

Local Law Filing

New York State Department of State
41 State Street, Albany, NY 12231

(Use this form to file a local law with the Secretary of State.)
STATE RECORDS

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.

DEC 14 2016

DEPARTMENT OF STATE

County of Gaines, Orleans County, New York
City of _____
Town _____
Village _____

Local Law No. 1 of the year 2016.

A local law known as The Town of Gaines Moratorium on Industrial Solar Energy Generation Facilities Law.

(Insert Title)

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

County of Gaines, Orleans County, New York
City of _____ as follows:
Town _____
Village _____

ARTICLE I: ENACTMENT, AUTHORIZATION, TITLE, PURPOSE

Section 101: Enactment and Authorization

The Town Board and the Town of Gaines does hereby ordain and enact the Town of Gaines Moratorium on Industrial Solar Energy Generation Facilities Law pursuant to authority and provisions of Section 10 of the Municipal Home Rule Law.

Section 102: Title

This local law shall be known as the Town of Gaines Moratorium on Industrial Solar Energy Generation Facilities Law.

Section 103: Purpose

- a) It is the purpose of this local law to prevent and avoid serious detrimental health, environmental and planning conditions which threaten the Town of Gaines by allowing

degradation of its significant environmental and agricultural resources and in order not to undermine the conscious and continuous determination by the Town to resolve and lessen such threats to the health, safety and welfare of the citizens of the Town.

- b) It is the further purpose of this local law to enable the Town of Gaines to prevent the construction or erection of industrial solar energy generation facilities for a reasonable period of time pending the Town Board's enactment of a local law regulating the construction of such facilities in the Town of Gaines.

ARTICLE II: IMPOSITION OF MORATORIUM

Section 201: Imposition of Moratorium

For a period of one hundred eighty (180) days after the date of filing this local law with the Department of State, no application for the construction or erection of industrial solar energy generation facilities may be filed, nor will any such application be accepted or processed. For the purpose of this local law, an "application" shall be deemed to mean any request for official action by the Town Board, Planning Board, Code Enforcement Officer, or Building Inspector which would in any way commence or continue the process whereby an industrial solar energy generation facility is or may be constructed or erected. This moratorium shall only apply to solar energy generation facilities of an industrial scale encompassing more than one-half (1/2) acre of land area, and is not intended to apply to residential-scale installations on or around homes designed to offset energy demands from the premises on which the facilities are installed.

ARTICLE III: VALIDITY

Section 301: Validity

If any section, sentence, clause or phrase of this local law is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this local law.

ARTICLE IV: APPEALS

Section 401: Appeals

A party aggrieved by the provisions of this local law may file an appeal with the Town of Gaines Zoning Board of Appeals. The Town of Gaines Zoning Board of Appeals shall act upon an application for an appeal from this local law in conformance with the procedural requirements and standards of the Town of Gaines Zoning Ordinance and the Town Law of the State of New York.

ARTICLE V: EFFECTIVE DATE

Section 501: Effective Date

This local law shall take effect immediately upon filing with the Department of State.

(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. 1 of 2016, of the ~~(County)~~ ~~(City)~~ (Town) ~~(Village)~~ of Gaines, New York was duly passed by the Town Board on August 9, 2016, 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 ~~(County)~~ ~~(City)~~ ~~(Town)~~ (Village) _____ was duly passed by the _____ on _____ 20____, and was (approved) (not disapproved) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 2006, 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 2006 of the ~~(County)~~ ~~(City)~~ (Town) ~~(Village)~~ of _____ was duly passed by the _____ on _____ 2006, and was (approved) (not disapproved) (repassed after disapproval) by the _____ on _____ 2006. 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 2006 of the ~~(County)~~ ~~(City)~~ (Town) ~~(Village)~~ of _____ was duly passed by the Board of Trustees on _____ 2006, and was (approved) (~~not disapproved~~) (~~repassed after disapproval~~) by the _____ on _____ 2006. Such local law was subject to permissive referendum and

no valid petition requesting such referendum was filed as of _____ 2006, in accordance with the applicable provisions of law.

* **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 chairman 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 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.

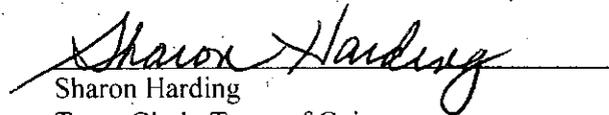
6. (County local law concerning adoption of Charter.)

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 of 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.

(SEAL)

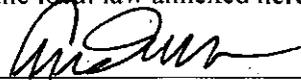

Sharon Harding
Town Clerk, Town of Gaines

Date: 8-9-16

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK
COUNTY OF ORLEANS

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.



Andrew W. Meier
Town Attorney

County _____
City of Gaines _____
Town _____
Village _____

Date: 11/1/16