

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:)

FILED
STATE RECORDS

MAY 11 2016

of Van Buren

Local Law No. 2 of the year 2015

DEPARTMENT OF STATE

A Local Law Enacting a New Chapter 160 to the Code of the Town of Van Buren
Pertaining to Solar Photovoltaic (PV) Systems

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

County City Town Village
(Select one:)

of Van Buren as follows:

**LOCAL LAW 2-2015
TOWN OF VAN BUREN**

**A LOCAL LAW ENACTING A NEW CHAPTER 160 TO
THE CODE OF THE TOWN OF VAN BUREN PERTAINING
TO SOLAR PHOTOVOLTAIC (PV) SYSTEMS**

BE IT ENACTED by the Town Board of the Town of Van Buren that this local law amends the Code of the Town of Van Buren to add a new Chapter 160 thereto, titled "Solar Photovoltaic (PV) Systems, as follows:

Section I. So that a new Chapter 160 is added to the Code of the Town of Van Buren, as follows:

CHAPTER 160 - Solar Photovoltaic (PV) Systems

160-1 Purpose; findings:

- A. Purpose. The purpose of this chapter is to regulate the placement, construction and modification of residential and commercial Photovoltaic Systems, while promoting the safe, effective and efficient use of such systems. These regulations relate to Solar PV systems on residential and commercial properties and do not

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apply to large Solar PV Systems typically intended to sell energy directly to power companies or retail users.

B. Findings.

1) The Town Board of the Town of Van Buren finds and declares that Solar Energy is an abundant, renewable and nonpolluting energy resource of the Town and that its conversion to electricity will reduce the Town's dependence on nonrenewable energy sources and will decrease the air and water pollution that often results from the use of conventional energy sources.

2) The Town Board of the Town of Van Buren further finds and declares that regulation of the siting and installation of Solar PV systems is necessary for the purpose of protecting the health, safety and welfare of property owners, neighboring property owners, responding Fire/Emergency personnel and the general public and for preserving the aesthetics of the community.

160-2 Definition of terms.

As used in this chapter, the following terms shall have the meanings indicated:

Accessible. (as applied to equipment) Admitting close approach; not guarded by locked doors, elevation or other effective means. (as applied to wiring methods). Capable of being removed or exposed without damaging the building structure or finish, or not permanently closed in by structural means or finish of the building.

Bonding. Connected to establish electrical continuity and conductivity.

Equipment. A general term including material, fittings, devices, appliances, luminaires, apparatus, machinery and the like used as part of, or in connection with an electrical installation.

Grounding Electrode. A conducting object through which a direct connection to earth is established.

Ground Mounted Systems. Ground mounted photovoltaic systems are usually large, utility-scale solar power plants. Their solar modules are held in place by racks or frames that are attached to ground based mounting supports.

Listed. Equipment, materials or services included in a list published by an organization that is acceptable to the Town of Van Buren and whose listing states either that the equipment, material or services meets identified standards or has been tested and found suitable for a specified purpose.

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Loads. Forces or other actions that result from the weight of building materials, occupants and their possessions, environmental effects, differential movement and restrained dimensional changes.

Roof Assembly. A system designed to provide weather protection and resistance to design loads. The system consists of a roof covering and roof deck or a single component serving as both the roof covering and the roof deck.

Roof Mounted Systems. Roof mounted solar systems consist of solar modules held in place by racks or frames attached to roof based mounting supports.

Solar Panel. Refers either to a photovoltaic module or a set of solar photovoltaic (PV) modules electrically connected and mounted on a supporting structure.

Solar Photovoltaic System. A photovoltaic system, also photovoltaic power system, solar PV system, PV system or solar array, is a power system designed to supply usable solar power by means of photovoltaics. It consists of an arrangement of several components including solar panels to absorb and directly convert sunlight into electricity, a solar inverter to change the electrical current from DC to AC, as well as mounting, cabling and other electrical accessories to set-up a working system.

160-3. Permit requirements

- A. Required permits. No person, firm or corporation or other entity being the owner or occupant of any land or premises within the Town of Van Buren shall use or permit the use of land or premises for the construction of a Solar PV system for an on-site energy system without first obtaining a Solar System Building Permit from the Code Enforcement Officer of the Town of Van Buren.
- B. Solar PV Systems on residentially zoned properties. Solar PV Systems located on residentially zoned properties, other than apartment dwellings or townhouses, shall only be required to obtain a Solar System Building Permit in order to proceed with installation.
- C. Solar PV Systems located on commercial/industrial zoned properties. Applications for Solar PV Systems located on commercial/Industrial zoned properties shall make application to the Town of Van Buren Planning Board for Site-Plan approval. Requirements of Town Zoning Code section 200-79 shall apply. In addition, applications for Solar PV Systems located within commercial/Industrial properties shall also make application to the Town of Van Buren Zoning Board of Appeals for a Special Use Permit. Requirements of Town Zoning Code Section 200-80C(5) shall apply.

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- D. The Fire Chief (affected District) shall be notified by the Fire Marshal and provide information regarding: Location, size, accessibility, areas of egress and incorporate any reasonable conditions related to safety for Emergency Response Personnel.
- E. The Fire Marshal shall install a placard at the Electrical Service Entrance (meter) indicating the presence of an Electrical Solar System. This placard shall remain installed at all times.

160-4. Oversight; fees; inspections; penalties for offenses.

- A. Power to impose conditions. In granting any Site-Plan approval, Special Use Permit or Variance for a Solar PV System, the Codes Officer, the Planning Board or the Zoning Board of Appeals, or the Fire Marshal, as the case may be, may impose reasonable conditions to the extent that these conditions are necessary to minimize any adverse effect or impact on the applicant's property, neighboring properties, emergency responders or on the community at large.
- B. Fees. Fees for applications and permits under this chapter shall be established from time to time by resolution of the Town Board of the Town of Van Buren.
- C. Inspections. The Code Enforcement Officer/Fire Marshal shall have the right at any reasonable time to enter, in the company of the owner or his/her agent, the premises on which the Solar PV System is being constructed or maintained to inspect all components of the system. When practical, the Code Enforcement Officer/Fire Marshal shall provide the owner a written notice of inspection. Upon inspection, the Code Officer/Fire Marshal may order the owner to make repairs or alterations to the system in the event that the system is deemed deficient or dangerous, and may order that the Solar System cease work or operation until such repairs or alterations are made. In the event that the Solar PV System is deemed to pose an immediate danger to life or property, the Code officer/Fire Marshal shall have the right to enter the property forthwith, without the owner being present and take such action as is deemed reasonably necessary to eliminate such danger.
- D. Penalties. Any person who violates any provision of this chapter shall be guilty of a violation and subject to a fine of not more than \$250.00, imprisonment not to exceed 15 days, or both such fine and imprisonment. For purpose of imposing a fine under this subsection, a person shall be guilty of a separate and additional violation for each day he/she fails to correct a violation of any provision of this chapter.

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160-5. Severability

If any clause, sentence, paragraph, subdivision, section or part of this chapter shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment is rendered.

Section II.

This Local Law shall take effect upon its filing with the New York 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. 2 of 2015 of the Town of Van Buren was duly passed by the Town Board on May 5, 2015, 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 Town of Sullivan was duly passed by the Town Board on _____, 20__, and was (approved/not approved/ repassed after disapproval) by the Town Board 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 Town of Sullivan was duly passed by the Town Board on _____, 20__, and was (approved/not approved/ repassed after disapproval) by the Town Board 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 Town of Sullivan was duly passed by the Town Board on _____, 20__, and was (approved/not approved/ repassed after disapproval) by the Town Board 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.~~

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.)

* 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.

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.



**Hon. Lynn Precourt, Town Clerk
Town of Van Buren**

(Seal)

Date: May 5, 2015