

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.

FILED  
STATE RECORDS  
DEC 16 2016  
DEPARTMENT OF STATE

**TOWN OF ELMA**  
**LOCAL LAW NO. 3 OF THE YEAR 2016**

A Local Law of the Town of Elma Imposing a Twelve Month Moratorium on Solar Farms as follows:

Be it enacted by the Town Board of the Town of Elma:

A local law imposing a twelve month moratorium on Solar Farms.

**1. Purpose:**

The Town of Elma has recently received inquires for information regarding application, siting, location, development and construction of non-residential solar electric generating systems, or related facilities or structures, often referred to as solar farms, on lands within the Town of Elma. The Town Board is aware of the public interest in adopting solar energy as alternative energy as well as concerns and issues regarding such use. The current local laws, ordinances and regulations of the Town of Elma, however, do not adequately address many of the concerns and issues which must be considered to fairly address the impacts of such uses upon the Town of Elma.

Therefore, the Town Board of the Town of Elma has determined that it is necessary to undertake a comprehensive review of the concerns and issues raised by the siting, location, development and construction of non-residential solar electric generating systems, or related facilities in a manner which is meaningful and consistent with the Town's comprehensive plan.

Accordingly, the Town Board of the Town of Elma, New York desires to establish a one (1) year moratorium on the application, siting, location, development and construction of non-residential solar electric generating systems, or related facilities or structures within the Town of Elma in order to allow the Town of Elma sufficient and necessary time to study, review, develop, and enact appropriate regulating legislation for the Town of Elma, New York.

## **2. Definitions:**

Non-residential solar electric generating systems, or related facilities or structures, also referred to as solar farms, and/or solar energy equipment/system, shall mean and include, but not be limited to an array or collection of photovoltaic panels or collectors that convert sunlight to electrical energy, together with appurtenant facilities. Residential, business and industrial properties with rooftop solar panel installations which generate electricity servicing the property where the rooftop solar installations are located, and residential solar electric generating systems pursuant to Town of Elma Code, are exempt from this moratorium as are all municipal and school installations and properties.

## **3. Moratorium:**

A. During the effective period of this Local Law, neither the Town Board, the Planning Board, the Zoning Board of Appeals, nor the Code Enforcement Office shall grant any approval or issue permits that would result in the siting, location, development, construction, establishment, placement, installation, enlargement, or erection of non-

residential, non-rooftop solar electric generating systems, or related facilities or structures within the Town of Elma, New York.

B. The Town Board of the Town of Elma reserves the right to direct the Town Code Enforcement Officer to revoke or rescind any building permit or certificate issued in violation of this Local law.

C. No portion of any applications for construction or for approval of a site plan, subdivision, variance, special use permit or any other permit affected by this Local Law shall be considered by any Board or Officer or Agency of the Town of Elma while the moratorium imposed by this Local Law is in effect.

## **4. Term:**

This local law shall be in effect for a period of one (1) year from the effective date of this local law, unless earlier terminated by other local law, duly adopted.

## **5. Validity:**

The invalidity of any provision of their Local Law shall not affect the validity of any other provision of this Local Law that can be given in effect without such invalid provision.

## **6. Effective Date:**

This local law shall take effect immediately upon filing with the Secretary of State of the State of New York.

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 2016 of the Town of Elma was duly passed by the Town Board on November 16, 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 Town of Elma was duly passed by the Town of Elma on \_\_\_\_\_ 20\_\_\_\_, and was (approved) (not disapproved) (repassed after disapproval) by the \_\_\_\_\_ (Elective Chief Exec Officer\*) and was deemed duly adopted on adopted \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of the law.

**3. (Final adoption by referendum)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of \_\_\_\_\_ of the Town of Elma was duly passed by the Elma Town Board on \_\_\_\_\_ and was approved by the \_\_\_\_\_ Supervisor of the Town of Elma on \_\_\_\_\_. Such local law was submitted to the people by reason of a mandatory referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the general election held on \_\_\_\_\_, 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 Elma was duly passed by the Elma Town Board on \_\_\_\_\_ 20\_\_\_\_, and was (approved) (not disapproved) (repassed after disapproval) by the \_\_\_\_\_ (Elective Chief Executive Officer\*) 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.

\*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.)**

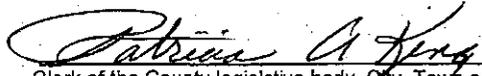
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36) (37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority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



Clerk of the County legislative body, City, Town or Village Clerk  
or officer designated by local legislative body

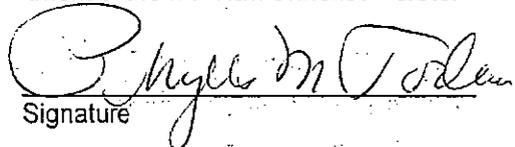
Date: December 7, 2016

(Seal)

(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 ERIE ) SS:

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.



Signature

Elma Town Attorney

Title

TOWN OF ELMA, COUNTY OF ERIE

Date: December 7, 2016