**TOWN OF MINA**

**LOCAL LAW #3 OF 2024**

**Six-Month Moratorium on Review, Consideration, Approval, and Construction of Tier 3 Solar Energy Systems in the Town of Mina**

BE IT ENACTED by the Town Board of the Town of Mina, New York as follows:

SECTION 1. TITLE.

This Local Law shall be known as Local Law No .3-2024 and entitled “Six-Month Moratorium on Review, Consideration, Approval, and Construction of Tier 3 Solar Energy Systems in the Town of Mina.”

SECTION 2. Purpose and Intent

Pursuant to the statutory and State Constitutional powers vested in the Town of Mina to regulate and control land use and to protect the health, safety and welfare of its residents, the Town Board of the Town of Mina, New York finds that it is necessary to temporarily suspend the acceptance and review of applications for approvals for new solar energy facilities, and the construction of solar energy facilities, in order to review and consider changes to the Town of Mina's Local Law #1-2023, Town of Mina Solar Energy Systems Regulations. (the “Solar Law”). The potential integration of solar energy facilities alongside the Town’s existing land uses, and recent proposals for large scale facilities within the town, require the Town Board of the Town of Mina to carefully consider the substantive and procedural provisions of the Solar Energy Facilities Local Law, and to consider adopting changes to the law necessary to encourage appropriate development, reimburse the town for expert review of applications, protect community character, and protect the health, safety, and welfare of citizens.

SECTION 3. SCOPE OF MORATORIUM

For the purpose of review and consideration of changes to the Town of Mina's Solar Law, the Town Board hereby declares a moratorium on the acceptance of applications, the review of applications including any pending applications, approval, and/or the construction of, any new solar energy system for six (6) months from the effective date of this Local Law.

SECTION 4. EXCEPTIONS

This moratorium shall not apply to applications, approval, or construction of:

(a) residential Solar Panel installations, regardless of whether or not the panels are ground-mounted, so long as the total Solar Panel installation on a single residential tax map parcel is designed to generate no more than 110% of the electricity consumed over the previous twelve-month period for the existing parcel (for new construction that does not have a twelve-month log of electricity use, a projection of electricity use over the first 12 months shall be used).

SECTION 5. TERM

The moratorium imposed by this Local Law shall be in effect for a period of six (6) months from the effective date of this Local Law.

SECTION 6. EXTENSIONS

This Moratorium may be extended for such additional periods as the Town Board may determine to be necessary to protect the public health, safety and welfare of the citizens of the Town of Mina and accomplish the stated purposes and intent of this Local Law.

SECTION 7. SEVERABILITY

If any section, sentence, clause, or phrase of this Local Law is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Local Law, but this Local Law shall be construed and enforced as if the invalid or unconstitutional section, sentence, clause or phrase had not been included.

SECTION 8. EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the New York State Department of State in accordance with §27 of the Municipal Home Rule Law.