

TOWN OF ENFIELD, TOMPKINS COUNTY, NEW YORK

LOCAL LAW #1 OF 2019

Approved August 14, 2019 - Enfield Town Board

**A LOCAL LAW MODIFYING AND EXTENDING THE EXISTING ALTERNATIVE
ENERGY FACILITIES MORATORIUM FOR COMMERCIAL WIND FACILITIES**

Be it enacted by the Town of Enfield as follows:

SECTION 1: This Local Law shall be known as "Local Law #1 of 2019." It is the intent of this Local Law to partially rescind the moratorium imposed by Local Law #1 of 2017, as extended, but only with respect to Commercial Solar Energy Facilities (as defined in Local Law #1 of 2017), and to amend such existing law and extend such moratorium upon and for Commercial Wind Energy Facilities (as defined in Local Law #1 of 2017) until the earlier of November 30, 2019, or the date upon which the Town of Enfield ("Town") adopts and enacts a comprehensive update for the regulation and review of Commercial Wind Energy Facilities, thereby superseding and replacing Local Law #1 of 2009.

SECTION 2: Local Law # 1 of 2017 is amended by removing the phrase "AND SOLAR ENERGY" from the title thereof, and the following language and related amendments are also made:

A. The phrases "and Solar" and "or Solar" and "and Solar" are removed from § 1 of Local Law #1 of 2017, and the definition of "Commercial Solar Energy Facilities" is removed from said § 1.

B. The title of the defined term "Residential Wind and Solar Energy Installations" is changed to "Residential Wind Energy Installations", and the comma and phrase ", or any collection of solar panels which are designated to capture sunlight and transform it into electricity, that are" is removed from said definition.

C. The paragraph starting with the bold-faces text entitled "Residential Wind and Solar Energy Installations shall also include" is amended to read "Residential Wind Energy Installations shall also include".

D. Section 2 of Local Law #1 of 2017 is amended to replace the first paragraph therein with the following:

"Pursuant to the authority and provisions of the New York State Constitution, § 10 of the Municipal Home Rule Law, and the statutory powers vested in the Town to regulate and control land use and to protect the health, safety and welfare of its residents, the Town Board (the "Board") of the Town of Enfield hereby declares a twelve (12) month moratorium on applications or proceedings for applications for, the review of applications, or the issuance of approvals or permits for the construction of Commercial Wind Energy Facilities within the Town of Enfield (the "Town"), with a duration, as may be hereafter extended by local law, as set forth in § 5 of this Local Law."

E. The last paragraph of said § 2 is removed, and the commas and phrases "and solar", "and Solar", ", collections of solar panels", "and Commercial Solar Energy Facilities", "or Commercial Solar Energy Facilities", and "or any Commercial Solar Energy Facilities", each as they appear in

various places in the balance of said § 2, and in §§ 3 and in 4 of said Local Law #1 of 2017, are hereby removed.

F. Section 5 of Local Law #1 of 2017 is amended to read as follows:

“The moratorium imposed by this Local Law was originally enacted for a period of 12 months, was extended by Local Law #3 of 2018 until August 31, 2019, and hereby is further extended until November 30, 2019. The adoption of updated, comprehensive commercial wind regulations shall terminate this moratorium if adopted prior to November 31, 2019, and this moratorium may be extended, rescinded, or removed by local law. During the period of this moratorium the Town shall endeavor to adopt a comprehensive set of updated regulations for the siting, establishment, and construction of Commercial Wind Energy Facilities, thereby superseding and replacing Local Law #1 of 2009.”

G. The first paragraph of § 8 of Local Law #1 of 2017 is removed, and the phrase “not be grandfathered under this Section and instead shall” is removed from the second paragraph of said § 8.

H. The textual amendments to Local Law #1 of 2017 made by Local Law #3 of 2018 be and hereby are superseded by the above amendments, but no such supersession affects or shall be interpreted or construed to have affected the moratorium, which at all times since adoption of Local Law #1 of 2017 has remained in full force and effect.

SECTION 3: Except as extended and amended hereby, the balance of Local Law #1 of 2017 remains in force and effect as originally enacted, and as so extended.

SECTION 4: If any portion of this Local Law, or the application thereof to any person, entity, or circumstance, shall be determined by any court or tribunal of competent jurisdiction to be invalid or unenforceable, such determination shall be confined in its operation to the invalid part hereof, or in its application to such person, entity, or circumstance as is directly involved in the controversy in which such determination shall have been rendered, and the remainder of this Local Law shall not be impaired thereby and such determination shall not be deemed or construed to apply to other persons, entities, or circumstances.

SECTION 5: This Local Law shall take effect immediately.