

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 Clay

FILED
STATE RECORDS

MAR 29 2022

DEPARTMENT OF STATE

Local Law No. 1 of the year 2022

A local law **Enacting and Amending a New Town Code section titled "Solar Energy Systems" and to delete paragraph "K" titled "Agricultural Resources" inadvertently included in the initial draft of the proposed law and published on the Town Website.**

(Insert Title)

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

☐ Town ☐

Of Clay

as follows:

Chapter 230-20 Zoning

H. Solar energy systems

(1) Authority. This solar energy section is adopted pursuant to §§ 261 through 263 of the Town Law and § 20 of the Municipal Home Rule Law of the State of New York, which authorize the Town to adopt zoning provisions that advance and protect the health, safety and welfare of the community and, in accordance with the Town Law of New York State, to make provision for, so far as conditions may permit, the accommodation of solar energy systems and equipment and access to sunlight necessary therefor.

(2) Statement of purpose. This solar energy section is adopted to advance and protect the public health, safety, and welfare of the Town by creating regulations for the installation and use of solar-energy-generating systems and equipment, with the following objectives:

- (a) To take advantage of a safe, abundant, renewable and nonpolluting energy resource;
- (b) To decrease the cost of electricity to the owners of residential and commercial properties, including single-family houses;
- (c) To increase employment and business development in the Town, to the extent reasonably practical, by furthering the installation of solar energy systems;
- (d) To mitigate the impacts of solar energy systems on environmental resources such as important agricultural lands, forests, wildlife, and other protected resources; and
- (e) To maintain the rural character of the Town of Clay and to integrate solar energy usage in the Town in

such a way as to minimize the visual impact on the community.

- (3) Definitions. As used in this section, the following terms shall have the meanings indicated:

BUILDING-INTEGRATED SOLAR ENERGY SYSTEM - A combination of solar panels and solar energy equipment integrated into any building envelope system, such as vertical facades, semitransparent skylight systems, roofing materials, or shading over windows, which produce electricity for on-site consumption.

FARMLAND OF STATEWIDE IMPORTANCE - Land, designated as "farmland of statewide importance" in the U.S. Department of Agriculture Natural Resources Conservation Service's (NRCS) Soil Survey Geographic (SSURGO) Database on Web Soil Survey, that is of statewide importance as determined by the appropriate state agency or agencies. Farmland of statewide importance may include tracts of land that have been designated for agriculture by state law.

GLARE - The effect by reflections of light with intensity sufficient, as determined in commercially reasonable manner, to cause annoyance, discomfort, or loss in visual performance and visibility in any material respects.

GROUND-MOUNTED SOLAR ENERGY SYSTEM - A solar energy system that is anchored to the ground via a pole or other mounting system, detached from any other structure, that generates electricity for on-site or off-site consumption.

NATIVE PERENNIAL VEGETATION - Native wildflowers and grasses that serve as habitat, forage, and migratory way stations for pollinators and shall not include any prohibited or regulated invasive species as determined by the New York State Department of Environmental Conservation.

POLLINATOR - Bees, birds, bats, and other insects or wildlife that pollinate flowering plants, and includes both wild and managed insects.

PRIME FARMLAND - Land, designated as "prime farmland" in the U.S. Department of Agriculture Natural Resources Conservation Service's (NRCS) Soil Survey Geographic (SSURGO) Database on Web Soil Survey, that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oil seed crops and is also available for these land uses.

QUALIFIED SOLAR INSTALLER - A person who has the skills and knowledge related to the construction and operation of solar energy systems. Persons who are on the list of eligible photovoltaic installers maintained by NYSEDA, or who are certified by NABCEP, shall be deemed to be qualified. Persons who are not on either of these lists may be deemed qualified if the Town Code Officer determines that they have adequate training and experience to perform the installation safely.

ROOF-MOUNTED SOLAR ENERGY SYSTEM - A solar energy system located on the roof of any legally permitted building or structure that produces electricity for on-site or off-site consumption.

SOLAR ACCESS - Space open to the sun and clear of overhangs or shade so as to permit the use of active and/or passive solar energy systems on individual properties.

SOLAR ENERGY EQUIPMENT - Electrical material, hardware, inverters, conduit, storage devices, or other electrical and photovoltaic equipment associated with the production of electricity.

SOLAR ENERGY SYSTEM - The components and subsystems required to convert solar energy into electric energy suitable for use. The term includes, but is not limited to, solar panels and solar energy equipment. The area of a solar energy system includes all the land inside the perimeter of the solar energy system, which extends to any interconnection equipment. A solar energy system is classified as a Tier 1, Tier 2, or Tier 3 solar energy system as follows:

- (1) Tier 1 solar energy systems include the following:

(a) Roof-mounted solar energy systems.

(b) Building-integrated solar energy systems.

(c) Permits for all Tier 1 solar energy systems are issued by the Town Code Officer.

- (2) Tier 2 solar energy systems are residential or single building serving ground-mounted solar energy systems that are affixed to the ground either directly or by mounting devices and are not attached or affixed to a building or structure. All applications for Tier 2 solar energy systems are reviewed and approved or denied by the Town Planning Board.

- (3) Tier 3 solar energy systems are systems that are not included in the list for Tier 1 and Tier 2 solar energy systems. Tier 3 systems shall ONLY be allowed in Industrial and Commercial zones. All applications for Tier 3 solar energy systems are approved or denied by the Town Board after review of the application, including the site plan application, by the Planning Board and after the Planning Board has filed an advisory

report to the Town Board. This report must be filed with the Town Board within 45 days of the completed application being filed with the Town or such additional time as may be deemed appropriate by the Town Board.

SOLAR PANEL - A photovoltaic device capable of collecting and converting solar energy into electricity.

STORAGE BATTERY ALSO KNOWN AS ENERGY STORAGE SYSTEM - A device that stores energy and makes it available in an electrical form.

(4) Applicability.

- (a) The requirements of this section shall apply to all solar energy systems permitted, installed, or modified in the Town after the effective date of this section, excluding general maintenance and repair.
- (b) Solar energy systems constructed or installed prior to the effective date of this section shall not be required to meet the requirements of this section.
- (c) Modifications to an existing solar energy system that increase the solar energy system area by more than 5% of the original area of the solar energy system (exclusive of moving any fencing) shall be subject to this section.
- (d) All solar energy systems shall be designed, erected, and installed in accordance with all applicable codes, regulations, and industry standards as referenced in the New York State Uniform Fire Prevention and Building Code ("Building Code"), the New York State Energy Conservation Code ("Energy Code"), and the Town Code.

(5) General requirements.

- (a) A building permit shall be required for installation of all solar energy systems and, installation must be performed by a qualified solar installer as approved by the Town Codes Officer.
- (b) Solar energy systems, unless a part of a Tier 3 solar energy system, shall be permitted to provide for 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 the sale of excess power through a net metering arrangement in accordance with the New York Public Service Law or similar state or federal statute. However, solar energy systems applications in a residential setting and serving residential use on a single parcel or lot shall be limited to 25 kW and 110% of energy consumed on the site in the prior 12 months. Solar energy system applications serving a commercial or industrial use shall be limited to no more than 110% of the energy consumed on the site in the prior 12 months.
- (c) Issuance of permits and approvals by the Town Board, Planning Board, and Codes Officer shall include review pursuant to the State Environmental Quality Review Act ECL Article 8 and its implementing regulations at 6 NYCRR Part 617 ("SEQRA").
- (d) Prior to operation, electrical connections must be inspected by an appropriate licensed electrical inspection person or agency, as determined by the Town. An electrical inspector must supply written verification that all electrical connections pass inspection.
- (e) Connection to the public utility grid must be inspected by the appropriate public utility, and proof of inspection shall be provided to the Town.
- (f) Solar energy systems shall be permitted only if they are determined by the Town not to present any unreasonable safety risk, including but not limited to weight load, resistance and ingress and egress in the event of fire or other emergency.
- (g) Also, energy systems shall comply with all relevant and applicable provisions of the New York State Uniform Fire Prevention and Building Code Standards.
- (h) If storage batteries are included as part of the solar energy system, they must be placed in a secure container or enclosure under the requirements of the New York State Uniform Fire Prevention and Building Code when in use, and when no longer in use shall be disposed of in accordance with the laws and regulations of the Town and other applicable laws and regulations.
- (i) All utility services and electrical wiring/lines shall be placed underground and otherwise be placed within the walls or unobstructed conduit. Conduits or feeds which are laid on the roof shall be camouflaged to blend in with the roof and reduce statically objectionable impacts.
- (j) If solar energy systems, except for Tier 3 systems which have separate regulations under this section, cease to perform their originally intended function for more than 12 consecutive months, unless extended by the Town Board, the property owner shall completely remove the system, mounts and all associated equipment and components by no later than 90 days after written notice is received from the Town. The Code

Enforcement Officer shall have the right, at any reasonable time after notice, to enter in company of the owner or his agent to ensure that the solar energy system remains operational.

- (k) Design, construction, operation and maintenance of the solar energy system shall prevent direction, misdirection and/or reflection of solar arrays and/or glare onto neighboring properties, public roads, public parks and public buildings.
- (l) Prior to the time of the issuance of a solar building permit, the applicant/owner shall demonstrate to the code enforcement officer a reliable and safe master method for the de-energizing of the solar energy system in the event of an emergency.
- (6) Permitting requirements for Tier I solar energy systems. All Tier I solar energy systems shall be permitted in all zoning districts and shall be exempt from site plan review under this section, subject to the following conditions for this type of solar energy system:
 - (a) Roof-mounted solar energy systems.
 - [1] Roof-mounted solar energy systems shall incorporate the following design requirements:
 - [a] Solar panels on pitched roofs shall be mounted with a maximum distance of eight inches between the roof surface and the highest edge of the system.
 - [b] Solar panels on pitched roofs shall be installed parallel to the roof surface on which they are mounted or attached.
 - [c] Solar panels on pitched roofs shall not extend higher than the highest point of the roof surface on which they are mounted or attached.
 - [d] Solar panels on flat roofs shall not extend above the top of the surrounding parapet, or more than 48 inches above the flat surface of the roof, whichever is higher.
 - [e] Solar energy systems, to the extent possible, shall have neutral paint colors to achieve harmony with the surrounding area.
 - [2] Glare: All solar panels shall have anti-reflective coating(s).
 - (b) Building-integrated solar energy systems shall be shown on the plans submitted for the building permit application for the building containing the system.
- (7) Permitting requirements for Tier 2 solar energy systems.
 - (a) Districts where allowed. Tier 2 solar energy systems are permitted in all districts.
 - [1] A solar/building permit and special use permit from the Planning Board shall be required for the installation of all ground-mounted solar energy systems.
 - [2] Front yards.
 - [a] Ground-mounted solar energy systems are prohibited in front yards. In addition, ground-mounted solar energy systems shall comply with the most restrictive area, yard and total area/lot coverage restrictions based on the specific zoning regulation in each applicable zoning district in which the ground-mounted solar system is constructed. Further, additional setbacks and yard requirements in total area/lot coverage restrictions may be required by the Planning Board in order to protect the public safety, health and welfare.
 - [b] A front yard, for the purposes of this section, is defined as a line drawn parallel to the highway drawn on a point from the corner of the residence or principal structure on the structure closest to the highway.
 - [3] Ground-mounted solar energy systems shall only be permitted on lots which are 20,000 square feet or larger.
 - [4] The height of solar collector/panels in any amounts shall not exceed 12 feet in height in Residential Districts and 12 feet in Industrial and Commercial Districts when orientated at the maximum tilt measured from the ground, including any base.
 - [5] As a part of the special use permit review process, the Planning Board will determine that a ground-mounted solar energy system shall be screened to the extent possible from adjoining lots and street rights-of-way through the use of architectural features, earth berms, landscaping, fencing or other screen which will harmonize with the character of the property and the surrounding area.
 - [6] The ground-mounted solar energy system shall be located in a manner to minimize view blockage reasonably for surrounding properties and shading of property while still providing adequate solar access for the solar energy system.
 - [7] Neither the ground-mounted solar energy system nor any component thereof shall be cited within any

required buffer area, easement, right-of-way or setback.

[8] No special use permit shall be issued by the Planning Board unless they determine that the proposed activity will:

[a] Be consistent with and not impede an appropriate goal or objective of the Town comprehensive Plan.

[b] Be consistent with and not impede the lawful use and development of contiguous and neighboring properties and not unreasonably affect their enjoyment and value.

(8) Permitting requirements for Tier 3 solar energy systems. Tier 3 solar energy systems are ONLY permitted in Industrial and Commercial zoning districts, and require the issuance of a special use permit. All systems are subject to the site plan application requirements set forth in this section. In the granting of a special use permit, the Town Board will strive to permit the location of Tier 3 solar energy systems in such a manner so that no one area or neighborhood in the Town would be over-burdened by the placement of Tier 3 solar energy systems.

(a) Applications for the installation of Tier 3 solar energy system shall be:

[1] Reviewed by the Code Enforcement Officer for completeness. Applicants shall be advised within 15 business days of the completeness of their application or any deficiencies that must be addressed prior to substantive review.

[2] Subject to a public hearing to hear all comments for and against the application. The Town Board shall have a notice printed in a newspaper of general circulation in the Town at least 10 days in advance of such hearing. Applicants shall have delivered the notice by first-class mail to adjoining landowners or landowners within 400 feet of the property at least 10 days prior to such a hearing. Proof of mailing shall be provided to the Town Board at the public hearing.

[3] Referred to the County Planning Department pursuant to General Municipal Law§ 239-m and the Town Planning Board for site plan review and advisory report.

(b) Underground requirements. All on-site utility lines shall be placed underground to the extent feasible and as permitted by the serving utility, with the exception of the main service connection at the utility company right-of-way and any new interconnection equipment, including without limitation any poles with new easements and right-of-way.

(c) Vehicular paths. Vehicular paths within the site shall be designed to minimize the extent of impervious materials and soil compaction.

(d) Signage.

[1] No signage or graphic content shall be displayed on the solar energy systems except the manufacturer's name, equipment specification information, safety information, and twenty-four-hour emergency contact information. Said information shall be depicted within an area no more than eight square feet.

[2] As required by the National Electric Code (NEC), disconnect and other emergency shutoff information shall be clearly displayed on a light-reflective surface. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.

(e) Glare. All solar panels shall have anti-reflective coating(s).

(f) Lighting. Lighting of the solar energy systems shall be limited to that minimally required for safety and operational purposes and shall be reasonably shielded and downcast from abutting properties.

(g) Tree-cutting. Removal of existing trees larger than six inches in diameter should be minimized to the extent possible.

(h) Decommissioning.

[1] Solar energy systems that have been abandoned for one year and/or are not producing electricity for a period of one year at least 50% of its intended usage, shall be removed at the land owner's and/or operator's expense which, at the Town's option, may come in part or whole from any security made with the Town.

[2] A decommissioning plan signed by the land owner and/or operator of the solar energy system shall be submitted by the applicant, addressing the following:

[a] The cost of removing the solar energy system.

[b] The time required to decommission and remove the solar energy system from any ancillary structures.

[c] The time required to repair any damage caused to the property by the installation and removal of the solar energy system.

[d] The Town at its option may obtain its own decommissioning plan, the cost of which shall be paid for by the applicant.

[3] Security, Limited Access Agreement, Assessment of Expenses and Insurance.

- [a] The Town of Clay recognizes the importance of the need to possess adequate security in an easily convertible and usable form in the event the Town is forced to act to decommission the arrays and remediate a property if a permitted operation is abandoned. The Town of Clay also recognizes the long-term nature of some of these projects, and the need to have a full cash security posting before the life of the project expiration date.

Accordingly, the Town of Clay will require the posting of a significant cash component of the security amount determined, in addition to the initial posting of an irrevocable letter of credit. The Town shall require all applicants to post additional cash with corresponding decreases in the Letter of Credit posting throughout the term of the project life until the Town has a full cash security posting. The deposit, executions, or filing with the Town Comptroller of cash or irrevocable Letter of Credit shall be in an amount set by the Town Engineer, and sufficient to ensure the good-faith performance of the terms and conditions of the permit issued pursuant hereto and to provide for the removal and restorations of the site subsequent to removal. The amount of the security shall be 125% of the cost of removal of the Tier 3 solar energy system and restoration of the property.

- [b] In the event of default upon performance of such conditions, after proper notice and expiration of any cure periods, the cash or Letter of Credit security shall be forfeited to the Town, which shall be entitled to maintain an action thereon. The cash deposit or security shall remain in full force and effect until restoration of the property as set forth in the decommissioning plan is completed. The Town may also bring legal action against the applicant for any unrecovered losses.

- [c] In the event of default or abandonment of the solar energy system, the system shall be decommissioned as set forth herein.

- [d] Any expenses or losses incurred by the Town and not reimbursed by any security in connection with the cost of removal of abandoned equipment or other related items and legal fees and expenses shall be levied and collected in the same manner as provided in the Town Law for the levy and collection of a special ad valorem levy on the real property on which the solar energy system is located. This assessment shall be assessed on the next assessment against said property, and the same shall be levied and collected in the same manner as the regular Town tax.

- [e] Insurance. The applicant and/or owner shall maintain a current insurance policy which will cover the installation and operation of the Tier 3 project at all times in the minimum amount of \$5,000,000.00 property and personal liability coverage and provide proof of such policy to the Town on an annual basis. The Town of Clay shall be an additional insured and proof of same shall be provided to the Town each year.

- [f] Limited Site Access Agreement. The Town of Clay shall require all applicants to enter into a Limited Site Access Agreement upon the posting of security to ensure the Town may access the property in the event the Town is forced to act to decommission the project. The Agreement shall be prepared by the Town Attorney in a form and content acceptable to the Town Board.

(9) Site plan application. For any solar energy system requiring a special use permit, site plan approval shall be required. Any site plan application shall include the following information:

- (a) Property lines and physical features, including roads, and all improvements for the project site as shown on a current survey prepared and signed by a licensed surveyor.
- (b) Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, and screening vegetation or structures.
- (c) A one- or three-line electrical diagram detailing the solar energy system layout, solar collector installation, associated components, and electrical interconnection methods, with all National Electrical Code-compliant disconnects and over-current devices.
- (d) A preliminary equipment specification sheet that documents all proposed solar panels, significant components, mounting systems, and inverters that are to be installed. A final equipment specification sheet shall be submitted prior to the issuance of a building permit.
- (e) Name, address, and contact information of the proposed or potential system installer and the owner and/or operator of the solar energy system. Such information of the final system installer shall be submitted prior to the issuance of a building permit.

areas, etc.

- [m] A plan for clearing and/or grading of the site and a stormwater pollution prevention plan (SWPPP) for the site.
- [n] Documentation of utility notification, including an electric service order number.
 - 1. The manufacturer's or installer's identification and appropriate warning signage shall be posted at the site and be clearly visible.
- [o] Solar energy systems shall be marked in order to provide emergency responders with appropriate warning and guidance with respect to isolating the electric systems. Materials used for marking shall be weather resistant. The marking shall be placed adjacent to the main service-disconnect location clearly visible from the location where the lever is operated.
- [p] The height of the solar panel array shall conform to the height restrictions for an accessory structure in the applicable zoning district, but in no case shall exceed 12 feet measured from the ground, and including any base or supporting materials. Neutral paint colors, materials and textures may be required for Tier 3 project components, buildings and structures to achieve visual harmony with the surrounding area.
- [q] The design, construction, operation and maintenance of the solar energy system shall prevent the direction, misdirection and/or reflection of solar rays and/or glare onto neighboring properties, public roads, public parks and public buildings.
- [r] Artificial lighting of solar arms shall be limited to lighting required for safety and operational purposes, shall be shielded from all neighboring properties and public roads.
- [s] Noise. To the extent possible, all equipment that produces noise shall be placed in the center of the solar array. Further, and at the property line of any solar energy system, the noise level shall not exceed 60 dB.

(10) Special use permit.

(a) Lot size.

- [1] The property on which a Tier 3 solar energy system is placed shall meet the lot size requirements of the underlying zoning district.
- [2] Tier 2 solar energy systems are only permitted on lots which are 20,000 square feet or larger.

(b) Setbacks.

- [1] All Tier 3 solar energy systems shall be set back at least 100 feet from all property lines unless the solar energy system crosses multiple lots, then 100 feet from the exterior perimeter of the combined lots.
- [2] Tier 2 setbacks are as permitted in the Code.

(c) Height.

- [1] The height of all Tier 3 systems shall not exceed 12 feet.
- [2] See Subsection for Tier 2 solar energy projects.

(d) Lot coverage.

- [1] The following components of a Tier 3 solar energy system shall be considered included in the calculations for lot coverage requirements:
 - [a] Foundation systems, typically consisting of driven piles or monopoles or helical screws with or without small concrete collars.
 - [b] All mechanical equipment of the solar energy system, including any pad-mounted structure for batteries, switchboard, transformers, or storage cells.
 - [c] Paved access roads servicing the solar energy system.
 - [d] All area within the fenced-in perimeter.
- [2] Lot coverage of Tier 3 solar energy system, as defined above, shall not exceed 50% of the lot
- [3] Lot coverage for Tier 2 solar energy systems shall not exceed the maximum lot coverage requirement of the underlying zoning district except as modified by Subsection 7(a)[2][a] of this section.

(e) Fencing requirements. All mechanical equipment, including any structure for storage batteries, shall be enclosed by a seven-foot-high fence, as required by NEC, with a self-locking gate to prevent unauthorized access.

(f) Screening and visibility.

- [1] Solar energy systems smaller than 10 acres shall have views minimized from adjacent properties to the extent reasonably practicable using architectural features, earth berms, landscaping, or other screening methods that will harmonize with the character of the property and surrounding area.
- [2] Solar energy systems larger than 10 acres shall be required to:
 - [a] Conduct a visual assessment of the visual impacts of the solar energy system on public roadways and adjacent properties. At a minimum, a line-of-sight profile analysis shall be provided. Depending upon the scope and potential significance of the visual impacts, additional impact analyses, including, for example, a digital viewshed report, may be required to be submitted by the applicant.
 - [b] Submit a screening and landscaping plan to show adequate measures to screen through landscaping, grading, or other means so that views of solar panels and solar energy equipment shall be minimized as reasonably practical from public roadways and adjacent properties to the extent feasible.
 1. The screening and landscaping plan shall specify the locations, elevations, height, plant species, and/or materials that will comprise the structures, landscaping, and/or grading used to screen and/or mitigate any adverse aesthetic effects of the system, following the applicable rules and standards established by the Town.
- (11) Ownership changes. If the owner or operator of the solar energy system changes or the owner of the property changes, the special use permit shall remain in effect, provided that the successor owner or operator assumes in writing all of the obligations of the special use permit, site plan approval, and decommissioning plan. A new owner or operator of the solar energy system shall notify the Town of such change in ownership or operator within 10 days of the ownership change by certified mail to both the Town Clerk and Town Supervisor and addressed to the Clay Town Hall.
- (12) Safety.
 - (a) Solar energy systems and solar energy equipment shall be certified under the applicable electrical and/or building codes as required.
 - (b) Solar energy systems shall be maintained in good working order and in accordance with industry standards. Site access shall be maintained, including snow removal at a level acceptable to the local fire department and, if the Tier 3 solar energy system is located in an ambulance district, the local ambulance corps.
 - (c) If storage batteries are included as part of the solar energy system, they shall meet the requirements of any applicable fire prevention and building code when in use and, when no longer used, shall be disposed of in accordance with the laws and regulations of the Town and any applicable federal, state, or county laws or regulations.
- (13) Permit time frame and abandonment.
 - (a) The special use permit and site plan approval for a solar energy system shall be valid for a period of 12 months after issue. In the event a Building Permit is not issued or significant construction is not in progress in accordance with the final site plan and special permit within the 12 month period, the Town Board may extend the time to pull a permit or complete construction for an additional 90 days by resolution of the Board. If the expiration time is not extended by the Town Board, all approvals shall become "null and void".
 - (b) If there is no electricity generation of a solar energy system on a continuous basis for 12 months and/or the reduction of proposed usage in the amount of 50% for 12 months, the Town may notify and instruct the land owner and/or operator of the solar energy system to implement the decommissioning plan. Decommissioning must be completed within 250 days of notification, unless extended by the Town Board.
 - (c) If the owner and/or operator fails to comply with decommissioning upon any abandonment, the Town may at its discretion, utilize the cash and or Letter of Credit for the removal of the solar energy system and restoration of the site in accordance with the decommissioning plan.
- (14) Enforcement. Any violation of this solar energy law shall be subject to the same enforcement requirements, including the civil and criminal penalties, provided for in the zoning or land use regulations of the Town.
- (15) 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.
- (16) Waiver. The Town Board may, under appropriate conditions or circumstances, and in its absolute discretion, waive one or more of the submission requirements contained herein.

- (17) Fees. Fees for application are those as established by the Town of Clay, and it shall be the responsibility of the applicant to reimburse the Town for any and all reasonable and necessary legal, engineering and other professional fees incurred by the Town in reviewing and administering an application for a solar energy system under this section.

(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. 1 (one) of 2022 of the Town of Clay was duly passed by the TOWN BOARD On March 7, 2022, 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 _____ 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.)

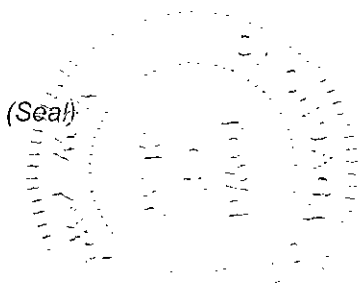
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified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



Jill Hageman-Clark

Jill Hageman-Clark - Town Clerk
Clerk of the county legislative body, City, Town or Village Clerk or
officer designated by local legislative body

Date: 3/14/2022

**LOCAL LAW NO. 1 OF THE YEAR 2022
TOWN OF CLAY**

**LOCAL LAW NO. 1 OF THE YEAR 2022 ENACTING and AMENDING CHAPTER 230-20
ENTITLED “ZONING” OF THE CODE OF THE TOWN OF CLAY.**

IT IS ENACTED by the Town Board of the Town of Clay, County of Onondaga and State of New York, as follows:

AMENDMENT TO CHAPTER 230-20, ZONING, entitled Local Law No. 1 of the Year 2022, Enacting and Amending of the Code of the Town of Clay by adding section titled **“SOLAR ENERGY SYSTEMS”** and to delete paragraph “K” titled “Agricultural Resources” inadvertently included in the initial draft of the proposed law and published on the Town Website.

The purpose of this local law is to define, promote and regulate Solar Energy Systems to maintain the rural character of the Town of Clay while integrating solar energy usage in the Town while minimizing the visual impact on the community.

(SEE ATTACHED LOCAL LAW NO 1 OF 2022)

This local law shall take effect upon filing with the Secretary of State.