

LOCAL LAW FILING

New York State Department of State
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001

(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 of South Bristol
Village

Local Law No. ____ of the year **2022**

A local law **Establishing a Moratorium on Short-Term Rentals**
(Insert Title)

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

County
City
Town of South Bristol as follows:
Village

Section 1. STATEMENT OF LEGISLATIVE INTENT:

It is the purpose of this moratorium to enable the Town of South Bristol to have sufficient time to review existing laws pertaining to short-term rentals and to recommend modifications to those laws or new laws regarding short-term rentals. The Town Board believes this review is necessary because of the extraordinary number of requests for short-term rental permits that are putting an undue burden on the Code Enforcement Officer and that is causing concern by many in the Town that the character of the community is being compromised. The Town Board is also concerned that approval and permitting of short-term rentals, under the existing laws, may not support the best uses for lands within the Town of South Bristol. This review is in accordance with the Town of South Bristol Comprehensive Plan.

It is, therefore, the intent of the Town Board to suspend the review, inspection, approval, permitting, creation or establishment of all short-term rentals that might affect lands within the Town of South Bristol. This will afford the Town sufficient time to review the Town Code and, if determined to be necessary, amend pertinent sections of the Town Code or draft new provisions to the Town Code.

Based on the foregoing, the Town Board wants to ensure that any short-term rentals are reviewed under the new regulations and not under the existing laws.

Section 2. DEFINITIONS

- A. TOWN: Town of South Bristol, Ontario County, New York
- B. TOWN BOARD: Town of South Bristol Town Board
- C. PLANNING BOARD: Town of South Bristol Planning Board
- D. ZONING BOARD OF APPEALS: Town of South Bristol Zoning Board of Appeals
- E. CODE ENFORCEMENT OFFICER: Town of South Bristol Code Enforcement Officer
- F. SHORT-TERM RENTAL: Shall have the meaning set forth in §170-71 of the Zoning Law of the Town of South Bristol, Ontario County, New York State.

Section 3. MORATORIUM.

- A. The Town Board hereby enacts a moratorium, which shall prohibit the review, inspection, approval, permitting, creation or establishment of any new short-term rental anywhere within the Town, except:
 - 1. Short-term rental applications approved by the Planning Board prior to the effective date of this local law may receive a short-term rental permit from the Code Enforcement Officer pursuant to §170-71 of the Zoning Law of the Town of South Bristol, Ontario County, New York State.
 - 2. Short-term rental permits issued prior to the effective date of this local law may be renewed if otherwise allowed by §170-71 of the Zoning Law of the Town of South Bristol, Ontario County, New York State.
- B. This moratorium shall be in effect for a period of nine (9) months from the effective date of this Local Law and shall expire on the earlier of (i) the date nine (9) months from said effective date, 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. Pursuant to this moratorium, the Code Enforcement Officer shall not accept for filing any application for any new short-term rental, shall not review any application for any new short-term rental, shall not conduct any inspection for any new short-term rental and shall not issue any permit for any new short-term rental anywhere within the Town.
- E. Pursuant to this moratorium, the Planning Board shall not review any application or floor plan for a new short-term rental nor shall it grant any approval for a new floor plan or new short-term rental application.

Section 4. PENALTIES.

Any person, firm, entity or corporation which shall violate the provisions of this Local Law, shall be subject to:

1. A penalty in the amount of \$250.00 for each day that such violation shall exist; and
2. 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 construction or improvements which may have been built in violation of this Local Law.

It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Local Law.

Section 5. VARIANCES

Any property owner affected by this moratorium may apply to the Zoning Board of Appeals and make use of the existing variance procedures under the Town of South Bristol Zoning Local Law to seek relief from the restrictions of this local law.

Section 6. VALIDITY.

If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been ordered.

Section 7. SUPERSEDING EFFECT.

Pursuant to New York Municipal Home Rule Law, Section 22, the provisions of this law are to supersede any inconsistent provision of state or local law.

Section 8. EFFECTIVE DATE.

This Local Law shall take effect immediately upon filing with the New York Department of State and shall remain in force and effect for a period of nine (9) months from the date of such filing.

(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 **Town of South Bristol** was duly passed by the South Bristol Town Board on _____, 2022, 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 Officer¹.)

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.

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__. 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 (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____, 20__, and was (approved)(not approved)(repassed after disapproval) by the _____ 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.

¹ 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 2005 of the City of _____ 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.

Clerk of the Town

(Seal)

Date: _____