

LOCAL LAW NO. 5 OF 2023

**A LOCAL LAW OF THE CITY OF PORT JERVIS, COUNTY OF ORANGE,
AMENDING CHAPTER 535 OF THE CITY CODE-ZONING**

BE IT ENACTED BY THE COMMON COUNCIL OF THE CITY OF PORT JERVIS AS FOLLOWS:

Section 1. Purpose

In connection with the continued utilization and effectiveness of the Comprehensive Zoning Plan for the City of Port Jervis, and in the interest of the protection and promotion of the public health and safety, convenience, amenities and general welfare, the amendments to the City Zoning Code set forth in this Local Law have been established in consideration of the following specific criteria:

A. The provision of varied business uses within the Central Business District, Jersey Avenue Overlay District and the Neighborhood Mixed Use District;

B. Continued economic development;

C. The encouragement of flexibility in the design and development of land in such a way as to promote the most appropriate use of lands to facilitate the adequate and economical provision of services to the public.

After due consideration, the Common Council is of the opinion that motor vehicle sales and bottle and can deposit redemption centers are appropriate conditional uses within certain districts of the City.

Section 2.

A. The City of Port Jervis, Section 535, entitled "Word and Usage Definitions" shall be amended to add the definition of bottle and can redemption centers as follows:

BOTTLE AND CAN REDEMPTION CENTERS

Bottle and can redemption centers are defined as commercial establishments that accept empty beverage containers for redemption from the public and pay the refund value. Bottle and can redemption centers shall be open to any person offering to pay the refund value of an empty beverage container or to any person who contracts with one or more dealers or distributors to collect, sort and obtain the refund value and handling fee of empty beverage containers for, or on behalf of, such dealer or distributor. Approval of such centers must be conditioned upon:

(i) The applicant must obtain registration for such center with New York State pursuant to 6 NYCRR Part 367;

(ii) The center must post a "redemption warning" sign, pursuant to Environmental Conservation Law § 27-1015(4), which states that there is a penalty for returning containers on which a deposit was never paid in New York State. The sign must be at least eight inches by 10 inches, with print at least one inch in size; and

(iii) The center shall not, pursuant to Environmental Conservation Law § 27-1007(10), knowingly redeem an empty beverage container on which a deposit was never paid in New York State.

B. The City of Port Jervis Section 535 Table attachment 1:4 entitled "Neighborhood Mixed-Use District" and 535 Table attachment 1:5 entitled "Central Business District", shall be amended by adding the following conditional uses:

(i) Motor Vehicle Sales

(ii) Bottle and can deposit redemption centers

C. The City of Port Jervis Jersey Avenue Overlay District as established under Chapter 535-5(I) shall now include the following conditional use:

Bottle and Can Redemption Centers

Section 3. Separability

If any provision of this local law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this local law or the application thereof to other persons or circumstances, and the Common Council of the City of Port Jervis hereby declares that it would have passed this local law or the remainder thereof had such invalid application or invalid provision been apparent.

Section 4. Repeal

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

Section 5. Pre-existing use

Any business owner or successor owner that previously received approval from the City of Port Jervis Planning Board or Building Department to operate a motor vehicle sales establishment or bottle and can redemption center in its present location as of the effective date of this Local Law shall not be required to seek any additional approvals from the City to continue operating, provided that such business is currently compliant with all applicable federal, state and local laws rules and regulations.

Section 6. Effective Date

This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.