

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 Phelps
Village

Local Law No. 2 of the year 2023

A Local Law “Establishing a Mortarium on Campground developments in the Town of Phelps”

(Insert Title)

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

County
City
Town of Phelps as follows:
Village

Section 1. PURPOSE:

Pursuant to the statutory and common law power vested in the Town of Phelps (the Town”) to regulate and control land uses and to protect the health, safety and welfare of its residents, the Town Board of the Town of Phelps hereby declares a temporary, six (6) month moratorium on the acceptance, processing or approval of applications for building permits, special use permits, variances, site plans, subdivisions or planned developments related to the undertaking, establishment, placement , development, excavation, enlargement, construction or erection of Campgrounds in the Town.

The objective of this moratorium is to allow the Town sufficient time to investigate and Understand the Act, review the Towns existing laws pertaining to Campgrounds, to recommend any necessary modifications to local laws and/or to recommend the adoption of any local laws. During the moratorium, the Town Board will consider how to best permit campgrounds so as to harmoniously integrate them with the existing communities. If the Town allow such development during the time, it could undermine or damage the state goals in the Town of Phelps Zoning Law and or the Town of Phelps Comprehensive Plan and related legislation to protect the Town.

Section 2. DEFINITIONS

Paragraph B. of Section 145-4 (Word usage; definitions) of the Town of Phelps Zoning Ordinance is hereby amended to add the following definitions:

- A. Campground: This term shall bear the same meaning that is defined in 10 NYCRR Part 7, Subpart 7-3, as currently in effect and as hereafter amended from time to time.

Section 3. MORATORIUM

- A. The Town Board hereby enacts a moratorium, which shall prohibit the review, approval, creation, undertaking, establishment, placement, development, excavation, relocation, construction, reconstruction, enlargement, modification or erection of an Campgrounds anywhere within the Town.
- B. This moratorium shall be in effect for a period of six (6) months from the effective date of this Local Law and shall expire on the earlier of (i) the date six (6) 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. The Moratorium shall apply to all zoning districts and all real property within the Town.
- D. Pursuant to this moratorium, the Planning Board shall not review any applications for any Campgrounds nor shall it grant any preliminary or final approval to any special use permit, site plan or subdivision application that includes a Campground as part of the application; except that reviews of existing special use permits that are required to come regularly before the Town for re-approval;, may be reviewed and approved by the Town, provided such applications do no request any modifications to an existing Campground.
- E. Pursuant to the moratorium, the Code Enforcement Officer shall not issue Building permits, or Certificates of Occupancy for any campground anywhere within the Town, except that this moratorium shall not apply to certificates of occupancy for any and all construction pursuant to the building permits issued prior to the effective date of this Local Law or the issuance of any building permit for the renovation or repair of any lawfully existing structure otherwise covered by the Local Law.
- F. Pursuant to the moratorium, the Zoning Board of Appeals shall not review, process or grant any applications for variances that involve the creation, undertaking, establishment, placement, development, excavation, relocation, construction, reconstruction, enlargement, modification or erection of any Campground.

This local law shall take effect immediately upon filing with the Secretary of State.

(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. 2 of 2023 of the **Town of Phelps** was duly passed by the Phelps Town Board on April 24, 2023, 2023, 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: 8/11/2023

**23-30B
RESOLUTION
TO
ADOPT MORATORIUM ON
CAMPGROUND DEVELOPMENTS**

WHEREAS, the Town of Phelps Planning Board has requested that the Town Board impose a six (6) month moratorium on Campground Developments in the Town of Phelps, and

WHEREAS, it appears that such a moratorium would be in the best interest of the residents of the Town of Phelps to allow the Planning Board the time to develop and implement a code for this purpose, now therefore be it

RESOLVED by the Town Board of the Town of Phelps that a moratorium on Campground Developments be imposed and adopted within the Town of Phelps for a period of time until November 13, 2023.

SPECIAL TOWN BOARD MEETING OF APRIL 24, 2023

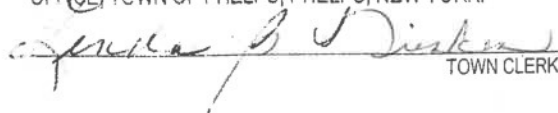
RESOLUTION OFFERED BY COUNCILMAN ALLEN, SECONDED BY COUNCILMAN RIDLEY.

VOTE:

COUNCILMAN ALLEN:	AYE
COUNCILMAN WELLMAN:	AYE
COUNCILWOMAN RIDLEY:	AYE
COUNCILMAN DUCHESENAU:	AYE
SUPERVISOR TEED:	AYE

RESOLUTION:	ADOPTED	DEFEATED
	<u>5</u> AYES	<u>0</u> NAYS

THIS IS TO CERTIFY THAT THE FOREGOING IS A TRUE COPY OF A RECORD ON FILE IN THE TOWN CLERK'S OFFICE, TOWN OF PHELPS, PHELPS, NEW YORK.


TOWN CLERK

STATE OF NEW YORK
DEPARTMENT OF STATE
ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001
[HTTPS://DOS.NY.GOV](https://dos.ny.gov)

KATHY HOCHUL
GOVERNOR

ROBERT J. RODRIGUEZ
SECRETARY OF STATE

September 1, 2023

Robyn L Hanna
Graff Law Office
26 East Main Street
Clifton Springs NY 14432-0604

RE: Town of Phelps, Local Law 2, 3, 4 2023, filed on August 24 2023

Dear Sir/Madam:

The above referenced material was filed by this office as indicated. Additional local law filing forms can be obtained from our website, www.dos.ny.gov.

Sincerely,
State Records and Law Bureau
(518) 473-2492