

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.

FILED
STATE RECORDS

County City Town Village
(Select one:)

JUN 11 2024

of TURIN

DEPARTMENT OF STATE

Local Law No. 1 of the year 2024

A local law IMPOSING A MORATORIUM ON THE ACCEPTANCE OR APPROVAL OF
(insert title)
APPLICATIONS FOR PERMITS AUTHORIZING THE CONSTRUCTION OR REPLACEMENT
OF CERTAIN SOLAR ENERGY COLLECTORS, GENERATORS, BATTERY STORAGE SYSTEMS,
COMMERCIAL ENERGY STORAGE SYSTEMS & COMPRESSED AIR ENERGY STORAGE SYSTEMS
AS NON-ACCESSORY USES IN ALL ZONING DISTRICTS

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

County City Town Village
(Select one:)

of TURIN

as follows:

SEE ATTACHED

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

Village of Turin
6312 East Main St
Turin New York 13473
County of Lewis

State of New York

Resolution: 01-2024

Adopt
“Moratorium on Solar energy collectors, generators, Battery energy storage systems, Commercial energy storage systems & Compressed air energy storage system as non-accessory uses”

The Village Board of the Village of Turin, duly convened in regular session on May 21st, 2024, does hereby resolve as follows:

WHEREAS, the Village of Turin agrees to adopt: Local Law No. 1 of 2024 “A local Law Imposing a moratorium on the acceptance or approval of applications for permits authorizing the construction or emplacement of certain Solar energy collectors, generators, Battery energy storage systems, Commercial energy storage systems and Compressed air energy storage system as non-accessory uses in all zoning districts within the Village of Turin.

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
<u>Josh Leviker</u> _____, Village Mayor	<u>X</u>	_____	_____
<u>Geoffrey Buckingham</u> _____, Trustee / Deputy Clerk	<u>X</u>	_____	_____
<u>Kelly Amidon</u> _____, Village Trustee	<u>X</u>	_____	_____
<u>Terry Dunn</u> _____, Village Clerk	<u>X</u>	_____	_____

Upon the above vote the motion was declared adopted / carried.

Dated: May 21st _____, 2024

Village of Turin Mayor


Josh Leviker

Be it enacted by the Village Board of the Village of TURIN as follows:

Section 1. Title

This local law shall be referred to as the "local law imposing a moratorium on the acceptance or approval of applications for permits authorizing the construction or emplacement of certain solar energy collectors, generators, battery energy storage systems, commercial energy storage systems and compressed air energy storage systems as non-accessory uses in all zoning districts within the village boundaries.

Section 2. Definitions

SOLAR ENERGY GENERATOR OR COLLECTOR -For purposes of this Local Law, the term "solar energy generator or collector" shall mean the activity of creating electricity as an alternate energy source from sunlight. As used in this law the term includes all of the infrastructure, equipment and accessories used in the processing and battery storage of sunlight into useable power with a capacity of 25 kilowatts (kw) or greater, The term does not include solar energy generation or collection as an accessory use to an existing residential, commercial or industrial structure; or installations up to 24.99 kw.

BATTERY ENERGY STORAGE SYSTEM – One or more devices, assembled, capable of storing energy to supply electrical energy at a future time, not to include a stand-alone 12-volt car battery or an electric motor vehicle. A battery energy storage system is classified as a Tier 1 or Tier 2 Battery Energy Storage System as follows:

- A. Tier 1 Battery Energy Storage Systems have an aggregate energy capacity less than or equal to 600kWh and, if in a room or enclosed area, consist of only a single energy storage system technology.
- B. Tier 2 Battery Energy Storage Systems have an aggregate energy capacity greater than 600kWh or are comprised of more than one storage battery technology in a room or enclosed area.

COMMERCIAL ENERGY STORAGE SYSTEMS – are defined, for the purpose of this local law, as any rechargeable energy storage system consisting of electrochemical storage batteries, battery chargers, controls, power conditioning systems, and associated electrical equipment designated to store and provide electrical power primarily off site or for commercial purposes. Any installations by, or undertaken on behalf of individual landowners, householders, businesses or farmer, primarily for personal, residential and onsite use shall not be considered a commercial Energy Storage System and shall be specifically exempted from this moratorium.

COMPRESSED AIR ENERGY STORAGE SYSTEM – A system where a compressed air energy storage plant can compress air and store the compressed air in a cavern underground. At times when

demand is high, the stored air can be released, and the energy can be utilized during peak demand times.

PERSON - For the purposes of this local law, the term "person" shall include an individual, society, club, firm, partnership, joint venture, corporation, or the association of persons, and the singular shall include the plural number.

VILLAGE - For the purposes of this local law, the term "Village" shall mean the Village of TURIN.

VILLAGE BOARD, PLANNING BOARD, and ZONING BOARD OF APPEALS - For the purposes of this local law, the term "Village Board", "Planning Board", and "Zoning Board of Appeals" shall refer to the respective boards established in and for the Village of TURIN.

Section 3. Purpose and Intent

Pursuant to the statutory powers vested in the Village of TURIN to regulate and control land use and to protect the health, safety, and welfare of its residents, the Village Board of the Village of TURIN declares a one year moratorium on the acceptance or approval of applications for permits authorizing the construction or emplacement of solar energy collectors or generators as non-accessory uses in all zoning districts, as well as a moratorium on any activity associated therewith or intending to support such process including the establishment, implementation, placement, or construction of associated infrastructure or similar activity in the Village of TURIN.

Section 4. Legislative Findings

A. The Village finds that there may be an increase in the demand for this type of solar energy generator or collector in the Village and that it may receive a number of new applications for, and inquiries about, the establishment or enlargement of energy producing activity within the Village.

B. The question of integrating such energy production facilities of within the Village's existing pattern of predominately residential and agricultural land use emphasizes the need for suitable siting, land use standards with reference to energy production facilities, consistent with applicable provisions of law.

C. The Village Board of the Village of TURIN desires to address, in a careful manner, this integration question on a comprehensive Village-wide basis, rather than on an ad hoc basis, and to adopt Local Law provisions to properly regulate the same.

Section 5. Scope and Controls

A. For the period of one year following the effective date of this local law, no permits requesting approval for non-accessory solar energy generators or collectors as herein defined shall be accepted or approved by any officer or board of the Village of TURIN.

B. During the effective period of this Local Law:

1. The Village Board shall not consider and/or approve any site plan, approve any special use permit or other permit authorizing the construction or emplacement of solar energy collectors or generators as herein defined in all zoning districts within the Village.

2. The Village Zoning Board of Appeals shall not consider and/or grant any variance, special use permit or other permit authorizing the construction or emplacement of solar energy collectors or generators as herein defined in all zoning districts within the Village.

3. The Zoning or Codes Enforcement Officer of the Village; shall not consider or issue any building permit or other permit authorizing the construction or emplacement of solar energy collectors or generators as herein defined in all zoning districts within the Village.

C. If, within one year, the Village Board adopts a local law relating to the construction or emplacement of solar energy collectors or generators as herein defined, the moratorium imposed by this local law shall expire immediately on the date the local law relating to the construction or emplacement of solar energy collectors or generators as non-accessory uses takes effect in accordance with Section 27 of the Municipal Home Rule Law.

Section 6. Exceptions

This local law shall not apply to applications for permits or approvals of solar energy generators or collectors of capacity below 25 kw, or to be installed as any accessory use or structure to an existing residence, commercial, industrial, or agricultural structure.

Section 7. Term

This moratorium shall be subject to renewal for one cumulative period of up to an additional one (1) year, if necessary, by Resolution(s) of the Village Board. This moratorium shall be in effect for a period of 1 year from the date of this local law.

Section 8. Violations

Any person violating any of the provisions of this local law shall be guilty of an offense and upon a conviction thereof, be given a civil penalty of no less than \$5,000.00 and no more than \$10,000.00 per day for this violation. Each day's violation shall constitute a separate and additional violation. An action may be commenced in a court of competent jurisdiction to recover such penalty. In addition, thereto, violations of this local law shall be subject to being restrained by injunctive relief.

Section 9. Conflict with Other Laws

This Local Law is enacted pursuant to the provision of the Village Law and the Municipal Home Rule Law of the State of New York. During the duration of times that this Law is in effect, it shall take precedence over and shall be considered controlling over contrary laws, ordinances and

provisions including, but not limited to, the statutes set forth in the New York Town Law related to zoning and subdivision.

Section 10. Severability

If any clause, sentence, paragraph, section, article or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operations to the clause, sentence, paragraph, section, article, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 11. When Effective

This Local Law shall take effect upon the filing at the New York State Secretary of State's office.

(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. 1 of 2024 of the (County)(City)(Town)(Village) of TUFIN was duly passed by the VILLAGE BOARD on MAY 21ST 2024, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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.~~
(Name of Legislative Body)
(Elective Chief Executive Officer)*

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____.~~
(Name of Legislative Body)
(Elective Chief Executive Officer)*

~~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 1 above.

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

Date: MAY 21ST, 2024

(Seal)