
**LOCAL LAW NO. 4 OF 2023
TO EXTEND A MORATORIUM ON
COMMERCIAL SOLAR ENERGY SYSTEMS
IN THE TOWN OF GROTON**

Be it enacted by the Town Board of the Town of Groton as follows:

Section 1. Title

This local law shall be referred to as the “Local Law Moratorium Extension on Commercial Solar Energy Systems in the Town of Groton.”

Section 2. Authority and Intent.

Pursuant to the statutory powers vested in the Town Board of the Town of Groton (the “Town Board”) by the New York State Constitution and New York Municipal Home Rule Law §10, to regulate and control land use and to protect the health, safety and welfare of its residents, the Town Board hereby enacts a three (3) month extension on the moratorium on the issuance of approvals and permits for Commercial Solar Energy Systems (as defined below) within the Town of Groton.

The original moratorium was enacted through the adoption of Local Law No. 2 of 2022 filed with the Department of State on November 18, 2022, establishing a moratorium for a period of six months (the “Original Moratorium”). The Original Moratorium authorized the Town Board to extend the moratorium for an additional six-month period pursuant to Resolution by the Town Board. The Town Board passed such resolution extending the Original Moratorium for an additional six months on April 14, 2023. The Original Moratorium with its six-month extension will expire on November 18, 2023.

Section 3. Legislative findings

The Town Board desires to continue its review on a comprehensive, Town-wide basis the laws and zoning regulations currently in place regulating land uses relating to Commercial Solar Energy Systems, including solar panels or solar installations and to amend, if necessary, such laws and zoning regulations. The Town Board is concerned that approval of Commercial Solar Energy Systems under the Town’s existing laws may not support the best uses for the agricultural lands within the Town of Groton and that such uses could be located in unsuitable areas within the Town and/or on particular lots without adequate dimensional regulations in place.

The purpose of this local law is to extend the Original Moratorium and its temporary prohibition on the processing and approval of any application for a permit to construct and/or install Commercial Solar Energy Systems in the Town of Groton until the Town Board can analyze and enact legislation to carefully integrate Commercial Solar Energy Systems within the Town’s existing pattern of predominately agricultural and residential land use. By extending the Original Moratorium, the Town Board can continue to evaluate standards for Commercial Solar

Energy Systems in an orderly manner, that will allow for continued economic development, while remaining protective of property rights and existing community character.

Section 4. Definitions

“Commercial Solar Energy Systems” shall be broadly construed to mean any installation of solar panels, equipment and/or buildings or structures constructed with an intention of generating power from the sun and converting such power into electricity for resale to or by a third party.

Not included within the scope of this moratorium are (1) large scale solar energy projects that are subject to the siting and permitting authority of the New York State Office of Renewable Energy Siting under the New York Executive Law § 94-c process and (2) any solar panel collection system or array constructed by individual landowners, homeowners or farmers for their own personal use, or the use of a business owned by them.

Section 5. Moratorium Imposed

The Original Moratorium is hereby extended for an additional three (3) months pursuant to this Local Law (the “Moratorium”). Until the Moratorium expires, neither the Town Board, the Planning Board of the Town of Groton, the Zoning Board of Appeals of the Town of Groton, nor the Code Enforcement Officer shall grant any approval or issue any permit that would result in the establishment, placement, construction, installation, enlargement or erection of Commercial Solar Energy Systems in the Town of Groton, and no such application, pending or otherwise, shall be either deemed complete or processed for a hearing before any agency or board.

This moratorium shall apply to all zoning districts and all real property within the Town of Groton.

Section 6. Variance

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 zoning laws and regulations of the Town of Groton to seek relief from the restrictions of this local law.

Section 7. Supersession

All local laws, ordinances, resolutions, and other enactments of the Town of Groton in conflict with the provision of this local law are hereby superseded to the extent necessary to give the terms of this local law full force and effect. To the extent that any law, ordinance, rule, or regulation, or parts thereof, are in conflict with the provisions of this local law, including all provisions of Article 16 of the New York State Town Law concerning special use permit, site plan, building permit, and certificate of occupancy procedures and requirements, this local law shall control and supersede such law, ordinance, rule or regulation.

Section 8. Term

The moratorium imposed by this local law shall take effect immediately when it is filed in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law and shall last until the first to occur of: (1) the repeal of this local law; (2) the enactment of a local law by the Town Board regulating Commercial Solar Energy Systems; (3) the enactment by the Town Board of a resolution indicating the Town Board is satisfied that the need for the moratorium no longer exists; or (4) the date three (3) months from the effective date.

Section 9. Penalties for Offenses

Any person who shall violate any provision of this local law, shall be guilty of:

1. A violation and subject to a fine of not exceeding \$1,000 per offense; 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.

Each week's violation shall constitute a separate offense. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this local law.

Section 10. Severability

If any portion, subsection, sentence, clause, or phrase of this local law is for any reason held invalid or unconstitutional by any court, such portion, subsection, sentence, clause, or phrase shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portion of this local law.

Section 11. Effective Date

This local law shall take effect immediately upon its filing with the Office of the New York State Secretary of State in accordance with the New York Municipal Home Rule Law and shall remain in force and effect for a period of three (3) months from the date of such filing.
