

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 Olean, New York

FILED
STATE RECORDS

JUN 07 2023

Local Law No. 03-2023 of the year 2023

DEPARTMENT OF STATE

A local law establishing a moratorium on the creation of new solar farms and energy production
(Insert Title)
facilities in the City of Olean

Be it enacted by the Common Council of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of Olean, New York

as follows:

Section 1. Title and Authority

This Local Law shall be known as the City of Olean Solar Farm and Solar Energy Production Facilities Moratorium Law. It is adopted pursuant to Municipal Home Rule Law §10.

Section 2. Purpose

In 2015, the City of Olean adopted Chapter 28, Section 10.25, of its Code entitled "Solar Energy Production Facilities" to set forth development standards for the creation of Solar Energy Production Facilities within in the City of Olean. Since that time, two developments have reduced the vacant buildable land in the City, including in locations in which Solar Energy Production Facilities may have a disproportionate impact on surrounding land uses. The City of Olean Common Council does hereby find that without a temporary halt on the processing, permitting and approval for certain solar land uses there is the potential that such uses could be located in such a manner that they have an adverse impact on neighboring properties as well as an adverse property tax impact on all owners of land in the City of Olean. These potential adverse impacts could be material and irreversible. The City of Olean Common Council finds that it is in need of time to perform the necessary analysis of the potential types of solar energy facilities that could be located in the City of Olean. By maintaining the status quo regarding such uses, the City of Olean can provide for the planned orderly growth and development of the City of Olean as being demonstrated in its creation of a new Comprehensive Development Plan.

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

This Moratorium is necessary in order to temporarily restrict the development of New Solar Farms and Solar Energy Production Facilities so that the City of Olean Common Council may consider creating subsequent zoning regulations to encourage appropriate Solar Farm and Solar Energy Production Facilities development in consultation with the City of Olean Planning Board and the City of Olean Zoning Board of Appeals. The Common Council has determined that this would best enhance and protect the health, safety and welfare of the citizens of the City of Olean.

Section 3. Definitions

“Solar Farm” shall have the same definition as it has in Section 10.25.2 of the City of Olean Code.

“New Solar Farm(s)” shall mean any Solar Farm which is not currently the subject of any pending Building Permit, Variance or Special Use Permit Application and for which no Special Use Permit, Variance or Building Permit has ever been obtained.

Section 4. Moratorium

The City of Olean Common Council hereby imposes a Moratorium on applying for and/or constructing any New Solar Farms and Solar Energy Production Facilities in the City of Olean for a period commencing on the effective date of this Local Law for a period of one year following the effective date of the adoption of this Local Law and further provides that no application for a Building Permit, Variance or Special Use Permit will be accepted for review by the City of Olean Code Enforcement Division, City of Olean Planning Board or City of Olean Zoning Board of Appeals during this period relating to applying for and/or constructing any New Solar Farms and Solar Energy Production Facilities.

Nothing contained in this Moratorium shall affect any existing Solar Farm and Solar Energy Production Facilities project for which a Special Use Permit has already been issued.

Section 5. Variances

The Common Council shall have the power, after a public hearing, to vary or modify any provision of this Local Law upon its determination this Local Law would impose extraordinary hardships upon an applicant that would adversely affect the health, safety or welfare of the citizens of the City of Olean or significantly conflict with the general purposes and intent of this Local Law.

Section 6. Extensions

This Moratorium may be extended for such additional periods as the City of Olean may determine to be necessary to protect the public health, safety, and welfare of the citizens of the City and accomplish the stated purposes and intent of this Local Law.

Section 7. Termination

This Moratorium may be terminated earlier than the period of one year following the effective date of the adoption of this Local Law upon enactment of local legislation regulating development of New Solar Farms and Solar Energy Production Facilities within the City.

Section 8. Severability

The invalidity of any clause, sentence, paragraph or provision of this Local Law shall not invalidate any other clause, sentence, paragraph or part thereof.

Section 9. Supersession

All Local Laws or Ordinances or parts of Local Laws or Ordinances in conflict with any part of this Local Law are hereby suspended to the extent necessary to give this Local Law full force and effect during the effective period of the Moratorium. To the extent that any law, ordinance, rule or regulation, or parts thereof, are in conflict with the provisions of this Local Law, this Local Law shall control and supersede such law, ordinance, rule or regulation.

Section 10. Violation

A violation of this law shall constitute a fine not exceeding One Thousand Dollars (\$1,000.00) per individual and not exceeding Five Thousand Dollars (\$5,000.00) for a corporation, partnership, or association, or imprisonment, or both, for each and every violation. Each and every week that such violations continue shall constitute a separation violation.

Section 11. Effective Date

This Local Law shall take effect upon filing by the office of the New York State Secretary of State or as otherwise provided by law.

Local Law Filing

Instructions

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
www.dos.ny.gov

PLEASE OBSERVE THESE INSTRUCTIONS FOR FILING LOCAL LAWS WITH THE SECRETARY OF STATE

1. Each local law shall be filed with the Secretary of State within 20 days after its final adoption or approval as required by section 27 of the Municipal Home Rule Law. The cited statute provides that a local law shall not become effective before it is filed in the office of the Secretary of State.

2. Each local law to be filed with the Secretary of State shall be an original certified copy.

3. Each local law shall be filed on a form provided by the Department of State. If additional pages are required, they must be the same size as the form. Typewritten copies of the text may be attached to the form. Only legible copies will be accepted.

4. File only the number, title and text of the local law.

5. In the case of a local law amending a previously enacted local law, the text must be that of the law as amended. Do not include any matter in brackets, with a line through it, italicized or underscored to indicate the changes made. The printed number of the bill and explanatory matter must be omitted.

6. For the purpose of filing a local law with the Department of State, number each local law consecutively, beginning with the number one for the first local law filed in each calendar year. The next number in sequence should be applied to each local law when it is submitted for filing, regardless of its date of introduction or adoption. The date of filing of a local law is the date on which the local law is placed on file by the Department.

It is suggested that municipalities use introductory identifying bill numbers for proposed local laws. After the local law is enacted (and approved by the voters, if required), the local law should then be numbered with the next consecutive local law number, as described above, and then submitted to the Department for filing.

7. Each copy of a local law filed with the Secretary of State shall have affixed to it a certification by the Clerk of the County legislative body or the City, Town or Village Clerk or other officer designated by the local legislative body. Certification forms are provided herewith.

8. A copy of each local law may be mailed or delivered to:
NYS Department of State
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231.

(DO NOT FILE THIS INSTRUCTION SHEET WITH THE LOCAL LAW.)

(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. 03-2023 of 2023 of the ~~(County)~~(City)~~(Town)~~(Village) of Olean, New York was duly passed by the Common Council on May 23 2023, in accordance with the applicable ~~(Name of Legislative Body)~~ 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 approved) ~~(Name of Legislative Body)~~ (repassed after disapproval) by the _____ and was deemed duly adopted ~~(Elective Chief Executive Officer*)~~ 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) ~~(Name of Legislative Body)~~ (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 approved) ~~(Name of Legislative Body)~~ (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.

* 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 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.


Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 5/24/2023

(Seal)