

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 Catskill

FILED
STATE RECORDS

AUG 01 2016

DEPARTMENT OF STATE

Local Law No. 3 of the year 2016

A local law amending the Code of the Town of Catskill by adding a new Chapter
(Insert Title)
entitled "Solar Energy Use"

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

County City Town Village
(Select one:)

of Catskill as follows:

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

LOCAL LAW FILING

Town of Catskill

Local Law No. 3 of 2016

A local law amending the Code of the Town of Catskill by adding a new Chapter entitled "Solar Energy Use".

Be it enacted by the Town Board of the Town of Catskill, Greene County, New York as follows:

Section 1. Purpose.

The purpose of this local law shall be to adopt statutory requirements to advance and protect the public health, safety and welfare of citizens of the Town of Catskill, New York; to take advantage of safe, abundant, renewable and non-polluting energy resources; to decrease the cost of energy to the owners of commercial and residential properties; and, increasing employment and business development in the region by furthering the installation of Solar Energy Systems.

Section 2. Authority.

This local law is enacted pursuant to Town Law Sections 261-263 and Section 10 of Municipal Home Rule Law to adopt zoning provisions that advance and protect the health, safety and welfare of the community and to make provision for, so far as conditions may permit, the accommodation of solar energy systems and equipment and access to sunlight necessary therefore.

Section 3. Definitions

Accessory Structure: A structure, the use of which is customarily incidental and subordinate to that of the principal building and is attached thereto or is located on the same lot or premises as the principal building.

Building Integrated Photovoltaic System: A combination of photovoltaic building components integrated into any building envelope system such as vertical facades including glass and other façade material, semi-transparent skylight systems, roofing materials and shading over windows.

Ground Mounted Solar Energy System: A solar energy system which 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 which is ground-mounted and produces a rated power of more than ten (10) kilowatts (kW) or greater per hour of energy for the purpose of producing electricity for onsite and offsite sale or consumption.

Small-Scale Solar 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 which produces a rated power of ten (10) or less kilowatts (kW) per hour of energy or solar-thermal systems. ["or solar-thermal systems" does not appear to me part of the definition.]

Solar-Thermal System: Solar thermal systems which directly heat water or other liquid using sunlight. The heated liquid is used for such purposes as space heating and cooling, domestic hot water and heating pool water. The second sentence is not a definition but an example of use.]

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 Collector: A solar photovoltaic cell, panel, array, solar hot air or water collector device which relies upon solar radiation as an energy source for the generation of electricity or transfer of stored heat.

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.

Section 4. Applicability

A. The requirements of this law shall apply to all Solar Energy Systems installed or modified after its effective date.

B. Solar Energy Collectors shall be permitted only to provide power for use by owners, lessees, tenants, residents or other occupants of the premises on which they are erected, but nothing contained in this provision shall be construed to prohibit "collective solar" installations or the

sale of excess power through a "net billing" or "net-metering" arrangement in accordance with New York Public Service Law § 66-j or similar state or federal statute.

C. All Solar Energy Systems shall be designed, erected and installed in accordance with all applicable Federal, State and local laws, regulations and standards.

Section 5. Permitting

A. Building permits shall be required in all Zoning Districts for installation of all Solar Energy Collectors stationary or tracking for Rooftop Building-Mounted, Ground or Pole Mounted, Large-Scale Standing Solar Collectors and Building Integrated Photovoltaic Systems. A plaque identifying the property as containing a Solar Energy System shall be prominently displayed on the property.

B. A building permit may be waived by the Code Enforcement Officer for portable Solar Energy Collectors which are not permanently installed.

Section 6. Solar as an Accessory Use or Structure

A. Roof-Mounted Solar Energy Systems

1. Roof-Mounted Solar Energy Systems which use the electricity onsite or offsite are permitted as an accessory use in all zoning districts when attached to any lawfully permitted building or structure.
2. Height. Solar Energy Systems shall not extend greater than ten (10) feet above the building or roof on which they are mounted.

B. Ground-Mounted Solar Energy Systems

1. Ground or Pole-Mounted Solar Energy Systems which use the electricity onsite are permitted as accessory structures in all Zoning District(s).
2. Height and Setback. Ground or Pole-Mounted Solar Energy Systems shall not exceed fifteen (15) feet in height when oriented at maximum tilt and adhere to the setback requirements of the underlying zoning district.
3. Lot Coverage. The surface area covered by Ground or Pole-Mounted Solar Energy Systems shall be included in total lot coverage.

4. Ground or Pole-Mounted Solar Energy Systems which use the electricity onsite shall be exempt from site plan review required under the local zoning or other land use local laws at the discretion of the Code Enforcement Officer.
5. Ground or Pole-Mounted Solar Energy Systems that use the electricity primarily for use offsite shall be required to obtain a site plan approval required under the local zoning or other land use local laws.

Section 7. Approval Standards for Large-Scale Solar Systems as a Special Use

- A. Large-Scale Solar Energy Systems are permitted through the issuance of a special use permit within Rural Residential/Agriculture, High Density Residential, General Commercial, Highway Commercial, Commercial or Industrial Zoning Districts and are subject to the requirements set forth in this Section, including but not necessarily limited to site plan approval. Applications for the installation of a Large-Scale Solar Energy System shall be reviewed by the Town of Catskill Code Enforcement Officer and include a completed Environmental Impact Form (SEQRA) referred, with comments, to the Town of Catskill Planning Board for its review which review may include approval, approval on conditions or denial.
- B. Special Use Permit Applications Requirements.
 1. If the property of the proposed project is to be leased, a copy of the lease, and if applicable, other documents relating to legal consents between the parties specifying the use or uses of the land for the duration of the project, easements and any other relevant agreements, shall be submitted.
 2. Blueprints showing the layout of the Solar Energy Systems signed by a Professional Engineer, Licensed Land Surveyor or Registered Architect shall be required.
 3. The equipment specification sheets shall be documented and submitted for all Solar Energy Systems, significant components, mounting systems and inverters which are to be installed.
 4. Property Operation and Maintenance Plan. Such plan shall describe continuing Solar Energy System maintenance and property upkeep such as mowing and trimming.
 5. 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 or is abandoned as defined in

Section 9, it shall be removed by the applicant or any subsequent owner. The Decommissioning Plan shall demonstrate how the removal of all infrastructure and the remediation of soil and vegetation shall be conducted to return the property to its original state prior to construction with photographs of the property 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 it can no longer be used or is considered abandoned, the Town of Catskill may remove the system and restore the property and impose a lien on the property to cover these costs to the Town of Catskill.

- C. Any application under this Section shall meet any substantive provisions contained in the local site plan requirements in the Zoning Law that, in the judgment of the Town of Catskill Planning Board, are applicable to the Solar Energy System being proposed. The additional following requirements are applicable.
1. Height and Setback. Large-Scale Solar Energy Systems shall not exceed fifteen (15) feet in height when oriented at maximum tilt and setback requirements of the underlying zoning district.
 2. Lot Size. Large-Scale Solar Energy Systems shall be located on lots with a minimum lot size as set forth in the zoning district.
 3. Lot Coverage. A Large-Scale Solar Energy System which is ground-mounted shall not exceed 60% of the lot where it is installed. The surface area covered by Solar Panels shall be included in total lot coverage.
 4. All Large-Scale Solar Energy Systems 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. The type of fencing shall be determined by the Town of Catskill Code Enforcement Office.
 5. The Large-Scale Solar Mounting Energy System may, in the discretion of the Town of Catskill Planning Board be further screened by landscaping or other material as needed for protection and visual effect.
 6. The Town of Catskill 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).

Section 8. Safety

A. Any connection to the public utility grid must be inspected by the appropriate public utility body.

B. Solar Energy Systems shall be maintained in good working order.

C. Rooftop and Building-Mounted Solar Energy Collectors shall meet the New York State Uniform Fire Prevention and Building Code Standard.

D. If solar storage batteries are included as part of the Solar Energy System, they must be placed in a secure container or enclosure meeting the requirements of the New York State Building Code when in use and when no longer used, shall be disposed of in accordance with the laws and regulations of the Town of Catskill and/or other applicable New York State and federal laws and regulations.

Section 9. Abandonment and Decommissioning

Solar Energy Systems are considered abandoned after ninety (90) days without electrical energy generation and must be removed from the property. Applications for extensions are reviewed by the Town of Catskill Code Enforcement Office for a period of thirty (30) days.

Section 10. Enforcement

Any violation of this Solar Energy Use Law shall be subject to the same civil and criminal penalties provided for in the zoning regulations of the Town of Catskill.

Section 11. Severability

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision or phrase of the aforementioned sections as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision or phrase, which shall remain in full force and effect.

Section 12. Supersession.

This local law shall supersede all prior inconsistent local laws.

Section 13. Effective Date.

This local law shall take effect immediately upon its adoption and filing with the Office of 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. 3 of 2016 of the ~~(County)(City)(Town)(Village)~~ of Catskill was duly passed by the Catskill Town Board on July 20 2016, 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) _____
(Name of Legislative Body)
(repassed after disapproval) by the _____ and was deemed duly adopted
(Elective Chief Executive Officer)*
on _____ 2016, 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 the _____ on _____ 20____, and was (approved)(not approved) _____
(Name of Legislative Body)
(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)*

* 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.)

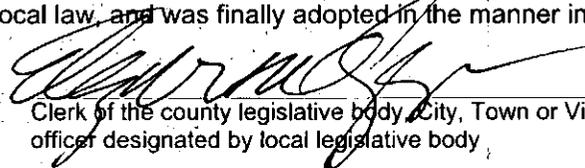
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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.



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

Date: July 25, 2016

(Seal)