

TOWN OF EVANS**PROPOSED LOCAL LAW NO. 2 OF CALENDAR YEAR 2016****1. Purpose:**

The Town of Evans has recently received inquiries for information regarding application, siting, location, development and construction of non-residential solar electric generating systems, or related facilities or structures, often referred to as solar farms, on lands within the Town of Evans. The Town Board is aware of the public interest in adopting solar energy as alternative energy as well as concerns and issues regarding such use. The current local laws, ordinances and regulations of the Town of Evans, however, do not adequately address many of the concerns and issues which must be considered to fairly address the impacts of such uses upon the Town of Evans.

Therefore, the Town Board of the Town of Evans has determined that it is necessary to undertake a comprehensive review of the concerns and issues raised by the siting, location, development and construction of non-residential solar electric generating systems, or related facilities in a manner which is meaningful and consistent with the Town's comprehensive plan.

Accordingly, the Town Board of the Town of Evans, New York desires to establish a six (6) month moratorium on the application, siting, location, development and construction of non-residential solar electric generating systems, or related facilities or structures within the Town of Evans in order to allow the Town of Evans sufficient and necessary time to study, review, develop, and enact appropriate regulating legislation for the Town of Evans, New York.

2. Definitions:

Non-residential solar electric generating systems, or related facilities or structures, also referred to as solar farms, and/or solar energy equipment/system, shall mean and include, but not be limited to an array or collection of photovoltaic panels or collectors that convert sunlight to electrical energy, together with appurtenant facilities. Residential, business and industrial properties with rooftop solar panel installations which generate electricity servicing the property where the rooftop solar installations are located, and residential solar electric generating systems pursuant to Town of Evans Code §200-17(L), are exempt from this moratorium as are all municipal and school installations and properties.

3. Moratorium:

- A. During the effective period of this Local Law, neither the Town Board, the Planning Board, the Zoning Board of Appeals, nor the Code Enforcement Office shall grant any approval or issue permits that would result in the siting, location, development, construction, establishment, placement, installation, enlargement, or erection of non-residential, non-rooftop solar electric generating systems, or related facilities or structures within the Town of Evans, New York.

- B. The Town Board of the Town of Evans reserves the right to direct the Town Code Enforcement Officer to revoke or rescind any building permit or certificate issued in violation of this Local Law.
- C. No portion of any applications for construction or for approval of a site plan, subdivision, variance, special use permit or any other permit affected by this Local Law shall be considered by any Board or Officer or Agency of the Town of Evans while the moratorium imposed by this Local Law is in effect.

4. Term:

This local law shall be in effect for a period of six (6) months from the effective date of this local law, unless earlier terminated by other local law, duly adopted.

5. Validity:

The invalidity of any provision of this Local Law shall not affect the validity of any other provision of this Local Law that can be given in effect without such invalid provision.

6. Effective Date:

This local law shall take effect immediately upon filing with the Secretary of State of the State of New York.

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