

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 CANANDAIGUA

DRAFT

12/8/2022

Local Law No. _____ of the year 20²³

A local law IMPOSING A SIX MONTH MORATORIUM ON THE REVIEW, APPROVAL, PERMITTING,
(Insert Title)
AND/OR CONSTRUCTION OF LARGE SCALE SOLAR ENERGY SYSTEMS IN THE
TOWN OF CANANDAIGUA

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

☐ County ☐ City ☒ Town ☐ Village
(Select one:)

of CANANDAIGUA as follows:

SEE ATTACHMENT "A"

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

ATTACHMENT "A"

**LOCAL LAW IMPOSING A SIX MONTH MORATORIUM ON THE REVIEW,
APPROVAL, PERMITTING, AND/OR CONSTRUCTION OF LARGE SCALE
SOLAR ENERGY SYSTEMS IN THE TOWN OF CANANDAIGUA**

SECTION ONE. Title and Authority.

- A. Title.** This Local Law shall be known and titled as "Local Law Imposing a Six Month Moratorium on the Review, Approval, Permitting, and/or Construction of Commercial Ground-Mounted Solar Systems in the Town of Canandaigua.
- B. Authority.** This local law is adopted pursuant to the provisions of New York State Town Law Article 16, New York State Municipal Home Rule Law § 10, and the New York State Statute of Local Government § 10(6).

SECTION TWO. Purpose and Intent. The Town Board of the Town of Canandaigua ("Town Board") is considering a proposed local law for the revision of Town Code as it relates to solar energy and ground-mounted solar energy systems. The proposed revisions to Town Code integrate the goals set forth in the 2021 Town of Canandaigua Comprehensive Plan Update and recent changes in guidance related to solar energy from New York State and NYSERDA. The Town Board desires to carefully consider the proposed revisions and finds it necessary to temporarily suspend the review, approval, permitting, and/or construction of large-scale solar energy systems to allow time for such careful consideration.

SECTION THREE. Definition of Large Scale Solar Energy System. Large Scale Solar Energy System shall mean any solar energy system that is ground-mounted and produces energy primarily for the purpose of off-site sale or consumption, or which exceeds 1,000 square feet in total area.

SECTION FOUR. Moratorium.

- A. Declaration of Moratorium.** The Town Board hereby declares a moratorium on the review, approval, permitting, and/or construction of Large Scale Solar Energy Systems. During the term of this local law the Town Board, Planning Board, Zoning Board of Appeals, Development Department, Code Enforcement Officers, and Zoning Officers of the Town of Canandaigua shall not permit, accept, process, interpret, deliberate upon, review, decide, or approve any application for the installation of any Large Scale Solar Energy Systems, nor shall the Town, its Code Enforcement Officers, Building Inspectors, Zoning Officers, or any other

official issue permits or other permission for construction and/or installation of Large Scale Solar Energy Systems. During the term of this local law any provision of Town Code conflicting herewith, including but not limited to Town Code § 220-62.2 shall be and hereby is temporarily suspended.

DRAFT

B. Scope of Moratorium. This moratorium shall apply to all lands located within the Town of Canandaigua, and shall specifically apply in each and every zoning district therein.

C. Term of Moratorium. This moratorium shall be in effect for a period of six (6) consecutive months from the effective date of this local law.

SECTION FIVE. Variances and Waivers. Due to the limited scope and duration of this moratorium, there is no provision being made in this local law for variances or waivers. However, the Town Board may, but is not obligated to, promulgate regulations by resolution of the Town Board authorizing a hardship waiver process.

SECTION SIX. Severability. If any portion of this Local Law shall be deemed by a court of competent jurisdiction to be invalid, illegal, or unenforceable, the remainder of this Local Law shall remain in full force and effect to the extent practicable.

SECTION SEVEN. Effective Date. This Local Law shall be effective immediately upon its filing with the New York State Secretary of State.

(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. _____ of 2023 of the (County)(City)(Town)(Village) of CANANDAIGUA was duly passed by the _____ on _____, in accordance with the applicable provisions of law.

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.

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____.

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.

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

Date: _____

(Seal)