

# **LOCAL LAW NO. 4 OF THE YEAR 2026**

## **A LOCAL LAW IMPOSING A MORATORIUM ON THE PLACEMENT, INSTALLATION, USE, STORAGE, AND OCCUPANCY OF SHIPPING CONTAINERS WITHIN THE TOWN OF LEWISTON, NIAGARA COUNTY, NEW YORK**

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**BE IT ENACTED** by the Town Board of the Town of Lewiston, Niagara County, New York, as follows:

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### **SECTION 1. TITLE**

This Local Law shall be known and may be cited as the "Town of Lewiston Shipping Container Moratorium Law of 2026."

### **SECTION 2. AUTHORITY**

This Local Law is enacted pursuant to the authority granted to the Town of Lewiston by:

- (a) Article 2, Section 10 of the New York State Municipal Home Rule Law, authorizing towns to adopt local laws relating to the protection and enhancement of their physical and visual environment and the safety, health and well-being of persons or property therein;
- (b) New York Town Law § 261 et seq., authorizing the Town Board to adopt and amend zoning regulations;
- (c) New York Town Law § 130, authorizing the Town Board to adopt ordinances, rules, and regulations for the preservation of public health, safety, and welfare;
- (d) The State Environmental Quality Review Act (SEQRA), Environmental Conservation Law Article 8, and its implementing regulations at 6 NYCRR Part 617; and
- (e) The New York State Constitution, Article IX.

### **SECTION 3. LEGISLATIVE FINDINGS AND PURPOSE**

The Town Board of the Town of Lewiston hereby finds and declares as follows:

- (a) That shipping containers are increasingly being placed on properties throughout the Town without benefit of comprehensive zoning standards governing their location, appearance, number, setbacks, screening, occupancy, utility connections, or compatibility with surrounding uses. The Town Board further finds that the temporary suspension of new approvals is necessary to preserve the status quo while permanent land use regulations are studied and adopted in furtherance of the public health, safety, and welfare.
- (b) It is the purpose of this legislation to temporarily suspend approvals for shipping containers while the Town reviews and adopts appropriate modifications to its comprehensive zoning regulations.

## **SECTION 4. DEFINITIONS**

As used in this Local Law, the following terms shall have the meanings indicated:

**"Shipping Container"** — A reusable vessel that is originally, specifically, or formerly designed for or used in the packing, shipping, movement, or transportation of freight, articles, goods, or commodities and is also designed for or capable of being mounted or moved on a rail car, truck trailer, or loaded on a ship, whether new or used, including those modified for storage, office, retail, residential, or other purposes.

**"Town"** means the Town of Lewiston, Niagara County, New York.

**"Town Board"** means the Town Board of the Town of Lewiston.

## **SECTION 5. MORATORIUM**

Effective upon the date of adoption of this Local Law, and continuing for a period of twelve (12) months thereafter (the "Moratorium Period"), unless extended or earlier terminated by action of the Town Board, no Town officer, board, or agency shall issue any building permit, zoning permit, certificate of occupancy, site plan approval, special use permit, subdivision approval, variance, or other municipal approval authorizing the placement, installation, use, occupancy, relocation, expansion, or conversion of a shipping container within the Town.

## **SECTION 6. EXISTING USES**

The following uses and activities are expressly exempt from the moratorium established by this Local Law:

- (a) Lawfully existing shipping containers may remain but shall not be enlarged, relocated, expanded, or converted during the moratorium unless specifically authorized under this Local Law.

## **SECTION 7. EXEMPTIONS**

Exemptions include emergency governmental use, declared disaster response, active construction-site storage containers associated with valid building permits, and transportation terminals associated with active business/freight operations.

## **SECTION 8. HARDSHIP**

The Town Board may, in its sole discretion, grant limited relief after public hearing upon a showing of unnecessary hardship, lack of reasonable alternatives, and consistency with the purposes of this Local Law.

## **SECTION 9. PENDING APPLICATIONS**

Pending applications shall be held in abeyance during the moratorium unless exempted or granted hardship relief after a public hearing before the Town Board.

## **SECTION 10. ENFORCEMENT**

- (a) Any person, entity, corporation, or other legal entity that violates any provision of this Local Law shall be subject to the penalties set forth in New York Town Law § 268, including a fine of not more than \$350 for each offense, with each day of continuing violation constituting a separate offense.
- (b) In addition to the penalties set forth above, the Town may seek injunctive relief, a temporary restraining order, or other equitable remedy in a court of competent jurisdiction to restrain or enjoin any violation or threatened violation of this Local Law, without the necessity of proving irreparable harm or the inadequacy of monetary damages.
- (c) The Building Inspector and Code Enforcement Officers of the Town of Lewiston are hereby authorized and directed to enforce this Local Law. In connection with this charge, said Town officials may issue stop-work orders, appearance tickets, and pursue all other remedies authorized by law.

## **SECTION 11. REVIEW ACTIVITIES**

During the Moratorium Period, the Town Board shall endeavor to draft appropriate legislation to regulate such activities in the Town of Lewiston.

- (a) Public Participation. The Town Board shall hold at least one duly noticed public hearing during the Moratorium Period to receive public comment on the proposed

new legislation, zoning amendments and/or infrastructure findings prior to their adoption.

## **SECTION 12. EXTENSION**

The Town Board may, by resolution adopted at a duly noticed public meeting, extend the Moratorium Period for one or more additional periods not to exceed six (6) months each, upon a finding that the studies and review activities described in Section 11 have not been completed and that extension is necessary to protect the public health, safety, and welfare of the residents of the Town.

## **SECTION 13. SEVERABILITY**

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 rendered.

## **SECTION 14. SEQRA DETERMINATION**

The Town Board hereby finds and determines that this Local Law is a Type II Action pursuant to 6 NYCRR § 617.5(c)(33), as it constitutes the adoption of regulations, policies, procedures, and locally accepted rules as required by state law for the protection of the environment, and is therefore not subject to environmental review under SEQRA.

## **SECTION 15. SUPERSESSION**

This Local Law is intended to supersede any inconsistent provision of the Town of Lewiston Zoning Code (Chapter 360) or any other local law, ordinance, rule, or regulation of the Town of Lewiston to the extent of such inconsistency.

## **SECTION 16. EFFECTIVE DATE**

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