

**LEGAL NOTICE
CITY OF ONEIDA**

**A LOCAL LAW IMPOSING A SIX (6) MONTH MORATORIUM
ON COMMERCIAL FREE-STANDING SOLAR PHOTOVOLTAIC (PV)
SYSTEMS WITHIN THE CITY OF ONEIDA**

Be it enacted by the Common Council of the City of Oneida, as follows:

SECTION 1. INTENT.

It is the intent of the City Common Council of the City of Oneida to impose a six (6) month moratorium on commercial free-standing solar photovoltaic systems within the City of Oneida. This local law is enacted under the authority of Section 10 of the New York Municipal Home Rule Law.

SECTION 2. LEGISLATIVE PURPOSE.

The City of Oneida has in effect Chapter 46 of the Code of the City of Oneida (Code), titled "Energize NY Benefit Financing Program" and Chapter 190 of the Code, titled "Zoning" which address "Solar" uses within the City. The City Common Council is of the opinion that a period of time is necessary to determine whether additional regulation of commercial free-standing photovoltaic ("PV") systems is necessary in order to preserve and protect the health, safety and welfare of its residents. Commercial free-standing PV systems are generally larger, more obtrusive and can pose a hazard and danger to residents by distraction, obstruction, and the power supply systems involved with such installations may pose a risk. This moratorium will enable City officials to review and comprehensively address the various issues involved with commercial free-standing PV systems.

The City recognizes the potential benefits and desirability of solar power and renewable energy sources but determines that time and study is necessary in order to determine if and how to properly regulate such installations. The City Common Council deems this moratorium emergent and immediately necessary for the City.

SECTION 3. DEFINITIONS.

Commercial Free-standing Solar Photovoltaic (PV) Systems: A free-standing solar photovoltaic (PV) system and area of land principally used to convert solar energy to electricity with the primary purpose of supplying electricity to a utility grid for wholesale or retail sales of electricity to the general public or utility provider.

SECTION 4. MORATORIUM.

A. The City Common Council hereby enacts a moratorium which shall prohibit the placement, construction or erection of a commercial free-standing solar photovoltaic (PV) system anywhere within the City of Oneida.

B. This moratorium shall be in effect for a period of six (6) months from the effective date of this Local Law and shall expire on the earlier of: (i) the date six (6) months from said effective date of this local law, unless renewed; or (ii) the enactment by the City Common Council of a resolution indicating the City Common Council is

satisfied that the need for the moratorium no longer exists.

C. This moratorium shall apply to all zoning districts and all real property within the City.

D. Commercial free-standing solar photovoltaic systems which have previously been approved or are located on City-owned property are hereby expressly excluded from this moratorium.

SECTION 5. RELIEF FROM PROVISIONS OF THIS LOCAL LAW.

A. The City Common Council reserves to itself the power to vary or adapt the strict application of the requirements of this Local Law in the case of unusual hardship which would deprive the owner of all reasonable use of the lands involved.

B. Application for relief shall be filed in triplicate with the Planning Department together with a filing fee of \$250.00. The application shall specifically identify the property involved, recite the circumstances pursuant to which the relief is sought and the reasons for which the relief is claimed. Any costs, including expert consulting fees or attorney's fees, incurred by the City, shall be reimbursed to the City by the Applicant. The Common Council shall apply Use Variance criteria as set forth in the New York State General City Law, Section 81-b in reviewing any application for relief.

C. The Common Council may refer any applications for relief herein to the Planning Commission/Zoning Board of Appeals for its advice and recommendations, but all decisions on granting or denying such relief shall be made solely by the Common Council after determining whether or not the requested relief is compatible with any contemplated amendments to the City Zoning Law. Unless completely satisfied that the proposed relief is compatible, the Common Council shall deny the application.

D. The Common Council shall conduct a public hearing on any request for relief within forty-five (45) days of receipt by the Planning Department and shall issue its final decision on requests for relief within thirty (30) days from the date of the public hearing.

SECTION 6. PENALTIES.

Any person, who shall construct, reconstruct, relocate, enlarge or modify any site to be used for a commercial free-standing solar photovoltaic system in violation of the provisions of this local law, shall be subject to:

A. A fine not to exceed One Thousand and 00/100 Dollars (\$1,000.00) or imprisonment for a term not to exceed fifteen (15) days, or both. Each day a violation continues shall be considered a new violation.

B. A civil action inclusive of injunctive relief in favor of the City to cease any and all such actions which conflict with this local law and, if necessary, to remove any constructions, improvements, or related items or byproducts which may have taken place in violation of this local law.

SECTION 7. ENFORCEMENT.

This local law shall be enforced by the Code Enforcement Office of the City of Oneida or such other zoning enforcement individual(s) as designated by the Common Council. It shall be the duty of the enforcement individual(s) to advise the Common Council of all matters pertaining to the enforcement of this local law.

SECTION 8. VALIDITY AND 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 affect any other section of this local law.

SECTION 9. 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 passage.

Susan Pulverenti
City Clerk
Adopted 2/18/2020