

[Draft, 5/25/16, to be put into NY
Dept. of State form for local law
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Town of Jackson

Local Law No. 1 of 2016

A LOCAL LAW entitled “Moratorium on Certain Solar Uses.”

Be it enacted by the Town Board of the Town of Jackson as follows:

A new local law, entitled “Moratorium on Certain Solar Uses,” such local law to read as follows:

Section 1. Findings; purposes and intent; moratorium imposed; definitions; applicability; term; effect on other laws; waiver; and severability.

- A. Findings. The Jackson Town Board does hereby find that without a temporary halt on the processing, permitting and approvals for certain solar land uses there is the potential that such uses could be located in such a manner that they have an adverse impact on neighboring properties as well as an adverse property-tax impact on all owners of land in the Town. These potential adverse impacts could be material and irreversible. The Town Board finds that it is in need of time to perform the necessary analysis of the potential types of solar energy facilities that could be located in the Town. By maintaining the status quo regarding such uses, the Town Board can provide for the planned orderly growth and development of the Town.

- B. Purposes and Intent. The purpose of this Local Law is to protect the public health, safety and welfare of the residents of the Town of Jackson; to avoid inequitable property-tax burdens on such residents; and to maintain the *status quo* as to certain solar energy uses, since the existing land-use regulations in the Town do not address this type of use. The moratorium will stop the processing of applications for, and the issuance of any permits, certificates of occupancy and approvals for certain Land Uses Relating to Solar Energy, including but not limited to Solar Farms. The moratorium is for a period of six months, allowing the

- Town Board to analyze and determine potential appropriate additions, revisions, and amendments to the Town Code of Jackson.
- C. Moratorium Imposed. For a period of six (6) months following the effective date of the adoption of this Local Law, no application may be processed, and no permits, certificates of occupancy approvals, denials, determinations or interpretations may be issued or granted for any Land Uses Relating to Solar Energy, including but not limited to Solar Farms.
- D. Definitions. The term “Land Uses Relating to Solar Energy” shall be broadly construed to include any facility designed to generate electric power to be marketed, sold or used for other than the power demands of the improvements on the property on which such facility is located. Not included within the scope of this moratorium are solar energy facilities designed to generate power for the use of the improvements located on the same property. The term “Solar Farm” shall mean a collection of solar panels located on one-quarter (1/4) acre or more of land, designed to capture sunlight and transform it into electricity. This definition includes freestanding and ground pole-mounted photovoltaic and parabolic solar installations. Excluded from this definition are photovoltaic panels that are mounted on or affixed to residential buildings for their use, or municipal or educational buildings, or existing panels mounted on commercial or industrial buildings.
- E. Applicability; Effect. This local law shall be binding upon the Town Board, Planning Board, Building Inspector, the Supervisor and all other Town officials and/or employees, and any applicant seeking to receive a permit, certificate of occupancy or approval in the Town of Jackson. During the period of the moratorium, the Town Board shall endeavor to complete all reasonable and necessary review, study, analysis and, if warranted, revisions and/or additions to the Jackson Town Code. During the period of the moratorium, no applications will be accepted, nor permits, certificates of occupancy or approvals issued, which would authorize development within the Town for Land Uses Relating to Solar Energy or a Solar Farm, as described above.
- F. Term. This moratorium shall be in effect for a period of six (6) consecutive months from the effective date. This local law shall be subject to renewal for a cumulative period of up to an additional six (6) months if necessary, by resolution of the Town Board.

G. Effect on Other Laws. To the extent that any law, ordinance, rule or regulation, or parts thereof, are in conflict with the provisions of this local law, this local law shall control and supersede such law, ordinance, rule or regulation.

H. Waiver. Owing to the limited scope and duration of this moratorium, there is no provision being made in this local law for any waivers to its applicability. However, the Town Board may, but is not obligated to, promulgate regulations by a resolution of the Board authorizing a hardship waiver process to this moratorium.

I. Severability. If any clause, sentence, paragraph, section or part of this local law shall be determined by any court of competent jurisdiction to be invalid, the remaining provisions of this local law shall remain in full force and effect.

Section 2. Effective Date. This local law shall become effective immediately upon filing with the New York Department of State and shall be applicable to any request made after _____, 2016 for an approval described in Section 1(E) hereof.

Certification by Local Legislative Body:

I hereby certify that the local law annexed hereto, designated as Local Law No. 1 of 2016 of the Town of Jackson, was duly passed by the Town Board on _____, 2016, in accordance with the applicable provisions of law.