

**LOCAL LAW 2023-4, A LOCAL LAW AMENDING
CHAPTER 165 TO CREATE A NEW ARTICLE IX
ENTITLED “MORATORIUM” SUSPENDING THE
PROCESSING OF APPLICATIONS FOR HOME
OCCUPATIONS UNDER 165-44(G)(2) IN THE TOWN
CODE:**

**Be it enacted by the Town Board of the Town of Pompey, Onondaga County,
New York as follows:**

Section 1. A new Article IX shall be added to Chapter 165 of the Town Code as follows :

**ARTICLE IX
Moratorium**

§165-49 Statement of Legislative Intent

It is the purpose of this moratorium to enable the Town Board of the Town of Pompey to have sufficient time to review the Town’s existing laws, (primarily Section 165-(G)(2)), pertaining to the issuance of permits for Home Occupations (“Home Occupations”) and to review the types of permits that might be required, the process for issuing such permits, the uses that will be allowed for Home Occupations and regulations that would govern Home Occupations. This review is in accordance with the goals, objectives and policies of the Town Board related to the ongoing examination of the existing Home Occupation Law by an ad hoc committee (the “Ad Hoc Committee”) created by the Town Board.

Further, the Moratorium is necessary because the Ad Hoc Committee has identified the following issues that need to be addressed: (i) the existing law in the Town Code is unworkable as a practical matter because of apparent contradictory provisions; (ii) an application has to be developed for residents to use; (iii) the Ad Hoc Committee will require several months to rewrite of the current law because the issues are complex and need to be carefully considered, especially with regard to those home businesses that currently exist and for which Town approval was never received; (v) requests for Home Occupancy applications continue to be made to Town Hall because based on the existing law, which is unworkable.

It is, therefore, the intent of the Town Board to temporarily suspend the review and approval of all new Home Occupations or expansions to existing Home Occupations.

§165-50 Moratorium.

A. The Town Board hereby enacts a moratorium, which shall prohibit the review, approval or creation by the Zoning Board of Appeals or any other Town board of any expansions to existing Home Occupations or the approval of any new Home Occupations 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. This moratorium shall apply to all real property within the Town.

D. Pursuant to this moratorium, the Zoning Board of Appeals or any other Town board shall not review any applications for any expansions to existing Home Occupations or the approval of new Home Occupations and shall not grant any permits or site plan approval to any such expansions to or new Home Occupations within the Town during the moratorium.

E. Pursuant to this moratorium, the Code Enforcement Officer shall not issue any permission for any construction involving any expansions to Home Occupations or involving any new Home Occupations anywhere within the Town.

F. Pursuant to this moratorium, no applications for variances, special use permits or other approvals involving any expansions to Home Occupations or involving any new Home Occupations shall be processed or granted.

G. All legal Home Occupations authorized at the time this Moratorium is in effect shall be allowed to continue under the permission granted by the Town to date.

§ 165-51. 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 a minimum of \$100.00 and a maximum 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.

§ 165-52. 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 Zoning Law of the Town of Manlius to seek relief from the restrictions of this local law.

§165-53. 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 2. 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 six (6) months from the date of such filing unless otherwise rescinded as set forth in the Local Law.