

**LOCAL LAW NO. 1 FOR THE YEAR 2019
TOWN OF HOPKINTON
MORATORIUM SOLAR AND/OR BIOMASS ENERGY**

BE IT HEREBY ENACTED by the Town Board of the Town of Hopkinton, New York, as follows:

This Local Law No.1 of 2019 entitled “Local Law Imposing a Temporary Moratorium on solar and/or biomass energy uses” is hereby adopted to read in its entirety as follows:

1. PURPOSE AND INTENT

- a. The purpose of this Local Law is to protect the public health, safety, and welfare of the residents of the Town of Hopkinton and to maintain the status quo as to certain solar and biomass energy uses, as the present regulations in the Town do not adequately address this type of use. The Moratorium will stop the processing of applications for, and the issuances of, any permits, certificates of occupancy, or approvals for certain land uses relating to solar or biomass energy, included, but not limited to, solar installations and biomass plants. The Moratorium is for a period of six (6) months, allowing the Town Board to analyze and determine potential appropriate regulations concerning this use.

2. LEGISLATIVE FINDINGS

- a. The Hopkinton Town Board does hereby find that without a temporary halt on the processing, permitting, and approval for solar or biomass land uses there is the potential that such uses could be located in unsuitable areas within the Town and/or on particular lots without adequate dimensional regulations in place. The potential for the unsuitable location of, and lack of proper dimensional regulations for, such uses would have materially adverse and irreversible impacts on the Town. The Town Board also finds that it is in need of time to perform the necessary analysis of the potential types of solar or biomass 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.

3. MORATORIUM IMPOSED; APPLICABILITY

- a. 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 or biomass energy, including, but not limited to, solar installations or biomass plants.

- b. The term “land uses relating to solar or biomass 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 with the scope of this Moratorium are solar energy facilities designed to general electric power solely for the use of improvements located on the same property.
- c. The term “solar farm” shall mean “a collection of solar panels covering one-quarter (1/4) acre or more of land that is designed to capture sunlight for the purpose of transforming it into electricity.” This definition includes freestanding and ground pole-mounted photovoltaic and parabolic solar installations. This definition does not include photovoltaic panels that are mounted on, or affixed to, residential dwellings for their use, or municipal buildings or existing panels mounted on commercial or industrial buildings.
- d. This Local Law shall be binding on the Town Board, Code Enforcement Officer, all Town officials and employees, and any applicant or real property owner in the Town desiring to apply for or receive a permit, certificate of occupancy, or approval in the Town of Hopkinton.
- e. During the period of the Moratorium, the Town Board shall endeavor to complete all reasonable and necessary review, study, analysis, and, if warranted, revisions to the Town of Hopkinton Laws. During the period of the Moratorium, no applications will be accepted nor will permits, certificates of occupancy, or approvals be issued which would authorize development within the Town for land uses related to solar or biomass energy as described above.

4. TERM

- a. This Moratorium shall be in effect for a period of six (6) months from its 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.

5. EFFECT ON OTHER LAWS

- a. To the extent that any law, ordinance, rule or regulation, or parts thereof, are in conflict with the provisions of this Local Law, including all provisions of Article 16 of the New York State Town Law concerning special use permit, site plan, building permit, and certificate of occupancy procedures and requirements, this Local Law shall control and supersede such law, ordinance, rule or regulation.

6. WAIVER

- a. 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.

7. SEVERABILITY

- a. If any clause, sentence, paragraph, section, or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall be confined in its operation to the clause, paragraph, section, or part therefor directly involved in the controversy in which such judgment shall have been rendered, and the remaining provisions shall remain in full force and effect.

8. EFFECTIVE DATE

- a. This Local Law shall take effect immediately upon its filing with the Secretary of State in accordance with New York Municipal Home Rule.