

# TOWN OF LYME

## LOCAL LAW # \_\_\_ of 2024

### **Establishing a Townwide Twelve (12) Month Moratorium for all Solar Energy Systems and/or Battery Energy Storage Systems**

#### ARTICLE 1 INTENT

Due to clean energy desires and technological changes there is an increased possibility of development of Renewable Energy Facilities within the Town of Lyme. The potential for such development within the Town is not fully addressed by the current zoning laws. The Town Board, in order to consider, formulate, and potentially amend both the Town of Lyme Zoning Law, and/or uses authorized within the Town and to safeguard the public health, safety and general welfare of its population, determines it to be reasonably necessary to provide a Moratorium for twelve (12) months to perform a review of the same.

#### ARTICLE 2 DEFINITIONS

**BATTERY ENERGY STORAGE SYSTEMS** - One or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time, not to include a stand-alone twelve-volt car battery or an electric motor vehicle. A battery energy storage system is classified as a small, medium, or large battery energy storage system as follows:

- (1) Small battery energy storage systems have an aggregate energy capacity less than or equal to 200 kWh and, if in a room or enclosed area, consist of only a single energy storage system technology.
- (2) Medium battery energy storage systems have an aggregate energy capacity greater than 201 kWh to 600 kWh or are comprised of more than one storage battery technology in a room or enclosed area.
- (3) Large battery energy storage systems have an aggregate energy capacity greater than 600 kWh or are comprised of more than one storage battery technology in a room or enclosed area.

**PERMIT/APPROVAL** - No solar energy system or battery energy storage system shall be constructed, reconstructed, modified or operated in the Town of Lyme, except in compliance with the Zoning Law.

**SOLAR ENERGY SYSTEM** – An electrical energy facility composed of a combination of both solar panels and solar energy equipment.

ARTICLE 3 APPLICATION

This Local Law shall apply to all areas within the Town of Lyme.

ARTICLE 4 DURATION

This law shall be in effect for a period of twelve (12) months from the effective date of this Local Law. This Local Law may sooner expire upon resolution by the Town Board.

ARTICLE 5 PROHIBITIONS

Neither the Town of Lyme Zoning Enforcement Officer, nor the Zoning Board of Appeals, nor the Town of Lyme Planning Board shall process, review, render any determination, nor grant any variance, or any approval, in respect to any Solar Energy Systems and/or Battery Energy Storage Systems within the Town during the duration of this Moratorium. No person shall construct a new Solar Energy System and/or Battery Storage System activity anywhere within the Town during the duration of this Moratorium unless municipal approval was granted in advance of the effective date of this local law.

ARTICLE 6 ENFORCEMENT

This Local Law shall be enforced by the Town of Lyme Zoning Enforcement Officer.

ARTICLE 7 VIOLATIONS

Any person violating any provision of this Local Law shall be guilty of an offense, and upon conviction thereof be punishable by a fine not to exceed Two Hundred Fifty Dollars (\$250). Each week's continued violation after notice shall constitute a separate and additional violation.

In addition, the Town may seek injunctive relief in a court of competent jurisdiction to prohibit/stop such activities.

ARTICLE 8 SEVERABILITY

Should any portion of this Local Law be declared invalid, such decision shall not affect the validity of the remaining portions of this Local Law.

ARTICLE 9 EFFECTIVE DATE

This Local Law shall become effective after filing in the Office of the NYS Secretary of State.