

(Use this form to file a 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 ERIE  
~~Town~~  
~~Village~~

Local Law No. 4 of the year 19 93

A local law in relation to the protection of county parks.  
(Insert Title)

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

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

Section 1. Declaration of purpose. Erie county's parks are an important resource for the benefit of the health and well being of the residents of this county. Parks are necessary for protection of air and water quality, to conserve habitat for wildlife and to provide recreational spaces for the people. It is the purpose of this legislature, as trustee of the parks of this county, to assure that existing park lands are preserved for the purposes for which they have been dedicated and to preserve park lands for generations to come.

Section 2. Short title. This local law may be referred to as the Erie county parks protection law.

Section 3. As used in this local law, "park" shall mean any land owned by the county and dedicated by the county as park land, whether developed or undeveloped, and held by the county in trust as dedicated park land.

Section 4. Review. a. No proposal for installation of any fixture, improvement, building, or permanent or temporary

(If additional space is needed, attach pages the same size as this sheet, and number each.)

structure of any kind, by any person, partnership, association, corporation or other agency, including agencies of the state of New York or any unit of county government, shall be permitted by the legislature unless such proposal shall have been first reviewed by the following officers and bodies, and reports and recommendations concerning such proposal have been filed with the legislature: (i) the Erie county advisory review committee; and (ii) the commissioner of parks, recreation and forestry;

b. Each report shall consider and rank each proposal according to the following criteria: (i) whether the proposed use is a permissible park use under state law; (ii) if a permissible use, (1) whether the proposed use is consistent with existing and planned park uses in the particular park; (2) whether the proposed use would interfere with existing park uses; (3) whether the proposed use is to be undertaken in the least intrusive method possible, and, if not, what modifications and alternatives to the proposed use are available to mitigate park intrusion; (4) whether the proposed use would enhance existing park facilities or confer an environmental benefit upon the park, or permit further betterments to the park; (5) whether the proposed use would have an impact, positive or negative, upon park aesthetics, and if negative, what alternatives are available to maintain park aesthetics; (6) what benefits the proposed use would confer upon public properties or purposes; (7) whether the proposed use would alleviate an unusual hardship for which there is no practical alternative.

c. Whenever issuance of a permit for use of park land for a public purpose other than a park purpose is proposed, there shall be full and complete compliance with article seven of the environmental conservation law.

d. The legislature shall take no action with respect to any such proposed use of county park land until it has reviewed and considered the reports of the advisory review committee and the commissioner of parks and recreation, and the environmental quality review. Upon introduction of any proposed ordinance subject to this local law, the clerk of the legislature shall provide copies of such proposed ordinance to the commissioner of environment and planning and the commissioner of parks and recreation. It shall be the duty of the advisory review committee and the commissioner of parks and recreation to submit reports to the legislature no later than forty-five days after the introduction of any proposed ordinance for park use. Upon the failure of either the advisory review committee or the commissioner of parks and recreation to file such reports within forty-five days, the legislature may act on such proposed park use.

Section 5. Eminent domain. Where park land is subject to taking for a public purpose by any government, authority, agency or corporation under powers of eminent domain granted by the state of New York or the United States of America, it shall be the policy of the county to work to achieve the result that such

takings shall not intrude into park land. All compensation received for any park land taken by eminent domain shall be applied first to the purpose of restoration of the park subject to taking; second to the purpose of acquisition of additional park land adjacent to the park so affected; and third to the enhancement, improvement or acquisition of other county park land.

Section 6. Any grant of any permissible use of park land for a public purpose other than a park purpose shall be adopted in the same manner as an ordinance pursuant to section two hundred nine of the Erie county charter.

Section 7. Nothing in this local law shall be construed to grant to any person any right, or privilege to, or use of park land not otherwise conferred by law.

Section 9. This local law shall take effect immediately.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that 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. \_\_\_\_\_ of 19\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_\_\_, in accordance with the applicable provisions of law.  
(Name of Legislative Body)~~

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

I hereby certify that the local law annexed hereto, designated as local law No. 4 of 1993 of the (County)(City)(Town)(Village) of Erie was duly passed by the Erie County Legislature on June 3, 1993, and was (approved)(not disapproved)(repassed after disapproval) by the Erie County Executive and was deemed duly adopted on July 9, 1993, in accordance with the applicable provisions of law.  
(Elective Chief Executive Officer\*)

~~3. (Final adoption by referendum.)~~

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

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

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

\*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 the power to approve or veto local laws or ordinances.

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

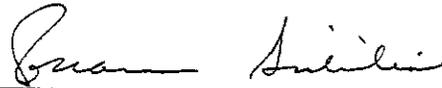
~~I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) 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 2, above.



\_\_\_\_\_  
Clerk of the County legislative body, City, Town or Village Clerk  
or officer designated by local legislative body

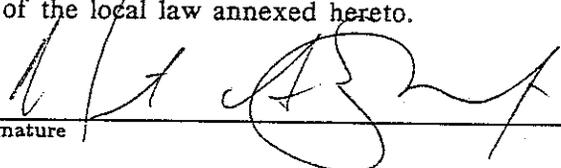
(Seal)

Date: 7/13/93

(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 Erie

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.



\_\_\_\_\_  
Signature

Erie County Attorney

\_\_\_\_\_  
Title

County  
~~City~~ of Erie  
~~Town~~  
~~Village~~

Date: July 13, 1993