

# 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.

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STATE RECORDS  
MAR 25 2021

County  City  Town  Village  
*(Select one.)*

of Warren

DEPARTMENT OF STATE

Local Law No. 1 of the year 2021

A local law the Town of Warren Solar Energy Facilities law  
*(Insert Title)*

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

County  City  Town  Village  
*(Select one.)*

of Warren

as follows:

Be it hereby enacted by the Town Board of the Town of Warren as follows:

## ARTICLE I – INTRODUCTION

### 1. TITLE

This Local Law may be cited as the "Solar Energy Facilities Local Law" of the Town of Warren, New York.

### 2. PURPOSE

The Town Board of the Town of Warren adopts this Solar Energy Facilities Local Law to promote the use of the Town's solar energy resource in a manner which is compatible with the Town's Comprehensive Plan and compatible with the public health, safety, and welfare.

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

### 3. AUTHORITY

The Town Board of the Town of Warren enacts this Solar Energy Facilities Local Law under the authority granted by:

- A. Article IX of the New York State Constitution, § 2(c)(6) and (10).
- B. New York Statute of Local Governments, § 10(1) and (7).
- C. New York Municipal Home Rule Law, § 10(1)(i) and (ii) and §10(1)(a)(6), (11), (12), and (14), § 10(2)(d)(3).
- D. New York Town Law § 130(1) (Building Code), (3) (Electrical Code), (5) (Fire Prevention), (7) (Use of Streets and Highways), (7-a) (Location of Driveways), (11) (Peace, Good Order and Safety), (15) (Promotion of Public Welfare), (15-a) (Excavated Lands), (16) (Unsafe Buildings), (19) (Trespass), and (25) (Building Lines).
- E. New York Town Law § 64(17-a) (Protection of Aesthetic Interests), (23) (General Powers).
- F. New York Real Property Tax Law § 487.
- G. State Environmental Quality Review 6 CRR-NY § 617.14(e).

### 4. FINDINGS

The Town of Warren finds and declares:

- A. Energy from the sun may be harnessed in several important and useful ways for the benefit of the environment and for direct and indirect human uses:
  - i. Solar energy may be converted by agricultural and natural plant growth into chemical energy which may be used for food for humans, domesticated animals or wildlife, or used in biofuels or plant based products.
  - ii. Solar energy may be converted into domestically, agriculturally or industrially useful thermal energy using solar thermal energy collection and distribution systems.
  - iii. Solar energy may be converted into electrical energy using the photovoltaic effect and as such may create electrical power for a myriad of uses.
- B. The principal land use in the Town of Warren is agriculture. The agricultural industry requires land and sunlight to thrive and is thus a principal user of energy from the sun.
- C. The Town of Warren Comprehensive Plan makes note of areas of the Town which contain geography which is particularly suited to agricultural uses.

- D. The Town of Warren notes that the New York State Department of Agriculture and Markets considers SOLAR PANEL systems to be “on-farm” equipment when they are designed, installed, and operated so that the anticipated annual total amounts of electrical energy generated do not exceed the anticipated annual total electrical needs of the farm by more than 110 percent. We further note the Department’s guidance that if a local government classifies solar equipment as structures or buildings, they are deemed on-farm buildings. As on-farm equipment or buildings, the installation of SOLAR PANEL systems are protected under the Agricultural Districts Law.
- E. The Town of Warren seeks to promote the use of solar energy in its various forms in a manner which is consistent with agricultural land uses.
- F. SOLAR ENERGY SYSTEMs mounted on rooftops do not compete with agricultural uses.
- G. To protect productive farmland, the Town of Warren notes with approval the New York State Department of Agriculture and Markets’ guidance that non-farm solar energy projects should be sited on less productive land. (See NYSERDA Fact Sheet “Understanding Solar Installations in Agricultural Districts,” dated 12/16.)
- H. The Town of Warren notes that there is a distinction between farm related solar systems, and solar systems built on agricultural land that primarily serve off-site uses.
- I. SOLAR ENERGY SYSTEMs, when mounted too near a neighboring property may limit solar access for the neighboring property and/or cause annoyance. Thus it is appropriate to establish setbacks between a ground-mounted SOLAR ENERGY SYSTEM and a property line.
- J. An improperly mounted SOLAR PANEL may reflect sunlight at neighboring buildings or along roads such as to create an annoyance and/or driving hazard.
- K. If improperly designed, installed and/or maintained, SOLAR PANELs and associated equipment may create fire, electrocution and other hazards.
- L. If improperly designed, installed and/or maintained, SOLAR PANELs and associated equipment may impair scenic views.
- M. The electrical output of a photovoltaic system typically varies based on its age.
- N. SOLAR ENERGY SYSTEMs have limited useful operational life, typically ranging from 20-25 years for SOLAR PANELs and significantly less for solar energy equipment such as inverters. It is appropriate to provide requirements for decommissioning at the end of a SOLAR ENERGY SYSTEMs useful life.
- O. The State of New York has promulgated a model Unified Residential Solar PV Permit Application for residential solar photovoltaic systems under 25kW in CAPACITY.

Adoption of this model application process for the Town of Warren will allow residents, solar contractors and codes enforcement personnel to gain benefit from the use of a standard application process, training resources, and technical data available from the State of New York.

## 5. DEFINITIONS

**ACCESSORY USE** – A use customarily incidental and subordinate to the principal use or building, located on the same lot or premises as the principal use or building.

**AGRICULTURAL OR FARM OPERATIONS** – Agricultural or Farm Operations are the land and on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise, including a commercial horse boarding operation and “timber processing.” Such farm operation may consist of one or more parcels or owned or rented land, which parcels may be contiguous or noncontiguous to each other.

**APPLICANT** – An Applicant is the individual or business entity that seeks to secure a license under this Local Law.

**BUILDING INTEGRATED PHOTOVOLTAIC SYSTEM** – A combination of photovoltaic building components integrated into any building envelope system such a vertical facades including glass and other facade material, semitransparent skylight systems, roofing materials, and shading over windows.

**CAPACITY** – The total rated peak power output in Kilowatts of all SOLAR PANELS in a project as measured under STANDARD TEST CONDITIONS (STC).

**CODE ENFORCEMENT OFFICER or CEO** – The Code Enforcement Officer appointed by the Town Board of the Town of Warren or such officer authorized to enforce the land use regulations of the Town of Warren.

**EAF** – Full Environmental Assessment Form used in the implementation of the SEQRA as that term is defined in Part 617 of Title 6 of the New York Codes, Rules and Regulations.

**GROUND-MOUNTED SOLAR ENERGY SYSTEM** - A SOLAR ENERGY 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.

**HEIGHT** – The height of the SOLAR ENERGY SYSTEM to its furthest vertical extension above ground level.

**LARGE-SCALE SOLAR ENERGY SYSTEM** – A SOLAR ENERGY SYSTEM that has a peak capacity of greater than 25kW output.

**PROJECT BOUNDARY** – The external property boundaries of parcels owned by or leased by the Solar Energy developers. It is represented on a plot plan view by a continuous line encompassing all SOLAR ENERGY SYSTEMS and SOLAR ENERGY EQUIPMENT associated with the project.

**PROPERTY LINE** – The recognized and mapped property parcel boundary line.

**PROPERTY OWNER** – The owner of a parcel within the Project Boundary.

**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 for onsite or offsite consumption.

**SEQRA** – The New York State Environmental Quality Review Act and its implementing regulations in Title 6 of the New York Codes, Rules and Regulations, Part 617.

**SMALL-SCALE SOLAR ENERGY SYSTEM** – A SOLAR ENERGY SYSTEM that has a DC rated capacity of 25kW or less peak output.

**SITE** – The parcel(s) of land where a SOLAR ENERGY FACILITY is to be placed. The Site can be publicly or privately owned by an individual or a group of individuals controlling single or adjacent properties. Where multiple lots are in joint ownership, the combined lots shall be considered as one for purposes of applying setback requirements. Any property which has a SOLAR ENERGY SYSTEM or has entered into an agreement for said Facility shall be considered a Site.

**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 PERMIT** – A permit issued by the Town of Warren Planning Board for a SOLAR ENERGY SYSTEM pursuant to this Local Law.

**SOLAR ENERGY SYSTEM** – An electrical generating system composed of a combination of both SOLAR PANELS and Solar Energy Equipment.

**SOLAR PANEL** – A device capable of collecting and converting solar energy into electricity.

**STANDARD TEST CONDITIONS (STC)** – Test conditions under which to standardize the testing of SOLAR PANELS consisting of the (1) Cell temperature of 25°C; (2) Solar Irradiance of 1000 Watts per square meter; and (3) Mass of air of 1.5. It is permissible to test under other conditions and normalize the results to STC if supported with adequate analytical justification.

**STRATEGIC VANTAGE POINT** – A vantage point is a location from which to assess the visual impact of a proposed LARGE-SCALE SOLAR ENERGY SYSTEM. A vantage point is considered strategic if the public can be expected to congregate there for educational or civic

purposes; religious observance; enjoyment of historic or cultural resources; or for recreation whereby the enjoyment of the natural environment is a key aspect of the recreational activity. Strategic Vantage Points include both public and private venues. Some examples include: Schools, Golf Courses, Churches, Public buildings, Historically Significant Structures, Parks, Museums and Cemeteries. Additionally, roads and highways are considered Strategic Vantage Points.

TOWN – The Town of Warren.

TOWN BOARD – the legislative body of the Town of Warren.

TOWN DESIGNATED ENGINEER – the duly designated engineer of the Town of Warren or a position assigned with similar duties, as may be required.

## **6. PERMITS REQUIRED**

- A. No SOLAR ENERGY SYSTEM shall be constructed, reconstructed, modified, or operated in the Town of Warren except pursuant to and in compliance with a SOLAR ENERGY SYSTEM PERMIT issued pursuant to this Local Law.
- B. The SOLAR ENERGY SYSTEM PERMIT shall be issued by the Planning Board. Once issued by the Planning Board, the Applicant may apply for a Building Permit from the Town of Warren Building Inspector.
- C. EXEMPTIONS. No permit or other approval shall be required under this Local Law for the following:
  - i. A SOLAR ENERGY SYSTEM which is portable and not connected to the electrical wiring of a building or to the electrical grid.
  - ii. A BUILDING INTEGRATED PHOTOVOLTAIC SYSTEM which is integrated into a building at the time of construction, and for which a Building Permit is applied for and subsequently issued. In this case, no additional SOLAR ENERGY SYSTEM PERMIT is required.
  - iii. The repair of a validly permitted SOLAR ENERGY SYSTEM that does not increase the original CAPACITY of the system.
  - iv. The repair or in-kind replacement of SOLAR ENERGY EQUIPMENT.

## **7. APPLICABILITY**

- A. This Local Law shall apply to all areas of the Town of Warren.
- B. Any SOLAR ENERGY SYSTEM for which a building permit has been properly issued and upon which construction has commenced prior to the effective date of this Local Law, shall not be required to meet the requirements of this Local Law; provided, however, that:

- i. If a SOLAR ENERGY SYSTEM does not provide electrical energy for a continuous period of twelve (12) months, that system will be considered abandoned and will not be grandfathered. If and when such system is put into use and producing energy again, it shall meet the requirements of this Local Law.
  - ii. No modification or alteration to an existing SOLAR ENERGY SYSTEM shall be allowed except for repair or in-kind replacement of SOLAR ENERGY EQUIPMENT without full compliance with this Local Law.
- C. The requirements of this Solar Energy Facilities Local Law shall apply to all SOLAR ENERGY SYSTEMS proposed, operated, modified, or constructed in the Town of Warren after the effective date of this Local Law.

## **ARTICLE II – SMALL SOLAR ENERGY SYSTEMS**

### **8. PURPOSE AND INTENT**

The purpose of this Article is to provide standards and requirements for SOLAR ENERGY SYSTEMS not exceeding 25kW of peak CAPACITY and to protect the public health, safety, aesthetic resources, and community welfare.

### **9. PERMITTED AREAS**

A SOLAR ENERGY SYSTEM meeting the requirements of this Article may be installed on any parcel which is of sufficient size to meet the requirements of this Article.

### **10. DEVELOPMENT STANDARDS**

A. SOLAR ENERGY SYSTEMS and SOLAR ENERGY EQUIPMENT shall be installed in accordance with the New York State Uniform Fire Prevention and Building Code.

#### **B. ROOF-MOUNTED SOLAR ENERGY SYSTEMS**

- i. ROOF-MOUNTED SOLAR ENERGY SYSTEMS that use the electricity onsite or offsite are permitted in all areas of the Town of Warren when attached to any lawfully permitted building or structure.
- ii. 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 18 inches between the roof and highest edge of the system.

C. GROUND-MOUNTED SOLAR ENERGY SYSTEMS shall meet the following requirements:

- i. Maximum Height shall be twenty (20) feet.
- ii. Setback shall be at least eighty-three (83) feet from the center of the approved and accepted Town, County or State highway. If said lot is a corner lot, said requirements apply to each highway.
- iii. Setback shall be at least fifty (50) feet from any lot line.
- iv. All GROUND-MOUNTED SOLAR ENERGY SYSTEMS must be dismantled and removed from the property if no longer in use by the property owner.

## **11. APPLICATION**

The Town of Warren hereby adopts as its SOLAR ENERGY SYSTEMS permit application the New York State Unified Solar Permit Application.

## **12. COMPLIANCE INSPECTION**

Compliance inspection shall be carried out using the New York State Unified Solar Permit Field Inspection Checklist, or such other inspection methods as the CODES ENFORCEMENT OFFICER may deem appropriate.

## **ARTICLE III – LARGE-SCALE SOLAR ENERGY SYSTEMS**

### **13. PURPOSE AND INTENT**

The purpose of this Article is to provide standards for LARGE-SCALE SOLAR ENERGY SYSTEMS exceeding 25kW of peak CAPACITY to protect the public health, safety, aesthetic resources, and community welfare.

### **14. PERMITTED AREAS**

A LARGE-SCALE SOLAR ENERGY SYSTEM meeting the requirements of this Article may be installed on any parcel or groupings of parcels which either singly or in combination is of sufficient size.

### **15. DEVELOPMENT STANDARDS**

A. LARGE-SCALE SOLAR ENERGY SYSTEMS shall meet the following requirements:

- i. Shall be designed and constructed to be in compliance with pertinent provisions of the Uniform Fire Protection and Building Code and National Electric Code.
- ii. GROUND-MOUNTED LARGE-SCALE SOLAR ENERGY SYSTEMS shall meet the following requirements:



- a. Maximum Height shall be twenty (20) feet.
- b. Setback shall be at least eight-three (83) feet from the center of the approved and accepted Town county or state highway. If said lot is a corner lot, said requirements apply to each highway.
- c. Setback shall be at least one hundred (100) feet from any lot line.
- d. Shall be enclosed by fencing to prevent unauthorized access. Warning signs with the owner's contact information shall be placed on the entrance and perimeter of the fencing.
- e. Electrical Transmission Lines shall be buried to the maximum extent feasible except for "tie-ins" to a public utility company and public utility company transmission poles, towers and lines. This standard may be modified by the Town Planning Board if the project terrain is determined to be unsuitable due to reasons of excessive grading, biological impacts, or similar factors.
- f. The system may be further screened by any landscaping needed to avoid adverse aesthetic impacts.
- g. Construction of on-site access roadways shall be minimized. Temporary access roads utilized for initial installation shall be regraded and re-vegetated to the pre-existing natural condition after completion of installation.
- h. Lighting, if used, shall be of the "full cut-off" variety so as to cast their light down and not horizontally, and shall be operated so as to be in the off state when personnel are not on site.
- i. Wetlands. LARGE-SCALE SOLAR ENERGY SYSTEMS shall be located in a manner consistent with all applicable state and federal wetlands laws and regulations.
- j. Storm-water. Storm-water run-off and erosion control shall be managed in a manner consistent with all applicable state and federal laws and regulations.
- k. Construction Times. Construction shall be limited to the hours of 7 a.m. to 7 p.m. except for certain activities that require cooler temperatures or darker conditions than possible during the day, subject to approval from the Town Planning Board.
- l. Shall not be placed so as to:

- i. Restrict solar access on an adjoining property.
  - ii. To not be in harmony with the orderly development of the Town.
  - iii. Imperil the public health and safety.
  - iv. Discourage the development and use of adjacent land and buildings or impair their value.
- iii. ROOF-MOUNTED LARGE-SCALE SOLAR ENERGY SYSTEMS shall meet the following requirements:
  - a. Shall be mounted and positively secured to the roof using mounting means and appropriate fasteners or ballast sufficient to prevent dislocation during wind loading of at least ninety (90) miles per hour. The design of the mounting and securing means shall be certified by a Professional Engineer or Registered Architect.
  - b. The structural adequacy of the roofing and supporting structure shall be certified by a Professional Engineer or Registered Architect to be sufficient to support the additional load of the system, including but not limited to all live or dead loads, snow and ice loads, and wind loads, including uplift if applicable.

## 16. APPLICATIONS

- A. LARGE-SCALE SOLAR ENERGY SYSTEM applications for proposed projects which are ground mounted and which exceed 2.5 acres in overall size in an Agricultural District shall be deemed Type I actions requiring coordinated review under SEQRA. The overall size shall be calculated by determining the outside dimensions of the project area, with no deduction taken for spaces between SOLAR PANELS or between rows of SOLAR PANELS.
- B. LARGE-SCALE SOLAR ENERGY SYSTEM applications for a proposed project for which all SOLAR PANELS are roof-mounted on a legally permitted building shall be deemed Type II actions, not requiring coordinated review under SEQRA.
- C. Application Contents. Applications for a SOLAR ENERGY SYSTEM PERMIT shall include:
  - i. Name, address, telephone number and email address of the Applicant. If the Applicant will be represented by an agent, the name, address, telephone number and email address of the agent, as well as an original signature of the Applicant authorizing the agent to represent the Applicant is required.

- ii. 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.
- iii. Site Plan showing the layout of the SOLAR ENERGY SYSTEM signed by a Professional Engineer or Registered Architect shall be required. Supplemental landscaping plans or surveys may be signed by a Landscape Architect or Land Surveyor, as appropriate.
- iv. The equipment specification sheets shall be documented and submitted for all photovoltaic panels, significant components, mounting systems, and inverters that are to be installed.
- v. Property Operation and Maintenance Plan. Such plan shall describe continuing photovoltaic maintenance and property upkeep, such as mowing and trimming.
- vi. 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 approval of the SOLAR ENERGY SYSTEM PERMIT. The Decommissioning Plan must:
  - a. Specify that after the LARGE-SCALE SOLAR ENERGY SYSTEM can no longer be used, it shall be removed by the applicant or any subsequent owner.
  - b. 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.
  - c. Include an expected timeline for execution.
  - d. Include a cost estimate detailing the projected cost of executing the Decommissioning Plan which shall be prepared by a Professional Engineer. Cost estimations shall take into account inflation.
  - e. Include a statement from the Applicant that removal of LARGE-SCALE SOLAR ENERGY SYSTEMS will be completed in accordance with the Decommissioning Plan and that if the LARGE-SCALE SOLAR ENERGY SYSTEM is not decommissioned after being considered abandoned, the Applicant consents to the municipality being able to remove the system and restore the property and impose a lien on the property to cover these costs to the municipality.
- vii. Decommissioning Fund. The Applicant, or successors, shall continuously maintain a fund or bond payable to the Town, in a form approved by the Town Board, for the removal of the solar energy system, in an amount to be determined by the Town,

for the period of the life of the facility. This fund may consist of a letter of credit from a State of New York licensed-financial institution. All costs of the financial security shall be borne by the Applicant.

- viii. A visual analysis of the LARGE-SCALE SOLAR ENERGY SYSTEM as installed, which may include a computerized photographic simulation, demonstrating the visual impacts from nearby STRATEGIC VANTAGE POINTS. The visual analysis shall also indicate the color treatment of the system's components and any visual screening incorporated into the project that is intended to lessen the system's visual prominence.
- ix. Written evidence that the electric utility service provider that serves the proposed Site has been informed of the Applicant's intent to install an interconnected electricity generator, unless the Applicant does not plan, and so states so in the application, to connect the system to the electricity grid.
- x. A completed Full Environmental Assessment Form.
- xi. General Municipal Law Section 809 disclosure form.
- xii. Such other information as the Town Planning Board may reasonably require.

## **17. APPLICATION REVIEW PROCESS**

- A. Pre-application meeting. Applicants may request a pre-application meeting with the Town Planning Board or with any consultants retained by the Town Planning Board for application review at a regularly scheduled meeting.
- B. Escrow agreement. The Town may require the Applicant to fund an escrow agreement to cover the amount by which the Town's cost to review the applicant's application(s) and inspection fee(s) exceeds the application fees paid by the applicant.
- C. Application submittal. Six copies of the application shall be submitted to the CEO.
- D. Application sufficiency review. CEO or Town designated consultants shall, within 30 days of receipt, or such longer time if agreed to by the applicant:
  - i. Determine if all information required by 6 NYCRR 617.3.
  - ii. Unless the Town Planning Board waives any application requirement, no application shall be considered until deemed sufficiently complete.
  - iii. If the application is deemed insufficient, the Town Planning Board or its designated reviewer shall provide the applicant with a written statement listing the missing information. No refund of application fees shall be made, but no additional fees

shall be required upon submittal of the additional information, unless the project size is increased.

- E. Board Receipt of Applications. Upon submission of a sufficient application, which may include a request for waiver by the Town Planning Board, the CEO shall transmit the application to the Town Planning Board.
- F. Public Hearing. When the application is determined to be complete the Town Planning Board shall hold at least one public hearing on the application.
  - i. The applicant shall provide notice of the public hearing by registered mail, return receipt to property owners parcels located wholly or partially within a one thousand (1000) foot radius of the proposed site, and shall publish a notice in the Town's official newspaper, no less than ten nor more than twenty days before any hearing, but, where any hearing is adjourned by the Town Planning Board to hear additional comments, no further publication or mailing shall be required. The applicant shall prepare, publish and mail the Notice of Public Hearing prepared by the Town, and shall submit an affidavit of service. The assessment roll of the Town shall be used to determine mailing addresses.
  - ii. The public hearing may be combined with public hearings on any Environmental Impact Statement or requested waivers.
- G. County Planning Board Notice. A full statement of the proposed action for the project shall also be given to the Herkimer Oneida County Comprehensive Planning Program (HOCCPP) if applicable per General Municipal law §§239-l and 239-m.
- H. No Segmentation. The applicant shall disclose the full scope of planned size of the LARGE-SCALE SOLAR ENERGY SYSTEM and shall not segment the application for purposes of reducing the apparent significance of proposed plans. Where the lead agency has reason to believe that the ultimate scope of the project might exceed that which is actually proposed by an applicant at one time, it shall conduct its review and base its findings on the larger potential scope.
- I. Application Decision. Upon receipt of the recommendation of the Herkimer-Oneida County Comprehensive Planning Program, the holding of the public hearing, and the completion of the SEQRA process, if required, the Town Planning Board may, within 30 days approve, approve with conditions, or deny the application.

## **18. ABANDONMENT OF USE AND DECOMMISSIONING**

- A. Maintenance. All LARGE-SCALE SOLAR ENERGY SYSTEMS, including the surrounding vegetation, shall be maintained in good condition and in accordance with all requirements of this Local Law.
- B. Abandonment of Use.

- i. ALL LARGE-SCALE SOLAR ENERGY SYSTEMS, which fail to operate for a continuous period of one (1) year shall be deemed abandoned by written notice from the Code Enforcement Officer and shall be dismantled and removed from the property at the expense of the Solar Energy System Owner.
  - ii. LARGE-SCALE SOLAR ENERGY SYSTEMS which are deemed abandoned shall be dismantled and removed from the property within 12 additional months at the expense of the Solar Energy System Owner. Failure to abide by and faithfully comply with this section or with any and all conditions that may be attached to the granting of any Building Permit or SOLAR ENERGY SYSTEM PERMIT shall constitute grounds from the revocation of the permit by the Town of Warren.
- C. Decommissioning. If the Applicant/Operator fails to comply with decommissioning upon any abandonment, the Town may, at its discretion, utilize the available bond and/or security for the removal of the SOLAR ENERGY SYSTEM and restoration of the site in accordance with the decommissioning plan.

#### **ARTICLE IV – MISCELLANEOUS**

##### **19. FEES**

SOLAR ENERGY SYSTEM PERMITS. Non-refundable application fees shall be set by the Town Board and provided with all application forms.

##### **20. BUILDING PERMIT AND CERTIFICATE OF COMPLIANCE**

- A. No Building Permit shall be issued for the construction of any SMALL-SCALE SOLAR ENERGY SYSTEM or LARGE-SCALE SOLAR ENERGY SYSTEM until the Applicant/Operator has complied with all conditions of the applicable SOLAR ENERGY SYSTEM PERMIT issued by the Planning Board.
- B. No Building Permit will be issued until all required financial agreements are on file with the Town.
- C. No Certificate of Compliance shall be issued until all requirements of the SOLAR ENERGY SYSTEM PERMIT and Building Permit have been completed and the Town Code Enforcement Officer has inspected the installation to confirm compliance with all plans and conditions, subject to the Uniform Code and this Local Law.

##### **21. ENFORCEMENT, PENALTIES AND REMEDIES FOR VIOLATIONS**

- A. Staff. The Town Planning Board shall appoint such Town staff or outside consultants as it sees fit to enforce this Local Law.

- B. Any person owning, controlling or managing any building, structure or land who shall construct or operate a SOLAR ENERGY SYSTEM in violation of this Local Law or in noncompliance with the terms and conditions of any permit issued pursuant to this Local Law, or any order of the Code Enforcement Officer, and any person who shall assist in so doing, shall be guilty of an offense and subject to a fine of not more than \$350 or to imprisonment for a period of not more than thirty days. Every such person shall be deemed guilty of a separate offense for each week such violation shall continue. The Town may institute a civil proceeding to collect civil penalties in the amount of \$350 for each violation and each week said violation continues shall be deemed a separate violation.
- C. In case of any violation or threatened violation of any of the provisions of this Local Law, including the terms and conditions imposed by any permit issued pursuant to this Local Law, in addition to other remedies and penalties herein provided, the Town may institute any appropriate action or proceeding to prevent such unlawful erection, structural alteration, reconstruction, moving and/or use, and to restrain, correct or abate such violation, to prevent the illegal act.

## **22. SEVERABILITY**

Should any other section of this Local Law be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this Local Law as a whole or any part thereof other than that specific part so decided to be unconstitutional or invalid.

**23. REPEAL OF MORATORIUM.** Reserved.

## **24. EFFECTIVE DATE**

This Local Law shall be effective upon its filing with the Secretary of State in accordance with the Municipal Home Rule Law.

(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 2021 of the (County)(City)(Town)(Village) of Town of Warren was duly passed by the Town Board on March 8 2021, 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) (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted 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) (repassed after disapproval) by the \_\_\_\_\_ 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 \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ 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 \_\_\_\_\_ above.

*Ann K. Salter*

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

Date: March 8, 2021

(Seal)