

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 Riga _____

Local Law No. 5 of the year 2023

A local law Town of Riga Subdivision Moratorium Extension Law of 2023
(Insert Title)

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

County City Town Village
(Select one.)

of Riga _____ as follows:

LOCAL LAW NO. 5 OF THE YEAR 2023

SECTION I.....	SHORT TITLE
SECTION II.....	LEGISLATIVE FINDINGS
SECTION III.....	SCOPE OF CONTROL
SECTION IV.....	APPEAL PROVISIONS
SECTION V.....	PENALTIES
SECTION VI.....	VALIDITY
SECTION VII.....	SUPERCEDING OF OTHER LAWS
SECTION VIII.....	EFFECTIVE DATE

SECTION I

SHORT TITLE

This Local Law shall be known as LOCAL LAW NO. 5 OF 2023, of the TOWN OF RIGA SUBDIVISION MORATORIUM EXTENSION LAW OF 2023.

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

SECTION II
LEGISLATIVE FINDINGS

In June of 1969 the Town Board of the Town of Riga adopted a new Zoning Law and Zoning Map.

The vast majority of land in the Town of Riga is situated in a Rural Agricultural District. The Town's Zoning Law states in Section 95-9 that a Rural Agricultural District is intended to conserve those land areas which are suitable for farm and agricultural uses, protect them against the encroachment of any incompatible uses and maintain the openness and rural nature of the countryside and to provide areas which are appropriate for all kinds of typical rural development..

Since the adoption of the said Zoning Law, persons both within and outside the Town of Riga have expressed a desire to establish residential subdivisions in an Agricultural-Residential District. The Town has outdated regulations which would control the orderly development of such residential subdivisions, and the Town Board is currently in the process of studying this matter for the purpose of proposing revised subdivision regulations and related land use controls to ensure the orderly development of residential uses in the Town.

A number of residents of the Town of Riga have expressed concern as to the impact significant residential development would have upon the quality of life in the Town, including the adequacy of water supplies, fire and emergency services, garbage collection and sewage treatment, and increased traffic upon the roadways within the Town.

The present study being carried out by the Riga Town Board includes analysis of population density within the Town, the protection, conservation and appropriate use of water supplies, the adequacy of, and planning for garbage and sewage disposal, the planning for and mitigation of traffic impacts, and the preservation of the quality of life in the Town.

The public health, safety and general welfare of the residents of the Town of Riga requires that the present efforts of the Town Board proceed in a cautious and thorough manner so that reasonable subdivision regulations and related land use controls are developed and adopted by the Town Board. During the interim, however, the carrying out of significant residential development involving any subdivision of lands would impede the Town in its effort to reasonably regulate the impact of such development within the Town. The Town Board, therefore, finds it necessary to adopt a reasonable interim local law to prohibit such subdivision of real property during the time that the Town Board is conducting its study.

SECTION III
SCOPE OF CONTROL

For the period of and additional six months from the effective date of this Local Law no lot of record in existence in the Town of Riga as of the effective date of this Local Law shall be divided into more than three parcels. Further, for an additional period of six months from the effective date of this Local Law, no lot of record created after the effective date of this Local Law shall be subdivided.

It shall also be a violation of this Local Law for any person, partnership, corporation or other entity to sell, convey, transfer or otherwise dispose of land in the Town of Riga, which, after the effective date hereof, has been subdivided other than in compliance with the above stated restriction, or to file, record, or designate such a subdivision by means of a map, design, deed, or any other instrument, or to design, lay out or construct any streets, highways, roads, or other means of access to any such land.

SECTION IV
APPEALS PROVISIONS

The Town Board shall have the power to vary or modify the application of any provision of this Local Law upon its determination, in its absolute legislative discretion, after public hearing on reasonable prior notice, that this local law would impose extraordinary hardship upon a landowner, and that a variance from this act will not adversely affect the health, safety and general welfare of the Town. Any request for an exception or variance shall be filed with the Town Supervisor, or his designee, and shall include a fee of \$75.00 Dollars (\$75.00) for the processing of such application. All such applications shall be promptly referred to the Planning Board for a hearing and recommendation, and shall thereafter be remanded to the Town Board for a public hearing and final decision.

SECTION V
PENALTIES

Any person, firm entity or corporation which subdivides or uses land in violation of the provisions of this Local Law shall be guilty of a misdemeanor and subject to a civil penalty in the amount of Five Hundred and no/100 Dollars (\$500.00), or thirty (30) days imprisonment, or both. Each week's continued violation after notice shall constitute a separate, additional violation.

SECTION VI
VALIDITY

If any part or provision of this Local Law or the application thereof to any person or circumstance, is adjudged invalid or unconstitutional by any court of competent jurisdiction, such judgment shall not affect or impair the validity of the remainder of this Local Law or the application thereof to any other person or circumstance.

SECTION VII
SUPERCEDING OF OTHER LAWS

All state statutes and local ordinances or laws in conflict with the provision of this Local Law, including Sections 1115 through 1120 of the New York State Public Health Law, Sections 17-1501 through 17-1515 of the New York State Environmental Conservation Law, Section 334 of the New York Real Property Law and Section 276 (3) and (4) and 277 of the New York State Town Law, are hereby superceded to the extent necessary to give this Local Law full force and effect, but only during its effective period.

SECTION VIII
EFFECTIVE DATE

This Local Law shall take effect after the publication provisions of Local Law No. 5 of 2023 have been complied with and it has been filed with the New York Department of State, whichever occurs last. It will remain in effect for a period of six months from the effective date.

(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. 5 of 2023 of the ~~(County)(City)(Town)(Village)~~ of Riga was duly passed by the Town Board on November 8 2023, 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) _____
(Name of Legislative Body)
(repassed after disapproval) by the _____ and was deemed duly adopted
(Elective Chief Executive Officer)*
on _____ 2023, 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) _____
(Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20____.
(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) _____
(Name of Legislative Body)
(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.)

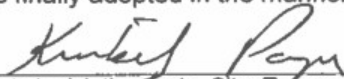
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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 1 above.



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

Date: 11-9-2023

(Seal)

