

Local Law Filing

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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 Warwick

Introductory Local Law No. 4 of the year 2023

A LOCAL LAW ENTITLED “A LOCAL LAW ESTABLISHING A SIX-MONTH MORATORIUM PROHIBITING THE REVIEW AND APPROVAL OF CLEAN RENEWABLE ENERGY TECHNOLOGY BUSINESSES DEVOTED TO RESEARCH, EDUCATION, DISTRIBUTION OR APPLICATION OF TECHNOLOGICAL INNOVATION IN ALTERNATIVE ENERGY USES IN THE TOWN OF WARWICK”

Be it enacted by the Town Board of the Town of Warwick as follows:

See attached.

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

TOWN OF WARWICK

INTRODUCTORY LOCAL LAW NO. 4 OF 2023

A LOCAL LAW ESTABLISHING A SIX-MONTH MORATORIUM PROHIBITING THE REVIEW AND APPROVAL OF CLEAN RENEWABLE ENERGY TECHNOLOGY BUSINESSES DEVOTED TO RESEARCH, EDUCATION, DISTRIBUTION OR APPLICATION OF TECHNOLOGICAL INNOVATION IN ALTERNATIVE ENERGY USES IN THE TOWN OF WARWICK

Be it enacted by the Town Board of the Town of Warwick, County of Orange, State of New York as follows:

Section 1. Title.

This Local Law shall be referred to as “A LOCAL LAW ESTABLISHING A SIX-MONTH MORATORIUM PROHIBITING THE REVIEW AND APPROVAL OF CLEAN RENEWABLE ENERGY TECHNOLOGY BUSINESSES DEVOTED TO RESEARCH, EDUCATION, DISTRIBUTION OR APPLICATION OF TECHNOLOGICAL INNOVATION IN ALTERNATIVE ENERGY USES IN THE TOWN OF WARWICK”.

Section 2. Definitions.

“Code” means the "Code of the Town of Warwick".

“Town” means the Town of Warwick.

“Town Board” means the Town Board of the Town of Warwick.

“Town Clerk” means the Town Clerk of the Town of Warwick.

“Clean Energy Business” means Business Use No. 53 set forth in 164 Attachment 1, § 164-40M, Table of Use Requirements of the Zoning Law of the Town of Warwick.

Section 3. Legislative Findings, Purpose and Intent.

The Town Board has determined that the Clean Energy Business regulations as written in the Zoning Law lack the specificity sufficient to oversee the approval and operation of such uses, including but not limited to Battery Energy Storage, so as to protect the public health, safety and welfare, and as certain revisions to the Zoning Law may be required to afford such protections.

Pursuant to the statutory powers vested in the Town to protect the health, safety and welfare of its residents, the Town Board of the Town of Warwick hereby declares a six-month moratorium on the submission, processing and/or approval of any applications of Clean Energy Business use, including but not limited to the placement of any Battery Energy Storage, pursuant to applicable provisions of the Zoning Law pending the Town Board’s completion and

adoption of certain amendments to the Zoning Law that through their review are found to be necessary to better implement the purpose and intent of said law.

Section 4. **Scope of Controls**

During the effective period of this Local Law, no applications or approvals for the establishment of Clean Energy Businesses shall be accepted or processed by any Departments of the Town, and no approvals for such use shall be issued by any department or Board of the Town as provided for in the Zoning Law.

Section 5. **Term.**

The moratorium imposed by this Local Law shall be in effect for six (6) months from the effective date of this Local Law.

Section 7. **Penalties.**

Any person, firm or entity that operates a Clean Energy Business without required approvals shall otherwise violate any of the provisions of this Local Law shall be subject to:

- A. Such penalties as may otherwise be provided by applicable local laws, ordinances, rules, regulations of the Town for violations; and
- B. A fine not to exceed \$500.00 per day from the date that any action is taken in contravention of this local law, together with any other civil remedies available at law; and
- C. 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 such uses that may have taken place in violation of this Local Law.

Any application accepted or approval granted in violation of this Local Law shall be null and void.

Section 9. **Severability.**

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Town Board of the Town of Warwick hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

Section 10. **Repeal.**

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

Section 11. Effective Date.

This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.