

Appendix 24-2

Towns of Lyme and Brownville Solar Energy Related Laws

DRAFT SOLAR LAW 10/8/2019

Town of Lyme Draft Solar Law 10-2-2019

A LOCAL LAW # ___ FOR THE YEAR _____
AMENDING THE ZONING ORDINANCE OF THE TOWN OF LYME, NEW YORK
TO REGULATE SOLAR ENERGY SYSTEMS

NOW THEREFORE, be it enacted by the Town Board of the Town of Lyme as follows:

Article II, Section 210 of the Town of Lyme Zoning Ordinance is hereby amended to include the following definitions:

BUILDING INTEGRATED PHOTOVOLTAIC SYSTEM: *(replace existing definition with this)* A combination of photovoltaic building components integrated into any building envelope system such as vertical facades including glass and other façade material, semitransparent skylight systems, roofing materials, and shading over windows.

GROUND-MOUNTED SOLAR ENERGY SYSTEM (ON-SITE): A solar panel system that is anchored to the ground and attached to a pole or other mounting system, detached from any other structure for the primary purpose of producing electricity for onsite consumption.

LARGE-SCALE SOLAR ENERGY SYSTEM: A Solar Energy System that is ground-mounted and produces energy primarily for the purpose of off-site sale or consumption. This includes a Community Distributed Solar Energy System.

LOT COVERAGE, SOLAR ENERGY SYSTEM: The area measured from the outer edge(s) of ground-mounted arrays, inverters, batteries, storage cells and all other mechanical equipment used to create solar energy, exclusive of fencing and roadways.

ROOF-MOUNTED SOLAR ENERGY SYSTEM: A solar panel system located on the roof of any legally permitted building or structure for the purpose of producing electricity.

SOLAR ENERGY EQUIPMENT: Electrical energy storage devices, material, hardware, inverters, or other electrical equipment and conduit of photovoltaic devices associated with the production of electrical energy.

SOLAR ENERGY SYSTEM: An electrical generating system composed of a combination of both Solar Panels and Solar Energy Equipment.

SOLAR PANEL: A Photovoltaic device capable of collecting and converting solar energy into electrical energy.

Article II, Section 210 of the Town of Lyme Zoning Ordinance is hereby amended to delete the following definitions:

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Photovoltaic (PV) Systems, Solar Access Area, Solar Array, Solar Collector, Solar Easement, Solar Energy System and Solar Thermal Systems.

Article IV, Section 405 of the Town of Lyme Zoning Ordinance is hereby amended as follows:

- B.12 change to Roof –Mounted Solar Energy Systems (SES)
- B.13 delete Solar Energy System (SEC)
- B.14 add Ground-Mounted Solar Energy System (On-Site)
- C.27 replace with Large-Scale Solar Energy System (SES)
- C.28 Delete
- C.29 renumber to C.28

Article IV, Section 410 of the Town of Lyme Zoning Ordinance is hereby amended as follows:

- B.9 change to Building Integrated Photovoltaic System
- B.10 change to Roof-Mounted Solar Energy Systems (SES)
- B11. Add Ground-Mounted Solar Energy System (On-Site)
- C.12 delete

Article IV, Section 412 of the Town of Lyme Zoning Ordinance, Use Schedule is hereby amended as follows:

- Solar Energy System (SES), Building Integrated Photovoltaic BIPV) (delete)
- Solar Energy System (SES), Commercial (delete)
- Solar Energy System, Ground Mounted/ Free Standing (delete)
- Solar Energy System (SES) Rooftop/ Building Mounted (delete)
- Roof-Mounted Solar Energy System: Zoning Permit in both WF and AR Districts (add)
- Ground-Mounted Solar Energy System (On-Site): Zoning Permit in both WF and AR Districts (add)
- Large -Scale Solar Energy Systems Solar Energy Systems: Not Permitted in WF District, Special Permit in AR District (add)

Section 775 in Article VII of the Zoning ordinance of the Town of Lyme shall be edited as follows:

- Replace title with Renewable Energy Systems - Biomass Energy Systems and Small Wind Energy Conversion
- A.2. Replace ZBA with Planning Board in the second sentence regarding pre-meetings.
- D. delete paragraphs D.1-D5
- E. renumber paragraphs E and F to D and E

Be it further enacted that Section 776 Solar Energy Systems (SES) is to be added to the Zoning Ordinance

- A. **PURPOSE:** The purpose of these Solar Energy regulation are to advance and protect the public health, safety, and welfare of the Town of Lyme including:

1. Taking advantage of a safe, abundant, renewable, and non-polluting energy resource;

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2. Decreasing the cost of energy to the owners of commercial and residential properties, including single-family houses; and
3. Increasing employment and business development in the region by furthering the installation of Solar Energy Systems.

B. APPLICABILITY

The requirements of this law shall apply to all Solar Energy Systems installed or modified after its effective date, excluding general maintenance and repair and Building-Integrated Photovoltaic Systems.

C. ROOF-MOUNTED SOLAR ENERGY SYSTEMS

1. Zoning Permit. Roof-Mounted Solar Energy Systems that use the electricity onsite or offsite are permitted as an accessory use when attached to any lawfully permitted building or structure. A valid Zoning Permit shall be obtained through the Town of Lyme Zoning Enforcement Officer, prior to installation.
2. Height. Roof-Mounted Solar Energy Systems shall not exceed the maximum height restrictions of the zoning district within which they are located and are provided the same height exemptions granted to building-mounted mechanical devices or equipment.
3. Aesthetics. Roof-Mounted Solar Energy System installations shall incorporate, when feasible, the following design requirements:
 - a. Panels facing the front yard must be mounted at the same angle as the roof's surface with a maximum distance of eighteen inches (18") between the roof and highest edge of the system.
 - b. Roof mounted structures shall be color-coordinated to harmonize with roof material and other dominant colors of the structure.
 - c. All solar collectors shall be installed so as to prevent any glare and heat that is perceptible beyond applicant property's lot lines.
4. Roof-Mounted Solar Energy Systems that increase the overall height of the structure by more than eighteen (18) inches, shall require a Special Use Permit by the Planning Board.

D. GROUND-MOUNTED SOLAR ENERGY SYSTEMS (ON-SITE)

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1. Zoning Permit. Ground-Mounted Solar Energy Systems that use the electricity onsite are permitted as accessory structures. A valid Zoning Permit shall be obtained through the Town of Lyme Zoning Enforcement Officer, prior to installation.
2. Height and Setback. Ground-Mounted Solar Energy Systems shall not exceed sixteen (16) feet in height when oriented at maximum tilt. Ground-mounted solar arrays shall meet the required setbacks for accessory structures. All solar collectors must be located in compliance with NYS Department of Environmental Conservation (DEC) and Federal Flood Plain regulations and specifications as they pertain to waterways, waterbodies, and designated wetlands.
3. Glare. All solar collectors shall be installed so as to prevent any glare and heat that is perceptible beyond subject property's lot lines. Particular attention shall be paid to panel orientation with regard to airport runway locations, and airplane flyover/approach patterns to minimize potential glare impacts on pilots.

E. LARGE SCALE SOLAR ENERGY SYSTEMS

1. Large-Scale Solar Energy Systems are permitted within the AR Zoning District through the issuance of a Special Use Permit subject to the requirements set forth in this Section. Applications for the installation of a Large-Scale Solar Energy System shall be reviewed by the Enforcement Officer and referred to the Planning Board for its review and action, which can include approval, approval on conditions, and disapproval.
 - a. All Large-Scale Solar Energy Systems shall be designed by a NYS licensed architect or licensed engineer and installed in conformance with the applicable International Building Code, International Fire Prevention Code and National Fire Protection Association (NFPA) 70 Standards.
 - b. All solar collectors must be located in compliance with DEC and Federal Flood Plain regulations and specifications as they pertain to waterways, waterbodies, and designated wetlands.
2. Application requirements for Large-Scale Solar Energy Systems. The following items are required as well as those required in Section 515.
 - a. If the property of the proposed project is to be leased, legal consent between all parties, specifying the use(s) of the land for the duration of the project, including easements and other agreements, shall be submitted.
 - b. Plans showing the layout of the Solar Energy System signed by a Professional Engineer or Registered Architect shall be required.

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- c. The equipment specification sheets shall be documented and submitted for all photovoltaic panels, significant components, mounting systems, and inverters that are to be installed.
- d. Property Operation and Maintenance Plan. Such plan shall describe continuing photovoltaic maintenance and property upkeep, such as mowing and trimming.
- e. Glint and Glare Report is required to determine potential impacts to the Watertown International Airport and Wheeler-Sack Army Airfield.
- f. Fort Drum. The applicant shall notify the Fort Drum Plans, Analysis, and Integration Office as soon as possible to determine potential impacts on Fort Drum airfield and training activities. The applicant must provide a letter from Fort Drum with comments.
- g. Watertown International Airport. The applicant shall notify the Airport Manager as soon as possible to determine potential impacts on the airport. The applicant must provide a letter from the Manager with comments.
- h. Decommissioning Plan. To ensure the proper removal of Large-Scale Solar Energy Systems, a Decommissioning Plan shall be submitted as part of the application. Compliance with this plan shall be made a condition of the issuance of a Special use permit under this Section. The Decommissioning Plan must specify that after the Large-Scale Solar Energy System can no longer be used, the applicant or any subsequent owner shall remove it. The plan shall demonstrate how the removal of all infrastructure and the remediation of soil and vegetation shall be conducted to return the parcel to its original state prior to construction. The plan shall also include an expected timeline for execution. A cost estimate detailing the projected cost of executing the Decommissioning Plan shall be prepared by a Professional Engineer or Contractor. Cost estimations shall take into account inflation. Removal of Large-Scale Solar Energy Systems must be completed in accordance with the Decommissioning Plan. If the Large-Scale Solar Energy System is not decommissioned after being considered abandoned, the municipality may remove the system and restore the property and make a claim against the bond to cover these costs to the municipality.
- i. Sureties/Bond. The applicant shall be required to provide sureties, as set forth, for the removal of the large scale solar energy system. Pursuant to the execution of the decommissioning plan, the applicant shall provide the Town with a bond in an amount determined by the Planning Board, but in no case less than 100% of the component/material cost (adjusted 3% per year for inflation, 20 years into the future after installation) to cover the expense of removal of the system and remediation of the landscape, in the event the Town must remove the facility. The bond shall be in a form acceptable to the Town Attorney, which includes but are not limited to a letter of credit, perpetual bond, or any combination thereof. The amount shall be reviewed every three years, by the Planning Board and shall be adjusted if deemed necessary. If the bond is

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deemed to be adjusted, the applicant shall have 90 days from notice to provide an adjustment bond.

3. Review Standards for Large-Scale Solar Systems.

- a. Height and Setback. Large-Scale Solar Energy Systems shall not exceed sixteen (16) feet in height when oriented at maximum tilt. Any structure and equipment shall comply with all the minimum setbacks for principal structures established in the Town of Lyme Zoning Ordinance except that Large Scale Solar Energy System's structures and equipment shall be located at least 60 feet from any non-participating adjoining property line. Contiguous side and rear yard setbacks can be reduced to zero feet where participating parcels adjoin one another.
- b. Prime soils, prime if drained, and soils of statewide importance that are in agricultural production are a valuable and finite resource. Proposed Large-Scale & Community Distributed solar systems shall minimize the displacement of prime soils that are in agricultural production. The site plan shall depict the location and extent of prime soils, prime soils if drained, soils of statewide importance, and indicate whether the parcel(s) is/are receiving an agricultural valuation. The site plan shall also depict the location and extent of current agricultural uses on the land (e. g rotational crops, hay land, unimproved pasture, support lands, and fallow lands) the location of diversions and ditches, and areas where tile drainage has been installed.
- c. Roadways within the site shall be built along field edges and along elevation contours where practical, constructed at grade and have a minimum width that complies with the National Electric Code. Roadways shall not be constructed of impervious materials and shall be designed to minimize the extent of roadways constructed and soil compaction.
- d. Structures for overhead collection lines are to be located upon the nonagricultural areas and along field edges where possible. Electric interconnect cables and transmission lines are to be buried in agricultural fields wherever practical. Interconnect cables and transmission lines installed aboveground shall be located outside agricultural field boundaries. When above-ground cables and transmission lines must cross agricultural fields, taller structures that provide longer spanning distances and locate poles on field edges to the greatest extent practicable. All buried electric cables in cropland, hayland, and improved pasture shall have a minimum depth of 48 inches of cover. At no time is the depth of cover to be less than 24 inches below the soil surface.
- e. Fences. All Large-Scale Solar Energy Systems shall be enclosed by fencing to prevent unauthorized access. The type and height of fencing shall be determined by the Planning Board. Fences that enclose Large Scale Solar Energy Systems can exceed 4 feet within any required yard if reviewed and approved by the Planning Board as part of the Special Use Permit process; however, fencing shall not exceed ten feet in height. The Planning Board

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may require additional screening of the fencing and/or system via additional landscaping to avoid adverse aesthetic impacts.

- f. **Perimeter Screening.** All Large-Scale Solar Energy Systems shall have the least visual effect practical, as determined by the Planning Board. Based on site specific conditions, including topography, adjacent structures, and roadways, reasonable efforts shall be made to minimize visual impacts by preserving natural vegetation, and providing landscape screening to abutting residential properties, public roads, and from public sites known to include important views or vistas, but screening should minimize the shading of solar collectors. No more than seventy five (75) percent of the existing perimeter screening (within the 60 foot setbacks), including existing brush, trees, and vegetation may be removed in order to accommodate a solar farm unless newly proposed screening acceptable to the Planning Board is proposed and approved as part of the Special Use Permit. On sites without existing screening, new screening must be proposed, approved by the Planning Board and installed to screen the solar field as well as all appurtenant structures such as inverters, batteries, equipment shelters, storage facilities, transformers, and fencing.
- g. **Signage.** Warning signs with the owner's contact information shall be placed on the entrance and perimeter of the fencing. Solar equipment shall not be used for displaying any advertising. All signs, flags, streamers or similar items, both temporary and permanent, are prohibited on solar equipment except: (a) manufacturer's or installer's identification; (b) appropriate warning signs and placards; (c) signs that may be required by a federal agency; and (d) signs that provide a 24-hours emergency contact phone number and warn of any danger.
- h. **Glare.** Solar panels shall be placed and arranged such that reflected solar radiation or glare shall not be directed onto adjacent buildings, properties, or roadways. Exterior surfaces of all collectors and related equipment shall have a non-reflective finish. Particular attention shall be paid to panel orientation with regard to airport runway locations, and airplane flyover/approach patterns to minimize potential glare impacts on pilots based on the Glint and Glare Study.
- i. **Noise.** Noise producing equipment such as substations and inverters shall be located to minimize noise impacts on adjacent properties. Their setback from property lines should achieve no discernable difference from existing noise levels at the property line.
- j. **Access and parking.** A road and parking will be provided to assure adequate emergency and service access. Maximum use of existing roads, public or private, shall be made.
- k. **Safety.** The owner/operator shall provide evidence that a copy of the site plan application has been submitted to the Fire Chief of the appropriate fire department. All means of shutting down the photovoltaic solar energy system shall be clearly marked on the site plan and building permit applications.

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- I. Any application under the Section shall meet any substantive provisions contained in the special use permit requirements in the zoning ordinance that, in the judgment of the Planning Board, are applicable to the system being proposed. If none of the special use permit requirements are applicable, the Planning Board may waive the requirement for Special Use permit.

 - m. The Planning Board may impose conditions on its approval of any Special use permit under this Section in order to enforce the standards referred to in this Section or in order to discharge its obligations under the State Environmental Quality Review Act (SEQRA).
4. Abandonment and Decommissioning - Solar Energy Systems are considered abandoned after twelve (12) months without electrical energy generation and must be removed from the property. Applications for extensions are reviewed by the Planning Board for a period of six months. The site shall be restored to as natural a condition as possible within one (1) year of removal.

F. Solar Rights

1. Pursuant to Chapter 263 of New York Town Law, all parcels within the Town of Lyme shall be permitted to enjoy access to direct sunlight.

2. No structure shall be constructed or vegetation installed that limits direct solar access greater than 50 percent of the ground surface of adjoining lots to less than six hours (per day) on any day of the year.

BE IT FURTHER RESOLVED THAT, this local law shall supersede all prior inconsistent local laws, ordinances or regulations.

BE IT FURTHER RESOLVED THAT, this local law shall take effect immediately upon filing with the Secretary of State of the State of New York.

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.

FILED
STATE RECORDS

Town of Brownville

AUG 10 2018

Local Law No. 1 of the year 2018

DEPARTMENT OF STATE

A local law to promote the safe, effective and efficient use of solar photovoltaic energy systems

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

Article 1. - Statement of Authority. The Town Board of the Town of Brownville, pursuant to the authority granted it under Article 16 of the Town Law and Sections 10 and 20 of the Municipal Home Rule Law, hereby enacts as follows:

Article 2. - Statement of Purpose and Findings. The Town Board of the Town of Brownville The Town of Brownville, through this section, seeks to promote the safe, effective and efficient use of solar photovoltaic energy systems that reduce on-site and off-site consumption of utility-supplied energy while protecting the health, safety and welfare adjacent and surrounding land uses and properties. The Town of Brownville recognizes that solar energy is an abundant, renewable, nonpolluting energy resource and that its conversion to electric energy will reduce our dependence on nonrenewable energy resources and decrease the air and water pollution that results from the use of conventional energy sources. It is therefore the intent and purpose of this section to balance the encouragement of this renewable resource with any impacts such use may have on health, welfare and safety to the community and preserving and protecting the aesthetic qualities of the Town of Brownville.

Article 3. - Enactment. The Town Board of the Town of Brownville hereby amends Article 165 of the Town Code as follows:

A) Section 165-8 is hereby amended to add the following definitions:

- Array-Any number of electrically connected photovoltaic (PV) modules providing a single electrical output.
- Ground-Mounted System (GMS)- A solar photovoltaic energy system mounted on a structure, pole, or series of poles constructed specifically to support the solar photovoltaic energy system and not attached to any other structure.
- Interconnection- The technical and practical link between the solar photovoltaic energy

systems and the grid providing electricity to the greater community.

- Kilowatt (KW)- A unit of electrical power equal to 1,000 watts, which is a metric measurement of instantaneous power (not energy)
- Large Solar Photovoltaic Energy System- (LSES)- A solar photovoltaic energy system with a rated capacity larger than 35kW. An LSES is considered an accessory use of the property, if the principal purpose is (i) to provide electrical power to be consumed onsite and for sale to the general power grid or (ii) to provide electrical power to be consumed onsite and to be sold to other power customers through a power purchase agreement. An LSES is not considered an accessory use if the principal purpose is to provide electrical power for offsite consumption.
- Megawatt (MW)- A unit of electrical power equal to 1,000,000 watts, which is a metric measurement of instantaneous power (not energy).
- Net Metering Agreement- An agreement with a local electric utility company that allows customers to receive a credit at same rate they are charged for surplus electricity generated by certain renewable energy systems.
- Photovoltaic (PV)- A semiconductor-based device that converts light directly into electricity.
- Qualified Solar Installer- A person who has skills and knowledge related to the construction and operation of solar electrical equipment and installations and has received safety training on the hazards involved. Persons who are on the list of eligible photovoltaic installers maintained by the New York State Energy Research and Development Authority (NYSERDA), or who are certified as a solar installer by the North American Board of Certified Energy Practitioners (NABCEP), shall be deemed to be qualified solar installers for the purposes of this definition. Persons who are not on NYSEDA's list of eligible installers or NABCEP's list of certified installers may be deemed to be qualified solar installers if the Town of Brownville determines such persons have had adequate training to determine the degree and extent of the hazard and the personal protective equipment and job planning necessary to perform the installation safely. Such training shall include, but not be limited to, the proper use of special precautionary techniques and personal protective equipment, as well as the skills and techniques necessary to distinguish exposed energized parts from other parts of electrical equipment and to determine the nominal voltage of exposed live parts.
- Rated Solar Energy System Capacity- Aggregate sum of the AC kW ratings of all of the inverters in the system.
- Solar Photovoltaic (PV) Related Equipment- Various items related to photovoltaic installations, including solar photovoltaic cells, modules, panels or arrays, cables, inverters, panelboards, disconnect switches, mounting brackets, framing and

- foundations used for or intended to be used for collection of solar photovoltaic energy.
- Solar Photovoltaic Energy System (PVS)- A power generation system that utilizes cells that convert solar radiation directly to piezoelectric power.
 - o PVSs do not include inverterless systems with photovoltaic modules that cover less than six square feet in area (such systems may be furnished with solar-powered lights, for example, or other small solar-powered devices). This does not apply to noninterconnected systems under 100w.
 - Solar Tracking System- A PVS that is mounted in a way to track the movement of the sun across the sky to maximize energy production, either with a single-axis or dual-axis mechanism.
 - Solar-Based Architectural Element-A structural/architectural Element that provided protection from weather that includes awnings, canopies, porches, or sunshades and that it constructed with the primary covering consisting of solar photovoltaic cells and may, or may not, include additional solar photovoltaic related equipment.

B) §165-15 B(3) is hereby amended to add Large Solar Photovoltaic Energy Systems.

C) §165-16 B(3) is hereby amended to add Large Solar Photovoltaic Energy Systems.

D) §165-17 B(3) is hereby amended to add Large Solar Photovoltaic Energy Systems.

E) A new subdivision to §165-34.7 is added for Large Solar Photovoltaic Energy Systems.

(1)The provision of this section shall override any requirements otherwise applicable to special use in sections 165-15, 165-16, and 165-17.

(2) Large Solar Photovoltaic Energy Systems may be allowed as a second principal use on a lot, or on a lot as the only principal use. The prohibition against two principal uses on a lot shall not apply to the systems.

(3)It is recognized that such projects may encompass more than one property. In the event that any project encompasses more than one property, then setback requirements shall not be required from property lines of a property participating in the project.

- (4) Such systems shall be setback a minimum distance of 100 feet from any roadway or 50 feet from any side or rear line. If the solar panels face the roadway, or side or rear lines, the setback distance shall be doubled.
- (5) The maximum height shall be 20 feet when tilted to full extension.
- (6) Proximity to radio, television and telephone systems. These solar systems shall not be installed in any location where the solar system operation or similar solar systems operations have been demonstrated to interfere with existing fixed broadcast, retransmission, or reception antennae for radio, television or wireless phone, unless such interference can be mitigated.
- (7) View sheds and screening. GMSs shall be installed in a location and position that would minimize visibility from neighboring properties. A screening plan, to be reviewed and accepted by the appropriate Board, shall be required as part of the site plan review or special use permit review. For purposes of this section, consideration shall be given to any relevant portions of the current, amended and/or future officially recognized Town Code. In addition, adequate measures shall be taken to screen through landscaping, grading or other means to reasonably mitigate the view of the solar panels and other equipment of the solar systems from roadways and neighboring residential properties.
- (8) FAA requirements. If the proposed site is near an airport, seaplane base, or established flight zone, such solar system must meet all Federal Aviation Administration requirements.
- (9) Security fence. The Planning Board may consider whether and where security fencing is required.
- (10) Emergency shutdown/safety. The applicant shall post an emergency telephone number so that the appropriate entities may be contacted should any

portion of the solar system need immediate repair or attention. This telephone number should be clearly visible on signs located on the security fence if any, placed periodically around the perimeter.

(11)Lightning protection. All solar systems shall have adequate lightning protection via internal lightning arrestors, surge protectors or adequate grounding.

(12)Utility notification and approval. No solar system shall be constructed until evidence has been given to the Town Board that the utility company that operates the electrical grid where the installation is to be located has been informed of the construction of the solar system and has agreed to an interconnection.

(13)Lighting. No solar system under this provision shall be continually artificially lighted. Lighting shall be limited to lights as needed by solar array personnel while present at the site. Lighting to be arranged and angled to not spill onto adjacent properties.

(14)Access Road. To the greatest extent possible, existing roadways shall be used for access to the site and its improvements. In the case of constructing any roadways necessary to access the solar energy systems, they shall be constructed in a way that allows for the passage of emergency vehicles in the event of an emergency.

(15)Collection and transmission lines shall be buried. The same may be allowed overhead but only under exceptional circumstances with special exception from the Planning Board.

(16)Prior to issuing approval, the applicant shall also submit proof to the Planning Board that it has been in touch with local Fire Departments, shared information with respect to operation and maintenance of the Facilities Safety features and other information important for Fire Protection.

(17)Notice of decommissioning.

- a. The applicant shall also submit to the Town Board (with a copy to the Planning Board) a letter of intent committing the owner, and its successors-in-interest, to notify the Code Officer within 30 days of the discontinuance of the use of the solar system. This letter of intent shall be filed with the Office of Planning and Development prior to the issuance of a building permit.

- b. Should the solar system be nonoperational for a continuous period of six months or greater, the owner shall submit a letter to the Office of Planning and Development indicating when it is expected to resume operations or whether the decommissioning of the site, in accordance with the DRP, shall commence. If the owner plans to continue operations, it shall have up to six months more to begin operations. A further six-month extension may be granted by the Planning Board for good cause shown. If operations do not commence within said six months or any extended period, decommissioning of the site, in accordance with DRP, shall immediately commence.

(18)Decommissioning and removal plan:

- a. The applicant shall submit a decommissioning and removal plan (DRP) to the Planning Board. The DRP shall include specific plans on how the owner plans to remove the obsolete or unused solar panel arrays and accessory structures and return the property to a state acceptable to the Planning Board within a specific time period after the cessation of operations. This plan shall be approved by the Planning Board and prior to the granting of the special use permit.
- b. Failure to conform to the DRP in the time period provided shall be a violation of this section and the cost to complete the plan shall be placed as a lien on the property owner's tax bill.

(19)Reclamation bond. A reclamation bond, for a term and in an amount to be determined during special use permit review, shall be filed with the Town Clerk to cover the costs of reclamation of the site. The amount shall be commensurate with the DRP submitted by the applicant.

Article 4. - Severability. If any part of this Chapter shall be found to be void, voidable, or unenforceable for any reason whatsoever, it shall not affect the validity or enforceability of any remaining section or provision of this Chapter.

Article 5. - Effective Date. This local law shall take effect immediately upon filing with the Secretary of State.

(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. 1 of 2018 of the Town of Brownville was duly passed by the Town Board on August 1, 2018, in accordance with the applicable provisions of law.

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 _____ on _____ 20____, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ and was deemed duly adopted (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 _____ on _____ 20____, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20____ (Elective Chief Executive Officer*)

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 _____ on _____ 20____, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20____. Such local (Elective Chief Executive Officer)

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.

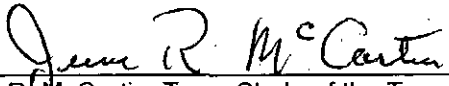
6. (County local law concerning adoption of Charter.)

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 town 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.

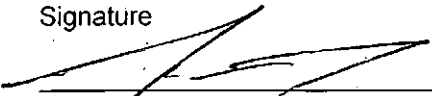
(seal)


June R. McCartin, Town Clerk, of the Town
Of Brownville

Date: August 1, 2018

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Signature

Joseph W Russell, Town Attorney
Town of Brownville

Date: August 1, 2018