

(Please Use this Form for Filing your Local Law with the Secretary of State)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County
~~City~~ of NIAGARA
Town
~~Village~~

Local Law No. 9 of the year 19 77

A local law of the County of Niagara pursuant to Article 8 of the New York Environmental Conservation Law providing for environmental quality review of actions which may have a significant effect on the environment

Be it enacted by the NIAGARA COUNTY LEGISLATURE of the (Name of Legislative Body)

County
~~City~~ of NIAGARA as follows:
Town
~~Village~~

1. (a) Unless the context shall otherwise require, the terms, phrases, words, and their derivatives used in this local law shall have the same meaning as those defined in Section 8-0105 of the Environmental Conservation Law and Part 617 of Title 6 NYCRR.

(b) "County" shall mean the County of Niagara, State of New York.

2. No decision to carry out or approve an action other than an action listed in Section 3 (b) hereof or Section 617.12 of 6 NYCRR as Type II action, shall be made by the Niagara County Legislature or by any department, board, commission, officer or employee of the County until there has been full compliance with all requirements of this local law and Part 617 of Title 6 NYCRR, provided however, that nothing herein shall be construed as prohibiting.

(a) The conducting of contemporaneous environmental, engineering, economic feasibility or other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action which do not commit the County to approve, commence, or engage in such action, or

(b) the granting of any part of an application which relates only to technical specifications and requirements, provided that no such partial approval shall entitle or permit the applicant to commence the action until all requirements of this local law and Part 617 of Title 6 NYCRR have been fulfilled.

3. (a) Consistent with Part 617 of Title 6 NYCRR and the criteria therein, the actions listed in Section 617.12 of Title 6 NYCRR as Type I actions, are likely to have a significant effect on the environment.

(b) Consistent with Part 617 of Title 6 NYCRR and the criteria therein, the actions listed in Section 617.12 of Title 6 NYCRR as Type II actions, are deemed not to have a significant effect on the environment.

4. For the purpose of assisting in the determination of whether an action may or will not have a significant effect on the environment, applicants for permits or other approvals shall file a written statement with the Niagara County Department of Health setting forth the name of the applicant; the location of the real property affected, if any; a description of the nature of the proposed action; and the effect it may have on the environment. In addition, applicants may include a detailed statement of the reasons why, in their view, a proposed action may or will not have a significant effect on the environment. Where the action involves an application, the statement shall be filed simultaneously with the application for the action. The statement provided herein shall be upon a form prescribed by the Niagara County Health Department and shall contain

such additional relevant information as shall be required in the prescribed form. Such statement shall be accompanied by drawings, sketches, and maps, if any, together with any other relevant explanatory material required by the Niagara County Department of Health.

5. Upon receipt of a complete application and a statement, the Niagara County Department of Health shall cause a notice thereof to be posted on the signboard of the County maintained by the County and may also cause such notice to be published in the official newspaper of the County or in a newspaper having general circulation within the County describing the nature of the proposed action and stating that written views thereon of any person shall be received by the Niagara County Department of Health no later than a date specified in such notice.

6. (a) The Niagara County Department of Health shall render a written determination on such application within 15 days following receipt of a complete application and statement, provided however, that such period may be extended by mutual agreement of the applicant and the Niagara County Department of Health. The determination shall state whether such proposed action may or will not have a significant effect on the environment. The Niagara County Department of Health may hold informal meetings with the applicant and may meet with and consult any other person for the purpose of aiding it in making a determination on the application.

(b) The limitations provided in this local law shall be coordinated with, to the extent practicable, other time limitations provided by statute or local law, ordinance or regulation of the County.

7. Every application for determination under this local law shall be accompanied by a reasonable fee set forth in this section to defray the expenses incurred in rendering such determination. The fees shall be as follows: \$100.00.

8. If the Niagara County Department of Health determines that the proposed action is not an exempt action, not an action listed in Section 3 (b) hereof or Section 617.12 of Title 6 of 6NYCRR as a Type II action and that it will not have a significant effect on the environment, the Niagara County Department of Health shall prepare, file and circulate such determination as provided in Section 617.7 (b) of Title 6 NYCRR and thereafter the proposed action may be processed without further regard to this local law. If the Niagara County Department of Health determines that the proposed action may have a significant effect on the environment, the Niagara County Department of Health shall prepare, file, and circulate such determination as provided in 617 (b) of Title 6 NYCRR and thereafter the proposed action shall be reviewed and processed in accordance with the provisions of this local law and Part 617 of Title 6 NYCRR.

9. Following a determination that a proposed action may have a significant effect on the environment, the Niagara County Department of Health shall, in accordance with the provisions of Part 617 of Title 6 NYCRR:

(a) in the case of an action involving an applicant, immediately notify the applicant of the determination and shall request the applicant to prepare an environmental impact report in the form of a draft environmental impact statement or,

(b) in the case of an action not involving an applicant, shall prepare a draft environmental impact statement.

If the applicant decides not to submit an environmental impact report, the Niagara County Department of Health shall prepare or cause to be prepared the draft environmental impact statement, or in its discretion notify the applicant that the processing of the application will cease and that no approval will be issued. The Niagara County Department of Health may require an applicant to submit a fee to defray the expense to it of preparing a draft environmental impact statement or reviewing same if it is prepared by the applicant. Such fees shall be determined as follows: one half of one percent of the action's total cost to the applicant or \$1,000.00, whichever is greater, for preparation.

10. Upon completion of a draft environmental impact statement prepared by or at the request of the County, a Notice of Completion containing the information specified in Section 617.7 (d) of Title 6 NYCRR shall be prepared, filed, and circulated as provided in Section 617.7(e) and (f) of Title 6 NYCRR. In addition, it may be published in the official newspaper of the County or if none, a newspaper having general circulation within the County and a copy thereof shall also be posted on a signboard of the County. Copies of the draft environmental impact statement and the Notice of Completion shall be filed, sent, and made available as provided in Section 617.7(e) and (f) of Title 6 NYCRR.

If the Niagara County Department of Health determines to hold a public hearing

on a draft environmental impact statement, notice thereof shall be filed, circulated, and sent in the same manner as the Notice of Completion and shall be published in the official newspaper of the County or a newspaper having general circulation within the County at least ten days prior to such public hearing. The applicant shall bear the cost of publication of the notice of public hearing. Such notice shall also state the place where substantive written comments on the draft environmental impact statement may be sent and the date before which such comments shall be received. The hearing shall commence no less than 15 calendar days nor more than 60 calendar days of the filing of the draft environmental impact statement, except as otherwise provided where the Niagara County Department of Health determines that additional time is necessary for the public or other agency review of the draft environmental impact statement or where a different hearing date is required as appropriate under other applicable law.

11. If, on the basis of a draft environmental impact statement or a public hearing thereon the Niagara County Department of Health determines that an action will not have a significant effect on the environment, the proposed action may be processed without further regard to this local law.

12. Except as otherwise provided herein, the Niagara County Department of Health shall prepare or cause to be prepared a final environmental impact statement in accordance with the provisions of Part 617 of Title 6 NYCRR, provided further that if the action involves an application, the Niagara County Department of Health may direct the applicant to prepare the final environmental impact statement. Such final environmental impact statement shall be prepared within 45 days after the close of any hearing or within 60 days after the filing of the draft environmental impact statement, whichever last occurs, provided however, the Niagara County Department of Health may extend this time as necessary to complete the statement adequately or where problems identified with the proposed action require material reconsideration or modification. Where the action involves an application, such final environmental impact statement shall be accompanied by the fee specified in this section to defray the expenses of the County in preparing and/or evaluating same. The fee shall be determined as follows: Fee specified in paragraph 9 above will also be charged for preparation of final environmental impact statement.

13. A Notice of Completion of a final environmental impact statement shall be prepared, filed, and sent in the same manner as provided in Section 10 herein and shall be sent to all persons to whom the Notice of Completion of the draft environmental impact statement was sent. Copies of the final environmental impact statement shall be filed and made available for review in the same manner as the draft environmental impact statement.

14. No decision to carry out or approve an action which has been the subject of a final environmental impact statement by the Niagara County Department of Health or by any other agency shall be made until after the filing and consideration of the final environmental impact statement. Where the Niagara County Department of Health has been the lead agency for an action, it shall make a decision whether or not to approve the action within 30 days of the filing of the final environmental impact statement.

15. When the Niagara County Department of Health decides to carry out or approve an action which may have a significant effect on the environment, it shall make the following findings in a written determination:

(a) consistent with social, economic, and other essential considerations of state policy, to the maximum extent practicable, from among the reasonable alternatives thereto, the action to be carried out or approved is one which minimizes or avoids adverse environmental effects, including the effects disclosed in the relevant environmental impact statements; and

(b) all practicable means will be taken in carrying out or approving the action to minimize or avoid adverse environmental effects.

16. For public information purposes, a copy of the determination shall be filed and made available as provided in Part 617 of Title 6 NYCRR.

17. The County shall maintain files open for public inspection of all Notices of Completion, draft and final environmental impact statements and written determinations prepared or caused to be prepared by the Niagara County Department of Health.

18. Where more than one agency is involved in an action, the procedures of Sections 617.4 and 617.8 or Part 617 of Title 6 NYCRR shall be followed.

19. Actions undertaken or approved prior to the dates specified in Article 8 of the Environmental Conservation Law for local agencies shall be exempt from this local law

and the provisions of Article 8 of the Environmental Conservation Law and Part 617 of Title 6 NYCRR, provided, however that if, after such date a governing body, or appropriate department, board, commission, officer, or employee having jurisdiction modifies an action undertaken or approved prior to that date and the Niagara County Department of Health determines that the modification may have a significant adverse effect on the environment, such modification shall be an action subject to this local law and part 617 of Title 6 NYCRR.

20. This local law shall take effect immediately upon filing with the Secretary of State.

(Complete the certification in the paragraph which applies to the filing of this local law and strike out the matter therein which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No.9..... of 19 77
County
of the ~~City~~ of NIAGARA was duly passed by the NIAGARA COUNTY LEGISLATURE
~~Town~~ (Name of Legislative Body)
~~Village~~
on August 16, 19 77 in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval or no disapproval by Elective Chief Executive Officer, * or repassage after disapproval.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19.....
County
of the City of was duly passed by the
Town (Name of Legislative Body)
Village
on 19..... and was approved not disapproved by the
repassed after disapproval Elective Chief Executive Officer *
and was deemed duly adopted on 19....., in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19.....
County
of the City of was duly passed by the
Town (Name of Legislative Body)
Village
on 19..... and was approved not disapproved by the
repassed after disapproval Elective Chief Executive Officer *
on 19..... Such local law was submitted to the people by reason of a
mandatory referendum, and received the affirmative vote of a majority of the qualified electors voting
permissive general
thereon at the special election held on 19....., in accordance with the appli-
annual
cable provisions of law.

4. (Subject to permissive referendum, and final adoption because no valid petition filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19.....
County
of the City of was duly passed by the on
Town (Name of Legislative Body)
Village
..... 19..... and was approved not disapproved by the on
repassed after disapproval Elective Chief Executive Officer *
..... 19..... Such local law being subject to a permissive referendum and no
valid petition requesting such referendum having been filed, said local law was deemed duly adopted on
..... 19....., in accordance with the applicable provisions of law.

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village or the supervisor of a town, where such officer is vested with power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19..... of the City of..... having been submitted to referendum pursuant to the provisions of § 36 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the special election held on 19 became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as Local Law No. of 19..... of the County of, State of New York, having been submitted to the Electors at the General Election of November, 19, pursuant to subdivisions 5 and 7 of Section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph above.

[Handwritten Signature]
Clerk of the County legislative body, City, Town or Village Clerk or
officer designated by local legislative body

Date: August 16, 1977

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK
COUNTY OF NIAGARA

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

[Handwritten Signature]
.....
Signature
Niagara County Attorney
.....
Title

Date: August 16, 1977

County
~~City~~ of Niagara
~~Town~~
~~Village~~