

New York State Department of State
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001

www.dos.state.ny.us/corps

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 underling to indicate new matter.

~~County~~

~~City~~ of DUNKIRK

Town

~~Village~~

Local Law No. 1 of the year 2017.

A local law adopting a nine month moratorium on the installation or placement of certain solar energy equipment and systems in the Town of Dunkirk.

Be it enacted by the Town Board of the Town of Dunkirk

~~County~~

~~City~~ of DUNKIRK

Town

~~Village~~

Section One – Purpose:

The Town Board of the Town of Dunkirk does desire to establish a nine month moratorium on the installation and placement of certain solar energy equipment and systems in the Town of Dunkirk allowing time for regulating legislation to be studied, reviewed and enacted for the Town of Dunkirk, Chautauqua County, New York. The Town Board is aware of the public interest in adopting solar energy as alternative energy and it is clear that applications for these facilities may be proliferating. The rapidly evolving technology, and the unique locations within the Town of Dunkirk that may host these facilities requires regulation to carefully and safely integrate these facilities within the Town's existing pattern of predominating residential and agricultural land use. The Town Board of the Town of Dunkirk desires to address, in a careful manner, the establishment, placement,

construction, erection and installation of solar facilities, particularly commercial solar facilities, on a comprehensive town-wide basis.

Section Two – Definitions:

Solar Energy Equipment/System – Solar collectors, controls, energy storage devices, heat pumps, heat exchangers, and other materials, hardware or equipment necessary to the process by which solar radiation is collected and converted into another form of energy and is stored, protected from unnecessary dissipation, and distributed. Solar systems include solar thermal, photo voltaic, and concentrated solar.

Section Three – Moratorium:

A. During the effective period of this Local Law, neither the Town Board, the Planning Board, the Zoning Board of Appeals, nor the Building Inspector, Code Enforcement Office/Zoning Officer, shall grant any approval or issue permits that would result in the establishment, placement, construction, installation, enlargement, or erection of non-residential, non-rooftop solar energy equipment or systems within the Town of Dunkirk, Chautauqua County, New York. Nor shall the above mentioned bodies or officers grant approvals or permits for any non-residential solar energy equipment/system or systems generating energy for storage, sale or distribution off-site. Single and two-family residential, rooftop installations, are exempt from this moratorium.

B. The Town Board of the Town of Dunkirk reserves the right to direct the Town Code Enforcement Officer, Building Inspector, Zoning Officer, to revoke or rescind any building permit or certificate issued in violation of this Local Law.

C. No applications for construction affected by this Local Law or for approval of a site plan, subdivision, variance, special use permit or any other permit, shall be considered by any Board or Officer or Agency of the Town of Dunkirk while the moratorium imposed by this Local Law is in effect.

Section Four – Term:

This Local Law shall be in effect for a period of nine months from the effective date of this Local Law.

Section Five – Penalties:

Any person, firm, or corporation that shall be found to be in violation of this Local Law shall be subject to such penalties as may otherwise be provided by the Zoning Code or Law of the Town of Dunkirk for violations thereunder; and the Town Board of the Town of Dunkirk reserves to itself the right to apply for 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 construction that may have taken place in violation of this Local Law.

Section Six – Validity:

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

Section Five – Effective Date:

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

1. I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2017 of the Town of Dunkirk was duly passed by the Town Board of the Town of Dunkirk on January 17, 2017, in accordance with the applicable provisions of law.

(Seal)



Jean Crane
Clerk of the Town of Dunkirk

Date: 1/20/17