

TOWN OF FARMERSVILLE

Local Law 2 - 2016

TO ESTABLISH A MORATORIUM ON THE USE OF LAND FOR COMMERCIAL SOLAR POWER PROJECTS IN THE TOWN OF FARMERSVILLE

Pursuant to Article 16 of the New York Town Law and Section 10 of the Municipal Home Rule Law of the State of New York, the Town Board of the Town of Farmersville, County of Cattaraugus, New York does enact the following Local Law:

Section 1: Title

This local law 2-2016 shall be known and may be cited as the "Town of Farmersville Commercial Solar Panel Moratorium". Local law 2-2016 shall be applicable within the confines of the municipal boundaries of the Town of Farmersville.

Section 2: Purpose

The Town Board of the Town of Farmersville has under review regulation in regard to commercial solar power projects within the Town of Farmersville. At the present, there are no Town restrictions or regulations in regard to the use of land within the Town for commercial solar power projects. The Town Board finds that the commercial use of solar power projects requires a moratorium intended to allow for regulations and/or appropriate amendments to existing laws or regulations to properly address community impacts, concerns or issues in a manner which is meaningful and consistent with the Town's comprehensive plan.

Section 3: Definitions

"commercial solar power projects" shall mean any arrangement or combination of components installed upon residential and/or non-residential premise(s) that utilize solar radiation to produce energy designed to provide heating, cooling, hot water and/or electricity which would change the assessment, tax classification, tax credit, zoning classification and/or likewise of any premise and/or individual, institution and/or corporation within the Town of Farmersville other than the primary resident of said premise(s).

Section 4: Moratorium

a. The Town Board of the Town of Farmersville hereby declares that no new applications shall be issued and no new permits or approvals shall be granted by any officer, department, board or agency of the Town of Farmersville with respect to the siting, location or establishment of commercial solar power projects within the Town of Farmersville for a period of two (2) years from the effective date of this Local Law, unless terminated by other Local Law, duly adopted.

b. The Town Clerk of the Town of Farmersville shall inform the Town Board of the Town of Farmersville at the February 2018 regular board meeting, or as soon thereafter as the Town Board holds a regular meeting, that this local law is set to expire. The purpose of this notice requirement is to ensure that the Town Board has completed its review of the necessity of this local law. If the Town Clerk fails to inform the Town Board about the expiration of this local law, this local law shall remain enacted until the Town Board has had the chance to determine, by resolution or otherwise, the necessity of this local law.

Section 5: Injunctive Relief

The Town Board of the Town of Farmersville or any resident of the Town of Farmersville may seek to enforce the provisions of this local law by seeking injunctive relief in any court of competent jurisdiction within the State of New York. This law shall be construed in accordance with laws of New York State.

Section 6: Severability

The invalidity of any word, section, clause, paragraph, sentence, or part or provision of this Local Law shall not affect the validity of any other part of this Local Law which shall be given effect.

Section 7: Effective Date

This Local Law shall become effective immediately upon the adoption by the Town of Farmersville Town Board and filing with the New York Secretary of State.