

TOWN OF NEWFIELD
LOCAL LAW #__ OF 2023
LOCAL LAW IMPOSING A TEMPORARY TOWN-WIDE ONE YEAR
MORATORIUM ON CAMPGROUNDS

Be it enacted by the Town Board of the Town of Newfield as follows:

Section 1. Title.

This Local Law shall be referred to as the “Local Law Imposing a Town-Wide One Year Moratorium on Campgrounds”

Section 2. Purpose and Intent.

Pursuant to the statutory powers vested in the Town of Newfield by the Municipal Home Rule Law of the State of New York, to regulate and control land use, and to protect the health, safety and welfare of its residents, the Town Board hereby declares a temporary one (1) year town-wide moratorium on the review and/or approval of any new or existing Campgrounds.

“Campground” is defined for the purposes of this moratorium as any parcel or tract of land including buildings or other structures under the control of any person, where five or more campsites are available for temporary or seasonal overnight occupancy

The Town Board notes that a new proposal has been made to build 25 camps on a parcel in Town to house people who were previously homeless. This proposal has generated significant concern in the Town based on health and safety concerns for people of the Town and those individuals who may be housed in such camps. The concerns center on the lack of local police, EMS and other social services in the Town, and the relatively lengthy response times for police and medical services (some of the longest response times in Tompkins County).

The Town Board adopted a Comprehensive Plan in 2013 and has in place a mobile housing law that deals with a number of health, safety and sanitation concerns that attach to developments that have a substantial number of persons living in a small area. However, neither the Town’s Comprehensive Plan or the mobile home law contemplated a housing development such as the campground proposal.

It is the intention of the Town Board to appoint the Planning Board or other select committee to review, draft and recommend a new Comprehensive Plan that addresses such issues for adoption by the Town Board and any local laws that would implement the Comprehensive Plan with respect to such issues.

The Town Board finds and determines that any Campground developments, if approved without amendment to the Comprehensive Plan and adoption of appropriate local laws, could have a harmful effect on the health, safety and welfare of any existing or future residents of the Town.

The Town Board further finds and determines that it needs the period of time covered by the moratorium imposed herein in order to carefully complete the adoption of an amended Comprehensive Plan and enactment of the necessary land use revisions, including but not limited to, drafting proposed amendments to existing Town Local Laws, schedule and hold the required public hearing on either amendments to existing Local Laws or the enactment of new Local Laws, perform the appropriate environmental reviews thereof, comply with applicable provisions of law, adopt the Local Law(s), and file the same with the Secretary of State of the State of New York.

Section 3. Scope of Controls.

- A. During the effective period of this Local Law, the Town Board and/or any other municipal body or officer, including but not limited to the Planning Board and Code Enforcement Officer, shall not begin or continue to review applications for or grant any approvals relating to a Campground within the Town.
- B. No new or existing applications for Campground in the Town shall be considered by any board, officer or agency of the Town, nor shall any building permits be issued, while the moratorium imposed by this Local Law is in effect.
- C. The Town Board reserves the right to direct the Town Building Inspector/Code Enforcement Officer to revoke or rescind any Building Permits or Certificates of Occupancy issued in violation of this Local Law.

Section 4. Term.

The moratorium imposed by this Local Law shall be in effect for a period of one (1) year from the effective date of this Local Law. The Town Board reserves the right to enact subsequent short-term periodic moratoria in the future, in the event it determines that such subsequent local laws or extensions are necessary and in the public's interest. The Board reserves the right to terminate this moratorium prior to the end of the one (1) year period in the event that the new land use laws and/or revisions are enacted before such expiration.

Section 5. Hardship.

- A. Should any owner of property affected by this Local Law suffer an unnecessary hardship in the way of carrying out the strict letter of this Local Law, then the owner of said property may apply to the Town Board of the Town in writing for a variance from strict compliance with this Local Law upon submission of proof of such unnecessary hardship for a legally operating use. For the purposes of this Local Law, unnecessary hardship shall not be the mere delay in being permitted to make an application or waiting for a decision on the application for a variance, special use permit, special permit, site plan, subdivision, or other permit during the period of the moratorium imposed by this Local Law.
- B. Procedure. Upon submission of a written application to the Town Clerk by the property owner seeking a variance from this Local Law, the Town Board shall, within thirty (30) days of receipt of said application, schedule a Public Hearing on said application upon five (5) days' written notice in the official newspaper of the Town. At said Public Hearing, the property owner and any other parties wishing to present evidence with regard to the application shall have an opportunity to be heard, and the Town Board shall, within fifteen (15) days of the close of said Public Hearing, render its decision either granting or denying the application for a variance from the strict requirements of this Local Law. If the Town Board determines that a property owner will suffer an unnecessary hardship if this Local Law is strictly applied to a particular property, then the Town Board shall grant a variance of the application of this Local Law to a particular property, then the Town Board shall grant a variance of the application of this Local Law to the minimum extent necessary to provide the property owner relief from strict compliance with this Local Law.
- C. Supersession. This variance section and the process and procedure of this Local Law supersede the New York State Town Law §§267, 267-a and 267-b in accordance with the powers granted in and pursuant

to the provisions of §10 of the Municipal Home Rule Law and §10 of the Statute of Local Governments. It is the intent of the Town Board pursuant to §10 of the Municipal Home Rule Law, to supersede the provisions of the Town Law set forth above relating to the reviewing body and process and procedure governing the granting of variances.

Section 6. Penalties.

Any person, firm or corporation that violates the provisions of this local law shall be guilty of an offence and upon conviction thereof shall be subject to a civil penalty in the amount of ten thousand dollars (\$10,000.00) per day for each day the violation exists and /or an action of injunctive or equitable relief.

Section 7. Validity.

The invalidity of any provision of this Local Law shall not affect the validity of any other provision of this Local Law which can be given effect without such invalid provision.

Section 8. Effective Date.

This Local Law shall take effect immediately when it is filed in the Office of the Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

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