

A LOCAL LAW enacted by the Town of Yorktown entitled “Large-Scale Solar Energy Systems Moratorium”

Section I. Statement of Authority.

This local law is authorized by the New York State Constitution, the provisions of the New York Municipal Home Rule Law, the relevant provisions of the Town Law of the State of New York, the laws of the Town of Yorktown and the general police power vested with the Town of Yorktown to promote the health, safety and welfare of all residents and property owners in the Town.

Section II. Purpose.

The purpose of this local law is to establish a temporary moratorium on the issuance of building permits, special permits, certificates of occupancy and site plans by the Town of Yorktown for the approval, construction, establishment and/or operation of any additional or new “Large-Scale Solar Energy System” within the limits of the Town of Yorktown.

Section III. Legislative Findings.

The Town Board of the Town of Yorktown has received numerous complaints regarding the design, construction and operation of Large-Scale Solar Energy Systems, specifically concerning their detrimental effects on the health, safety, welfare and quality of life of the residents and citizens of the Town of Yorktown. The Town Board has decided to review the current Zoning Chapter of the Town Code in regard to the potential regulation of such “Large-Scale Solar Energy Systems”. In order to allow the Town Board time to complete its review, draft proposed new regulations and enact any new regulations these types of establishments, the Town Board deems it in the best interest of the general health, safety and welfare of the residents of the Town of Yorktown to impose a moratorium on the issuance of any further building permits, special permits, certificates of occupancy and site plans by the Town of Yorktown for the construction, establishment and/or operation of any additional or new “Large-Scale Solar Energy Systems” within the limits of the Town of Yorktown which are not currently in existence or operation.

Section IV. Moratorium.

No special permits or site plans permitting the construction, establishment and/or operation of any additional or new Large-Scale Solar Energy Systems which are not currently in existence or operation at the time of the enactment of this section shall be issued by the Town of Yorktown within any zone within the Town of Yorktown, from the effective date of this local law until September 30, 2024. Notwithstanding the foregoing, special permit and site plan applications for Large-Scale Solar Energy Systems may be reviewed by the Town of Yorktown if an applicant signs a moratorium acknowledgment, in a form approved by the Town Attorney, that confirms the applicant is aware of the moratorium, is processing its application at the risk of the applicable regulations being changed, and assumes the consequences of such risk.

Section V. Severability.

If any part or provision of this Local Law or the application thereof to any person or circumstance be

adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Town Board of the Town of Yorktown hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

Section VI. Repeal.

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed to the extent of such inconsistency.

Section VII. Effective Date.

This Local Law shall take effect immediately upon filing in the office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.