

LOCAL LAW FILING

New York State Department of State
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001

(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 of Middlesex
Village

Local Law No. 3 of the year **2023**

A local law **"Establishing a Moratorium on Solar Collection Systems and Solar Farms"**

(Insert Title)

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

County
City
Town of Middlesex as follows:
Village

Section 1. STATEMENT OF LEGISLATIVE INTENT:

It is the purpose of this moratorium to enable the Town of Middlesex to have sufficient time to review existing laws pertaining to solar collection systems or solar farms and to recommend modifications to those laws or new laws regarding such operations. This review is in accordance with the Town of Middlesex Comprehensive Plan.

The Town Board is concerned that approval of solar collection systems or solar farms under the existing laws, other than ones tied to a one-family dwelling, may not support the best uses for lands within the Town of Middlesex.

It is, therefore, the intent of the Town Board to suspend the review, approval or creation of all solar collection systems or solar farms within the Town of Middlesex, other than ones tied to a one-family dwelling. This will afford the Town sufficient time to review the Town of Middlesex Zoning Law and, if determined to be necessary, to amend pertinent sections of the Town of Middlesex Zoning Law or to draft new laws altogether.

Based on the foregoing, the Town Board wants to ensure that any solar collection systems or solar farms, other than ones tied to a one-family dwelling, are reviewed under the new regulations and not under the existing laws.

Changes to such laws or the adoption of new laws would permit a well-organized and easily understood code, achieve the objectives of the Comprehensive Plan and encourage consistent and fair application of laws pertaining to such operations. In regard to the environment, such review and possible modifications are felt necessary to permit for careful development that would allow for continued economic development while assuring that such development is compatible with the community and competing land uses.

Section 2. DEFINITIONS

A. SOLAR COLLECTION SYSTEM OR SOLAR FARM - An area of land or other area used for a solar collection system principally used to capture solar energy and convert it to electrical energy to transfer to the public electric grid in order to sell electricity to or receive a credit from a public utility entity, but also may be for on-site use. Solar farm facilities consist of one or more freestanding ground-mounted, building-mounted or roof-mounted solar collector devices, solar-related equipment and other accessory structures and buildings, including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures and facilities.

B. TOWN: Town of Middlesex, Yates County, New York

C. TOWN BOARD: Town of Middlesex Town Board

D. PLANNING BOARD: Town of Middlesex Planning Board

E. ZONING BOARD OF APPEALS: Town of Middlesex Zoning Board of Appeals

F. CODE ENFORCEMENT OFFICER: Town of Middlesex Code Enforcement Officer

Section 3. MORATORIUM.

A. The Town Board hereby enacts a moratorium, which shall prohibit the review, approval, creation, establishment, placement, relocation, construction, reconstruction, enlargement, modification or erection of any solar collection system or solar farm, with the exception of ones tied only to a one-family dwelling, anywhere within the Town.

B. This moratorium shall be in effect for a period of one (1) year from the effective date of this Local Law and shall expire on the earlier of (i) the date one (1) year 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 zoning districts and all real property within the Town.

D. Pursuant to this moratorium, the Planning Board shall not review any applications for solar collection systems or solar farms, with the exception of ones tied only to a one-family dwelling, nor shall it grant any preliminary or final approval to any special use permit, site plan or subdivision application that includes a solar collection system or solar farm as part of the application, with the exception of ones tied only to a one-family dwelling; except that reviews of existing special use permits that are required to come regularly before the Town for re-approval, may be reviewed and approved by the Town, provided such applications do not request any modifications to an existing solar collection system or solar farm.

E. Pursuant to this moratorium, the Code Enforcement Officer shall not issue Building Permits or Certificates of Occupancy for any solar collection system or solar farm, with the exception of ones tied only to a one-family dwelling, anywhere within the Town.

F. Pursuant to this moratorium, the Zoning Board of Appeals shall not review, process or grant any applications for variances that involve the establishment, placement, relocation, construction, reconstruction, enlargement, modification or erection of any solar collection system or solar farm, with the exception of ones tied only to a one-family dwelling.

Section 4. 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 \$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.

Section 5. 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 Town of Middlesex Zoning Local Law to seek relief from the restrictions of this local law.

Section 6. 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 7. SUPERSEDING EFFECT.

Pursuant to New York Municipal Home Rule Law, Section 22, the provisions of this law are to supersede any inconsistent provision of state or local law.

Section 8. 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 one (1) year from the date of such filing.