

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 Warwick

Introductory Local Law No. 6 of the year 2022

A LOCAL LAW ENTITLED “A LOCAL LAW ESTABLISHING A SIX-MONTH MORATORIUM PROHIBITING THE REVIEW AND APPROVAL OF SHORT-TERM RENTAL PERMIT APPLICATIONS IN THE TOWN OF WARWICK”

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

See attached.

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

TOWN OF WARWICK

INTRODUCTORY LOCAL LAW NO. 6 OF 2022

A LOCAL LAW ENTITLED “A LOCAL LAW ESTABLISHING A SIX-MONTH MORATORIUM PROHIBITING THE REVIEW AND APPROVAL OF SHORT-TERM RENTAL PERMIT APPLICATIONS IN THE TOWN OF WARWICK”

Be it enacted by the Town Board of the Town of Warwick, County of Orange, State of New York as follows:

Section 1. Title.

This Local Law shall be referred to as “A LOCAL LAW ESTABLISHING A SIX-MONTH MORATORIUM PROHIBITING THE REVIEW AND APPROVAL OF SHORT-TERM RENTAL PERMIT APPLICATIONS IN THE TOWN OF WARWICK”.

Section 2. Definitions.

“Code” means the "Code of the Town of Warwick".

“Town” means the Town of Warwick.

“Town Board” means the Town Board of the Town of Warwick.

“Town Clerk” means the Town Clerk of the Town of Warwick.

“Short-Term Rental Law” means Chapter 129 of the Code of the Town of Warwick.

Section 3. Legislative Findings, Purpose and Intent.

The Town Board has determined that the Short-Term Rental Law as written has not proven sufficient to oversee the use of private residences and other qualifying properties as Short-Term rental units, and as such law needs to provide for new circumstances not addressed by the current law, certain revisions to the Short-Term Rental Law may be required.

Pursuant to the statutory powers vested in the Town to protect the health, safety and welfare of its residents, the Town Board of the Town of Warwick hereby declares a six-month moratorium on the submission and processing of any applications of Short-Term Rental permits pursuant to applicable provisions of the Short-Term Rental Law pending the Town Board’s completion and adoption of certain amendments to the Short-Term Rental Law that through their review are found to be necessary to better implement the purpose and intent of said law.

Section 4. Scope of Controls

A. During the effective period of this Local Law:

1. No applications for Short-Term Rental permits or applications for renewal of existing Short-Term Rental permits shall be accepted or processed by any Departments of the Town, and no such permits shall be issued by the Town as provided for in the Short-Term Rental Law.

2. Short-Term Rental permits in existence at the effective date of this Local Law shall remain in effect and be entitled to renewal pursuant to Section 129-4 of the Short-Term Rental Law. Such existing permits and any extensions thereof shall operate in compliance with the Short-Term Rental Law as currently written.

Section 5. Term.

The moratorium imposed by this Local Law shall be in effect for six (6) months from the effective date of this Local Law.

Section 7. Penalties.

Any person, firm or entity that operates a Short-Term Rental property without a permit issued prior to the effective date of this Local Law or shall otherwise violate any of the provisions of this Local Law shall be subject to:

- A. Such penalties as may otherwise be provided by applicable local laws, ordinances, rules, regulations of the Town for violations; and
- B. A fine not to exceed \$500.00 per day from the date that any action is taken in contravention of this local law, together with any other civil remedies available at law; and
- C. 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 that may have taken place in violation of this Local Law.

Any application accepted or approval granted in violation of this Local Law shall be null and void.

Section 9. Severability.

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Town Board of the Town of Warwick hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

Section 10. Repeal.

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

Section 11. Effective Date.

This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

(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 Introductory Local Law No. ___ of 2022 of the ~~(County)(City)(Town)(Village)~~ of Warwick was duly passed by the Town Board of the Town of Warwick on _____, 2018, 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 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 _____.

(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 _____.

(Name of Legislative body)
(Elective Chief Executive Officer)*

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 _____ 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 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.

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

(Seal)

Date: _____