

**TOWN OF HAMILTON
PROPOSED LOCAL LAW NO. A OF 2023**

**A LOCAL LAW EXTENDING FOR AN ADDITIONAL PERIOD OF SIX (6) MONTHS
THE MORATORIUM ON SEASONAL ACCOMMODATIONS WITHIN THE TOWN
OF HAMILTON**

Be it enacted by the Town Board of the Town of Hamilton, as follows:

SECTION 1. AUTHORITY.

This Local Law is enacted pursuant to the New York State Constitution and New York Municipal Home Rule Law § 10.

SECTION 2. INTENT.

It is the intent of the Town Board of the Town of Hamilton to impose a six (6) month moratorium on seasonal accommodations within the Town of Hamilton.

SECTION 3. LEGISLATIVE PURPOSE.

Pursuant to the statutory powers vested in the Town of Hamilton to regulate and control land use, and to protect the health, safety and welfare of its residents, the Town Board of the Town of Hamilton hereby declares a continuation of the temporary moratorium on the establishment, creation, maintenance, advertisement and/or operation of new seasonal accommodation uses within the Town of Hamilton, pending the development and adoption of a local law designed to regulate and govern such uses. The Town Board continues to be aware of the need to review and analyze the current state of seasonal accommodation uses and the potential impact of such rentals within the Town. It is the concern of the Town Board that although such seasonal accommodation uses may provide housing and economic benefits to some individuals and businesses in the area, they may also have a negative impact on the quality of life for the citizens and residential districts of the Town.

The Town Board of the Town of Hamilton maintains its desire to address, in a careful manner, the issues raised by this use on a comprehensive basis, rather than on an ad hoc basis, and is working diligently towards its goal of adopting appropriate zoning or other land use laws or by amending its current laws to properly regulate the same. The Town Board is now in the process of considering various options relating to this issue and the Board finds and determines that it needs this additional period of time to study the entire issue, and draft proposed amendments to the local Zoning Law, make appropriate changes to the draft of any proposed Zoning change, schedule and hold the required public hearings on such changes, perform an appropriate environmental review for such changes and, comply with applicable provisions of law regarding the adoption of a Zoning modification.

The Town has since adopted Local Law No. 1 of 2021 (“A Local Law Imposing A Twelve (12) Month Moratorium On Seasonal Accommodations Within the Town of Hamilton”) and Local Law No. 2 of 2022 (“A Local Law Extending For An Additional Period of Six (6) Months The Moratorium On Seasonal Accommodations Within the Town of Hamilton”). Since passage of the

original moratorium and its extension, the Town has been preparing proposed amendments to the local Zoning Law for public comment and is in the process of creating a separate committee that will oversee and handle seasonal accommodations within the Town. It has been determined that a moratorium extension limited to an additional six (6) months in duration from the date of expiration of the original moratorium, coupled with a mechanism for a “hardship” appeal procedure, will achieve an appropriate balancing of interests between, on the one hand, the public need to safeguard the character and other resources of the Town of Hamilton and the health, safety and general welfare of its residents, and, on the other hand, the rights of individual property owners and businesses desiring to conduct such activities during such period.

This Local Law shall therefore act as an extension to the prior moratorium extension adopted by the Town of Hamilton Town Board on September 8, 2022 (Local Law No. 2 of 2022) and filed with the New York State Department of State on September 14, 2022 for an additional six (6) months, until October 15, 2023.

SECTION 4. VALIDITY & SEVERABILITY

If any section or part of this Local Law is declared invalid or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section of this Local Law.

SECTION 5. EFFECTIVE DATE.

This local law shall take effect immediately upon passage and thereafter shall be filed with the New York State Department of State and shall remain in force and effect for a period of six (6) months from the date of the expiration of the first six (6) month extension of the moratorium memorialized in Local Law No. 2 of 2022 (“A Local Law Extending For An Additional Period of Six (6) Months The Moratorium On Seasonal Accommodations Within the Town of Hamilton”), on September 8, 2022.