

**Local Law Filing**

**Town of Mount Morris**

**Local Law No. 1 of the year 2016**

**A local law amending Article VIII of Chapter 48  
of the Town Code to provide for solar farm regulation**

**Be it enacted by the Board of Trustees of the**

**Town of Mount Morris as follows:**

FILED  
STATE RECORDS  
FEB 29 2016  
DEPARTMENT OF STATE

**The Mount Morris Town Code is hereby amended by creating new Section 48-44.3, entitled "Solar Farms", as follows:**

**Section 48-44.3. Solar Farm Law.**

**(A) Definitions. As used in this section, unless the context requires otherwise, the following terms shall have the meanings indicated:**

**Solar Collector – A device, structure, panel, or part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy.**

**Solar Farm – The use of land where a series of one (1) or more solar collectors are placed in an area on a parcel of land for the purpose of generating photovoltaic power and said series of one (1) or more solar collectors placed in an area on a parcel of land collectively has a nameplate generation capacity of at least 15 kilowatts (kW) direct current (dc) or more when operating at maximum efficiency.**

**(B) Purpose. The requirements of this section are established for the purpose of allowing the development of Solar Farms in the Town and to provide standards for the placement, design, construction, operation, monitoring, modification, and removal of these systems.**

**(C) Applicability. The standards found in this section are applicable to "Solar Farms" as defined in section § 48-44.3(A) above. The term "Solar Farm" shall not be construed to include, so as to prohibit, or have the effect of prohibiting, the installation of a solar collector that gathers solar radiation as a substitute for traditional energy for water heating, active space heating and cooling, passive heating, or generating electricity for a residential property. The term "Solar Farm" shall also not be construed in such a way as to prohibit the installation or mounting of a series of one**

- (5) Because of neighborhood characteristics and topography, the Planning Board shall examine the proposed location on a case-by-case basis in order to ensure no detrimental impact to Town residents, businesses, or traffic.
- (6) All solar energy production systems are designed and located in order to prevent reflective glare toward any habitable buildings, as well as streets and rights-of-way.
- (7) All onsite utility and transmission lines are, to the extent feasible, placed underground.
- (8) The installation of a clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
- (9) The system is designed and situated to be compatible with the existing uses on adjacent and nearby properties.
- (10) All solar energy system components shall have a fifty (50) foot setback in the front from the center line of the highway and twenty (20) foot setbacks from the sides and the back unless there exist abutting residential uses, in which case all such components shall be a minimum two hundred (200) feet from any residential structures, deviation from which requires an Area Variance.
- (11) Solar modular panels shall not contain hazardous materials.
- (12) All appurtenant structures including but not limited to equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other and shall be screened from the view of persons not on the parcel.
- (13) Lighting of Solar Farms shall be consistent with State and Federal law. Lighting of appurtenant structures shall be limited to that required for safety and operational purposes and shall be reasonably shielded from abutting properties. Where feasible, lighting of the solar photovoltaic installation shall be directed downward and shall incorporate full cutoff fixtures to reduce light pollution.
- (14) A sign is required that identifies the owner and operator with an emergency telephone number where the owner and operator can be reached on a 24-hour basis. There shall be no other signs except announcement signs, such as "No Trespassing" signs or any signs required to warn of danger.
- (15) There shall be a minimum of one (1) parking space to be used in connection with the maintenance of the solar photovoltaic facility and the site. Such parking space shall not be used for the permanent storage of vehicles.

**(F) Additional Conditions.**

- (1) The Solar Farm 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 shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the Solar Farm shall

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**Town may enter the property and physically remove the installation.**

**(H) Costs of Decommissioning/Removal.** The operator of an installation and the owner of the real property on which such installation is located shall be jointly and separately liable for all costs and expenses of the Town incurred during and relating to the removal of an installation under Section 48-44.3(G)(5). Notwithstanding the foregoing, the Town shall first attempt to secure payment for such costs and expenses from the operator of the installation; however, in the event the Town is not made whole following reasonable attempts to collect such costs and expenses from the operator of the installation, the Town reserves all rights under the Code to pursue payment for such costs and expenses from the owner of the real property on which the installation in question is located.

**(I) The invalidity of any clause, sentence, paragraph, or provision of this Local Law shall not invalidate any other clause, sentence, paragraph, or part thereof.**

**(J) All Local Laws or Ordinances or parts of Local Laws or Ordinances in conflict with any part of this Local Law are hereby repealed.**

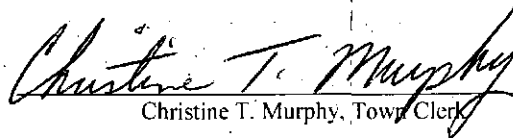
**(K) This Local Law shall take effect upon filing in the office of the New York State Secretary of State.**

(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. 1 of 2016 of the Town of Mount Morris was duly passed by the Town Council on February 23, 2016, in accordance with the applicable provisions of law.

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.

  
Christine T. Murphy, Town Clerk

Date: February 23, 2016,

