

(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

Hamilton

Town

Village

Local Law No. 1 of the year 2022

A local law

imposing a moratorium and prohibition within the Village of Hamilton on the establishment
(Insert Title)

of new transient rental uses.

Be it enacted by the Village Board of Trustees **of the**

County

City

of

Hamilton

as follows:

Town

Village

Section 1. Short Title.

This local law shall be known and cited as the "Transient Rental Moratorium Law of the Village of Hamilton, New York."

Section 2. Legislative Findings.

- A. The residential character of the Village of Hamilton is a source of pride and economic stability for the Village and its residents.
- B. The recent trend of existing residential buildings being used by non-resident owners for the primary purpose of renting to transient occupants has created concern that the residential character and economic base of the Village is threatened. Changes in technology have given rise to new issues in land use planning and regulation, including those related to so called "vacation rentals". The Board of Trustees hereby finds that more specific zoning provisions are appropriate to address this increasingly popular land use activity and that short term vacation rentals operated by non-resident owners can and do create conflicts with their residential neighbors, and have the potential to degrade residential neighborhoods by introducing noise, parking and other detrimental impacts while also adversely affecting the traditional neighborhood character that

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

results from a community of owner-occupied properties. As such, the Board of Trustees finds that unregulated short term vacation rentals, or transient occupancies as defined in this local law, may be incompatible with residential neighborhoods and zoning districts, and that such uses must be carefully regulated and monitored to minimize deleterious effects in residential zoning districts. This is particularly so in those situations where the property owner is not present during times of transient occupancy.

- C. Unless reasonable measures are taken for an interim period to protect the public interest pending the completion of necessary surveys, studies, meetings and required public hearings, further conversions of residential properties and establishment of new transient rental uses may occur within the Village that may thereby:
 - (1) Preclude or otherwise undermine consideration and implementation of appropriate and salutary planning measures, including the amendment of the Village's Zoning Code, environmental review procedures and other development regulations;
 - (2) Permit significant variations in neighborhoods where the Village may wish to implement changes in the existing Zoning Code and such variations may impede or destroy the integrity of changes which may be proposed; and
 - (3) Create conditions, or worsen existing conditions, which the Board of Trustees hereby finds to be detrimental to the public health, safety, and general welfare.
- D. It is the finding of the Board of Trustees that a review of the Zoning Code and Zoning Map is necessary to determine how to best regulate transient occupancy uses within the Village so as to avoid adversely impacting residential districts and the community character in general, and that the review and possible revision of the Village Zoning Code as envisioned by this local law is necessary to protect the future health, safety and welfare of present and future residents of the Village of Hamilton.

Section 3. Authority and Purpose.

The Board of Trustees of the Village of Hamilton hereby adopts this Local Law pursuant to its general zoning authority under Article 7 of the Village Law for the purposes of addressing the potential threat to the public health, safety and welfare described at Section 2 above.

Section 4. Definitions.

- A. For purposes of this Local Law, the term "transient occupancy" as used herein shall have the same meaning attributed to it in section 174-7 (124) of the Village Zoning Code, i.e., "Occupancy of a dwelling space for a period of 30 or fewer days at a time".
- B. For purposes of this local law, the term "lodging" as used herein shall have the same meaning attributed to it in section 174-7 (84) of the Village Zoning Code, i.e., "A room, dwelling unit, building or group of buildings, whether detached or in connected units, containing individual sleeping units utilized primarily for transient occupancy. A lodging use is commercial in nature."

Section 5. Intent.

It is the intent of the Board of Trustees to protect the public health, safety, and welfare by

enacting this interim moratorium law for a reasonable period. It is the purpose of this local law to comprehensively and timely review the uses that are within the scope of the moratorium so that adequate land use and regulatory controls may be presented for action by the Board of Trustees at or prior to the expiration of the period of the moratorium. During said period, the Board of Trustees, the Village Planning Board, and/or such other panel or body as may be designated by the Board of Trustees for this purpose shall complete an evaluation and assessment of existing land use plans and regulations for lands within the Village and make recommendations to the Board of Trustees as to potential amendments to address the potential threat to the public health, safety and welfare described at Section 2 above. The Board of Trustees shall thereafter enact necessary modifications to the Village Zoning Code and/or Zoning Map, thereby a race of diligence will be avoided. The Board of Trustees declares that the enactment of this local law is necessary to protect the public interest, including the public health, safety and welfare, while such examination and modifications are undertaken.

Section 6. Regulations.

A. Except as otherwise provided herein, effective on the effective date of this local law, and continuing until one year from the effective date of this local law, unless the Board of Trustees, by resolution, establishes an earlier date, no lodging or transient occupancy use shall be established or expanded within the R- Family Residential District in the Village of Hamilton, and no application for a permit, zoning permit, special permit, zoning variance, building permit, operating permit, demolition permit, site plan approval, subdivision approval, certificate of occupancy, certificate of compliance, temporary certificate, or other Village-level approval shall be accepted, processed, approved, approved conditionally, or issued for the construction, establishment, or use or operation of any land, building, or other structure located within the R- Family Residential District in the Village for any Land Use Activity that includes the establishment or expansion of a lodging or transient occupancy use, either in a principal structure or any accessory structure, nor shall any such application be accepted, processed or continue to be processed with respect to any such property located within the R- Family Residential District in the Village of Hamilton. The prohibition referred to hereinabove shall not apply to lodging or transient occupancy uses that were lawfully established prior to the effective date of this local law, nor to the issuance of building permits for structural repairs, renovations or alterations which do not involve the expansion of an existing lodging or transient occupancy use or the establishment of a new lodging or transient occupancy use.

B. The establishment or expansion of a Bed-and-Breakfast use conducted by a resident operator shall be exempt from the proscriptions of this local law.

C. The Board of Trustees may, by resolution, extend the moratorium period provided for herein by two (2) additional periods not to exceed 180 days each.

Section 7. Supersession of Village Law.

The provisions of this local law, and any moratorium (and extension(s) thereof) enacted hereunder, shall supersede in their application to the Village of Hamilton any and all contrary provisions of Article 7 of the Village Law, including, but not necessarily limited to the provisions with respect to any time periods within which the Village or the Planning Board is required to act in regard to any application, and with respect to default approval of any such application within such time periods as may be prescribed in said Village Law.

Section 8. Appeal Provisions.

A. The Board of Trustees, in its absolute legislative discretion, may elect to hear, or not to hear, petitions for relief from the provisions of this local law. Upon hearing any such petition, the Board of Trustees shall have the power by resolution to exempt or modify the application of any provision of this local law with respect to such request for such exemption or modification upon its determination, in its absolute legislative discretion, that such exemption or modification does not involve the potential threat to the public health, safety and welfare described at Section 2 above, is consistent with the spirit of this local law, and does not pose a threat to the health, safety, morals, and general welfare of the Village.

B. Upon making a determination to hear a petition for relief from the provisions of this local law, the Board of Trustees shall refer such request, along with the complete project application to which it pertains, to the Village Planning Board for a report of said Planning Board with respect to the effect of the requested exemption or modification relative to the potential threat to the public health, safety and welfare described at Section 2 above. Such report shall be returned by the Planning Board to the Board of Trustees within 30 days of such referral and shall be then placed on the next agenda of the Board of Trustees.

Section 9. Penalties for Offenses.

Any person, firm, entity, or corporation acting in violation of the provisions of this local law shall be guilty of an offense punishable by a fine not to exceed two hundred and fifty dollars or imprisonment of not more than fifteen days, or both. Each day of continuance of a violation shall be considered a separate offense. In addition to such penalties, the Village of Hamilton may enforce this Local Law by injunction and/or such other appropriate civil remedies as may be available.

Section 10. Severability.

The invalidity of any word, section, clause, paragraph, sentence, part, or provision of this local law shall not affect the validity of any part of this local law which shall be given effect without such invalid part or parts.

Section 11. Repeal of Existing Laws.

All ordinances, local laws, or parts thereof in conflict with the provisions with this local law are hereby repealed to the extent necessary to give this local law full force and effect during the effective period.

Section 12. Effective Date.

This local law shall take effect immediately, as provided by law.

**(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 2022 of the ~~(County)~~(City)(Town)(Village) of Hamilton was duly passed by the Village Board of Trustees on _____, 2022, 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. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20__, and was (approved)(not approved (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved) (not approved (repassed after disapproval) by the _____ on _____ 20____.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

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 elector 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 (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved) (not approved (repassed after disapproval) by the _____ on _____ 20____.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

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.

* 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 chairperson 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 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 electors of 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 such 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.

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date: _____

(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 MADISON

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

Attorney for the Village
Title

County
City
of _____ Hamilton
Town
Village

Date: _____