Town of Colton Local Law No. ___ of 2023

A Local Law to Regulate Solar Energy Facilities in the Town of Colton

Table of Contents

SECTION 1 SOLAR ENERGY FACILITIES

A. Purpose

1. This Article aims to allow for the accommodation of solar energy systems and equipment and the provision for adequate sunlight and convenience of access necessary therefore, and to balance the potential impact on neighbors when solar collectors may be installed near their property while preserving the rights of property owners to install solar energy systems without excess regulation. In particular, this legislation is intended to apply to free standing; ground or pole mounted and roof mounted solar energy system installations based upon certain placement. This legislation is not intended to override agricultural protections that are currently in place under New York State Agriculture and Markets Law.

B. Definitions

BUILDING-INTEGRATED PHOTOVOLTAIC (BIPV): The incorporation of photovoltaic (PV) material into a building's envelope. Technologies include PV shingles or tiles, PV laminates, and PV glass. Examples of placement include vertical facades, semi-transparent skylights, awnings, fixed awnings, and roofs.

COLLECTIVE SOLAR: Installations of Solar Energy Systems that are owned collectively through a homeowner's association, community or municipal system, "adopt-a-solar-panel" programs, community, solar, collective solar, or other similar arrangements.

GLARE: A continuous source of excessive brightness, relative to diffused lighting. This is not a direct reflection of the sun, but rather a reflection of the bright sky around the sun. Glare is significantly less intense than glint.

GLINT: A momentary flash of light that may be produced as a direct reflection of the sun on a solar collection system.

GROUND-MOUNTED SYSTEM: A solar energy system that is anchored to the ground and attached to a pole or similar mounting system, detached from any other structure.

MAJOR SOLAR COLLECTION SYSTEM: An area of land or other area used for a solar collection system principally used to capture solar energy and convert it to electrical energy to transfer to the public electric grid but also may be for on-site use and is intended to be used for any purpose, other than private, or residential, or agricultural use, including community-based systems. Solar farm facilities consist of one or more freestanding GROUND-MOUNTED or ROOF-MOUNTED solar collector devices. Major solar systems are those systems which generate more than 110% of the energy demand for onsite use, or more than 18 kW, whichever is lower.

MINOR OR ACCESSORY SOLAR COLLECTION SYSTEM: A solar photovoltaic cell, panel, array, solar hot air or water collector device, which relies upon solar radiation as an energy source for collection, inversion, storage, and distribution of solar energy for electricity generation or transfer of stored heat, secondary to the use of the premises for other lawful purposes. Minor solar collection systems are those which generate 110% or less of the energy demand for the site or 18 kW, whichever is lower. Minor solar collection systems may consist of BUILDING-INTEGRATED PHOTOVOLTAICS, GROUND-MOUNTED or ROOF-MOUNTED solar collector devices. Minor or accessory solar collection systems that do not generate more than 110% of the energy demand of a farm operation in an agricultural district shall be considered as farm equipment under New York State Agriculture and Markets Law §301.

ROOF-MOUNTED 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.

SCREENING: A hedge or dense planting of trees and/or shrubs designed, installed, and maintained for the purpose of providing a year-round complete opaque obstruction of view from ground level to at least the height specified in the Zoning district requirements.

SOLAR ACCESS: Space that is open to the sun and clear of overhangs or shade. Structures constructed on private property will not infringe on the rights of adjacent properties.

SOLAR ENERGY EQUIPMENT and other solar accessory structures and buildings, assembled with the intent to facilitate the collection of solar energy, including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures and facilities.

SOLAR ENERGY SYSTEMS: Major and minor solar system.

SOLAR PANEL: A device capable of collecting and converting solar energy into electrical energy.

C: Applicability

1. The requirements of this section shall apply to all solar energy systems installed or modified after the effective date of this ordinance, excluding general maintenance and repair.

2. Solar energy system installations for which a valid building permit has been issued or, if no building permit is presently required, for which installation has commenced before the effective date of this local law shall not be required to meet the requirements herein.

3. 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 Act, National Electric Code (NEC), and the Town Code.

4. 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 State Public Service Law § 66-j or similar New York State or federal law or regulation.

5. All solar energy systems shall be designed, erected, and installed in a manner so as to prevent undue glare from failing on adjoining properties or creating traffic safety issues.

6. All solar collection systems shall require a building permit.

D. Authority

The Town Board of the Town of Colton, enacts this Local Law under the authority granted by

1. Article IX of the New York State Constitution, Section 2(c) (6) and (10).

2. New York Statute of Local Governments, Section 10 (1), (6), and (7).

3. New York Municipal Home Rule Law, Section 10 (1) (i) and (ii) and Section 10 (l) (a) (6), (11), (12), and (14).

4. New York Town Law, Article 16 (Zoning).

5. New York Town Law Section 130(1) (Building Code), (3) (Electrical Code), (5) (Fire Prevention), (7) (Use of streets and highways), (7-a) (Location of Driveways), (11) (Peace, good order and safety), (15) (Promotion of public welfare), (15) -(Excavated Lands), (16) (Unsafe buildings), (19) (Trespass), and (25) (Building lines).

6. New York Town Law Section 64 (17-a) (protection of aesthetic interests), (23) (General Powers).

7. New York Real Property Tax Law Section 487.

E. Findings And Determination

1. This Local Law allows for the accommodation of solar energy systems and equipment and the provision for adequate sunlight and the convenience of access necessary thereof.

2. Applications for the installation of solar energy systems that are reviewed by the Code Enforcement Officer and referred to the Town Planning Board for its review and action, may be approved, approved with conditions, or denied.

SECTION 2 MINOR SOLAR ENERGY SYSTEMS

2.01 Solar as an Accessory Use or Structure

A. Roof-mounted systems are permitted as accessory uses in all zoning districts, subject to the following requirements:

1. The distance between the roof and highest edge or point of the system shall be in accordance with the New York State Uniform Fire Prevention and Building Code.

2. Rooftop and building-mounted solar collectors shall not obstruct solar access to adjacent properties.

B. Ground-mounted and freestanding solar collectors are permitted as accessory structures in all zoning districts, subject to the following requirements:

1. The location of the solar collectors meets all applicable setback requirements of the zone in which they are located.

2. The height of the solar collectors and any mounts shall not exceed the height restrictions of the zone when oriented at maximum tilt.

3. The solar collectors may not be located closer to a front lot line than the principal building on a property. If the side or rear yard is visible from adjacent properties and roads, a solid fence, berm, or vegetative screening that conforms to local requirements should be installed along shared lot lines to minimize visual impact to neighboring properties.

4. Ground-mounted and freestanding solar collectors shall not obstruct solar access to adjacent properties.

C. All solar collector installations must be performed in accordance with applicable electrical and building codes, the manufacturer's installation instructions, and industry standards. Prior to operation the electrical connections must be inspected by the Code Enforcement Officer or by an appropriate electrical inspection person or agency, as determined by the Town. In addition, any connection to the public utility grid must be inspected by the appropriate public utility.

D. When solar storage batteries are included as part of the solar collector system, they must be placed in a secure container or enclosure meeting the requirements of the New York State Uniform Fire Prevention and Building Code, St. Lawrence County, and Town of Colton, and other applicable laws and regulations, when in use. When no longer used, the batteries shall be disposed of in accordance with the laws and regulations of St. Lawrence County, Town of Colton, and other applicable laws and regulations.

2.02 Decommissioning Requirements

If a Free-Standing or Ground Mounted solar collector(s) ceases to perform its originally intended function for more than twelve (12) consecutive months, the property owner shall remove the collector, mount and associated equipment by no later than ninety (90) days after the end of the twelve-month period. In the event that the property owner fails to remove the aforesaid non-functioning system within the time prescribed herein, the Town may enter upon the land where such system has been installed and remove the same. All expenses incurred by the Town in connection with the removal of the non-functioning system shall be assessed against the land on which such free-standing or Ground Mounted solar collector(s) is located and shall be levied and collected in the same manner as provided in Article 15 of the N.Y. Town Law for the levy and collection of a special ad valorem levy.

2.03 Design Standards

1. No minor solar system shall be erected until a permit has been issued by the Code Enforcement Officer, who shall issue such permit in accordance with this local law, and the most current Town of Colton Land Use and Development Code.

2. Application must be made with the Town Clerk on forms approved by the Town. All information on the application form must be completed. In addition, the following information is also required to show that the design shall comply with the International Residential Code (IRC- 2015) Sections 324 and 907 and International Fire Code Section (IFC-2015) 605 and National Electric Code (NEC-2017) -Sec. 690 to constitute a complete application:

    a. A drawing showing the location of a clearly visible, accessible, and labeled disconnect on the exterior of the structure.

    b. A drawing showing the location of the electric meter labeled that the structure is supplied by two sources.

    c. On roof mounted systems a drawing must show the required setbacks for emergency responder access.

    d. The equipment specification sheets shall be documented and submitted for all photovoltaic panels, significant components, mounting systems, and inverters that are to be installed.

SECTION 3 MAJOR SOLAR ENERGY SYSTEMS

3.01 Design Standards

1. The removal of tree stands, forested areas, and hedgerows, *is prohibited*.

    a. If forest removal is proposed, an area variance is required, and forest inventory, including DBH (Diameter at Breast Height) are required by a certified forester as part of the environmental review process under SEQR.

    b. All trees and vegetation that are removed shall be offset by planting replacements elsewhere on the property. Any trees and vegetation that are planted for screening are excluded from the calculated replacement of the trees and vegetation.

2. Proposed major solar collection systems shall minimize the displacement of prime soils that are in active agricultural production. The site plan shall depict the location and extent of prime soils, prime soils if drained, soils of statewide importance, and indicate whether the parcel(s) is/are receiving an agricultural valuation. The site plan shall also depict the location and extent of current agricultural uses on the land (e.g. rotational

crops, hay land, un/improved pasture, support lands, and fallow lands) the location of diversions and ditches, and areas where tile drainage has been installed. Prime soils, prime if drained, and soils of statewide importance that in agricultural production are a valuable and finite resource. The site plan should include a cross section of any subsurface foundations that will be used for the solar array. In the event the array utilizes at-grade ballast footers, the underlayment should include a bed of crushed stone atop monofilament woven geotextile fabric so that the stone can be readily removed from the site when the facility is decommissioned. A plan for clearing and/or grading the site and Stormwater Pollution Prevention Plan (SWPPP) for the site must be included.

3. Roadways within the site shall be built along field edges and along elevation contours where practical, constructed at grade and have a maximum width of 16 feet. Roadways shall not be constructed of impervious materials and shall be designed to minimize the extent of roadways constructed and soil compaction.

4. All on-site utility and transmission lines shall, to the extent feasible, be placed underground. Any above ground transmission lines that are used to accommodate the facility shall require a minimum vertical clearance of 18-feet and be installed at widths wide enough to accommodate farm machinery and equipment. Interconnection System "Pole Canisters" should be located to provide access by Utility but located to minimize visual impact.

5. Anti-Glare. All solar collectors and related equipment shall be surfaced, designed, coated with anti-reflective materials, and sited so as not to reflect glare onto adjacent residences and roadways. Solar collectors and other facilities shall be designed and located in order to minimize reflective glare and/or glint toward any inhabited buildings on adjacent properties and roads. A glare analysis may be required by the Planning Board.

6. Major systems or solar farms shall be constructed in a fashion so as to not obstruct solar access to adjacent properties.

7. Any exterior lighting installed within the facility shall be downcast and dark sky compliant with recessed bulbs and full cut off shields.

8. For sign regulations reference Town of Colton Article XIII Supplementary Regulations §105-72 https://ecode360.com/32997001

9. There shall be a 100-foot setback from adjacent residential properties utilizing vegetative screening.

10. Height and Setback. Major Solar Energy Systems shall adhere to setback requirements of the underlying zoning district and the structure must not exceed twenty-five feet (25') in height.

11. Lot Size. Major Energy Systems shall be located on lots with a minimum lot size of five (5) Acres.

12. Lot Coverage. A Major Solar Energy System that is ground-mounted shall not exceed eighty percent (80%) coverage of the lot on which it is installed. The horizontal surface area covered by Solar Panels shall be included in total lot coverage.

13. Fencing

    a. All Ground Mounted Major Solar Energy Systems shall be enclosed by a minimum six-foot high fence with a self-locking gate to prevent unauthorized access. Warning signs with the owner's contact information shall be placed on the entrance and at intervisible spacing along the perimeter of the fencing.

    b. The type of fencing shall be determined by the landowner and must be approved by the Town of Colton Planning Board. The fencing and the system may be further screened by any landscaping needed to avoid adverse aesthetic impacts.

14. Screening.

    a. The system shall be designed and located in such a manner to minimize adverse visual impacts from public viewing (e.g. public parks, roads, trails). To the greatest extent feasible, major solar systems shall use natural landforms and vegetation for screening.

    b. All Solar Energy Systems shall be screened with a vegetative buffer or landscaping from all streets and adjacent residential uses. Appropriate landscaping and/or site design features, including both the maintenance of existing natural vegetation and the introduction of new plantings consisting of a naturally appearing blend of deciduous and coniferous species, shall be required to help screen the facility and accessory structures from roads, neighboring residences, and other uses. Any existing tree or group of trees which stands within or near a required planting area may be used to satisfy the screening and tree planting requirements. The *removal* of tree stands, forested areas, and hedgerows, *is prohibited as they are used to diminish the visual impact of the system on neighboring landowners and passersby; serve as snow fences during winter months; and can help minimize water and soil erosion that may be caused by the installation of the system.*

    c. Vegetative screening shall include evergreen trees appropriate to hardiness zone 3-4a. such as arborvitae, norway spruce, pitch pine, and eastern red cedar at least six (6) feet high at time of planting. At the discretion of the reviewing Board, such vegetative screening may be modified, including the substitution of deciduous trees, when fencing, walls or berms are proposed to be used for screening. *The maintenance and care of any new plantings is the responsibility of the owner; they shall be watered regularly in the first year of planting during extended periods of dry weather, and in the event of dying, shall be replaced with a*

comparable diameter at breast height (dbh) tree. At the end of the lease, the removal of these plantings shall be excluded from the decommissioning plan.

3.02 Abandonment and Decommissioning

1. Abandonment. Solar Energy Systems are considered abandoned after twelve (12) months without use of the electrical energy generated at that site and must be removed from the property. Applications for an extension not exceeding a period of six (6) months may be requested and will be reviewed by the Code Enforcement Officer.

    a. Prior to issuance of a building permit for a Major Solar Collection System, the owner or operator of the Solar Energy System shall post a surety in an amount and form acceptable to the Town for the purposes of removal in the event the Major Solar Collection System is abandoned. The amount of the surety required under this section shall be 125% of the projected cost of removal (without salvage value(s)) of the Solar Energy System and restoration of the property with an escalator of 2% annually for the life of the Solar Energy System. Acceptable forms shall include, in order of preference: cash; irrevocable letter of credit; or a bond that cannot expire; or a combination thereof. Such surety will be used to guarantee removal of the Major Solar Collection System should the system be abandoned. In such case, the Town Building Inspector/Code Enforcement Officer shall then provide written notice to the owner or operator to remove the Major Solar Collection System, and the owner or operator shall have one (1) year from the written notice to remove the Solar Energy System including any associated accessory structures and/or equipment, and restore the site to a condition approved by the Planning Board. If the owner, operator applicant or lessee fails to remove any associated structures or restore the site to the condition approved by the Planning Board, all costs of the Town incurred to enforce or comply with this condition shall be paid using the surety provided by the applicant.

    b. Financial Assurance for Decommissioning Bond or Fund for Large Scale Energy Systems. The applicant and his successors and assigns shall continuously maintain a bond or fund in the amount of the decommissioning costs according to this section: It will be payable to the Town for the removal and restoration of the non-functional or inoperable device.

    c. This financial assurance will be in place before the commencement of construction and will be in the amount of the net decommissioning costs, to be determined by a qualified independent engineer licensed to practice in the State of New York, at the applicant's expense. This estimate is then reviewed by engineers

hired by the Town, at the Applicant's expense. This estimate will be determined and reviewed every two years.

2. Decommissioning Plan. An application for a Major Solar Collection System shall include a Decommissioning Plan. Removal of a Major Solar Collection System must be completed in accordance with the Decommissioning Plan. Prior to removal of a Major Solar Collection System, a demolition permit for removal activities shall be obtained from the Town of Colton. The Decommissioning Plan shall:

    a. Specify that after the Major Solar Collection System will no longer be used, it shall be removed by the owner and/or operator or any subsequent owner/operator and shall include a signed statement from the applicant acknowledging such responsibility. The application shall disclose the lease start date, length of the original lease, and number of options and timeframes if the lease is renewed.
    b. Demonstrate how the removal of all infrastructure (including but not limited to: aboveground and below ground equipment, structures, cabling and foundations, utility poles, access roads and fencing not located along lot lines) and the remediation of soil and vegetation shall be conducted to return the parcel to its original state prior to construction. The reclamation of land when the Major Solar Energy System is decommissioned shall include the removal of rock, construction materials and debris to a depth of four (4) feet, the decompaction of soils to a depth of eighteen (18) to twenty-four (24) inches, the installation of replacement drain tile, regrading and reseeding the site to its original condition prior to the project construction.
    c. Include photographs or archival color images of the proposed site plan area for Major Solar Collection System. Such information must, in aggregate, adequately portray the entire property for the purpose of future reference when soil and vegetation remediation of the property occurs.
    d. State that disposal of all solid and hazardous waste shall be in accordance with local, state and federal waste disposal regulations.
    e. Provide a cost estimate detailing the projected cost of executing the Decommissioning Plan, subject to third party verification at the developer's expense, if required by the Town.
    f. State that the terms of the decommissioning plan shall be binding upon the owner or operator or any of their successors, assignors or heirs.
    g. State that the town, its officials, employees, agents or contractors, shall have the right of access to the site, pursual to reasonable notice, to effectuate or complete removal and decommissioning.
    h. Provide an expected timeline for decommissioning within the 365-day period set forth below.

i. Include a statement that you will notify the Town within thirty (30) days of a change in ownership and the contact information of the new owner.
j. Include in the event of ownership change, the applicant will submit a Special Use Permit.
k. Provide a letter from a Solid Waste Facility indicating today they would agree to accept the waste/recyclables from the project site.
l. State that at least 60 days prior to the end of each successive three-year period after the execution of this agreement, the owner shall provide the Town with an updated Decommissioning Plan setting forth an updated estimate for the decommissioning of the project., which updated estimate shall be subject to review and approval by the town, which approval shall not unreasonably be withheld, conditioned, or delayed. Within thirty (30) days after the Town's approval of the updated estimate, the surety shall be changed to reflect the updated estimate approved by the Town for such decommissioning of the project.
m. Any such updated and approved decommissioning plan shall be deemed the "Decommissioning Plan" hereunder. For avoidance of doubt, the updated estimate will use the estimated decommissioning cost as a template in the updated Decommissioning Plan.

3.03 Conditional Use Permit Requirements

A. Major Solar Energy Systems are permitted through the issuance of a conditional use permit only within the Residential Town, Colton Hamlet, and South Colton Hamlet, that are not on a navigable shoreline. Districts subject to the requirements set forth in this Section, including site plan review (Article XII Special Procedures and Standards – Site Plan Review §105-67 https://ecode360.com/32996822). Applications for the installation of a Major Solar Energy System shall be reviewed by the Code Enforcement Officer and referred, with comments, to the Town Planning Board for its review and action, which can include approval, approval on conditions, and denial.

B. Conditional Use Permit Application Requirements. For a special permit application, the site plan application is to be used as supplemented by the following provisions.

1. If the property of the proposed project is to be leased, legal consent between all parties, specifying the use(s) of the land for the duration of the project, including easements and other agreements, shall be submitted.

2. Drawings showing the layout of the Solar Energy System signed by a Professional Engineer or Registered Architect shall be required.

3. The equipment specification sheets shall be documented and submitted for all photovoltaic panels, significant components, mounting systems, and inverters that are to be installed.

4. Property Operation and Maintenance Plan. Such plan shall describe continuing photovoltaic maintenance and property upkeep, such as mowing and trimming.

5. The site shall be planted and maintained to be free of invasive or noxious species, as listed by the New York State Department of Environmental Conservation. No herbicide or insecticide use is permitted on the site without prior approval from the Town of Colton. This provision does not apply to herbicide or insecticide use within on-site buildings, in and around electrical boxes, spot control of noxious weeds, or as otherwise may be deemed necessary to protect public health and safety.

6. Decommissioning Plan. To ensure the proper removal of Major 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 conditional use permit under this Section. The Decommissioning Plan must specify that after the Major Solar Energy System has not used the electrical energy produced at that site for a twelve (12) month period and the system can no longer be used, it shall be removed by the applicant and any subsequent owner. The plan shall demonstrate how the removal of all infrastructure and the remediation of soil and vegetation shall be conducted to return the parcel to its original state prior to construction. This will include replacement of damaged tile, drainage, regrading, and reseeding. 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 Major Solar Energy Systems must be completed in accordance with the Decommissioning Plan. If the Major Solar Energy System is not decommissioned after being considered abandoned, the municipality may remove the system and restore the property and impose a lien on the property to cover these costs to the municipality.

C. Any application under this Section shall meet any substantive provisions contained in the most current Town of Colton Land Use and Development Code that, in the judgment of the Town Planning Board, are applicable to the system being proposed. If none of the site plan requirements are applicable, the Town Planning Board may waive the requirement for site plan review.

D. The Town of Colton may impose conditions on its approval of any conditional use permit under this Section in order to enforce the standards referred to in this Section or to

discharge its obligations under the State Environmental Quality Review Act (SEQRA).

E. All Major Energy Systems must follow current New York State Dept. of Agriculture and Markets "Guidelines for Agricultural Mitigation for Solar Energy Projects" if located on lands used for agricultural operations in an Agricultural District if deemed appropriate by the Town Planning Board.

F. Name, address, and contact information of the applicant, property owner(s), and agent submitting the project shall be provided to the Town. In the event ownership of the facility changes hands, or if the lease is terminated, notification shall be sent to the Town within thirty (30) days of the transfer or termination date. The notice shall include the name and contact information of the new owner(s). The new owner shall then be bound by the terms of the original agreement.

G. Verification of utility notification. Any foreseeable infrastructure upgrades shall be documented and submitted. Off-grid systems are exempt from this requirement.

3.04 Fees

1. The fees for a Special Use Permit, Site Plan Review, and Zoning Permit for a Solar Energy System shall be set from time to time by Town Board resolution.
2. The Applicant for either state or local siting approval shall deliver to the Town Board, along with its application if local approval is sought, and concurrent with the filing of an Article 10 Application (or its equivalent), if applicable, an amount equal to one percent (1%) of the estimated cost of the project (the "Initial Deposit"). This sum shall be held by the Town in a non-interest-bearing account, and these funds shall be available to the Town to pay consultants and attorneys engaged by the Town to assist in application review if a local permit is sought, and to pay consultants and attorneys engaged by the Town to assist in review of an Article 10 Application should awarded intervenor funds be insufficient to fully participate in the Article 10 Process or should intervenor funds be otherwise exhausted. Following the grant or denial of the state or local application, the Town shall return to the Applicant any excess remaining in escrow. If the escrow account has been depleted prior to grant or denial of the application, the Applicant shall deposit such funds necessary for the Town to pay any outstanding fees to said consultants.

3.05 Community Benefit

A. The Town of Colton has established that there shall be a Community Benefit

to maximize the benefits of a solar project to the Town of Colton and its residents. The benefit shall be determined via an agreement negotiated between the Town and the developer/owner.

B. Should the project be exempt from taxation under Real Property Tax Law §487, the Town will require a PILOT Agreement pursuant to §487(9)(a) and (b). Said PILOT Agreement will be for fifteen (15) years.

C. The Town will notify the developer within sixty (60) days of the developer's application for a building permit of the Town's requirement of a PILOT Agreement.

D. No building permit shall be issued without the Town notification of this Community Benefit PILOT requirement.

SECTION 4 ENFORCEMENT AND EFFECTIVITY

4.01 Enforcement

Any violation of this Solar Energy Law shall be subject to the same civil and criminal penalties provided for in the most current Town of Colton Land Use and Development Code.

4.02 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.

4.03 Repeal

All ordinances, local laws, and parts thereof inconsistent with this Local Law are hereby repealed.

4.04 Effective Date

This Local Law shall become effective immediately upon filing with the New York State Department of State in accordance with Section 27 of the Municipal Home Rule Law.