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)

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DEPARTMENT 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 Starkey
Village

Local Law No. __4__ of the year **2024**

A local law **"Establishing a Moratorium on Commercial Solar Energy Facilities"**

(Insert Title)

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

County
City
Town of **Starkey**
Village

as follows:

Section 1. STATEMENT OF LEGISLATIVE INTENT:

It is the purpose of this moratorium to enable the Town of Starkey to have sufficient time to review existing laws pertaining to commercial solar energy facilities and to recommend modifications to those laws or to the Town of Starkey Comprehensive Plan or to recommend the adoption of new laws regarding commercial solar energy facilities. This review is in accordance with the existing Town of Starkey Comprehensive Plan.

The Town Board is concerned that approval of commercial solar energy facilities under the existing laws may not support the best uses for lands within the Town of Starkey.

It is, therefore, the intent of the Town Board to suspend the review, approval or creation of commercial solar energy facilities on lands within the Town of Starkey. This will afford the Town sufficient time to review the Town of Starkey Comprehensive Plan and Town laws and, if determined to be necessary, amend pertinent sections of the Town of Starkey Comprehensive Plan or of the relevant Town laws or to draft new laws.

Based on the foregoing, the Town Board wants to ensure that commercial solar energy facilities are reviewed under the new regulations and not under the existing laws.

Section 2. DEFINITIONS

A. CODE ENFORCEMENT OFFICER: Town of Starkey Code Enforcement Officer

B. PLANNING BOARD: Town of Starkey Planning Board

C. COMMERCIAL SOLAR ENERGY FACILITY: Any installation:

1. which is designed to use solar energy and

i) transform it into electric energy,

ii) use it to heat or to pump water, or

iii) otherwise transform it into an energy source to work for human purposes; and

2. which is intended primarily to produce power or energy for sale and to be transmitted off-site.

D. TOWN: Town of Starkey, Yates County, New York

E. TOWN BOARD: Town of Starkey Town Board

F. ZONING BOARD OF APPEALS: Town of Starkey Zoning Board of Appeals

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 anywhere within the Town of Commercial Solar Energy Facilities.

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 commercial solar energy facilities nor shall it grant any preliminary or final approval to any special use permit, site plan or subdivision application that includes a Commercial Solar Energy Facility 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 Commercial Solar Energy Facility.

E. Pursuant to this moratorium, the Code Enforcement Officer shall not issue Building Permits or Certificates of Occupancy for any Commercial Solar Energy Facility anywhere within the Town unless it has received special use permit approval and/or final site plan approval, as applicable, prior to the effective date of this local law.

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 Commercial Solar Energy Facility.

Section 4. EXCEPTION

No part of the moratorium enacted by this local law shall apply to any application pertaining to any expansions to an existing Commercial Solar Energy Facility or pertaining to any Commercial Solar Energy Facility, provided that, prior to this local law taking effect, such application has been properly filed with the Town and the filing fee due to the Town on such application has been fully paid to the Town. Any application to which this exception applies shall be reviewed and processed and may be approved, with or without conditions, by the Planning Board and/or Zoning Board of Appeals pursuant to all other relevant laws, ordinances, regulations and standards in effect at such time and the Code Enforcement Officer may issue relevant Building Permits and/or Certificates of Occupancy pursuant to any such approvals and all relevant laws, ordinances, regulations and standards in effect at such time.

Section 5. 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 6. VARIANCES

Any property owner or person affected by this moratorium may apply to the Zoning Board of Appeals and make use of the existing variance procedures under the Zoning Law of the Town of Starkey to seek relief from the restrictions of this local law.

Section 7. 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 8. 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 9. 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.

(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. 4 of 2024 of the **Town of Starkey** was duly passed by the Starkey Town Board on November 14, 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 Officer[1].)**~~

~~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.

Candace Lloyd
Clerk of the Town

(Seal)

Date: 11/14/2024