

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 VIENNA

Local Law No. 1 of the year 2021

A local law Establishing a six month Moratorium for the Installation of Large Scale Ground Solar
(Insert Title)
Energy Systems/Farms

Be it enacted by the TOWN BOARD of the
(Name of Legislative Body)

County City Town Village
(Select one:)

of VIENNA 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. 1 of 2021 of the ~~(County)(City)(Town)(Village)~~ of VIENNA was duly passed by the TOWN BOARD on February 3, 2021, 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.

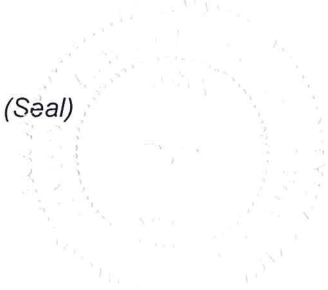
(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

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.

Donna M Clark

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

Date: 2/4/2021



(Seal)

Town of Vienna

Local Law No. 1 of 2021 Establishing a six month Moratorium for The Installation of Large Scale Ground Solar Energy Systems/Farms

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

Section 1. Title

This Local Law shall be referred to as the “Local Law Establishing a Moratorium on The Installation of Large Scale Ground Solar Energy Systems/Farms”.

Section 2. Purpose and Intent

The purpose of this Local Law is to establish a moratorium on the installation, construction or development on property in the Town of Vienna (the “Town”) of large scale solar energy systems/farms located on the ground of such property; this moratorium shall not be applicable to the installation, construction or development on property in the Town of Vienna of solar energy systems located on the roofs of existing structures.. Also excluded from this moratorium are all existing solar energy systems, as well as new solar systems capable of generating energy no greater than the energy needed to supply the energy needs of the average one or two family dwelling. Large Scale means a system capable of generating more energy than needed to supply an average one or two family residence. The intent of this Local Law is to provide a temporary, interim measure to halt the further development of large scale ground solar systems/farms until such time as the Town has had an opportunity to research the options for regulation of such systems and to develop, consider and enact revised comprehensive local laws establishing regulations for the installation of large scale ground solar energy systems/farms. The Town desires to enact such a local law in order to preserve and protect the aesthetic and visual resources of, and the property values within the Town by providing certain regulations and restrictions on the location, size and sitting of large ground solar systems/farms with in the Town, while enabling such facilities to be developed in the interest of promoting the development and use of renewable energy sources. During the period in which the moratorium established by this Local Law is in effect, the Town will evaluate the restrictions concerning large ground solar systems/farms that are necessary or appropriate to so preserve and protect the aesthetic and visual resources of, and the property values within, the Town.

Section 3. Authority

This Local Law is enacted pursuant to the grant of powers to local governments provided in Section 10 of the Municipal Home Rule Law to adopt and amend local laws not inconsistent with the provision of the New York State Constitution and not inconsistent with any general law relating to its property, affairs, government or other subjects provided for in said Section 10 of the Municipal Home Rule Law.

Section 4. Definitions

As used in this Local Law, the following terms shall have the meanings indicated:

A. Large Scale Ground solar systems/farms – Structures, facilities, systems and/or equipment, or any combination thereof, including, but not limited to, solar panels and the hardware with or on which such panels are mounted, the purpose of which is to collect, absorb, concentrate or direct solar energy, which structures, facilities, systems and/or equipment, or any combination thereof, are located, installed, constructed or developed on the ground of a parcel, or on a pad or base substantially on grade with the ground, capable of generating more energy than needed to supply the average one or two family residence. Large ground solar systems/farms shall not include structures, facilities, systems and/or equipment, or any combination thereof, that are located, installed, constructed or developed on or above the roof of an existing structure.

Section 5. Moratorium, Restrictions And Prohibitions

From the effective date of this Local Law forward, until the next to occur of (i) the repeal of this Local Law, (ii) the enactment of a local law by the Town regulating large ground solar systems/farms, or (iii) the date six months from the date of enactment of this Local Law, it shall be unlawful for any person to install, construct or develop a large scale ground solar systems/farm on any property in the Town of Vienna. During this moratorium the zoning and building code enforcement officer, the Planning Board and Zoning Board of Appeals shall not accept any application for approval of such large scale system.

Section 6. Penalties For Offenses

Any person violating any of the provisions of this Local Law shall be guilty of an offence and upon a conviction thereof, be subject to a civil penalty of no less that \$500.00 and no more that \$1000.00 per day for this violation. Each day’s violation shall constitute a separate and additional violation. An action may be commenced in a court of competent jurisdiction to recover such penalty. In addition thereto, violations of this Local Law shall be subject to restraint by injunction.

Section 7. Superseding Effect

All Local Laws, Articles, resolutions, rules, regulations and other enactments of the Town of Vienna in conflict with the provisions of this Local Law are hereby superseded to the extent necessary to give this Local Law full force and effect. Without limiting the foregoing, to any extent that the terms of the Zoning Laws of the Town of Vienna, including, but not limited to, the terms of Section 3 thereof, are deemed to be in conflict with the moratorium imposed by this Local Law, the terms of this Local Law shall govern and control.

Section 8. Partial Invalidity

In the event that any portion of this Local Law is declared invalid by a court of competent jurisdiction, the validity of the remaining portions shall not be affected by such declaration of invalidity.

This Local Law will take effect immediately upon filing in the Office of the Secretary of State.

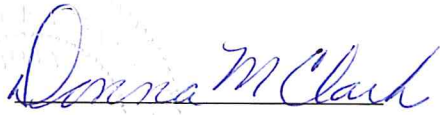
Dated: February 3, 2021

Motion made by: Councilwoman Padavan

Motion seconded by: Supervisor Graham

VOTING RECORD:

Supervisor William A. Graham	<u>Aye</u>
Councilman Michael M. Davis Sr.	<u>Aye</u>
Councilman Jason C. Lamb	<u>Nay</u>
Councilwoman Lorraine Padavan	<u>Aye</u>
Councilwoman Gail Whitham	<u>Aye</u>



Donna M. Clark

Donna M. Clark, Town Clerk

(SEAL)