

each week such violation shall continue. The town may institute a civil proceeding to collect civil penalties in the amount of \$350.00 for each violation and each week said violation continues shall be deemed a separate violation:

e: In case of any violation or threatened violation of any of the provisions of this local law, including the terms and conditions imposed by any permit issued pursuant to this local law, in addition to other remedies and penalties herein provided, the Town may institute any appropriate action or proceeding to prevent such unlawful erection, structural alteration, reconstruction, moving and/or use, and to restrain, correct or abate such violation, to prevent the illegal act.

## **Solar Collection Systems**

### **Section 1 Purpose and Intent**

A. The purpose of this legislation is 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 collection systems without excess regulation. This legislation is not intended to override agricultural exemptions that are currently in place for farmers.

B. Solar energy is a renewable and nonpolluting energy resource that can prevent fossil fuel emissions and reduce a municipality's energy load.

C. The use of solar energy equipment for the purpose of providing electricity and for heating and/or cooling is a national priority and is a necessary component of the Town of Edwards' sustainability agenda.

### **Section 2 Definitions Pertaining to Solar Power**

Accessory Structure- A structure, the use of which is customarily incidental and subordinate to that of the principal building, may be attached to the principal building, and is located on the same lot as the principal building.

Alternative Energy System- Structure, equipment, devices and components, or construction techniques for the production of heat, light, cooling, electricity or other forms of energy on site and may be attached to or separate from the principal structure.

**Building-Integrated Photovoltaic (BIPV) System-** A solar energy system that consists of integrating photovoltaic modules into the building structure, such as the roof or the façade and which does not alter relief of the roof.

**Collective Solar-** Solar installation owned collectively (i.e.) through subdivision homeowner association, college student groups, "adopt-a-panel", or other similar arrangements.

**Flush –Mounted Solar Panel-** Photovoltaic panels and tiles that are installed flush to the surface of a roof or wall and which cannot be angled or raised.

**Freestanding or Ground –Mounted Solar Energy System-** A solar energy system that is directly installed on the ground and is not attached or affixed to an existing structure.

**Front Yard-** As used in this chapter of the Code; shall mean that portion of the lands not occupied by the principal building and comprising that part of the lands extending from the principal building from a line drawn from the front corners of the building at a ninety-degree angle to the side of the building sideways from the corners of said structure to the property line toward the street.

**Net Metering-** A billing arrangement that allows solar customers to get credit for excess electricity that they generate and deliver back to the grid so that they only pay for their net electricity usage

**Permit Granting Authority-** Permits for installation of Solar Energy Systems are granted by the Code Enforcement Officer following review and approval by the Edwards Planning Board.

**Photovoltaic (PV) System-** A solar energy system that produces electricity by the use of semiconductor devices, called photovoltaic cells, that generate electricity when light strikes them.

**Qualified Solar Installer-** A person who has skills and knowledge relate 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 Energy Practitioners (NABCEP), shall be deemed to be qualified solar installers for the purposes of this definition. Persons who are not on NYSERDA's or NABCEP's list of certified installers may still be deemed to be qualified solar installers if the Town of Edwards Planning Board determines such persons to 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 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 the exposed parts.

**Rooftop or Building-Mounted Solar System-** A solar 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.

**Solar Access-** Space open to the sun and clear of overhangs or shade including the orientation of the streets and lots to the sun so as to permit the use of active and/or passive solar energy systems on individual properties.

**Solar Collector-** A solar photo voltaic cell, panel or array, or any solar hot air or solar energy collector which relies upon solar radiation as an energy source for the generation of electricity or transfer of stored energy to heat air or water.

**Solar Easement-** An easement recorded pursuant to the NY Real Property Law §335-b; the purpose of which is to secure the right to receive sunlight across real property of another for continued access to sunlight necessary to operate a solar collector.

**Solar Energy Equipment/System-** Solar collectors, controls, energy storage devices, heat pumps, heat exchangers, and other materials, hardware or equipment necessary to the process by which solar radiation is collected and converted into another form of energy and is stored, protected from unnecessary dissipation and distributed. Solar systems include solar thermal, photovoltaic and concentrated solar.

**Solar Panel-** A device for the direct conversion of solar energy into electricity.

**Solar Storage Battery-** A device that stored energy from the sun and makes it available in electrical form.

**Solar Thermal System-** Solar thermal systems directly heat water or other liquids using sunlight. The heated liquid is used for such purposes as space heating and cooling; domestic hot water; and heating pool water.

### Section 3      **Applicability**

A. The requirements of this chapter shall apply to all solar collector system installations modified or installed after the effective date of this chapter.

B. Solar collector system installations for which a valid building permit has been properly issued, or for which installation has commenced before the effective date of this chapter, shall not be required to meet the requirements of this chapter, except in accordance with Section 5, (Safety) D,E, and F.

C. All solar collector systems shall be designed, erected and installed in accordance with all applicable codes, regulations and industry standards, as referenced in the State Building Code and Town of Edwards Code.

D. Solar collectors shall be permitted only to provide power for use by owners, lessees, tenants, residents, or other occupants of the premises on which they are erected, but nothing contained in this provision shall be construed to prohibit "collective solar" installations or the sale of excess power through a "net billing" or "net metering" arrangement in accordance with New York Public Service Law §66-j or similar state or federal law or regulation.

#### Section 4

#### Permitting

A. To the extent practicable, and in accordance with the Town of Edwards Land Use Plan, the accommodation of solar access to sunlight for such equipment and the protection of access to sunlight for such equipment shall be encouraged in the application of the various review and approval provisions of the Town of Edwards.

B. Rooftop and building mounted solar collectors. Such units are permitted in all zoning districts in the Town of Edwards subject to the following conditions:

(1) Building permits shall be required for installation of all rooftop and building mounted solar collectors.

(2) Height limitations shall not be applicable to solar collectors that are rooftop mounted, provided that they are no higher than necessary to accomplish the intended purpose, and do not obstruct solar access to neighboring properties. Units applied to flat roofs must not extend horizontally beyond the roofline.

(3) Rooftop units must have a three foot setback on all four sides.

(4) Roof structures must be properly engineered to safely support collectors.

(5) Rooftop units must be installed according to manufacturer's specifications.

C. Building-integrated photovoltaic (BIPV) systems are permitted in all zones. No building permit is required if the system is installed as a component of new construction. All other installations require a permit.

D. Ground-mounted racks and freestanding solar collectors, mounted on a pole(s) require a permit as an accessory structure use, subject to the following conditions:

(1) Building permits are required for all ground-mounted and freestanding solar collectors.

(2) The location of the solar collectors must meet all applicable setback requirements

(3) Units must be installed in a side or rear yard.

(4) Small experimental solar panels for charging batteries (less than one kilowatt) would not require any permits.

(5) Solar collectors shall be located in manner that minimizes shading of property to the north while still providing adequate solar access for collectors.

E. Solar-thermal systems are permitted in all zones and require a building permit for installation.

F. Solar energy systems and equipment of all types and uses require the issuance of a permit by the Code Enforcement Officer, following approval by the Edwards Planning Board. A public hearing, and/or, conditions may be required, and determination by the Planning Board and Code Enforcement Officer that proposed system does not present any unnecessary safety risks, including excessive weight load, wind resistance, or ease of ingress or egress in the event of fire or other emergency.

#### Section 5. **Safety**

A. All solar collector installations must be performed by a qualified solar installer if the installation is by other than the homeowner.

B. Prior to operation, electrical connections must be inspected by the Code Enforcement Officer and by an Electrical Inspector, in conformance with State Building Code.

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

D. Solar energy systems shall be maintained in good working order and shall be removed if not in use for more than 12 months by removal of such system and mounting hardware within 90 days after the 12<sup>th</sup> month.

E. Rooftop and building-mounted solar collectors shall be designed and installed to be in compliance with the New York Uniform Fire Prevention and Building Code Standards that are applicable when the building permit is issued.

F. If 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 Building Code when in use. When they are no longer in use, they shall be disposed of in accordance with the laws of New York State, Fire Codes and Local Laws for waste disposal. Containers or buildings housing batteries must be labeled clearly, for the protection of Fire and Rescue Personnel.

#### Section 6. **Appeals**

A. If an individual is found to be in violation of the provisions of this zoning code, appeals should be made in accordance with the procedures established by this local law.

B. If a building permit for a solar energy device is denied because of a conflict with other Town Law or the building code, the applicant may seek relief from the Edwards Zoning Board of Appeals which shall regard solar energy as a factor to be considered, weighed and balanced along with other factors considered by the Zoning Board of Appeals tests.

### **Hydropower (Landowner Waterpower)**

#### Section 1. **Permitting and Requirements**

The use of waterpower to generate electricity within the Town of Edwards is permitted in all districts, to the extent allowed by New York State regulations, with the following conditions: