

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 Dix

FILED
STATE RECORDS
JUL 31 2019
DEPARTMENT OF STATE

Local Law No. 1 of the year 20 19

A local law Solar Law - Amendments
(Insert Title)

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

County City Town Village
(Select one.)

of Dix

as follows:

Next page

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

Town of Dix Planning Board

Solar Law proposed changes

January 24, 2019

- Section 6, A, 1), C. change to read per appendix 3. Currently there are two different requirements for height. The other is in section J, 3. Using appendix 3 makes all height requirements the same thru out the law.
- Section 8, A. 1) should read that the planning board and code enforcement officer shall review applications for completeness.
- Section J,1), a. Referring to Appendix one. Appendix one does not include special entertainment, Mixed use, Medium density rural or low density rural zoning areas. These should be added to fit our existing zoning regulations. Use same lot size requirements that are already written in our current ordinance.
- Section J, 4) B. States lot coverage is per existing zoning ordinance. Consider changing the LDR which is currently 10% lot coverage to 75% lot coverage so that it is the same as most of the other zoning areas in the town.
- Possible additions to Section 9;
 1. Require All out of service solar panels to be stored on site for no longer than 90 days.
 2. Require the use of ~~tier one~~ type solar panels only. These are the most modern version and contain no hazardous materials and have a longer life span for use.
 3. Require that first responders covering the area where a solar farm is being installed be offered training on system operations as well as emergency response practices before such systems are put on line and become active

(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 2018 of the (County)(City)(Town)(Village) of Dix was duly passed by the Town of Dix Town Board on February 25, 2019, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.~~
(Name of Legislative Body)
(Elective Chief Executive Officer)*

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) (repassed after disapproval) by the _____ on _____ 20____. 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.~~
(Name of Legislative Body)
(Elective Chief Executive Officer)*

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) (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.~~
(Name of Legislative Body)
(Elective Chief Executive Officer)*

* 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.

William J. Teed

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

Date: June 18, 2019

(Seal)

Local Law Filing

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FILED
STATE RECORDS
SEP 03 2020

County City Town Village
(Select one.)

of Dix

DEPARTMENT OF STATE

Local Law No. 1 of the year 20 20

A local law Amendment to Solar Law #2 of 2018
(Insert Title)

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

County City Town Village
(Select one.)

of Dix

as follows:

Attached

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

(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. 1 of 20 20 of the (County)(City)(Town)(Village) of Dix was duly passed by the Town of Dix Town Board on August 24 20 20, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20 , in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

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) (repassed after disapproval) by the _____ on _____ 20 _____.
(Name of Legislative Body)
(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) (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)*

* 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.

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(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 _____ above.

Helen J. Teed
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: *September 1, 2020*

(Seal)

Solar Law Amendment

Section 1. Findings

The Town Board of the Town of Dix makes the following findings:

(a) There are multiple commercial-scale solar energy development projects being considered for siting within the Town of Dix, and the Town Board anticipates that more such projects will be sited in the Town.

(b) The Town has adopted a Solar Law (Local Law No. 1 of 2019) (the “Solar Law”) as a supplement to the Town’s zoning ordinance to guide and control development of solar projects within the Town.

(c) While commercial-scale solar energy development projects may benefit the Town, they also will impose costs such as requirements for infrastructure additions or improvements, environment impacts, needs for new and/or enhanced public safety and emergency services response, ascetic and quality of life concerns, loss of farmland, erosion of tax base and other foreseen and unforeseen impacts.

(d) Existing revenue sources are not sufficient to fund and/or offset the detrimental impacts of commercial-scale solar development in the Town.

(e) It is desirable for the Town to supplement the Solar Law to provide for a requirement that developers of commercial-scale solar energy projects enter into an agreement with the Town prior to commencement of operation of such facilities to ensure that such developers provide for an ongoing level of support, care and maintenance of the facilities during their useful life, pay to the Town a fee as shall be determined to be necessary to offset the costs and impacts to the Town incident to a facility’s development and/or operation, and to address such other matters as are determined by the Planning Board and/or the Town Board to be necessary or advisable conditions to the development of any such facility. Such an agreement is herein after referred to as a “Host Community Agreement.”

(f) The Town is authorized to adopt this local law pursuant to Municipal Home Rule Law section 10(1)(i)(a)(9-a), (11) and (12).

Section 2. The Solar Law is amended to add a new section 11-A, to read in its entirety as follows:

11-A. Host Community Agreement

Prior to the issuance of a building permit for any Tier 3 Solar Energy System, the developer of the Tier 3 Solar Energy System shall enter into a Host Community Agreement with the Town of Dix. The Host Community Agreement shall:

A. Contractually obligate the developer to comply with any terms and conditions of any special use permit approval of the Planning Board;

B. Provide for payment by the developer to the Town of an impact fee to be used and applied by the Town to pay for and/or offset the costs and impacts incurred by and/or arising due to the development and/or operation of the Tier 3 Solar Energy System. The amount of such impact fee shall be established by the Town Board by resolution adopted from time to time, based upon the amount of energy produced by the project and such other factors as the Board shall determine;

C. Provide for such other contractual requirements as may be necessary given the specific elements of a particular project; and

D. In the event that the developer and/or owner of the project shall enter into an agreement with the Schuylers County Industrial Development Agency to provide for an abatement in real property taxes or other tax exemption or abatement, be cross-defaulted with the agreements between the developer and/or owner and the Schuylers County Industrial Development Agency.

Section 3. The Solar Law is hereby further amended as follows:

The last sentence of section 8(H)(3)(a) is deleted.

Section 4. The invalidity or unenforceability of any provision, clause or phrase of this local law, as declared by the valid judgment of any court of competent jurisdiction, shall not affect the validity or enforceability of any other provision, clause or phrase, which shall remain in full force and effect.