

COPY

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 Junius
Village

Local Law No. 2 of the year **2024**

A local law **"Establishing a Moratorium on Solar Farms and Solar Power Plants"**

(Insert Title)

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

County
City
Town of Junius
Village

as follows:

Section 1. STATEMENT OF LEGISLATIVE INTENT:

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

The Town Board is concerned that approval of solar farms and solar power plants, under the existing laws, may not support the best uses for lands within the Town of Junius.

It is, therefore, the intent of the Town Board to suspend the review, approval or creation of all solar farms and solar power plants that might affect lands within the Town of Junius. This will afford the Town sufficient time to review Town of Junius Comprehensive Plan and any applicable Town laws and, if determined to be necessary, amend pertinent sections of the Town of Junius Comprehensive Plan or amend Town laws or draft new Town laws.

Based on the foregoing, the Town Board wants to ensure that all solar farms and solar power plants are reviewed under the new regulations and not under the existing laws.

Section 2. DEFINITIONS

- A. CODE ENFORCEMENT OFFICER: Town of Junius Code Enforcement Officer.
- B. PHOTOVOLTAIC SYSTEM: A solar energy system that produces electricity by the use of semiconductor devices, call photovoltaic cells, that generate electricity whenever light strikes them.
- C. PLANNING BOARD: Town of Junius Planning Board
- D. SMALL-SCALE SOLAR: Solar photovoltaic systems that produce up to twenty kilowatts (kW) per hour of energy or solar-thermal systems which serve the building to which they are attached or a building on the same property on which they are located.
- E. SOLAR FARM OR SOLAR POWER PLANT: Energy generation facility or area of land principally used to convert solar energy to electricity, whether by photovoltaics, concentrating solar thermal devises or various experimental solar technologies, with the primary purpose of wholesale or retail sale of electricity.
- F. TOWN: Town of Junius, Seneca County, New York
- G. TOWN BOARD: Town of Junius Town Board

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 farm or solar power plant anywhere within the Town.
- B. This moratorium shall be in effect for a period of twelve (12) months from the effective date of this Local Law and shall expire on the earlier of (i) the date twelve (12) months 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 real property within the Town.
- D. Pursuant to this moratorium, the Planning Board shall not review any applications for solar farms or solar power plants nor shall it grant any preliminary or final approval to any special use permit, site plan or subdivision application that includes a solar farm or solar power plant as part of the application; 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 farm or solar power plant.
- E. Pursuant to this moratorium, the Code Enforcement Officer shall not issue Building Permits for any solar farm or solar power plant anywhere within the Town and shall not issue

any Certificates of Occupancy for any solar farm or solar power plant anywhere within the Town, unless a building permit for a solar farm or solar power plant was issued prior to the effective date of this local law, such building permit remains in effect and the certificate of occupancy applies to such previously issued building permit.

F. This Local Law does not regulate or preclude the issuance of permits or approvals for Small-Scale Solar.

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. HARDSHIP

A. Should any owner of property affected by this Local Law suffer an unnecessary hardship in the way of carrying out the strict letter of this Local Law, then the owner of said property may apply to the Town Board of the Town in writing for a variance from strict compliance with this Local Law upon submission of proof of such unnecessary hardship. For the purposes of this Local Law, unnecessary hardship shall not be the mere delay in being permitted to make an application or waiting for a decision on the application for a variance, special use permit, special permit, site plan, subdivision, Planned Development (PD) approval or other permit during the period of the moratorium imposed by this Local Law.

B. Procedure. Upon submission of a written application to the Town Clerk by the property owner seeking a variance from this Local Law, the Town Board shall, within thirty (30) days of receipt of said application, schedule a Public Hearing on said application upon five (5) days' written notice in the official newspaper of the Town. At said Public Hearing, the property owner and any other parties wishing to present evidence with regard to the application shall have an opportunity to be heard, and the Town Board shall, within thirty (30) days of the close of said Public Hearing, render its decision either granting or denying the application for a variance from the strict requirements of this Local Law. If the Town Board determines that a property owner will suffer an unnecessary hardship if this Local Law is strictly applied to a particular property, the Town Board shall grant a variance of the application of this Local Law to the minimum extent necessary to provide the property owner relief from strict compliance with 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 ~~nine (9) months~~ ^{12 months} from the date of such filing.

(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. 2 of 2024 of the **Town of Junius** was duly passed by the Junius Town Board on April 17th, 2024, 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 Officer¹.)**~~

~~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.~~

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 _____, 20__. 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 _____, 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.~~

¹ 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 2005 of the City of _____ 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.

Colleen Smith
Clerk of the Town

(Seal)

Date: 4-17-2024