

## **LOCAL LAW NO. 1 OF 2019**

A Local Law establishing a six (6) month moratorium on applications, approvals and/or construction or installation of Solar Energy Facilities and/or Solar Farms in the Town of Allegany, New York.

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF ALLEGANY, NEW YORK AS FOLLOWS:

### **Section 1. Title**

This Law shall be known as the “Town of Allegany Solar Energy Facility and Solar Farm Moratorium Law”.

### **Section 2. Purpose and Intent**

The Town of Allegany presently has an established Zoning Ordinance for the Town of Allegany, New York. The Town Board believes that the Town of Allegany is likely to be considered for Solar Energy Facilities and/or Solar Farms.

The Town Board of the Town of Allegany is concerned that the current Town of Allegany Zoning Ordinance does not set forth any procedures for establishing Solar Energy Facilities or Solar Farms.

The Town Board of the Town of Allegany is of the opinion that if Solar Energy Facilities and/or Solar Farms are allowed to proceed without Zoning procedures in place the Town will have no way to assure the orderly development of such projects within the Town pursuant to the Town of Allegany Comprehensive Plan.

The Town Board of the Town of Allegany realizes that the Town of Allegany is a rural and open community, and that Solar Energy Facilities and/or Solar Farms may be appropriate as an alternate energy production source.

The Town Board of the Town of Allegany finds that a moratorium should be enacted to enable the Town of Allegany to investigate the appropriate regulation of Solar Energy Facilities and/or Solar Farms.

### **Section 3. Moratorium**

- A.) A Moratorium on the construction or installation or for issuing building permits, site plan approval and/or any zoning permits or variances for the installation, construction, modification, alteration, approval or extension of Solar Energy Facilities and/or Solar Farms is hereby imposed for a period of six (6) months from the effective date of this Local Law. During the period of this moratorium the Town of Allegany, including but not limited to, the Code Enforcement Officer, Planning Board or Zoning Board of Appeals shall not accept any application for construction or installation of Solar Energy Facilities and/or Solar Farms in the Town of Allegany.

B.) For the purposes of this Local Law, the terms Solar Energy Facilities and/or Solar Farms are defined as follows:

SOLAR ENERGY FACILITIES – any facility designed to generate electric power to be marketed, sold or used for other than the power demands of any improvements on the property in which such facility is located. Excluded from this definition and from the scope of this moratorium are Solar Energy Facilities which are residential or accessory to residential uses as roof mounted on ground pole-mounted solar energy systems occupying ¼ acre or less of area for the site of installation.

SOLAR FARM – a collection of solar panels covering ¼ acre or more of land which are designed to capture sunlight and convert it into electricity. This shall include all freestanding and ground pole-mounted photovoltaic and parabolic solar installations.

C.) This action is exempt under SEQRA pursuant to 6 NYCRR Section 617.5 (30) as a type II action involving the adoption on a moratorium on land development or construction, and the moratorium is enacted by the Town of Allegany 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 4. Violation

A violation of this law shall constitute an offense under the penal law. Any person convicted of violating this law shall be subject to a fine not exceeding \$1000.00 or ninety (90) days in jail or both.

#### Section 5. Enforcement

This Local Law shall be enforced by the Code Enforcement Officer for the Town of Allegany or such individuals as designated by the Town Board of the Town of Allegany, New York.

#### Section 6. Supersession

All Local Laws, ordinances, or parts of local laws and ordinances of the Town of Allegany that are in conflict with the provisions of this Local Law are hereby suspended to the extent necessary to give this Local Law full force and effect during the effective period of this moratorium.

#### Section 7.

This Local Law shall take effect immediately upon filing with Secretary of State.