

Local Law Filing

New York State Department of State
162 Washington Avenue, Albany, New York 12231

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.

Town of Russell

Local Law No. 2 of the year 2023

A local law Providing For a One (1) Year Moratorium on Solar Projects Over 50 kw Within the Town of Russell

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

Town of Russell as follows:

Article 1. Authority. The Town Board of the Town of Russell, pursuant to the authority granted under Sections 10 and 20 of the Municipal Home Rule Law of the State of New York, hereby enacts as follows:

Article 2. Statement of Purpose and Findings.

WHEREAS, the Town of Russell periodically reviews its Planning and Building Code to ensure proper land use plan and land use regulation, business licensing and development; and

WHEREAS, a review of the Planning and Building Code of the Town of Russell demonstrates that there is no specific and/or inadequate regulation of commercial solar projects, including but not limited to solar energy systems and solar collection systems; and

WHEREAS, more specific regulation controlling the establishment, location and operation of solar projects within the Town of Russell is desired, so as to preserve the character and quality of life in the Town's neighborhoods and business areas and to maintain the general welfare and safety for the Town and its residents and further to avoid potential negative secondary impacts to the community; and

WHEREAS, a moratorium on the acceptance by the Town of Russell of applications for the establishment, location and operation of solar projects for a minimal period of time, being one (1) year from the enactment of this law, will allow the Town to properly review, investigate, and if necessary, to adopt said regulations.

Article 3. Enactment. The Town Board of the Town of Russell hereby enacts as follows:

Section 1: Upon the date of the filing of this Local Law with the Secretary of State:

There is hereby enacted a one (1) year moratorium on the acceptance by the Town of Russell of applications for the establishment, location and operation of commercial solar projects, solar energy systems, and solar collection systems, in excess of 50 kw, or the construction of same.

Solar energy system shall mean an electrical generating system composed of a combination of both solar panels and solar energy equipment. A solar panel is a photovoltaic device capable of collecting and converting solar energy into electrical energy. Solar energy equipment shall mean electrical energy storage devices, material, hardware, inverters or other electrical equipment and conduit of photovoltaic devices associated with the production and/or transmission of electrical energy. Nothing herein shall prevent solar panel and solar energy equipment located on the roof of or within any legally permitted building or structure for the purpose of producing electricity primarily of on-site consumption. Further, nothing herein shall prohibit licensed load serving entities from conducting its regular and usual business of providing electrical distribution within its service territory as defined by its tariff with the New York State Department of Public Service.

Section 2: This local law shall take effect immediately upon filing with the Office of the Secretary of State.

(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 2023 of the Town of Russell was duly passed by the Town Board on July 18, 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 (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____, 20___, and was (approved)(not disapproved)(repassed after disapproval) by the _____ and _____ (Elective Chief Executive Officer*) 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 disapproved)(repassed after disapproval) by the _____ on _____, 20___ (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 disapproved)(repassed after disapproval) by the _____ on _____, 20___ (Elective Chief Executive Officer*) 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.

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 chairman 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.)

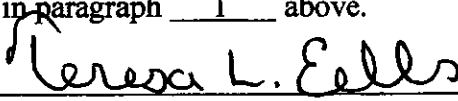
I hereby certify that the local law annexed hereto, designated as local law No. ___ of 20__, of the City of _____ having been submitted to referendum pursuant to the provisions of Section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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 of 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.

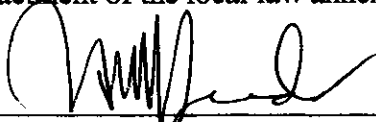

Clerk of the County legislative body, City, Town or Village
Clerk or officer designated by local legislative body.
Teresa L. Eells
Date: July 18, 2023

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK)
).ss
COUNTY OF ST. LAWRENCE)

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.


Henry J. Leader, Esq.
Town Attorney
Town of Russell
Date: July 21, 2023

CASE & LEADER LLP

ATTORNEYS AT LAW
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POST OFFICE BOX 13
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COPY

EDWARD H. CASE (1908-1988)
ROBERT J. LEADER
HENRY J. LEADER ◊
◊ ALSO ADMITTED IN VERMONT

TELEPHONE
(315) 287-2000
FAX (315) 287-2002
(NOT FOR PROCESS)

July 24, 2023

State of New York
Department of State
Attn: State Records & Law Bureau
41 State Street
Albany, New York 12231-0001

Re: Town of Russell Local Law No. 2 of 2023

Dear Ladies and Gentlemen:

We enclose herewith an original of the above-captioned Local Law for filing. This is sent to you pursuant to Section 27 of the Municipal Home Rule Law.

Would you please acknowledge receipt of same.

Thank you.

Very truly yours,

CASE & LEADER, LLP

Henry J. Leader, Esq.

HJL:jlm
Enclosure

cc ✓ Hon. Tess Eells, Town Clerk