

TOWN BOARD OF MOREAU

LOCAL LAW NO. 3 OF 2024

1. Moratorium.

There is hereby adopted in the Town of Moreau a nine (9) month moratorium on the consideration, receipt, or grant of any permits or approvals pursuant to the Town Code and the laws and regulations of the Town of Moreau:

- (a) allowing any manufacturing or industrial uses or operations in Moreau's Industrial/Manufacturing Zones;
- (b) allowing the disposal or processing of any waste or waste material not originating within the boundaries of the Town of Moreau; and
- (c) allowing the commencement of any use, business or operation which includes the disposal or processing of any waste or waste material by incineration, landfilling, pyrolysis, or any other method which may release contaminants into the environment.

2. Moratorium Term

- (a) During the term of the moratorium, the Town Board intends, and shall exercise reasonable efforts, to complete the necessary review and analysis in order to develop, consider and adopt changes to its land use local laws and to the terms and goals of its Comprehensive Plan. As may be necessary, the Town Board shall update them, including redefining permitted manufacturing and industrial uses, and, removing any such uses that could have a potentially adverse impact to residential areas or to the community at large.
- (b) While the moratorium is in effect, no applications for the establishment of any manufacturing or industrial activity shall be eligible for, accepted for, or receive, any permits or approvals, whether preliminary, final or otherwise, given by any agency or department of the Town except as authorized pursuant to Section 4 below. This includes any application currently pending before the planning board or zoning board of appeals.
- (c) This moratorium may be extended by the Town Board upon a finding of the necessity of such extension.

3. Early Termination.

In the event that any new local law which addresses the substantive issues set forth in this Local Law should be enacted by the Town Board prior to the date that the moratorium imposed by this Local Law expires, then the moratorium imposed by this Local Law shall expire on the date that such new local law takes effect in accordance with NYS Municipal Home Rule Law Section 27.

4. Waivers.

(a) Should any owner of property affected by this moratorium suffer an unnecessary hardship in the way of carrying out the strict letter of this moratorium, then the owner of said property may apply to the Town Board in writing for relief from strict compliance with this moratorium upon submission of proof of such unnecessary hardship. For the purposes of this moratorium, the definition of unnecessary hardship shall be determined in the sole discretion of the Town Board, and shall not include the mere delay in being permitted to make an application or waiting for a decision on the application for any permit, variance or other approval during the period of the moratorium.

(b) Substantive requirements: No relief shall be granted hereunder unless the Town Board shall specifically find and determine, in its sole and unqualified discretion, and shall set forth in its resolution granting such waiver, that:

1. Failure to grant a waiver to the petitioner will cause the petitioner substantial, irrevocable and unnecessary hardship, which hardship is substantially greater than any harm to the general public welfare resulting from the granting of the waiver; and
2. The grant of the waiver will clearly have no adverse effects upon any of the Town's goals or objectives in adopting this moratorium, and
3. The project or activity for which the petitioner seeks a waiver is in harmony and consistent with any interim data or recommendations or conclusions that may be drawn from the Town Board's review and planning effort then in progress.

(c) Procedure: Upon submission of a written application to the Town Clerk by the property owner seeking relief from this moratorium, the Town Board shall, within 30 days of receipt of said application, schedule a public hearing on said application upon ten (10) days written public notice. 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. The Town Board shall, within 30 days of the close of said public hearing, render its decision either granting or denying the application for relief from the strict requirements of this moratorium, or, it may impose any conditions on any waiver grant that it may deem appropriate.

(d) An application for relief from the prohibitions of the moratorium shall be accompanied by the applicant's written undertaking, in a form to be approved by the Town's attorney, to pay all expenses of the Town Board, including the fees of any attorney or consultant retained by the Town Board to evaluate and consider the merits of such application.

5. Violations and Permits Issued in Violation of this Local Law.

(a) The Town Board reserves the right to direct the building inspector, code enforcement officer and/or zoning administrator, to revoke or rescind any permits, approvals or relief issued in violation of this Local Law.

(b) Any person violating or attempting to violate this Local Law shall be guilty of a violation pursuant to the Penal Law of the State of New York and be punishable by a fine not exceeding \$1,000.00 or by imprisonment for a term not exceeding 15 days or by both such fine and imprisonment. For each twenty-four hour period such violation continues, every such person shall be deemed guilty of a separate offense. Where the person committing such violation is a partnership, association or corporation, the principal executive officer, partner, agency or manager may be considered to be the "person" for the purpose of this section.

(c) Alternative remedy. In the case of any violation or threatened violation of any of the provisions of this Local law, in addition to other remedies herein provided, the Town Board may institute any appropriate action or proceeding to prevent or enjoin such violation or threatened violation and to collect penalties or fines assessed hereunder.

(d) Stop-work order:

(1) The Town Board herein grants the Code Enforcement Officer the administrative responsibility of determining in the first instance whether a violation has occurred or threatened violation is about to occur and to immediately terminate or prevent such violation or threatened violation by posting a stop-work order, or cease and desist order, on the premises wherein the violation has occurred or threatened violation is about to occur.

(2) The stop-work order or cease and desist order shall serve notice to the owner, builder, developer, agent and/or any other individual or business on or using the premises that all such actions specified in the order must be terminated immediately.

6. Cost of Enforcement.

In the event the Town Board is required to take legal action to enforce this Local Law, the violator will be responsible for any and all costs incurred by the Town relative thereto, including but not limited to attorney's fees, and such amounts as may be determined and assessed by the Court. If such expense is not paid in full within 30 days from the date it is determined and assessed by the Court, such expense shall be charged to the propert(ies) within the Town on which the violation occurred, by including such expense in the next annual Town tax levy against such property, and such expense shall be a lien upon such property until paid.

7. Conflict with State Statutes and Authority to Supersede.

To the extent that any provisions of this Local Law are in conflict with or are construed as inconsistent with the provisions of any local law of the Town of Moreau, or any laws of the State of New York, this Local Law supersedes, amends and takes precedence over any inconsistent authority in accordance with the Municipal Home Rule Law. This Local Law specifically supercedes any and all provisions contained in the New York State Town Law and the New York State Environmental Conservation Law which require action by the Town Planning Board or Zoning Board of Appeals within specified time periods. Further, notwithstanding any law, rule or regulation to the contrary, no approvals or permits or activities which are the subject of this moratorium shall be granted or approved as a result of the passage of time. This Local Law also specifically supercedes Town Law and any other New York State or local laws, rules or regulations

pertaining to the granting of any variance authority to the Zoning Board of Appeals, it being the intention of this Local Law that any authority to grant variances or waivers by any boards or bodies other than the Town Board is hereby superceded by this Local Law so as to vest any authority to approve a variance or waiver from this Local Law solely in the Town Board of Moreau.

8. Severability.

If any clause, sentence, phrase, paragraph or any part of this Local Law or the application thereof to any person or circumstance shall for any reason be adjudicated finally by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of the provisions of this Local Law or the application thereof to any persons or circumstance, but shall be confined in its operation and effect to the clause, sentence, phrase, paragraph or part thereof, directly involved in the controversy or action in which such judgment shall have been rendered. It is hereby declared to be the legislative intent that the remainder of this Local Law would have been duly adopted had any such invalid application or provisions been excluded.

9. Effective Date.

This Local Law shall become effective upon filing in the Office of the NYS Secretary of State in accordance with Section 27 of the Municipal Home Rule Law, and shall remain in force for a consecutive period of nine (9) months from its effective date, unless extended by local law adopted after public hearing upon no less than ten (10) days public notice.

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 MOREAU

Local Law No. 3 of the year 2024

A local law ADOPTNG A NINE MONTH LAND USE MORATORIUM

(Insert Title)

Be it enacted by the Town Board of the

(Name of Legislative Body)

County City Town Village

(Select one.)

of MOREAU

as follows:

See attached

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

(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. 3 of 2024 of the (County)(City)(Town)(Village) of MOREAU was duly passed by the Town Board of the Town of Moreau on April 1 2024, 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 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.~~

* 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.)

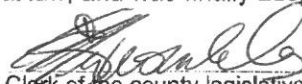
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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 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 _____ above.



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

Date: 4/7/2024

(Seal)