

# 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 Manlius

FILED  
STATE RECORDS

NOV 14 2016

DEPARTMENT OF STATE

Local Law No. 2016-8 of the year 2016

A local law Amending Chapter 155 of the Code of the Town of the Manlius to amend Article IV

(Insert Title)  
entitled the Special Regulations

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

County  City  Town  Village  
(Select one:)

of Manlius

as follows:

Section 1. That Chapter 155, Article IV, entitled "Special Regulations" of the Code of the Town of Manlius, as amended, is further amended to add the following new section 155-27.2 as follows:

§ 155-27.2 Solar Photovoltaic Energy Systems.

## I. Intent and Purpose

The Town of Manlius, through these regulations, 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 of adjacent and surrounding land uses and properties. The Town of Manlius 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 these regulations 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 Manlius.

(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. 2016-8 of 2016 of the ~~(County)(City)(Town)(Village)~~ of Manlius was duly passed by the Town of Manlius on October 26 2016, in accordance with the applicable *(Name of Legislative Body)* 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 the \_\_\_\_\_ 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.)**

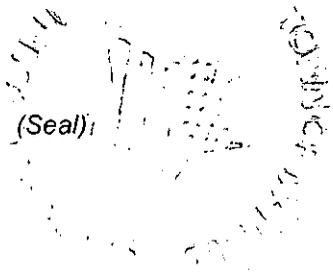
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority 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 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 13 above.



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

Date: Alfred Ober  
11/8/2016

## II. Definitions

The definitions set forth in this section are meant to be applicable to solar photovoltaic energy systems. Nothing contained herein is meant to change the definitions of other sections of Chapter 155 of the Manlius Code.

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

**Accessory Use:** A use which is clearly incidental to a principal structure or use, and is located on the same lot with the principal structure or use, is an accessory use. All accessory uses are subject to the restrictions in this section.

**Array:** Any number of electrically connected photovoltaic (PV) modules providing a single electrical output.

**Building-Integrated System (BIS):** A solar photovoltaic energy system that is constructed as an integral part of a principal or accessory building or structure and where the building-integrated system features maintain a uniform profile or surface of vertical walls, window openings and roofing. Such a system is used in lieu of a separate mechanical device, replacing or substituting for an architectural or structural component of the building or structure that appends or interrupts the uniform surfaces of walls, window openings and roofing. A building-integrated system may occur within vertical facades, replacing view glass, spandrel glass or other façade material; into semitransparent skylight systems; into roofing systems, replacing traditional roofing materials; or other building or structure envelope systems.

**Drip line:** The outermost edge of a roof including eaves, overhangs and gutters.

**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 system 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 200kW. 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.

**Medium Solar Photovoltaic Energy System:** A solar photovoltaic energy system with a rated power generation greater than 25kW and up to and including 200kW. It may be roof or ground-mounted, providing power for the property and/or additional offsite buildings or customers.

**Megawatt (kW):** 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 for surplus electricity generated by certain renewable energy systems.

**Photovoltaic (PV):** A semiconductor based device that converts light directly into electricity.

**Principal Use:** The primary or main use of land, building or structure, as distinguished from an accessory use, building or structure.

**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 Manlius 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.

**Roof Mounted System (RMS):** A solar photovoltaic energy system in which solar panels are mounted on top of the structure of a roof either as a flush-mounted system or as modules fixed to frames which can be tilted toward the south at an optimal angle.

**Small Solar Photovoltaic Energy System (SSES):** A solar photovoltaic energy system with a rated capacity up to and including 25kW. It may be roof or ground-mounted, and serve any residential, commercial, agricultural, institutional, or industrial building to which it is attached.

The electrical power may also be supplied to accessory structures or for the supply of energy for other uses on the same parcel.

**Solar based Architectural Element:** A structural/architectural element that provides protection from weather that includes awnings, canopies, porches or sunshades and that is constructed with the primary covering consisting of solar photovoltaic cells and may, or may not, include additional solar photovoltaic related equipment.

**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.

PVS's do not include inverterless systems with photovoltaic modules that cover less than 6 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 non-interconnected 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.

**Unregulated Yard Area:** Area not within a building and not in a defined setback or yard area.

### **III. Applicability**

This Local Law applies to all roof-mounted and/or ground-mounted PVS's installed and constructed after the effective date of the Local Law. Any building mounted photovoltaic systems mounted on any vertical side of a structure are not allowed within the Town except for BIS's. In addition, it does not apply to other types of systems that convert solar energy, including Concentrated Solar Power Systems and Hot Water Systems.

After the effective date of these regulations, any upgrade, modification or structural change that materially alters the size or placement of a PVS's constructed prior to the effective date of these regulations, shall comply with the provisions of this Local Law.

### **IV. Permitted Locations**

No PVS or device shall be installed or operated in the Town of Manlius except in compliance with this Section, State and local laws and, if applicable, in compliance with NYSERDA, New York State PSC and the local utility company.

*A. Small and Medium GMS's – Accessory Use*

- b. Small and Medium GMS's are permitted based on the requirements for accessory structures in the property's zoning district subject to the following conditions:
- i. Building permits are required for the installation of all GMS's
  - ii. The location of the GMS must meet all applicable setback requirements for accessory structures in the zoning district in which it is located.
  - iii. GMS's shall be screened through the use of architectural features, earth berms, landscaping or other means. This screening should harmonize with the character of the property and the surrounding area and minimize the view of the solar energy system from a public right of way and from neighboring properties.
  - iv. Proper security of the site for GMS's is required. This can be accomplished with a security fence, or by other means proposed by the applicant as part of an overall security plan to be accepted by the Town Board.
  - v. The minimum distance between the ground and any part of the solar panel must be at least two (2) feet.
  - vi. It is required that solar panels shall not exceed a total height of twenty (20) feet measured from the ground to the top of the highest point of the panel.
  - vii. Small GMS's shall not be allowed as a principal use.

*B. Building-Integrated Solar Energy Systems*

BIS's, as defined by this Local Law, are not considered an accessory use and are not subject to the requirements of this Local Law, but are subject to other building, electrical, and safety codes.

*C. Ground Mounted Systems as Principle Use*

- a. Medium and Large GMS's are permitted as primary structures in the Town of Manlius, subject to the following conditions:
- i. These solar systems are subject to all zoning restrictions in allowed zoning districts.
  - ii. These solar systems are only allowed on parcels that would provide at least 50 ft. setbacks, or more, as determined by the Planning Board while conforming to all other site restrictions.
  - iii. These solar systems are subject to the issuance of a special use permit by the Town Board, pursuant to § 155-27 of the Town Code and upon site plan approval by the

Planning Board pursuant to § 155-28 of the Town Code.

- b. In addition to the criteria established pursuant to § 155-27, the following criteria are hereby established for purposes of the Town Board granting a special use permit for these solar systems under this chapter:
- i. **Noninterference.** These solar systems shall not be installed in any location along the major axis of an existing microwave communications operation where the solar system operation, or similar solar system operations have been demonstrated to produce an electromagnetic interference in the existing microwave communications operation, unless such interference can be mitigated.
  - ii. **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 interfere with existing fixed broadcast, retransmission, or reception antennae for radio, television or wireless phone, unless such interference can be mitigated.
  - iii. **View sheds and Screening.** GMS's 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.
  - iv. **Fencing and Security.** Proper security of the site for Large and Medium GMS's is required. This can be accomplished with a security fence, or by other means proposed by the applicant as part of an overall security plan to be accepted by the Town Board.
  - v. **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.
  - vi. **Ground clearance.** The minimum distance between the ground and any part of the solar panel must be at least two (2) feet. If the array can rotate and/or change pitch, this is the minimum with the array extended at its maximum pitch.
  - vii. **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, placed periodically around the perimeter.

- viii. **Lightning protection.** All solar systems shall have adequate lightning protection via internal lightning arrestors, surge protectors or adequate grounding.
- ix. **Ownership.** Ownership of the property shall be clearly established by the Applicant and if the Applicant is not the owner, the Applicant shall provide proof that the owner agrees to submit to the regulations set forth herein.
- x. **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.
- xi. **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.
- xii. **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.
- xiii. **Property Operation and Maintenance Plan.** The applicant shall submit a Property Operation and Maintenance Plan.
- xiv. **Notice of Decommissioning.** 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 Building Inspector 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.

Should the Solar System be non-operational for a continuous period of 6 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 6 months more to begin operations. If operations do not commence within said 6 months, decommissioning of the site, in accordance with the DRP shall immediately commence.

- xv. **Decommissioning and Removal Plan.** The applicant shall submit a Decommissioning and Removal Plan (DRP) to the Town 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 Town within a specific time period after the cessation of operations. This plan shall be approved by the Town Board and prior to the granting of the special use permit.

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.

- xvi. **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.
  - xvii. **Setbacks.** These solar systems shall comply with all setbacks within the affected zoning district. Additional setbacks may be required during the site plan review process in order to provide for the public's safety, health and welfare.
  - xviii. **Public hearing.** No action shall be taken by the Town Board to issue a special use permit for a solar system until after public notice and public hearing.
  - xix. **Saturation.** In considering whether to issue a Special Use Permit, the Town Board shall consider the proximity of similar large solar energy systems to the one being proposed. In no event, shall an LSES be placed within one mile of an existing LSES, without specific findings by the Town Board that such placement does not adversely affect the community character of the surrounding properties.
- c. Upon a Special Use Permit being issued by the Town Board, the Planning Board shall review the site plan for the GMS's pursuant to § 155-28 of the Code. The following submission requirements must be observed regarding a site plan application.
- i. Completed application form as supplied by the Town of Manlius for site plan approval for a solar system.
  - ii. Proof of ownership of the premises involved or proof that the applicant has written permission of the owner to make such application and copies of all relevant agreements and documents between the owner and the applicant have been turned over to the Planning Board for their review.

- iii. Submit a storm water management plan, certified by a professional engineer that demonstrates storm water runoff will infiltrate into the ground beneath at a rate equal to that of the infiltration rate prior to the placement of the system.
- iv. A plot plan and development plan drawn in sufficient detail, as prepared by a licensed engineer or surveyor, clearly describing:
  - a) Property lines and physical dimensions of the proposed site, including contours at five-foot intervals both before and after construction;
  - b) Location, approximate dimensions and types of all existing structures and uses on the site;
  - c) Location and elevation of the proposed solar system;
  - d) Blueprints or drawings of the proposed solar system installation showing the proposed layout of the solar system;
  - e) Electrical diagram detailing the installation, associated components, electrical interconnection methods with all National Electrical Code compliant disconnects and overcurrent devices;
  - f) Documentation of the major system components to be used, including PV panels, mounting system and inverter;
  - g) Location of all existing above ground utility lines and other on-site solar energy conversion systems within 1,200 linear feet of the site;
  - h) Where applicable, the location of all transmission facilities proposed for installation;
  - i) Location of all roads and other service structures proposed as part of the installation;
  - j) Landscape plan showing all existing natural land features, trees, forest cover, streams, wetlands and all proposed changes to these features, including size and type of plant material;
  - k) Plan showing proposed changes to the site including grading, clearing, lighting, screening and structures;
  - l) Soil type at construction site.
- v. All applications shall be accompanied by a long environmental assessment form, including a visual impact analysis. The following additional material may be required by the Planning Board:
  - a) Digital elevation model based project visibility map showing the impact of topography upon visibility of the project from any affected locations.
- vi. In addition to the above, no action shall be taken to issue site plan approval until after public notice and public hearing by the Planning Board and unless the Planning Board determines that the proposed solar system complies with the following:

That the use is oriented in its location upon the site, as to layout, coverage, screening, means of access and aesthetics so that:

- a) The flow control and safety of traffic and human beings shall not be adversely affected to an unreasonable degree;
- b) Fire department and EMT services shall be given notice of the site plan showing the proposed ingress and egress to the facility and an opportunity to submit comments (either in writing or in person) regarding the ability of the proposed ingress and egress to accommodate emergency vehicles.
- c) That there be reasonable compatibility on all respects with any structure or use in the neighborhood, actual or permitted, which may be directly substantially affected;
- d) That there should not be any unreasonable detriment to any existing structure in the neighborhood.

The Planning Board may, upon review and with due consideration, waive one or more of the submission requirements imposed herein. Relief from all other requirements must be made by way of area or use variance from the Zoning Board of Appeals.

*D. Roof-Mounted Solar Photovoltaic Energy Systems – Accessory Use*

- a. RMS's may only be mounted on lawfully permitted principal or accessory structures. RMS's shall be considered a modification to an existing structure in the Town of Manlius subject to the following requirements:
  - i. Building permits are required for installation of all RMS's.
  - ii. At the discretion of the Town of Manlius Code Enforcement Officer, the structure may be subject to engineering review for suitability.
  - iii. For installations on a sloped roof:
    - (1) The system must be installed at the same angle as the roof on which it is installed with a maximum distance, measured perpendicular to the roof, of twelve (12) inches between the roof and highest edge or surface of the system.
    - (2) The highest point of the system shall not exceed the highest point of the roof to which it is attached.
    - (3) RMS's on a sloped roof do not need to be screened.
  - iv. For Medium and Large RMS's installed on a flat roof:
    - (1) The highest point of the system shall be permitted to extend up to six (6) feet above the roof to which it is attached.

- (2) It shall be screened in a manner similar to other rooftop HVAC and mechanical equipment. This can be accomplished with architectural screening such as a building parapet and by setting the system back from the roof edge.
- (3) These systems shall comply with the following conditions as presented in section IV – C – b
  - (a) Non-interference
  - (b) Proximity to Radio, Television and Telephone systems
  - (c) FAA requirements
  - (d) Ownership
  - (e) Utility notification and approval
  - (f) Lighting
  - (g) Property Operation and Maintenance Plan
- v. Any height limitations of the Town of Manlius Code shall be applicable to solar systems.
- vi. Under no circumstance shall the solar panels be mounted to the façade of a structure.

**V. Permitted Zoning Districts**

- 1. RMS's are permitted in all zoning districts as an accessory structure to any lawfully permitted principal use on the same parcel upon issuance of the proper permit pursuant to §59-13 and upon compliance with all requirements of this Section and as elsewhere specified in this Local Law.
- 2. Small and Medium GMS's are permitted on parcels larger than 40,000 square feet in all zoning districts as an accessory structure to any lawfully permitted principal use on the same parcel upon issuance of the proper permit pursuant to §59-13 and upon compliance with all requirements of this section and as elsewhere specified in this Local Law.
- 3. Large GMS's are permitted as Principle Use upon issuance of the proper permit pursuant to §59-13 and upon compliance with all requirements of this section and as elsewhere specified in this Local Law. They shall be allowed in the following zoning districts:

- a. Industrial
- b. R/A

## **VI. Design and Installation Standards**

1. The solar photovoltaic energy system must be constructed to comply with the New York State Uniform Fire Prevention and Building Code, as amended, and any additional electrical and safety regulations adopted by the State of New York.
2. All wiring must comply with the National Electrical Code, most recent edition, as amended and adopted by the State of New York.
  - a. For GMS's, all exterior electrical lines must be buried below the surface of the ground where possible or be placed in conduit or in aluminum cable tray. Cable tray shall be covered where ever conductors will be exposed to direct sunlight.
3. The solar energy system must be constructed to comply with the most recent fire code as amended and adopted by the State of New York.
4. The solar energy system shall be properly maintained and be kept free from hazards including, but not limited to, faulty wiring, loose fastenings, or the creation of an unsafe condition or detriment to public health, safety or general welfare.

## **VII. Signage and/or Graphic Content**

1. No signage or graphic content may be displayed on the solar panels except the manufacturer's badge, the installer's name, safety information and equipment specification information. Said information shall be depicted within an area no more than thirty-six (36) square inches in size.
2. Disconnect and other emergency shutoff information will be clearly displayed on a light reflective surface.
3. Systems and sites may not be used for displaying advertising except for reasonable identification of the owner/operator and shall comply with all signage restrictions.

## **VIII. Inspection, Safety and Removal**

1. The Town of Manlius reserves the right to inspect a solar energy system for building or fire code compliance and safety.

2. If upon inspection the Town of Manlius determines that a fire code or building code violation exists, or that the system otherwise poses a safety hazard to persons or property, the Town of Manlius may order the Owner of the land or the operator of the facility to repair or remove the system, within a reasonable time. Such an order shall be in writing, shall offer the option to repair, shall specify the code violation or safety hazard found and shall notify the Owner of the land or the operator of the facility of their right to appeal such determination.
3. If the Owner of the land or the operator of the facility fails to repair or remove a solar energy system as ordered, and all appeal rights have been exhausted, the Town of Manlius may enter the property, remove the system and charge the Owner of the property or the operator of the facility or both for all costs and expenses of removal, including reasonable attorney's fees or pursue other legal action to have the system removed at the Owner of the land or the operator of the facility's expense.
4. In addition to any other available remedies, any unpaid costs resulting from the Town of Manlius' removal of a vacated abandoned or de-commissioned solar energy system shall constitute a lien upon the property against which the costs were charged. Legal counsel of the Town of Manlius shall institute appropriate action for the recovery of such cost, plus attorney's fees, including, but not limited to filing of municipal claims pursuant to 53 P.S. § 7107, et seq., for the cost of such work, 6% interest per annum, plus a penalty of 5% of the amount due plus attorney's fees and costs incurred by the Town of Manlius in connection with the removal work and the filing of the Town of Manlius' claim.

## **IX. Severability**

If any word, phrase, sentence, part, section, subsection or other portion of this Local Law or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection or other portion or the proscribed application thereof, shall be severable, and the remaining provisions of this Local Law, and all applications thereof, not having been declared void, unconstitutional, or invalid shall remain in full force and effect.

## **X. Conflict with Other Laws**

Where this Local Law differs or conflicts with other Laws, rules and regulations, unless the right to do so is preempted or prohibited by the County, State, or Federal government the more restrictive or protective of the Town and the public shall apply.