

# 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 Farmersville

FILED  
STATE RECORDS

AUG 21 2018

DEPARTMENT OF STATE

Local Law No. 2 of the year 20 18

A local law To establish a moratorium on the use of  
(insert title)  
land for commercial solar power projects  
in the Town of Farmersville

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

County  City  Town  Village  
(Select one.)

of Farmersville 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. 2-1 of 20 18 of the (County)(City)(Town)(Village) of Farmersville was duly passed by the Town Board of Farmersville on June 18 20 18, 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) (Name of Legislative Body) (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted (Elective Chief Executive Officer\*) 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) (Name of Legislative Body) (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) (Name of Legislative Body) (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.

*Budget Holmes*

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

Date: June 19, 2018

(Seal)



# **TOWN OF FARMERSVILLE**

## **Local Law 2 - 2018**

### **TO ESTABLISH A MORATORIUM ON THE USE OF LAND FOR COMMERCIAL SOLAR POWER PROJECTS IN THE TOWN OF FARMERSVILLE**

Pursuant to Article 16 of the New York Town Law and Section 10 of the Municipal Home Rule Law of the State of New York, the Town Board of the Town of Farmersville, County of Cattaraugus, New York does enact the following Local Law:

#### **Section 1: Title**

This local law 2-2018 shall be known and may be cited as the "Town of Farmersville Commercial Solar Panel Moratorium". Local law 2-2018 shall be applicable within the confines of the municipal boundaries of the Town of Farmersville.

#### **Section 2: Purpose**

The Town Board of the Town of Farmersville has under review regulation in regard to commercial solar power projects within the Town of Farmersville. At the present, there are no Town restrictions or regulations in regard to the use of land within the Town for commercial solar power projects. The Town Board finds that the commercial use of solar power projects requires a moratorium intended to allow for regulations and/or appropriate amendments to existing laws or regulations to properly address community impacts, concerns or issues in a manner which is meaningful and consistent with the Town's comprehensive plan.

#### **Section 3: Definitions**

"commercial solar power projects" shall mean any arrangement or combination of components installed upon residential and/or non-residential premise(s) that utilize solar radiation to produce energy designed to provide heating, cooling, hot water and/or electricity which would change the assessment, tax classification, tax credit, zoning classification and/or likewise of any premise and/or individual, institution and/or corporation within the Town of Farmersville other than the primary resident of said premise(s).

#### **Section 4: Moratorium**

a. The Town Board of the Town of Farmersville hereby declares that no new applications shall be issued and no new permits or approvals shall be granted by any officer, department, board or agency of the Town of Farmersville with respect to the siting, location or establishment of commercial solar power projects within the Town of Farmersville for a period of two (2) years from the effective date of this Local Law, unless terminated by other Local Law, duly adopted.

b. The Town Clerk of the Town of Farmersville shall inform the Town Board of the Town of Farmersville at the April 2020 regular board meeting, or as soon thereafter as the Town Board holds a regular meeting, that this local law is set to expire. The purpose of this notice requirement is to ensure that the Town Board has completed its review of the necessity of this local law. If the Town Clerk fails to inform the Town Board about the expiration of this local law, this local law shall remain enacted until the Town Board has had the chance to determine, by resolution or otherwise, the necessity of this local law.

**Section 5: Injunctive Relief**

The Town Board of the Town of Farmersville or any resident of the Town of Farmersville may seek to enforce the provisions of this local law by seeking injunctive relief in any court of competent jurisdiction within the State of New York. This law shall be construed in accordance with laws of New York State.

**Section 6: Severability**

The invalidity of any word, section, clause, paragraph, sentence, or part or provision of this Local Law shall not affect the validity of any other part of this Local Law which shall be given effect.

**Section 7: Effective Date**

This Local Law shall become effective immediately upon the adoption by the Town of Farmersville Town Board and filing with the New York Secretary of State.