulations are not intended to be substituted for other zoning district provisions. The overlay district is superimposed on the principal zoning district provisions and should be considered as additional requirements to be met in establishing a use within the respective principal zoning district.
- B.** The Official Zoning Map is hereby amended and revised to establish and include the updated configuration of the Overlay District-Waterfront.
- C.** The consistency review process provides a framework for the agencies of the City of Plattsburgh to incorporate the policies and purposes contained in the City of Plattsburgh Local Waterfront Revitalization Program (LWRP) when reviewing applications for actions or direct agency actions located within the waterfront area; and to assure that such actions and direct actions undertaken by City agencies are consistent with the LWRP policies and purposes.
- D.** It is the intention of the City of Plattsburgh that the preservation, enhancement, and utilization of the unique waterfront area of the City of Plattsburgh occur in a coordinated and comprehensive manner to ensure a proper balance between the protection of natural

resources and the need to accommodate growth. Accordingly, these provisions are intended to achieve such a balance, permitting the beneficial use of waterfront resources while preventing: degradation or loss of living waterfront resources and wildlife; diminution of open space areas or public access to the waterfront; disruption of natural waterfront processes; impairment of scenic or historical resources; losses due to flooding, erosion, and sedimentation; impairment of water quality or permanent adverse changes to ecological systems.

§ 360-64 Permitted uses.

- A. Those uses otherwise permitted in the underlying districts shall be permitted in accordance with the regulations applicable thereto.
- B. In addition to any other provisions of this chapter applying to them, lots, lands and structures in the Overlay District--Waterfront shall be subject to the policies contained in the City of Plattsburgh's Local Waterfront Revitalization Program as such document may be amended from time to time, as well as the provisions of this article.

§ 360-65 Applicability.

- A. Waterfront Revitalization Area (WRA). The waterfront area (a.k.a. waterfront revitalization area) as set forth in the LWRP maps and as described in the LWRP documents shall be coterminous with the City of Plattsburgh Waterfront Overlay District.
- B. Type I actions and all Unlisted Actions where a lead agency of the City of Plattsburgh has been designated under coordinated review as defined by the State Environmental Quality Review Act (SEQRA) within the Waterfront Revitalization Area will be subject to review by the designated Lead Agency for consistency review as set forth herein.
- C. Consistency Provision for Uncoordinated Review. All proposed Unlisted Actions where a lead agency has been designated under coordinated review as defined by the State Environmental Quality Review Act (SEQRA) within the Waterfront Revitalization Area will be subject to review for consistency review as set forth herein. Only one local agency shall be required to make a consistency review determination in the order as set forth below:
 - 1. Common Council shall be responsible for consistency review of any Common Council action.
 - 2. Planning Board shall be responsible for consistency review of any Planning Board action.
 - 3. Zoning Board of Appeals shall be responsible for consistency review of any Zoning Board of Appeals action.
 - 4. Any other local agency shall be responsible for consistency review of its action.
 - 5. If multiple City agencies have review/funding/or direct action responsibility, the Mayor shall designate a lead agency for Consistency Review under this law.

D. Local Review of Proposed State and Federal Actions. Any proposed State and federal actions within the City of Plattsburgh's Waterfront Revitalization Area are subject to review in accordance with the guidelines established by the New York State Department of State.

§ 360-66 Definitions.

A. Actions – include all the following, except minor actions:

1. projects or physical activities, such as construction or other activities that may affect natural, or manmade, or other resources in the waterfront area, or the environment by changing the use, appearance or condition of any natural resource or structure, that: (1) are directly undertaken by an agency; (2) involve funding by an agency; or (3) require one or more new or modified approvals from an agency or agencies;
2. agency planning and policy-making activities that may affect the environment and commit the agency to a definite course of future decisions;
3. adoption of agency rules, regulations and procedures, including local laws, codes, ordinances, executive orders and resolutions that may affect the environment; and
4. any combination of the above.

B. Agency – any board, agency, department, office, other body, or officer of the City of Plattsburgh.

C. Waterfront area - the waterfront revitalization area located within the boundaries of the City of Plattsburgh and delineated and described in the City of Plattsburgh Local Waterfront Revitalization Program.

D. Waterfront Assessment Form - the form, a sample of which is appended to this local law, used by an agency or other entity to assist in determining the consistency of an action with the City of Plattsburgh Local Waterfront Revitalization Program.

E. Code Enforcement Officer - the Building Inspector and/or Code Enforcement Officer of the City of Plattsburgh.

F. Consistent – the action will fully comply with the LWRP policy standards, conditions and objections and, whenever practicable, will advance one or more of them.

G. Direct Actions – Actions planned and proposed for implementation by an agency, such as, but not limited to, a capital project, rule-making, procedure-making and policy-making.

H. Environment - means all conditions, circumstances, and influences surrounding and affecting the development of living organisms or other resources in the waterfront area.

I. Local Waterfront Revitalization Program (LWRP) – The Local Waterfront Revitalization Program of the City of Plattsburgh, approved by the Secretary of State pursuant to the Waterfront Revitalization and Coastal Areas and Inland Waterways Act (Executive Law,

Article 42), a copy of which is on file in the Office of the Clerk of the City of Plattsburgh.

- J. Minor actions include the following actions, which are not subject to review under this law:
1. actions or classes of actions identified as Type II actions in the State Environmental Quality Review Regulations at 6 NYCRR Part 617;
 2. Any action listed as type II by another agency in that agency's duly adopted type II list, when such action is the subject of an application to the City by such agency for funding or permit approval;
 3. maintenance or repair involving no substantial changes in an existing structure or facility;
 4. replacement, rehabilitation, or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building or fire codes, except for structures in areas designated by local law where structures may not be replaced, rehabilitated or reconstructed without a permit;
 5. repaving of existing paved highways not involving the addition of new travel lanes;
 6. The construction or reconstruction of bikeways, walkways, pedestrian bridges and the like, where no more than minor amounts of right-of-way need be acquired;
 7. street openings and right of way openings for the purpose of repair or maintenance of existing utility facilities;
 8. maintenance of existing landscaping or natural growth, except where threatened or endangered species of plants or animals are affected;
 9. granting of individual setback and lot line variances, except in relation to a regulated natural feature;
 10. minor temporary uses of land having negligible or no permanent impact on waterfront resources or the environment;
 11. installation of traffic control devices on existing streets, roads and highways;
 12. mapping of existing roads, streets, highways, natural resources, land uses and ownership patterns;
 13. information collection including basic data collection and research, water quality and pollution studies, traffic counts, engineering studies, surveys, subsurface investigations and soils studies that do not commit the agency to undertake, fund or approve any Type I or Unlisted action;
 14. official acts of a ministerial nature involving no exercise of discretion, including building permits and historic preservation permits where issuance is predicated solely

- on the applicant's compliance or noncompliance with the relevant local building or preservation code(s);
15. routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment;
 16. conducting concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in or approve such action;
 17. collective bargaining activities;
 18. investments by or on behalf of agencies or pension or retirement systems, or refinancing existing debt;
 19. inspections and licensing activities relating to the qualifications of individuals or businesses to engage in their business or profession;
 20. purchase or sale of furnishings, equipment or supplies, including surplus government property, other than the following: land, radioactive material, pesticides, herbicides, or other hazardous materials;
 21. adoption of regulations, policies, procedures and local legislative decisions in connection with any action on this list;
 22. engaging in review of any part of an application to determine compliance with technical requirements, provided that no such determination entitles or permits the project sponsor to commence the action unless and until all requirements of this Part have been fulfilled;
 23. civil or criminal enforcement proceedings, whether administrative or judicial, including a particular course of action specifically required to be undertaken pursuant to a judgment or order, or the exercise of prosecutorial discretion;
 24. adoption of a moratorium on land development or construction;
 25. interpreting an existing code, rule or regulation;
 26. designation of local landmarks or their inclusion within historic district;
 27. emergency actions that are immediately necessary on a limited and temporary basis for the protection or preservation of life, health, property or natural resources, provided that such actions are directly related to the emergency and are performed to cause the least change or disturbance, practicable under the circumstances, to waterfront resources or the environment. Any decision to fund, approve or directly undertake other activities after the emergency has expired is fully subject to the review procedures of this Part;

28. local legislative decisions such as rezoning where the Common Council determines the action will not be approved.

§ 360-67 Management and Coordination of the Review of Actions.

A. The Director of Community Development shall be responsible for overall management and administration of the LWRP. The Mayor may appoint a Waterfront Revitalization Committee, with appointments confirmed by the Common Council, or may delegate this responsibility to another existing committee or board of the City as approved by the Common Council to assist the Director of Community Development in performing these responsibilities. The Mayor with support of the Director of Community Development, or the Waterfront Revitalization Committee, if appointed, shall:

1. Inform the Common Council on implementation, priorities, work assignments, timetables, and budgetary requirements of the LWRP.
2. Make applications for funding from State, Federal, or other sources to finance projects under the LWRP.
3. Coordinate and oversee liaison between City agencies and departments, to further implementation of the LWRP.
4. Prepare an annual report on progress achieved and problems encountered in implementing the LWRP, and recommend actions necessary for further implementation to the Common Council.
5. Perform other functions regarding the waterfront area and direct such actions or projects as are necessary, or as the Common Council may deem appropriate, to implement the LWRP.
6. Coordinate with NYS Department of State (DOS) regarding consistency review for actions by State or federal agencies. Coordination shall include providing an informal opinion on the proposed action to DOS, at DOS's request, within 15 days of said request, regardless of any requirement for a local consistency decision.

B. In order to foster a strong relationship and maintain an active liaison among the agencies responsible for implementation of the LWRP, shall schedule at least semi-annually a local waterfront revitalization coordinating meeting, including but not limited to representatives of the Common Council, Planning Board, Waterfront Advisory Committee, and such other departments or individuals charged with LWRP implementation.

§ 360-68 Role of the Planning Board.

A. The City of Plattsburgh Planning Board and the Director of Community Development, or other employee designated by the Mayor, shall meet quarterly and shall advise the Common Council on LWRP implementation and on policy, project and budget priorities, as well as on amendments to the LWRP. The Planning Board and Director of Community

Development, or other employee designated by the Mayor, may also perform other functions regarding the waterfront area as the Common Council may assign to it from time to time.

§ 360-69 Review of Actions.

- A. Whenever a proposed action is located in the WRA the City lead agency as set forth/designated in this law shall, prior to approving, funding or undertaking the action make a determination that it is consistent with the LWRP standards summarized in section I. below. No action in the WRA subject to review under this ordinance shall be approved, funded or undertaken by an agency without such a determination.
- B. The Director of Community Development, or other employee designated by the Mayor, shall be responsible for coordinating review of actions in the City's WRA for consistency with the LWRP, and will advise, assist and make consistency recommendations for other City agencies in the implementation of the LWRP, its policies and projects, including physical, legislative, regulatory, administrative, and other actions included in the program. The Mayor will also coordinate with NYS Department of State regarding consistency review for actions by State or Federal agencies.
- C. The Director of Community Development, or other employee designated by the Mayor, will assist each agency with preliminary evaluation of actions in the WRA and with preparation of a Waterfront assessment Form (WAF). Whenever an agency receives an application for approval or funding of an action, or as early as possible in the agency's formulation of a direct action to be located in the WRA, the agency shall refer such application or direct action to the Director of Community Development, or other employee designated by the Mayor, within 10 days of receipt, for preparation of a WAF, a sample of which is appended to this local law. The Director of Community Development, or other employee designated by the Mayor, will coordinate their preliminary evaluation with permitting or other review by each agency or the agencies considering an action.
- D. The Director of Community Development, or other employee designated by the Mayor, shall require the applicant to submit all completed applications, Environmental Assessment Forms (EAFs), and any other information deemed necessary to its consistency recommendation. The recommendation shall indicate whether, in the opinion of the Director of Community Development, or other employee designated by the Mayor, the proposed action is consistent with or inconsistent with one or more of the LWRP policy standards and objectives and shall elaborate in writing the basis for its opinion. The Director of Community Development, or other employee designated by the Mayor, along with its consistency recommendation, make any suggestions to the agency concerning modification of the proposed action, including the imposition of conditions, to make it consistent with LWRP policy standards and objectives or to greater advance them. Such recommendation shall go to the agency within thirty (30) days of receipt of the completed information submitted by the applicant.

- E. If an action requires approval of more than one agency, decision making will be coordinated between agencies to determine which agency will conduct the final consistency review, and that agency will thereafter act as designated consistency review agency. Only one WAF per action will be prepared. If the agencies cannot agree, the Mayor shall designate the consistency review agency.
- F. Upon recommendation of the Director of Community Development, or other employee designated by the Mayor, the agency shall consider whether the proposed action is consistent with the LWRP policy standards summarized in Section VIII. Prior to making its determination of consistency, the agency shall consider the consistency recommendation of the Director of Community Development, or other employee designated by the Mayor. The agency shall render a written determination of consistency based on the WAF, the Director of Community Development, or other employee designated by the Mayor, recommendation, and such other information as is deemed necessary to make its determination. No approval or decision shall be rendered for an action in the waterfront area without a determination of consistency. The designated agency will make the final determination of consistency.
- G. The Zoning Board of Appeals is the designated agency for the determination of consistency for variance applications subject to this law. The Zoning Board of Appeals shall consider the written consistency recommendation of the Director of Community Development, or other employee designated by the Mayor, in the event and at the time it makes a decision to grant such a variance and shall impose appropriate conditions on the variance to make the activity consistent with the objectives of this law.
- H. Where an Environmental Impact Statement (EIS) is being prepared or required, the draft EIS must identify applicable LWRP policies and standards and include a discussion of the effects of the proposed action on such policy standards. No agency may make a final decision on an action that has been the subject of a final EIS and is located in the WRA until the agency has made a written finding regarding the consistency of the action with the local policy standards referred to in Section VIII. herein.
- I. In the event the Director of Community Development's, or other employee designated by the Mayor, recommendation is that the action is inconsistent with the LWRP, and the agency makes a contrary determination of consistency, the agency shall elaborate in writing the basis for its disagreement with the recommendation and explain the manner and extent to which the action is consistent with the LWRP policy standards.
- J. Actions to be undertaken within the WRA shall be evaluated for consistency in accordance with the following summary of LWRP policies, which are derived from and further explained and described in the City of Plattsburgh LWRP, a copy of which is on file in the Clerk's office and available for inspection during normal business hours. Agencies which undertake direct actions shall also consult with Section IV-Proposed Land and Water Uses and Projects of the LWRP, in making their consistency determination. The action shall be consistent with the policies as set forth in the City of

Plattsburgh LWRP. Actions and design of proposed projects shall consider the Waterfront Revitalization Design Guidelines in Section XIV of this local law.

- K. If the agency determines that an action will be inconsistent with one or more LWRP policy standards or objectives, such action shall not be undertaken unless modified to be consistent with the LWRP policies.
- L. Each agency shall maintain a file for each action made the subject of a consistency determination, including any recommendations received from the Waterfront Advisory Committee (if such Committee has been created). Such files shall be made available for public inspection upon request.

§ 360-70 City of Plattsburgh LWRP Policies.

(Note: this policy summary provided below is for convenience, refer to the LWRP document for further explanation/interpretation of the policies.)

DEVELOPMENT POLICIES

Policy 1 Restore, revitalize, and redevelop deteriorated and underutilized waterfront areas for commercial, industrial, cultural, recreational, and other compatible uses.

Policy 2 Facilitate the siting of water dependent uses and facilities on or adjacent to inland waterways.

Policy 3 Further develop the State's major ports of Albany, Buffalo, New York, Ogdensburg, and Oswego as centers of commerce and industry, and encourage the siting, in these port areas, including those under the jurisdiction of State public authorities, of land use and development which is essential to, or in support of, the waterborne transportation of cargo and people.

Policy 4 Strengthen the economic base of smaller harbor areas by encouraging the development and enhancement of those traditional uses and activities which have provided such areas with their unique maritime identity.

Policy 5 Encourage the location of development in areas where public services and facilities essential to such development are adequate.

Policy 6 Expedite permit procedures in order to facilitate the siting of development activities at suitable locations.

FISH and WILDLIFE POLICIES

Policy 7 Significant coastal fish and wildlife habitats will be protected, preserved, and where practical, restored so as to maintain their viability as habitats.

Policy 8 Protect fish and wildlife resources in the waterfront revitalization area from the introduction of hazardous wastes and other pollutants which bio-accumulate in the food chain or which cause significant sub-lethal or lethal effect on those resources.

Policy 9 Expand recreational use of fish and wildlife resources in the waterfront revitalization area by increasing access to existing resources, supplementing existing stocks, and developing new resources.

Policy 10 Further develop commercial finfish, shellfish, and crustacean resources in the inland waterway area by encouraging the construction of new, or improvement of existing on-shore commercial fishing facilities, increasing marketing of the State's seafood products, maintaining adequate stocks, and expanding aquaculture facilities.

FLOODING and EROSION HAZARDS POLICIES

Policy 11 Buildings and other structures will be sited in the waterfront revitalization area so as to minimize damage to property and the endangering of human lives caused by flooding and erosion.

Policy 12 Activities or development in the waterfront revitalization area will be undertaken so as to minimize damage to natural resources and property from flooding and erosion by protecting natural protective features including beaches, dunes, barrier islands and bluffs.

Policy 13 The construction or reconstruction of erosion protection structures shall be undertaken only if they have a reasonable probability of controlling erosion for at least thirty years as demonstrated in design and construction standards and/or assured maintenance or replacement programs.

Policy 14 Activities and development, including the construction or reconstruction of erosion protection structures, shall be undertaken so that there will be no measurable increase in erosion or flooding at the site of such activities or development, or at other locations.

Policy 15 Mining, excavation or dredging in inland waterways shall not significantly interfere with the natural inland waterway processes which supply beach materials to land adjacent to such waters and shall be undertaken in a manner which will not cause an increase in erosion of such land.

Policy 16 Public funds shall only be used for erosion protective structures where necessary to protect human life, and new development which requires a location within or adjacent to an erosion hazard area to be able to function, or existing development; and only where the public benefits outweigh the long term monetary and other costs including the potential for increasing erosion and adverse effects on natural protective features.

Policy 17 Non-structural measures to minimize damage to natural resources and property from flooding and erosion shall be used whenever possible.

GENERAL POLICY

Policy 18 To safeguard the vital economic, social and environmental interests of the State and of its citizens, proposed major actions in the waterfront revitalization area must

give full consideration to those interests, and to the safeguards which the State has established to protect valuable inland waterway resource areas.

PUBLIC ACCESS POLICIES

Policy 19 Protect, maintain, and increase the level and types of access to public water related recreation resources and facilities.

Policy 20 Access to the publicly-owned foreshore and to lands immediately adjacent to the foreshore or the water's edge that are publicly-owned shall be provided and it shall be provided in a manner compatible with adjoining uses.

RECREATION POLICIES

Policy 21 Water dependent and water enhanced recreation will be encouraged and facilitated, and will be given priority over non-water-related uses along the shorefront.

Policy 22 Development when located adjacent to the shore will provide for water-related recreation whenever such use is compatible with reasonably anticipated demand for such activities, and is compatible with the primary purpose of the development.

HISTORIC and SCENIC RESOURCES POLICIES

Policy 23 Protect, enhance and restore structures, districts, areas or sites that are of significance in the history, architecture, archaeology or culture of the State, its communities, or the Nation.

Policy 24 Prevent impairment of scenic resources of statewide significance.

Policy 25 Protect, restore or enhance natural and man-made resources which are not identified as being of statewide significance, but which contribute to the overall scenic quality of the waterfront revitalization area.

AGRICULTURAL LANDS POLICY

Policy 26 Conserve and protect agricultural lands in the waterfront revitalization area.

ENERGY and ICE MANAGEMENT POLICIES

Policy 27 Decisions on the siting and construction of major energy facilities in the shorefront area will be based on public energy needs, compatibility of such facilities with the environment, and the facility's need for a shorefront location.

Policy 28 Ice management practices shall not interfere with the production of hydroelectric power, damage significant fish and wildlife and their habitats, or increase shoreline erosion or flooding.

Policy 29 The development of offshore uses and resources, including renewable energy resources, shall accommodate New York's long-standing ocean and Great Lakes

industries, such as commercial and recreational fishing and maritime commerce, and the ecological functions of habitats important to New York.

WATER and AIR RESOURCES POLICIES

Policy 30 Municipal, industrial, and commercial discharge of pollutants, including but not limited to, toxic and hazardous substances, into inland waterways will conform to State and National water quality standards.

Policy 31 State policies and management objectives of approved local Waterfront Revitalization Programs will be considered while reviewing inland waterway classifications and while modifying water quality standards; however, those waters already overburdened with contaminants will be recognized as being a development constraint.

Policy 32 Encourage the use of alternative or innovative sanitary waste systems in small communities where the costs of conventional facilities are unreasonably high, given the size of the existing tax base of these communities.

Policy 33 Best management practices will be used to ensure the control of stormwater runoff and combined sewer overflows draining into inland waterways.

Policy 34 Discharge of waste materials into inland waterways from vessels subject to State jurisdiction will be limited so as to protect significant fish and wildlife habitats, recreational areas and water supply areas.

Policy 35 Dredging and filling in inland waterways and disposal of dredged material will be undertaken in a manner that meets existing State dredging permit requirements, and protects significant fish and wildlife habitats, scenic resources, natural protective features, important agricultural lands, and wetlands.

Policy 36 Activities related to the shipment and storage of petroleum and other hazardous materials will be conducted in a manner that will prevent or at least minimize spills into inland waterways; all practicable efforts will be undertaken to expedite the cleanup of such discharges; and restitution for damages will be required when these spills occur.

Policy 37 Best management practices will be utilized to minimize the non-point discharge of excess nutrients, organics and eroded soils into inland waterways.

Policy 38 The quality and quantity of surface water and groundwater supplies, will be conserved and protected, particularly where such waters constitute the primary or sole source of water supply.

Policy 39 The transport, storage, treatment and disposal of solid wastes, particularly hazardous wastes, within the waterfront revitalization area will be conducted in such a manner so as to protect groundwater and surface water supplies, significant fish and wildlife habitats, recreation areas, important agricultural land, and scenic resources.

Policy 40 Effluent discharged from major steam electric generating and industrial facilities into inland waterways will not be unduly injurious to fish and wildlife and shall conform to state water quality standards.

Policy 41 Land use or development in the waterfront revitalization area will not cause national or State air quality standards to be violated.

Policy 42 Waterfront revitalization program policies will be considered if the State reclassifies land areas pursuant to the prevention of significant deterioration regulations of the Federal Clean Air Act.

Policy 43 Land use or development in the waterfront revitalization area must not cause the generation of significant amounts of acid rain precursors: nitrates and sulfates.

WETLANDS POLICY

Policy 44 Preserve and protect tidal and freshwater wetlands and preserve the benefits derived from these areas.

§ 360-71 Waterfront Assessment Form

The Director of Community Development, or other employee designated by the Mayor, shall prepare and make available to the public a Waterfront Assessment Form consistent with the LWRP.

§ 360-72 Waterfront Revitalization Design Guidelines

The Director of Community Development, or other employee designated by the Mayor, with the assistance and guidance of the City Planner, shall prepare and make available to the public Waterfront Revitalization Design Guidelines consistent with the LWRP.

§ 360-73 Enforcement.

In the event that an activity is being performed in violation of this law or any conditions imposed thereunder, the Building Inspector or any other authorized official of the City shall issue a stop work order and all work shall immediately cease. No further work or activity shall be undertaken on the project so long as a stop work order is in effect.

§ 360-74 Violations.

- a. A person who violates any of the provisions of, or who fails to comply with any condition imposed by, this law shall have committed a violation, punishable by a fine not exceeding five hundred dollars (\$500.00) for a conviction of a first offense and punishable by a fine of one thousand dollars (\$1000.00) for a conviction of a second or subsequent offense. For the purpose of conferring jurisdiction upon courts and judicial officers, each week of continuing violation shall constitute a separate additional violation.

- b. The Corporation Counsel is authorized and directed to institute any and all actions and proceedings necessary to enforce this local law. Any civil penalty shall be in addition to and not in lieu of any criminal prosecution and penalty.

§ 360-75 Severability.

The provisions of this law are severable. If any provision of this law is found invalid, such finding shall not affect the validity of this law as a whole or any law or provision hereof other than the provision so found to be invalid.

§ 360-76 Effective Date.

This local law shall take effect immediately upon its filing in the office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

2. This Local Law shall take effect immediately upon approval by the Common Council and Mayor and filing with the New York Secretary of State.