

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.

County City Town Village
(Select one:)

of Sparta

Local Law No. 2 of the year 20 24

A local law establishing a six-month moratorium on applications, approvals, and/or construction
(Insert Title)
or installation of wind energy systems and/or wind farms and/or wind energy storage
systems.

Be it enacted by the Town Board of the
(Name of Legislative Body)

County City Town Village
(Select one:)

of Sparta as follows:

See "Attached"

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

LOCAL LAW ESTABLISHING A SIX-MONTH MORATORIUM ON APPLICATIONS, APPROVALS, AND/OR CONSTRUCTION OR INSTALLATION OF WIND ENERGY SYSTEMS AND/OR WIND FARMS AND/OR WIND ENERGY STORAGE SYSTEMS

BE IT ENACTED by the Town Board of the Town of Sparta as follows:

SECTION 1. TITLE

This Local Law shall be referred to as "Imposing a Six-Month Moratorium on Placement of Wind Energy Conversion Systems/Windmills in the Town of Sparta."

SECTION 2. PURPOSE AND INTENT

Pursuant to the statutory powers vested in the Town of Sparta (the "Town") to regulate and control land use and to protect the health, safety and welfare of its residents, the Town Board of the Town of Sparta hereby declares a Six-month moratorium on the establishment, placement, construction, enlargement and erection of wind energy conversion in the Town.

The Town has become aware of significant number of options, easements and leases being secured within the municipality by a number of companies for wind energy conversion systems/windmills. It is clear that applications for these facilities may be proliferating. The rapidly evolving technology and the unique location of several major wind corridors within the Town indicates that applications for the construction and location of wind energy conversion systems/windmills may be imminent.

The integration of these commercial facilities within the Town's existing pattern of predominantly residential and agricultural land use emphasizes the need for suitable siting, land use and zoning standards and controls with reference to wind energy conversion systems/windmills.

The Town of Sparta regulations presently fail to adequately regulate wind energy conversion systems/windmills in the face of present and anticipated applications and this represents a clear and obvious deficiency in the Town of Sparta's system of land use regulation.

The Town desires to address, in a careful manner, the establishment, placement, construction, enlargement and erection of wind energy conversion systems/windmills on a comprehensive Town-wide basis, rather than on an ad hoc basis, and to adopt a land use law for provisions to specifically regulate same.

SECTION 3. SCOPE OF CONTROLS

A. During the effective period of this Local Law:

1. The Town Board shall not grant any approvals that would have as the result the establishment, placement, construction, enlargement or erection of wind energy conversion systems/windmills within the Town.

2. The Town Planning Board shall not grant any preliminary or final approval to a subdivision plat, site plan, special use permit or other permit that would have as a result the establishment, placement, construction, enlargement or erection of a wind energy conversion systems/windmills within the Town.
 3. The Town Zoning Board of Appeals shall not grant any variance or other permit for any use that would result in the establishment, placement, construction, enlargement or erection of a wind energy conversion systems/windmills within the Town.
 4. The Building Inspector/Code Enforcement Officer of the Town shall not issue any permit that would result in the establishment, placement, construction, enlargement or erection of a wind energy conversion systems/windmills within the Town.
- B. The Town Board reserves the right to direct the Town Building Inspector/Code Enforcement Officer to revoke or rescind any building permits or certificates of occupancy issued in violation of this Local Law.

SECTION 4. NO CONSIDERATION OF NEW APPLICATIONS

No applications for construction affected by this Local Law or for approvals for a site plan, subdivision, variance, special use permit or other permits shall be considered by any board, officer or agency of the Town while the moratorium imposed by this Local Law is in effect.

SECTIONS. TERM

The moratorium imposed by this Local Law shall be in effect for a period of Six (6) months from the effective date of this Local Law.

SECTION 6. PENALTIES

Any person, firm or corporation that shall establish, place, construct, enlarge or erect any wind energy conversion systems/windmills in violation of the provisions of this Local Law or shall otherwise violate any of the provisions of this Local Law shall be subject to:

- A. Such penalties as may otherwise be provided by applicable local laws, ordinances, rules, regulations of the Town for violations; and
- B. 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 7. 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 effect without such invalid provision.

SECTION 8. HARDSHIP

- A. Should any owner of property affected by this Local Law suffer an unnecessary hardship in the way of carrying out the strict letter of this Local Law, then the owner of said property may apply to the Town Board of the Town in writing for a variation from strict compliance with this Local Law upon submission of proof of such necessary hardship. For the purposes of this Local Law, unnecessary hardship shall not be the mere delay in being permitted to make an application or waiting for a decision on the application for a variance, special permit, site plan, subdivision, or other permit during the period of the moratorium imposed by this Local Law. A critical factor to the granting of such variance, is that it must be a single wind tower and related equipment and more than 51% of the energy produced is used or consumed upon the owner's property.
- B. Procedure.
1. Upon submission of a written application to the Town Clerk by the property owner seeking a variation of this Local Law, the Town Board shall, within thirty (30) days of receipt of said application, schedule a Public Hearing on said application upon five (5) days' written notice in the official newspaper of the Town.
 2. At said Public Hearing, the property owner and any other parties wishing to present evidence with regard to the application shall have an opportunity to be heard, and the Town Board shall, within fifteen (15) days of the close of said Public Hearing, render its decision either granting or denying the application for a variation from the strict requirements of this Local Law.
 3. If the Town Board determines that a property owner will suffer an unnecessary hardship if this Local Law is strictly applied to a particular property, then the Town Board shall vary the application to this Local Law to the minimum extent necessary to provide the property owner relief from strict compliance with this Local Law.

SECTION 9. REPEAL

All ordinances, local laws and parts thereof inconsistent with this local law are hereby repealed.

SECTION 10. SEVERABILITY/VALIDITY

In the event that any work phrase of part of this local law shall be declared unconstitutional, the same shall be severed and separated from the remainder of this local law and shall not impact the remainder of said local law which shall remain in full force and effect.

SECTION 11. EFFECTIVE DATE

This local law shall take effect immediately upon filing in the office of the Secretary of State of New York as provided in section 27 of the Municipal Home Rule Law.

(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. 2 of 2024 of the (County)(City)(Town)(Village) of Sparta was duly passed by the Sparta Town Board on June 11 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.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

* 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.

[Handwritten Signature]

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

Date: 6/11/24

(Seal)

