

TOWN OF DEERFIELD

Local Law No. 2 of the year 2023

A Local Law to Impose a Moratorium on Wind Power Facilities

Be it enacted by the Town Board of the Town of Deerfield, as follows:

Section 1. Enactment and Title.

The Town Board of the Town of Deerfield does hereby enact the “Town of Deerfield Moratorium on Wind Power Facilities Law.” This Local Law shall impose a moratorium on applications or proceedings for applications for, or the issuance of approvals or permits for the construction of Wind Power Facilities, other than Residential Wind Power Facilities within the Town of Deerfield.

Section 2. Authorization, Purpose and Intent.

Pursuant to the authority and provisions of Section 10 of the Municipal Home Rule Law and the statutory powers vested in the Town of Deerfield to regulate and control land use and to protect the health, safety and welfare of its residents, the Town Board of the Town of Deerfield hereby declares a twelve (12) month moratorium on applications or proceedings for applications for, or the issuance of approvals of permits for the construction of Wind Power Facilities within the Town of Deerfield (the “Town”).

This Moratorium will allow time for Town officials to review, clarify, amend and update the Town’s Zoning Regulations for windmills. Additionally, this moratorium will allow the Town to adopt such other regulations as may be necessary to promote and preserve the health, safety and welfare of the Town and its citizens.

The Town Board has determined that it is necessary to establish acceptable locations for Wind Power Facilities and to address other issues relating to the siting of Wind Power Facilities, including but not limited to the allowable setbacks and heights of Wind Power Generating Facilities. The Town has further determined that recent technological advances in the manufacture and construction of wind turbines render it necessary and advisable to reevaluate terms, requirements and conditions set forth in the Special Permit Regulations. The Town Board, by developing a comprehensive regulatory plan will avoid the difficulties faced by the Town with respect to the absence of regulations

Section 5. Term.

The moratorium imposed by this Local Law shall be in effect for a period of twelve (12) months from the effective date of this Local Law. This moratorium may be extended by two additional periods of up to three (3) months each by resolution of the Town Board upon a finding and a necessity for such extension, or may be terminated earlier if the Town Board determines by resolution that the purpose of the moratorium has been fulfilled.

During the period of this moratorium the Town shall endeavor to adopt a comprehensive set of regulations for the siting, establishment and construction of Wind Power Facilities.

Section 6. Location.

The moratorium imposed by this Local Law shall apply to the territorial limits of the Town of Deerfield. Any dispute as to whether a property is encompassed within the geographic area detailed above shall be resolved by reference to the Oneida County Real Property Tax Office.

Section 7. Penalties.

Any person, firm, corporation or other entity that shall establish, place, construct, erect or in any way to site or locate any Wind Power Facility (other than a Residential Wind Power Facility) within the Town in violation of the provisions of this Local Law or shall otherwise violate the provisions of this Local Law shall be subject to:

A. In addition to any penalties proscribed by State Law, any person, corporation or entity who violates any provisions of this local law shall be liable to a civil penalty of not more than \$1,000.00 for each day on part thereof during which such violation continues. The civil penalties provided by this subdivision shall be recoverable in an action instituted in the name of the Town.

B. Injunctive relief in favor of the Town to cease any and all such actions which conflict with this Local Law and, if necessary, to remove any construction that may have taken place in violation of this Local Law. The cost of such removal, including attorneys fees incurred by the violator located within the Town and shall be collected in the same manner and at the same time as other Town charges.

Section 10. Effective Date.

This Local Law shall take effect immediately upon filing in the Office of the New York Secretary of State in accordance with the Municipal Home Rule Law.