

**LOCAL LAW FILING**

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

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(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 of Gorham**  
Village

Local Law No. **3** of the year **2022**

A local law **"Establishing a Moratorium on Solar Farms"**  
(Insert Title)

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

County  
City  
**Town of Gorham** as follows:  
Village

Section 1. STATEMENT OF LEGISLATIVE INTENT:

It is the purpose of this moratorium to enable the Town of Gorham to have sufficient time to review existing laws pertaining to solar farms and to recommend modifications to those laws or new laws regarding solar farms. This review is in accordance with the Town of Gorham Comprehensive Plan.

The Town Board is concerned that approval of solar farms, under the existing laws, may not support the best uses for lands within the Town of Gorham.

It is, therefore, the intent of the Town Board to suspend the review, approval or creation of all solar farms that might affect lands within the Town of Gorham. This will afford the Town sufficient time to review the Town Code and, if determined to be necessary, amend pertinent sections of the Town's Code or draft new provisions to the Town Code.

Based on the foregoing, the Town Board wants to ensure that any solar farms are reviewed under the new regulations and not under the existing laws.

Section 2. DEFINITIONS

- A. TOWN: Town of Gorham, Ontario County, New York
- B. TOWN BOARD: Town of Gorham Town Board
- C. PLANNING BOARD: Town of Gorham Planning Board
- D. ZONING BOARD OF APPEALS: Town of Gorham Zoning Board of Appeals
- E. CODE ENFORCEMENT OFFICER: Town of Gorham Code Enforcement Officer
- F. SOLAR FARM: A solar collection system intended to provide energy for use off site, for example intended to provide electricity to be sold back to the local electric utility company.

Section 3. MORATORIUM.

- A. The Town Board hereby enacts a moratorium, which shall prohibit the review, approval, creation, establishment, placement, relocation, construction, reconstruction, enlargement, modification or erection of any solar farm anywhere within the Town.
- B. This moratorium shall be in effect for a period of one (1) year from the effective date of this Local Law and shall expire on the earlier of (i) the date one (1) year from said effective date, unless renewed; or (ii) the enactment by the Town Board of a resolution indicating the Town Board is satisfied that the need for the moratorium no longer exists.
- C. This moratorium shall apply to all zoning districts and all real property within the Town.
- D. Pursuant to this moratorium, the Planning Board shall not review any applications for solar farms nor shall it grant any preliminary or final approval to any special use permit, site plan or subdivision application that includes a solar farm as part of the application; except that reviews of existing special use permits that are required to come regularly before the Town for re-approval, may be reviewed and approved by the Town, provided such applications do not request any modifications to an existing solar farm.
- E. Pursuant to this moratorium, the Code Enforcement Officer shall not issue Building Permits or Certificates of Occupancy for any solar farm anywhere within the Town.
- F. Pursuant to this moratorium, the Zoning Board of Appeals shall not review, process or grant any applications for variances that involve the establishment, placement, relocation, construction, reconstruction, enlargement, modification or erection of any solar farm.

Section 4. PENALTIES.

Any person, firm, entity or corporation which shall violate the provisions of this Local Law, shall be subject to:

1. A penalty in the amount of \$250.00 for each day that such violation shall exist; and
2. 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 or improvements which may have been built in violation of this Local Law.

It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Local Law.

#### Section 5. VARIANCES

Any property owner affected by this moratorium may apply to the Zoning Board of Appeals and make use of the existing variance procedures under the Town of Gorham Zoning Local Law to seek relief from the restrictions of this local law.

#### Section 6. VALIDITY.

If any clause, sentence, paragraph, section 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 operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been ordered.

#### Section 7. SUPERSEDING EFFECT.

Pursuant to New York Municipal Home Rule Law, Section 22, the provisions of this law are to supersede any inconsistent provision of state or local law.

#### Section 8. EFFECTIVE DATE.

This Local Law shall take effect immediately upon filing with the New York Department of State and shall remain in force and effect for a period of one (1) year from the date of such filing.

**(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. \_\_\_\_ of 2022 of the **Town of Gorham** was duly passed by the Gorham Town Board on \_\_\_\_\_, 2022, in accordance with the applicable provisions of law.

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer<sup>1</sup>.)**

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.

**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\_\_. 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.

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<sup>1</sup> 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 2005 of the City of \_\_\_\_\_ 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.

\_\_\_\_\_  
Clerk of the Town

(Seal)

Date: \_\_\_\_\_