

# Local Law Filing

(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 ☒ Town ☐ Village  
(Select one:)

of Hamilton

Local Law No. 1 of the year 2021

**A Local Law IMPOSING A TWELVE (12) MONTH MORATORIUM ON SEASONAL ACCOMMODATIONS WITHIN THE TOWN OF HAMILTON**

Be it enacted by the Town Board of the  
(Name of Legislative Body)

☐ County ☐ City ☒ Town ☐ Village  
(Select one:)

of Hamilton as follows:

**TOWN OF HAMILTON  
LOCAL LAW NO. 1 OF 2021**

**A LOCAL LAW IMPOSING A TWELVE (12) MONTH 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. INTENT.**

It is the intent of the Town Board of the Town of Hamilton to impose a twelve (12) month 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 term "seasonal accommodation" does not include bed-and-breakfast establishments, as defined in Article 12 of the Zoning Law, or owner occupied dwelling or dwelling units that have been properly approved by the Town of Hamilton Planning Board or Town of Hamilton Code Enforcement Officer, as appropriate. This local law is enacted under the authority of Section 10 of the New York Municipal Home Rule Law.

**SECTION 2. 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 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 has become aware of the need to fully review and analyze the current

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

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 desires to address, in a careful manner, the issues raised by this use on a comprehensive basis, rather than on an ad hoc basis, with the 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 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.

### **SECTION 3.     DEFINITIONS.**

SEASONAL ACCOMMODATION – This term includes the use of any land, facilities or structures for the transient housing of guests other than group homes, hotels and motels, and includes such uses as camps, guest or vacation homes for pay and private clubs that offer overnight accommodations. The term “seasonal accommodation” does not include bed-and-breakfast establishments, as defined in Article 12 of the Zoning Law, or owner occupied dwelling or dwelling units that have been properly approved by the Town of Hamilton Planning Board or Town of Hamilton Code Enforcement Officer, as appropriate.

### **SECTION 4.     MORATORIUM.**

A.     Unless permitted pursuant to Section 5 hereafter, from and after the date of this Local Law, no application for a permit, zoning permit, zoning variance, building permit, operating permit, site plan approval, subdivision approval, certificate of occupancy, certificate of compliance, temporary certificate, or other Town-level approval of any nature shall be accepted, processed, entertained, approved, approved conditionally, or issued by any board, employee, official agent of the Town of Hamilton, for the construction, establishment, use, creation, maintenance, advertisement and/or operation of any land, building or structure within the Town of Hamilton for any new seasonal accommodation use, as defined above.

B.     This moratorium shall be in effect for a period of twelve (12) months from the effective date of this Local Law and shall expire on the earlier of: (i) the date twelve (12) months from said effective date of this local law, unless renewed; or (ii) the enactment by the Town Board of a resolution indicating the Town Board is satisfied that the need for the moratorium no longer exists.

C.     This moratorium shall apply to all zoning districts and all real property within the Town.

D.     Under no circumstances shall the failure of the Town Board of the Town of Hamilton, the Zoning Board of Appeals of the Town of Hamilton, the Planning Board of the Town of Hamilton, or the Code Enforcement Officer for the Town of Hamilton to take any action upon any application for a permit, zoning permit, special permit, zoning variance, building permit,

operating permit, site plan approval, subdivision approval, certificate of occupancy, certificate of compliance, temporary certificate, or other Town-level approval constitute an approval by default or an approval by virtue of expiration of time to respond to such application.

## **SECTION 5. RELIEF FROM PROVISIONS OF THIS LOCAL LAW.**

A. The Town Board of the Town of Hamilton reserves to itself the power to vary or adapt the strict application of the requirements of this Local Law in the case of unusual hardship which would deprive the owner of all reasonable use of the lands involved.

B. Application for relief shall be filed in triplicate with the Code Enforcement Officer together with a filing fee of \$250.00. The application shall specifically identify the property involved, recite the circumstances pursuant to which the relief is sought and the reasons for which the relief is claimed. Any costs, including expert consulting fees or attorney's fees, incurred by the Town, shall be reimbursed to the Town by the Applicant. The Town Board shall apply Use Variance criteria as set forth in the New York State Town Law, Section 267-b in reviewing any application for relief.

C. The Town Board of the Town Hamilton may refer any applications for relief herein to the Town Hamilton Planning Board or Zoning Board of Appeals for its advice and recommendations, but all decisions on granting or denying such relief shall be made solely by the Town Board after determining whether the requested relief is compatible with any contemplated amendments to the Zoning Law. Unless completely satisfied that the proposed relief is compatible, the Town Board shall deny the application.

D. The Town Board shall conduct a public hearing on any request for relief within forty-five (45) days of receipt by the Code Enforcement Officer and shall issue its final decision on requests for relief within thirty (30) days from the date of the public hearing.

## **SECTION 6. PENALTIES.**

Any individual, partnership, firm or corporation that shall establish, construct, reconstruct, relocate, enlarge or modify any site to be used for a seasonal accommodation use in violation of the provisions of this local law, shall be subject to:

A. A fine not to exceed One Thousand and 00/100 Dollars (\$1,000.00) or imprisonment for a term not to exceed fifteen (15) days, or both. Each day a violation continues shall be considered a new violation.

B. A civil action inclusive of injunctive relief in favor of the Town to cease any and all such actions which conflict with this local law and, if necessary, to remove any constructions, improvements, or related items or byproducts which may have taken place in violation of this local law.

## **SECTION 7. ENFORCEMENT.**

This local law shall be enforced by the Town Hamilton Code Enforcement Officer or such other zoning enforcement individual(s) as designated by the Town Board. It shall be the duty of the enforcement individual(s) to advise the Town Board of all matters pertaining to the

enforcement of this local law.

**SECTION 8.      VALIDITY AND 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 affect any other section of this local law.

**SECTION 9.      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 twelve (12) months from the date of passage.

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

I hereby certify that the local law annexed hereto, designated as local law No. **1** of 2021 of the **Town of Hamilton** was duly passed by the **Town Board** on **October 14, 2021**, in accordance with the applicable provisions of law.

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. \_\_\_ of 20\_\_ of the **Town of Sullivan** was duly passed by the **Town Board** on \_\_\_\_, 20\_\_, and was (approved/not approved/ repassed after disapproval) by the **Town Board** and was deemed duly adopted on \_\_\_\_, 20\_\_, 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 20\_\_ of the **Town of Sullivan** was duly passed by the **Town Board** on \_\_\_\_, 20\_\_, and was (approved/not approved/ repassed after disapproval) by the **Town Board** on \_\_\_\_, 20\_\_.

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 \_\_\_\_, 20\_\_, in accordance with the applicable provisions of law.

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 20\_\_ of the **Town of Sullivan** was duly passed by the **Town Board** on \_\_\_\_, 20\_\_, and was (approved/not approved/ repassed after disapproval) by the **Town Board** on \_\_\_\_, 20\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_, 20\_\_, in accordance with the applicable provisions of law.

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 20\_\_ 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 \_\_\_\_, 20\_\_, 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 20\_\_ of the County of \_\_\_\_\_, State of New York, having been submitted to the electors at the General Election of November \_\_, 20\_\_, 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 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 1 above.

  
Hon. Suzanne K. Reymers, Town Clerk  
Town of Hamilton

Date: October 14, 2021

