

# 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 Marshall, Oneida County New York

Local Law No. 3 of the year 20 22

A local law Establishing a Moratorium on the Creation of New Commercial Wind Farms  
(Insert Title)

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

County  City  Town  Village  
(Select one:)

of Marshall as follows:

SEE ATTACHED LOCAL LAW

(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. 3 of 2022 of the (County)(City)(Town)(Village) of Marshall was duly passed by the Town Board on June 14 20 22, 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 (Name of Legislative Body) on \_\_\_\_\_ 20 \_\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the (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 (Name of Legislative Body) on \_\_\_\_\_ 20 \_\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the (Elective Chief Executive Officer\*) 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.

**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 (Name of Legislative Body) on \_\_\_\_\_ 20 \_\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the (Elective Chief Executive Officer\*) 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.

*Mary A. Sleut, Town Clerk*

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

(Seal)

Date: 8/4/22

## LOCAL LAW # 3 OF 2022

### A LOCAL LAW ESTABLISHING A MORATORIUM ON THE CREATION OF NEW COMMERCIAL FARMS IN THE TOWN OF MARSHALL

#### BE IT ENACTED BY THE MARSHALL TOWN BOARD AS FOLLOWS:

1. **Title and Authority-** This Local Law shall be known as the Town of Marshall Wind Farm Moratorium Law. It is adopted pursuant to Municipal Home Rule Law §10.
2. **Purpose- Wind** farms have become increasingly prevalent in Central New York, the Town Board of the Town of Marshall deems it necessary to temporarily restrict the development of new wind farms so that the Town Board and Town Planning Board may consider creating new regulations to encourage appropriate wind farm development. The Town Board determines that this extended period of study will enhance and protect the Town's residential and agricultural land uses.
3. **Definitions-** COMMERCIAL WIND FARM- An area of land or other area used to capture wind energy and convert it to electrical energy to transfer to the public electric grid in order to sell electricity to or receive a credit from a public utility entity, but also may be for on-site use. Wind farm facilities consist of one or more wind turbines and other accessory structure and buildings, substations, electrical infrastructure, transmission lines and other appurtenant structures and facilities. Commercial wind farms shall not include one- or two-family residential installations.
4. **Moratorium-** The Town Board hereby imposes a Moratorium on applying for and/or constructing any new wind farms in the Town of Marshall for a period commencing on the effective date of this Local Law and continuing until October 14, 2022 and further provides that no application for a Building Permit, Variance or Special Use Permit will be accepted for review by the Town Code Enforcement Officer, Town Planning Board or Town Zoning Board of Appeals during this period.

Nothing contained in this Moratorium shall affect a wind farm project for which a Special Use Permit has already been issued. In addition, nothing contained in this Moratorium shall affect wind farms for which an application for Special Use Permit is pending at the time of this Moratorium. In such case, nothing contained in this Moratorium shall prevent 1) the Planning Board from reviewing and taking action on such Application, 2) the Applicant from seeking and obtaining any necessary variances or building permits, and 3) project construction and operation.

5. **Variances-** The Town Board shall have the power, after a public hearing, to vary or modify the application of any provision of the Local Law upon its determination that strict application of this Local Law would impose practical difficulties or extraordinary hardships upon an applicant and that the variance granted would not adversely affect the

health, safety or welfare of the citizens of the Town or significantly conflict with the general purposes and intent of this Local Law.

6. **Extensions-** This Moratorium may be extended for such additional periods as the Town Board may determine to be necessary to protect the public health, safety, and welfare of the citizens of the Town and accomplish the stated purposes and intent of this Local Law.
7. **Termination-** This Moratorium may be terminated earlier than October 14, 2022 upon enactment of local legislation regulating development of New Solar Farms within the Town.
8. **Severability-** The inability of any clause, sentence, paragraph or provision of the Local Law shall not invalidate any other clause, sentence, paragraph or part thereof.
9. **Repealer-** All Local Laws or Ordinances or parts of Local Laws or Ordinances in conflict with any part of this Local Law are hereby repealed.
10. **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.