

# 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 Eaton

Local Law No. 2 of the year 2023

**A LOCAL LAW EXTENDING FOR AN ADDITIONAL PERIOD OF SIX (6) MONTHS  
THE MORATORIUM ON THE ESTABLISHMENT OF COMMERCIAL WIND  
ENERGY FACILITIES AND GROUND SOLAR ENERGY FACILITIES WITHIN THE  
TOWN OF EATON**

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

County     City     Town     Village  
(Select one:)

of Eaton as follows:

**SECTION 1.    AUTHORITY.**

This Local Law is enacted pursuant to the New York State Constitution and New York Municipal Home Rule Law § 10.

**SECTION 2.    INTENT.**

It is the intent of the Town Board of the Town of Eaton to extend the moratorium on the establishment of commercial wind energy facilities and ground solar energy facilities within the Town of Eaton for a period of six (6) months.

**SECTION 3.    LEGISLATIVE PURPOSE.**

The Town Board hereby finds that without adequate regulations governing the location and placement of ground mounted solar panel energy arrays, such facilities may have a detrimental impact on the scenic rural character of the Town, the continuation of agriculture as a viable business activity, and on residential neighborhoods and the community in general. Such facilities, if not properly sited, may have adverse visual impacts, render agricultural uses unviable or uneconomical, and have a detrimental effect on the value of other properties. At present, the Town of Eaton does not have any specific regulations for the location or placement of such facilities.

The Town Board further finds that without adequate regulations governing the location, placement and operation of commercial wind energy facilities, such facilities may also have detrimental impacts upon the Town, including impacts on the scenic rural character of the Town,

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

its rural character, its agricultural resources, its residential neighborhoods, birds and wildfowl, public communications, and the quality of life of the community in general.

The Town desires to continue its study and evaluation of the land use impacts of commercial wind energy facilities and ground mounted solar panel energy facilities to revise its local law regulating their location and placement in order to preserve and protect the Town's aesthetic and visual resources, the continuation of agriculture as a viable business activity, and the property values within the Town by providing specific regulations and restrictions on the location, size and siting of ground solar energy facilities within the Town.

The Town has adopted Local Law No. 1 of 2023 ("A Local Law Imposing A Moratorium On The Establishment of Commercial Wind Energy Facilities And Ground Solar Energy Facilities Within the Town of Eaton"). Since passage of the moratorium, the Town has been preparing proposed amendments to the local Zoning Law for public comment. It has been determined that a moratorium extension limited to an additional six (6) months in duration from the date of expiration of the moratorium, coupled with a mechanism for a "hardship" appeal procedure, will achieve an appropriate balancing of interests between, on the one hand, the public need to safeguard the character and other resources of the Town of Eaton and the health, safety and general welfare of its residents, and, on the other hand, the rights of individual property owners and businesses desiring to conduct such activities during such period.

This Local Law shall therefore act as an extension to the moratorium adopted by the Town of Eaton Town Board on March 14, 2023 (Local Law No. 1 of 2023), which shall expire September 14, 2023, for an additional six (6) months, resulting in a new expiration date of March 14, 2024.

During the period in which the moratorium established by this Local Law is in effect, the Town will evaluate potential restrictions concerning ground solar facilities that may be necessary or appropriate to achieve the herein stated objectives of this Local Law. The Town Board further finds that although a review of the Town's zoning law as envisioned by this Local Law had previously been commenced, due to unforeseen circumstances such review was not timely completed, and that such a review remains necessary to protect the future health, safety and welfare of present and future residents of the Town of Eaton.

#### **SECTION 4.    VALIDITY & SEVERABILITY**

If any section or part of this Local Law is declared invalid or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect of any other section of this Local Law.

#### **SECTION 5.    EFFECTIVE DATE.**

This local law shall take effect immediately upon passage and thereafter shall be filed with the New York State Department of State and shall remain in force and effect for a period of six (6) months from the date of the expiration of the twelve (12) month moratorium memorialized in Local Law No. 1 of 2023 ("A Local Law Imposing A Moratorium On The Establishment of Commercial Wind Energy Facilities And Ground Solar Energy Facilities Within the Town of Eaton"), on March 14, 2023.

1. **(Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. **2** of **2023** of the **Town of Eaton** was duly passed by the **Town Board** on **September 12, 2023**, 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\*.)**~~

~~I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_ of 20\_\_ of the **Town of Cazenovia** was duly passed by the **Town Board** on \_\_\_\_\_, **20\_\_**, and was (approved/not approved/ repassed after disapproval) by the **Town Board** 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 **Town of Cazenovia** was duly passed by the **Town Board** on \_\_\_\_\_, **20\_\_**, and was (approved/not approved/ repassed after disapproval) by the **Town Board** 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 **Town of Cazenovia** was duly passed by the **Town Board** on \_\_\_\_\_, **20\_\_**, and was (approved/not approved/ repassed after disapproval) by the **Town Board** 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.~~

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.

(Seal)

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**Hon. Dean Curtis, Town Clerk  
Town of Eaton**

Date: **September 25<sup>th</sup>, 2023**

