

# 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.)

of Canajoharie

FILED  
STATE RECORDS

DEC 30 2016

DEPARTMENT OF STATE

Local Law No. 2 of the year 2016

A local law Establishing a moratorium on the construction of  
(Insert Title)  
solar energy projects in the Village of Canajoharie if  
the solar energy project is ground based and exceeds 500 watts capacity

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

County  City  Town  Village  
(Select one.)

of Canajoharie

as follows:

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

(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. 2 of 20 16 of the (County)(City)(Town)(Village) of Canajoharie was duly passed by the Village Board of Trustees on December 20, 20 16, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*

**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) 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.  
*(Elective Chief Executive Officer\*)*

**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 \_\_\_\_\_.  
*(Elective Chief Executive Officer\*)*

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.

\* 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 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 \_\_\_\_\_ above.

*Mair S. Copperroll*

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

Date: December 20, 2016

(Seal)

**LOCAL LAW # 2 OF 2016 - A LOCAL ESTABLISHING A MORATORIUM ON THE CONSTRUCTION OF SOLAR ENERGY PROJECTS IN THE VILLAGE OF CANAJOHARIE IF THE SOLAR ENERGY PROJECT IS GROUND BASED AND EXCEEDS 500 WATTS CAPACITY**

**SECTION 1. – PURPOSE AND LEGISLATIVE INTENT.**

The intent of this local law is to establish a moratorium preventing the construction solar energy projects that are ground based and exceed 500 watts capacity on properties in the village while the issue is reviewed to study and develop a permanent amendment to the zoning ordinance. The construction of solar energy projects that are ground based and exceed 500 watts capacity may be inconsistent with the character of village neighborhoods and such construction is not properly addressed by the existing zoning ordinance. Time is needed to develop appropriate amendments to the zoning ordinance.

**SECTION 2. – SUBSTANTIVE PROVISIONS.**

**§ 1. Moratorium in effect.**

There shall be a moratorium in effect on all applications and approval of applications seeking to construct a solar energy projects that is ground based and exceeds 500 watts capacity on any property in the Village of Canajoharie.

**§ 2. Period of moratorium**

This moratorium shall be in effect through June 30, 2017.

**§ 3. Applications and approvals during moratorium period.**

The Village of Canajoharie, its officers, employees, and boards shall not accept, process or approve any application for building, construction, zoning, use or other form of permit or approval, seeking to site a solar energy project that is ground based and exceeds 500 watts capacity during the moratorium period, and the processing of any such application that may be pending is hereby stayed during the moratorium period.

**§ 4. Extension, modification or termination of moratorium period.**

The moratorium period may be extended, modified or terminated by the Board of Trustees of the Village of Canajoharie by the adoption of a local law.

**§ 5. Study during moratorium period.**

The Board of Trustees of the Village of Canajoharie shall review and study possible amendments to the village code to determine where solar projects may be permitted and to regulate required lot size, setbacks and siting requirements related to solar energy projects.

### **SECTION 3. SEVERABILITY**

Should any section or provision of this local law be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the local law as a whole or any parts thereof other than the part so decided to be unconstitutional or invalid.

### **SECTION 4. ENABLING LEGISLATION**

This Local Law is adopted pursuant to the authority granted by Section 10 of the Municipal Home Rule Law of the State of New York and Section 7-700 of the Village Law of the State of New York.

### **SECTION 5. EFFECTIVE DATE**

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