

LOCAL LAW NO. __ OF THE YEAR 2026

A LOCAL LAW ESTABLISHING A TEMPORARY MORATORIUM ON TIER 3 SOLAR ENERGY SYSTEMS WITHIN THE TOWN OF RUSH

BE IT ENACTED by the Town Board of the Town of Rush, Monroe County, State of New York, as follows:

Section 1. Title. This Local Law shall be known as the “Moratorium on Tier 3 Solar Energy Systems within the Town of Rush.”

Section 2. Statutory Authority; Purpose and Intent. This Local Law is adopted pursuant to the authority granted to the Town Board under the New York State Constitution, the Municipal Home Rule Law, the Town Law, and the general police power of the Town to protect the health, safety, and welfare of its residents. The purpose of this moratorium is to preserve the status quo while the Town reviews the adequacy of the existing Solar Energy System Law (Section 120-74 of the Rush Town Zoning Law) and considers possible changes thereto. The Town Board finds that a temporary halt on Tier 3 Solar Energy Systems is necessary and advisable to allow sufficient time for this review without undermining the Town’s land use planning objectives.

Section 3. Definition. For purposes of this Local Law, “Tier 3 Solar Energy System” shall have the meaning set forth in Section 120-74(c) of the Rush Town Zoning Law.

Section 4. Temporary Moratorium and Prohibition.

A. For a period of six (6) months following the effective date of this Local Law, no application for any permit, zoning permit, special permit, zoning variance, building permit, operating permit, site plan approval, subdivision approval, certificate of occupancy, certificate of compliance, or any other Town-level approval of any nature shall be accepted, processed, entertained, approved, or issued by any board, employee, official, or agent of the Town of Rush for the construction, establishment, expansion, or operation of any Tier 3 Solar Energy System within the Town of Rush.

B. No person, entity, or business shall construct, establish, expand, or operate any Tier 3 Solar Energy System within the Town of Rush during the term of this moratorium.

C. This moratorium shall apply to all real property within the Town of Rush and to all new applications as well as any applications that may be pending as of the effective date of this Local Law.

Section 5. Exceptions. Notwithstanding the provisions of Section 4, the moratorium established by this Local Law shall not apply to any Tier 3 Solar Energy System that, prior to the effective date of this Local Law:

A. Has already received a Siting Permit from the New York State Office of Renewable Energy Siting and Electric Transmission; or

B. Has received all approvals required by Section 120-74(H)(1) of the Rush Town Zoning Law (specifically, a special permit and site plan approval).

Section 6. No Waivers or Variances. Waivers and variances from the provisions of this moratorium shall not be allowed. No application for a waiver or variance from the terms of this moratorium may be submitted, considered, or granted by the Town or any of its boards, officials, or agents.

Section 7. Extension. The Town Board may, by resolution, extend this moratorium for one additional period of up to six (6) months upon a finding that such extension is necessary to complete the review described in Section 2.

Section 8. Termination - This moratorium may be terminated earlier than its expiration date (or any extension thereof) upon the later of the following:

A. The Town Board's adoption of a resolution that expressly declares the review described in Section 2 to be complete; or

B. The effective date of any local law amending or replacing Section 120-74 of the Rush Town Zoning Law.

If the Town Board completes the review and determines that no amendments to Section 120-74 are necessary, the moratorium shall terminate upon adoption of the resolution expressly declaring the review complete.

Section 9. Supersession. This Local Law expressly supersedes any provisions of the Town Code of the Town of Rush (including but not limited to Section 120-74 of the Zoning Law) and sections 267, 267-a, 267-b, 267-c, 274-a, 274-b and 276 of the Town Law of the State of New York that are inconsistent with this Local Law.

Section 10. Severability. If any provision of this Local Law is declared unconstitutional or invalid by a court of competent jurisdiction, such declaration shall not affect the validity of any other provision of this Local Law.

Section 11. Effective Date. This Local Law shall take effect immediately upon filing in the office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

