

VILLAGE OF CAYUGA HEIGHTS

Local Law 2 of the Year 2015

A LOCAL LAW TO ESTABLISH A MORATORIUM ON THE INSTALLATION OF SOLAR ENERGY FACILITIES ON THE GROUND

Be it enacted by the Board of Trustees of the Village of Cayuga Heights as follows:

SECTION I **PURPOSE AND INTENT**

The purpose of this Local Law is to establish a moratorium on the installation, construction or development on property in the Village of Cayuga Heights (the "Village") of solar energy facilities located on the ground of such property; this moratorium shall not be applicable to the installation, construction or development on property in the Village of solar energy facilities located on the roofs of existing improvements. The intent of this Local Law is to provide a temporary, interim measure to halt the further development of ground solar facilities until such time as the Village has had an opportunity to research the options for regulation of such facilities and to develop, consider and enact a local law establishing regulations for the installation of ground solar facilities. The Village 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 Village by providing certain regulations and restrictions on the location, size and siting of ground solar facilities within the Village, 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 Village will evaluate the restrictions concerning ground solar facilities that are necessary or appropriate to so preserve and protect the aesthetic and visual resources of, and the property values within, the Village.

SECTION II **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 III **DEFINITIONS**

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

- A. Ground solar facility** - 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. Ground solar facilities 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 improvement.

SECTION IV 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 Village regulating ground solar facilities, or (iii) the date one (1) year from the date of enactment of this Local Law, it shall be unlawful for any person to install, construct or develop a ground solar facility on any property in the Village.

SECTION V APPEAL

In the event that any owner of any property located in the Village determines that they are aggrieved by the moratorium imposed by this Local Law, said owner may apply to the Village's Board of Zoning Appeals to seek an area variance for the construction of a ground solar facility on their property, and the Board of Zoning Appeals shall review such appeal in accordance with the procedural and substantive requirements of an area variance appeal.

SECTION X PENALTIES FOR OFFENSES

Any person who, themselves or by an agent or employee, shall violate any of the provisions of this Local Law, shall be guilty of a violation and subject to a fine of not less than \$100 and not more than \$500 per offense. Each day's violation shall constitute a separate offense.

SECTION XI SUPERSEDING EFFECT

All Local Laws, Articles, resolutions, rules, regulations and other enactments of the Village of Cayuga Heights 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 Ordinance of the Village of Cayuga Heights, including,

but not limited to, the terms of Section 2 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 XII 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.

SECTION XIII EFFECTIVE DATE.

This Local Law shall be effective immediately upon filing in the office of the New York State Secretary of State, except that it shall be effective from the date of its service as against a person served with a copy thereof, certified by the Village Clerk, and showing the date of its passage and entry in the Minutes of the Village Board of Trustees.