

# 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.

County  City  Town  Village  
*(Select one.)*

of Lowville

STATE OF NEW YORK  
DEPARTMENT OF STATE  
**FILED**

JUL 31 2013

Local Law No. 2 of the year 2013

A local law Solar Energy System Law  
*(Insert Title)*

MISCELLANEOUS  
& STATE RECORDS

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

County  City  Town  Village  
*(Select one.)*

of Lowville as follows:

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

**LOCAL LAW NUMBER 2 OF 2013 OF THE TOWN OF LOWVILLE  
SOLAR ENERGY SYSTEM LAW**

**Be it enacted by the Town Board of the Town of Lowville as follows:**

§1. This local law shall be known as the Town of Lowville Solar Energy System Law.

§2. This local law is enacted pursuant to the authority conferred upon the Town Board by Article IX of the New York State Constitution, Municipal Home Rule Law §10, New York Town Law §130 and Article 16 of the Town Law.

§3. Definitions:

1. Applicant. The person or entity filing an application under this local law.

2. Small solar energy system. Also known as an accessory solar energy systems. A solar collection system consisting of one or more roof and/or ground mounted related equipment, which has a rated capacity of less than or equal to twenty-five (25) kilowatts (for electricity) or rated storage volume of the system of less than or equal to two hundred forty gallons or that has a collector area of less than or equal to one thousand square feet (for thermal) and is intended to primarily reduce on site consumption of utility power. A system is considered a small solar energy system only if it supplies electrical or thermal energy solely for on site use, except when a property upon which the facility is installed also receives electrical power supplied by a utility company and in such case excess electrical power may be used by the utility company.

3. Principal Solar Energy System. A solar energy system consisting of one or more free standing ground or roof mounted solar collector devices, solar related equipment and other accessory structures and buildings including light reflectors, concentrators and heat exchangers, substations, electrical infrastructure, transmission lines and other related structures and facilities which has a rated capacity of more than twenty-five (25) kilowatts for electricity or rated storage volume of more than 240 gallons or has a collector area of more than 1000 square feet for thermal. It is noted that any system with a name plate generating capacity of twenty-five (25) megawatts or more is subject to the requirements, terms, and conditions of Article 10 of the New York State Public Service Law.

4. Solar energy system. Also Solar collector system. A solar photovoltaic cell, panel ,or array, or solar hot air or water collector device, which relies upon solar radiation as an energy source for collection, inversion, storage and distribution of solar energy for electricity generation or transfer of stored heat.

§4. Small or accessory solar energy systems. Small solar energy systems are permitted as an accessory use in all zoning districts where structures of any sort are

allowed, as long as the system meets the requirements of this local law and all other building and construction codes. Small solar energy systems shall require a permit from the building inspector subject to the terms and conditions set forth in this local law.

1. Applicability.

A. A system is considered a small solar energy system only if its supplies' electrical or thermal power primarily for on-site use, except that when a property upon which the facility is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company. The owner of the small solar energy system shall provide written confirmation with the application that the public utility company has been informed of the customer's intent to install an interconnected customer owned generator and also approves such connection. Off grid systems shall be exempt from this requirement.

B. Any upgrades, modifications, or changes that materially alter the size or placement of an existing solar energy system shall comply with the provisions of this local law.

2. Design and Installation:

A. To the extent applicable, the solar energy system shall comply with all applicable building and construction codes and any local, state or federal law, rule, or regulation.

B. The design and installation of small solar energy systems shall conform to the existing industry standards, including those of the American National Standards Institute (ANSI), Underwriters Laboratory (UL), the American Society for Testing and Materials (ASTM), or other similar certifying organizations, and shall comply with the Uniform Building and Fire Code and with all other applicable fire and safety requirements. The manufacturer's specifications shall be submitted as part of the application.

C. All exterior electrical and/or plumbing lines must be buried below the surface of the ground and placed in a conduit, except for so called "plug and play" units provided that they shall meet all requirements of the relevant building and electrical codes, or unless the panels for electrical or thermal are installed on a structure that is either the main structure or a structure attached to the main structure which is receiving the benefit from the panels.

D. Small solar energy systems shall be designed and located in order to prevent reflective glare toward any inhabited structure on adjacent properties as well as adjacent public streets, roads and highways.

E. No portion of a small solar energy system shall be located within any required set back of any property.

3. Height Restrictions. Solar energy systems must meet the following requirements:

A. Building or roof mounted solar energy systems shall not exceed the maximum allowed height in any zoning district. For purposes of height measurement, solar energy systems other than building integrated systems are considered to be mechanical devices and are restricted consistent with other building mounted mechanical devices.

B. Ground or pole mounted solar energy systems shall not exceed the maximum accessory structure height within the underlying district.

4. Setback. Solar energy systems must meet the accessory structure setback requirement for the zoning district and principal land use associated with the lot on which the system is located.

5. Roof mounted solar systems--In addition to the building set back, the collector surface and mounting devices for roof mounted solar energy systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built.

6. Ground mounted solar energy systems—Ground mounted solar energy systems may not extend within the set back requirements for the zoning district when oriented at minimum design tilt.

7. Plan Applications. Plan applications for small solar energy systems shall be accompanied by to-scale horizontal and vertical (elevation) drawings. The drawings must show the location of the system on the building or on the property for a ground mounted system, including the property lines. Applicants must identify a qualified installer or provide proof that the system they propose to install has been designed as a so called “plug and play” system so that the applicant can plug the system into an existing PV circuit.

A. Pitched Roof Mounted Solar Systems. For all roof mounted systems other than a flat roof, the elevation must show the highest finished slope of the solar collector and the slope of the finished roof surface on which it is mounted.

B. Flat Roof Mounted Solar Systems. For flat roof applications, a drawing shall be submitted showing the distance to the roof edge and any parapets on the building and shall identify the height of the building on the street frontage side, the shortest distance of the system from the street frontage edge of the building, and the highest finished height of the solar collector above the finished surface of the roof.

8. Utility Notification. The owner of the small solar energy system shall provide written proof that the utility company has been informed of the customer’s intent to install an interconnected customer owned generator and also that the utility approves of such connection. Off grid systems shall be exempt from this requirement.

9. Fees. The Town Board may establish by resolution fees or a schedule of fees for any application or the administration of this local law with regard to small solar energy systems.

#### §4. Principal Solar Energy Systems

1. Permitted use. A Principal Solar Energy System shall be permitted by special use permit in the industrial, commercial and agricultural zones.

2. Acreage. A proposed Principal Solar Energy System may not be installed on a lot smaller than 100 acres and the footprint of the system may not occupy more than 50% of the lot.

3. Height and Setback. For purposes of determining compliance with lot coverage standards of the underlying zone, the total surface area of all ground mounted and free standing solar collectors including photovoltaic cells, panels, arrays and solar hot air or water collector devices shall be considered in the same fashion as impervious. Panels mounted on the roof of any building will be subject to the height requirements specified for the underlying zone, but in no event shall they stand more than ten feet above the roof line of the building.

4. Compliance. The construction and operation of a principal solar energy system shall comply with all applicable local, state, and federal requirements including but not limited to all safety, construction, electrical and communications requirements. All buildings and fixtures forming part of the system shall comply with the Uniform Building and Fire Code. No principal solar energy system shall be constructed without first obtaining a building permit.

5. Fees. The Town Board may establish by resolution fees or a schedule of fees for any application and for the administration of this local law with regard to principal solar energy systems

6. Site plan review. The application will be subject to site plan review prior to construction, installation or modification.

7. Plans and maps. All plans and maps shall be prepared and stamped by a Professional Engineer licensed in the State of New York.

8. Application. Applicant shall provide:

A. A site plan showing property lines and physical features, including roads; proposed changes to the landscaping of the site, grading, vegetation clearing and planting, exterior lighting, screening, vegetation or structures; Blueprints or drawings of the proposed system signed by a New York licensed professional engineer showing the proposed layout of the system; electrical diagram detailing the solar photovoltaic installation, associated components, and electrical interconnection methods, with all

National Electrical Code compliant disconnects and overcurrent devices; documentation of the major system components to be used.

B. Name and address of the proposed installer.

C. An operation and maintenance plan.

D. Proof of liability insurance or the ability to secure same in an amount adequate for the size, scope, and other details of the proposed project.

E. The planning board may waive certain documentary requirements as it deems appropriate.

9. Utility Notification. The applicant will provide proof that the local utility company has been informed of the system owner or operator's intent to install an interconnected system. Off grid systems shall be exempt from this requirement.

10. Signage. The facility shall have a sign which provides a 24 hour emergency contact telephone number.

11. Utility connections. Where at all possible, utility connections and transmission lines shall be underground depending on soil conditions, topography, and requirements of the utility company permitting.

12. Safety and Environmental.

A. The system owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the local fire chief. Upon request, the owner or operator will cooperate with local emergency services to develop an emergency response plan. All means of shutting down the system will be clearly marked. At all times during the life of the project, the owner or operator shall identify a responsible person for inquiries.

B. Land Clearing, Soil Erosion. Clearing of natural vegetation shall be limited to what is necessary for the construction and operation of the system or as otherwise governed by applicable law.

13. Monitoring and Maintenance.

System conditions. The system owner or operator shall maintain all facilities in good condition. Maintenance shall include but not be limited to painting, structural repairs, and integrity of security measures. Site access shall be maintained in an acceptable manner to local fire and emergency services departments.

14. Modifications. All material modifications shall be subject to further site plan review.

15. Abandonment or decommissioning. Any principal system which has reached the end of its useful life or has been abandoned, which shall mean failure to operate without consent of the Town Board, for more than one year, shall remove all facilities within 150 days of operations being discontinued. Decommissioning shall consist of removal of all installations, structures, equipment, security barriers and transmission lines from the site. All solid and hazardous waste will be disposed of according to applicable law. Stabilization or revegetation of the site will be done as necessary to minimize erosion.

16. Financial Surety. Applicants shall provide prior to approval a form of surety through escrow account, bond, or otherwise in an amount sufficient to pay for removal of the installation and site remediation as set forth above in an amount and form determined to be reasonable by the Planning Board.

§5. Severability clause. Should any section, paragraph or part of this local law be determined by a Court of competent jurisdiction to be invalid, such declaration or judgment of invalidity shall not affect any other part of this local law which shall remain in full force and effect.

§6. Effective Date. This local law shall take effect immediately upon filing with the Secretary of State.

(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. 2 of 2013 of the ~~(County)(City)(Town)(Village)~~ of Lowville was duly passed by the Town of Lowville Town Board on July 18, 2013, in accordance with the applicable provisions of law.  
(Name of Legislative Body)

**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.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

**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\_\_\_\_.  
(Name of Legislative Body)  
(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 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.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

\* 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.

*Malinda E. Zeh*

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

Date: July 22, 2013

(Seal)

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

STATE OF NEW YORK  
COUNTY OF LEWIS

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.

*Edward A. Chen*  
Signature  
Town ATTORNEY  
Title

~~County~~  
~~City~~ of Lowville  
Town  
~~Village~~

Date: July 24, 2013