**Village of Coxsackie**

**Local Law No.** 1 **of the year 2023**

A local law enacting a temporary moratorium on Short Term Residential Rentals Authorized under Local Law 1 of the year 2013.

**Be it enacted by the** Village Board of the Village of Coxsackie as follows:

**SECTION I.**

**SHORT TITLE**

This local law shall be cited as Local Law # 1 of 2023 of the Village of Coxsackie and is entitled the “2023 Temporary Moratorium Law on Short Term Residential Rentals.”

**SECTION II.**

**LEGISLATIVE FINDINGS**

The Village Board seeks to carefully review the Village Comprehensive Plan, the Village Zoning Ordinance and Local Laws, particularly Local Law #1 of 2013 which allows the establishment of Short Term Residential Rentals in the Village of Coxsackie. The Village believes that the Zoning Code and Local Law #1 of 2013 should be evaluated in the context of protecting and promoting the public health, welfare and safety within the Village of Coxsackie. This moratorium is necessary in order to temporarily prohibit the establishment of additional Short Term Residential Rentals in the Village to preserve the status quo while affording the Village Board sufficient time to evaluate and to amend the Village Zoning Ordinance and Local Law #1 of 2013, if necessary or to adopt new laws relating to Short Term Residential Rentals.

**SECTION III.**

**AUTHORITY**

This moratorium is enacted by the Village Board of the Village of Coxsackie pursuant to its authority to adopt local laws under Article IX of the New York State Constitution and Municipal Home Rule Law Section 10.

**SECTION IV.**

**MORATORIUM**

1. For a period of three (3) months from the effective date of this Local Law, no applications shall be accepted or considered for Short Term Residential Rentals as that term is defined in Local Law No. 1 of 2013, including any pending applications previously submitted to the Village.
2. This moratorium may be extended by two (2) additional periods of up to three (3) months each by resolution of the Village Board upon a finding of the necessity for such extension.

**SECTION V.**

**EXEMPTIONS TO MORATORIUM**

The foregoing restriction shall not apply to existing Short Term Residential Rentals registered with the Village Clerk or renewals thereof.

**SECTION VI.**

**VARIANCES.**

The Village Board shall have the authority, after a public hearing, to vary or modify the application of any provision of this Local Law upon its determination that strict application of this Local Law would impose practical difficulties or extraordinary hardships upon an applicant and that the variance granted would not adversely affect the health, safety or welfare of the citizens of the Village or significantly conflict with the general purpose and intent of this Local Law. Any request for a variance shall be in writing and filed with the Village Clerk and shall include a fee of Two Hundred Fifty Dollars ($250.00) for the processing of such application. All such applications shall promptly be referred to the Village Board, which shall conduct a Public Hearing on the application on not less than five (5) days public notice and shall make its decision within thirty (30) days after the close of the Public Hearing.

**SECTION VII.**

**SEVERABILITY**

The invalidity of any word, section, clause, paragraph, sentence, part, or provision of this Local Law shall not affect the validity of any other part of this Local Law which can be given effect without such invalid part or parts.

**SECTION VIII.**

**REPEAL OF OTHER LAWS**

All local laws in conflict with provisions of this Local Law are hereby superseded and suspended for the duration of this moratorium and for any additional period that this Local Law is extended. This Local Law also supersedes, amends and takes precedence over any inconsistent provisions of New York State Village Law, the Village’s Municipal Home Rule powers, pursuant to Municipal Home Rule Law Sections 10 and 22. The Village Law provisions intended to be superseded include all of the Article 1 of Chapter 111 of the Village Law, Sections 111-1 through 111-9 inclusive and any other provision of law that the Village may supersede pursuant to the Municipal Home Rule Law and the Constitution of the State of New York. The courts are directed to take notice of this legislative intent and to apply such intent in the event the Village has failed to specific any provisions of law that may require supersession. The Village Board hereby declares that it would have enacted this local law and superseded such inconsistent provision had it been apparent.

**SECTION IX.**

**EFFECTIVE DATE**

This Local Law shall take effect immediately, as provided by law, upon filing with the New York State Secretary of State.