

## TOWN OF TULLY NEW YORK

### LOCAL LAW NUMBER 1, 2019

#### A LOCAL LAW IMPOSING A SEVEN MONTH MORATORIUM ON ALL ACTIVITIES RELATED TO COMMERCIAL SOLAR ENERGY SYSTEMS WITHIN THE TOWN OF TULLY, NEW YORK.

1) LEGISLATIVE INTENT AND FINDINGS The Town Board of the Town of Tully, Onondaga County, State of New York is vested by the State of New York to regulate and control land-use within the Town of Tully and this Local Law is being enacted pursuant to said powers.

On July 13, 2016 the Tully Town Board enacted Local Law Number One for the year 2016 which local law was entitled, A Local Law Amending Chapter 280 of the Town of Tully Code Relative to Alternate Energy Facilities. The purposes and intent as set forth in said local law was to address the development of commercial solar energy systems while providing due consideration for and the protection of quality agricultural lands, open lands and other unique, natural, environmentally and aesthetically significant features in the Town of Tully.

It has come to the attention of the Tully Town Board that new laws and regulations are being developed on a regional basis in central New York to address solar energy and the Board wishes to amend its existing law concerning commercial solar energy systems as may be needed based on these new developments in the law. This moratorium will enable Town officials to review and comprehensively address the various issues involved with commercial solar systems.

The Town of Tully has legitimate goals and aims to protect the community, cultural, historical, recreational, agricultural and environmental resources within the Town. The Town Board believes that studying this issue is necessary so that any commercial solar

energy systems are regulated if allowed to protect the Towns predominant residential and agricultural land uses and to protect the environment from potential negative impacts.

2) DEFINITIONS Freestanding Solar Collection System and area of land principally used to convert solar energy to electricity with the primary purpose of supplying electricity to a utility grid or company for wholesale or retail sales of electricity to the general public and or utility provider.

### 3) MORATORIUM

A. The Town Board by this moratorium shall prohibit the placement, construction or erection of commercial free standing solar systems anywhere within the Town of Tully.

B. This moratorium shall be in effect for a period of seven months from the effective date of this focal law and shall expire on the earlier of (i) the date seven months from so the effective date of this local law, unless renewed; or(ii) the enactment by the Town Board of a resolution indicating the Town Board is satisfied that the need for the moratorium no longer exist.

C. This moratorium shall apply to all zoning districts and all real property within the Town.

D. Commercial freestanding solar collection systems which have previously been approved or are located in the town or on town property are hereby expressly exclude from this moratorium.

4) SCOPE OF CONTROLS during the effective period of this local law:

1. The Town of Tully or any of its officials shall not grant any approvals which would have the result of the establishment, placement, construction, enlargement or erection of commercial solar collection systems within the town.

2. The Town Planning Board, Zoning Board of Appeals shall not grant



any preliminary or final approval which would have as a result the establishment, placement, construction, enlargement or erection of any commercial solar panels within the Town.

3. The building and code inspector of the Town shall not issue any permit which would result in the establishment, placement, construction, enlargement or erection of a solar panel which would be used for purposes of commercial distribution.

## 5) HARDSHIP

A. Should any owner of property affected by this local law suffer any unnecessary hardship in the way of carrying out the strict letter of the this Local Law, then the owner of said property may apply to the Town Board of the Town of Tully in writing for a variation from the strict compliance with this local law upon submission of proof of such unnecessary hardship. For the purposes of this Local Law, unnecessary hardship shall not be the mere delay in being permitted to make an application or waiting for decision on the application for variance, special permit, site plan review, subdivision or other permit during the period of the moratorium imposed by this local law.

B. The Town Board may refer an application for relief herein to the Town Planning Board for its advice and recommendations, but all decisions on granting or denying such relief shall rest with the Town Board after determining whether or not relief is compatible with any contemplated amendments to the Town Zoning Laws. Unless completely satisfied that the proposed application is compatible with any contemplated amendments to the Town Zoning Laws, the Town Board shall deny the application. Any such application shall be handled in a timely matter by the Town Board.

## 6) VALIDITY

Invalidity of any provision of this local law shall not affect the validity of any other provisions of this local law that can be given effect without such invalid provision.

## 7) ENFORCEMENT AND PENALTIES

This local law shall be enforced by the code enforcement office of the Town of Tully or such other zoning enforcement individuals as designated by the Town Board. Any person or corporation who acts in violation of this local law shall be subject to a fine not to exceed \$1,000.00 for each violation thereof. Each day a violation continues shall be considered a new violation. A civil action inclusive of injunctive relief in favor of the Town to cease any and all such actions which conflict with this local law and, if necessary, to remove any constructions, improvements, or related items or byproducts which may have taken place in violation of law may be brought by the Town.

#### 8) EFFECTIVE DATE

This law shall take effect immediately upon passage and thereafter shall be filed with the New York State Department of State and shall remain in force and effect for a period of seven months from the date of passage except as herein before set forth.