

Local Law Filing

(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 Village
(Select one:)

FILED
STATE RECORDS

NOV 22 2023

of Sennett

Local Law No. 4 of the year 2023

DEPARTMENT OF STATE

A Local Law Imposing a Six (6) Month Moratorium on Commercial Free-Standing Solar Photovoltaic (PV) Systems within the Town of Sennett

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

County City Town Village
(Select one:)

of Sennett

as follows:

Be it enacted by the Town of Sennett Town Board, as follows:

SECTION 1. AUTHORITY.

This Local Law is enacted pursuant to the New York State Constitution and New York Municipal Home Rule Law §10.

SECTION 2. INTENT.

It is the intent of the Town Board of the Town of Sennett to impose a six (6) month moratorium on commercial free-standing solar photovoltaic (PV) systems within the Town of Sennett.

SECTION 3. LEGISLATIVE PURPOSE.

In recent months, the Town has become aware of increasing interest by developers of larger scale solar energy system applications in the Town and surrounding areas, such that solar energy uses are becoming increasingly prevalent in the Town of Sennett at a commercial scale. Based upon this, the Town Board is of the opinion that a period of time is necessary to determine whether regulation of commercial freestanding solar power energy systems is necessary in order to preserve and protect the health, safety and welfare of its residents. Commercial free-standing solar power energy are generally larger, more obtrusive and can pose a hazard and danger to residents by distraction, obstruction, and the power supply systems involved with such installations may pose a risk. This moratorium will enable town officials to review and comprehensively address the various issues involved with these commercial level systems.

The Town recognizes the potential benefits and desirability of solar power and renewable energy sources but determines that time and study is necessary in order to determine if and how to properly regulate such installations. The Town Board deems this moratorium emergent and immediately necessary for the Town.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

SECTION 4. DEFINITIONS.

COMMERCIAL FREE STANDING SOLAR PHOTOVOLTAIC (PV) SYSTEMS

A free standing solar photovoltaic (PV) system and area of land principally used to convert solar energy to electricity with the primary purpose of supplying electricity to a utility grid for wholesale or retail sales of electricity to the general public or utility provider.

PERSON

The term person shall include any individual, partnership, association, corporation, landowner, lessee or licensee.

SECTION 5. MORATORIUM.

- A. The Town Board hereby enacts a moratorium which shall prohibit the placement, construction or erection of a commercial free standing solar photovoltaic (PV) system within the Town of Sennett and/or the processing or further processing of such applications.
- B. This moratorium shall be in effect for a period of six (6) months from the effective date of this Local Law and shall expire on the earlier of: (i) the date six (6) months from said effective date of this local law, 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/land use districts and all real property within the Town.
- D. Commercial free-standing solar photovoltaic (PV) systems which have previously been approved or are located on Town-owned property are hereby expressly excluded from this moratorium. Those applications for such uses which have not received appropriate approvals from the Town's Zoning or Planning Boards are included in the moratorium.

SECTION 6. RELIEF FROM PROVISIONS OF THIS LOCAL LAW.

- A. The Town Board reserves to itself the power to vary or adapt the strict application of the requirements of this Local Law in the case of unusual hardship which would deprive the owner of all reasonable use of the lands involved.
- B. Application for relief shall be filed in triplicate with the Town Code Enforcement Officer together with a filing fee of \$250.00. The application shall specifically identify the property involved, recite the circumstances pursuant to which the relief is sought and the reasons for which the relief is claimed. Any costs, including expert consulting fees or attorney's fees, incurred by the Town, shall be reimbursed to the Town by the Applicant. The Town Board shall apply Use Variance criteria as set forth in the New York State Town Law, Section 267-b (2) in reviewing any application for relief.
- C. The Town Board may refer any applications for relief herein to the Town Planning Board for its advice and recommendations, but all decisions on granting or denying such relief shall be made solely by the Town Board after determining whether or not the requested relief is compatible with any contemplated amendments to the Town of Sennett Zoning Law. Unless completely satisfied that the proposed relief is compatible, the Town Board shall deny the application.

- D. The Town Board shall conduct a public hearing on any request for relief within forty-five (45) days of receipt by the Town Code Enforcement Officer and shall issue its final decision on requests for relief within thirty (30) days from the date of the public hearing.

SECTION 7. PENALTIES.

Any person, who shall construct, reconstruct, relocate, enlarge or modify any site to be used for a commercial free-standing solar photovoltaic system in violation of the provisions of this Local Law, shall be subject to:

- A. A fine not to exceed One Thousand and 00/100 Dollars (\$1,000.00) or imprisonment for a term not to exceed fifteen (15) days, or both. Each day a violation continues shall be considered a new violation.
- B. A civil action inclusive of 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 constructions, improvements, or related items or byproducts which may have taken place in violation of this Local Law.

SECTION 8. ENFORCEMENT.

This local law shall be enforced by the Code Enforcement Office of the Town of Sennett or such other zoning enforcement individual(s) as designated by the Town Board. It shall be the duty of the enforcement individual(s) to advise the Town Board of all matters pertaining to the enforcement of this Local Law.

SECTION 9. VALIDITY & SEVERABILITY.

If any section or part of this Local Law is declared invalid or unconstitutional, it shall not be held to invalidate or impair the validity, force or affect any other section of this Local Law.

SECTION 10. EFFECTIVE DATE.

This Local Law shall take effect immediately upon passage and thereafter shall be filed with the New York State Department of State and shall remain in force and effect for a period of six (6) months from the date of passage.

(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 2023 of the Town of Sennett was duly passed by the Town Board on November 16, 2023, 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*.)

I hereby certify that the local law annexed hereto, designated as local law No. ___ of 20__ of the Town of Sennett was duly passed by the Town Board on ____, 20__, and was (approved/not approved/repassed after disapproval) by the Town Board 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 Town of Sennett was duly passed by the Town Board on ____, 20__, and was (approved/not approved/repassed after disapproval) by the Town Board 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 Town of Sennett was duly passed by the Town Board on ____, 20__, and was (approved/not approved/repassed after disapproval) by the Town Board 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.

5. (City local law concerning Charter revision proposed by petition.)

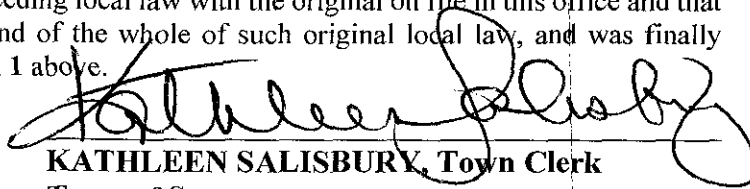
I hereby certify that the local law annexed hereto, designated as local law No. ___ of 20__ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36/37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors 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.


KATHLEEN SALISBURY, Town Clerk
Town of Sennett

(Seal)

Date: November 16, 2023