

each violation and each week said violation continues shall be deemed a separate violation.

- C. In case of any violation or threatened violation of any of the provisions of these regulations, including the terms and conditions imposed by any permit issued pursuant to these regulations, 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.

ARTICLE IX- ALTERNATIVE/SOLAR ENERGY SYSTEMS

Section 73 - Purpose and Intent

- A. Solar Energy is a renewable and non-polluting energy resource that can prevent fossil fuel emissions and reduce the Town of Madrid's energy load. Energy generated from solar energy systems can be used to offset energy demand on the New York State power grid when excess solar power is generated.
- B. The ordinance aims to promote the accommodation of solar energy systems and equipment and the provision for adequate sunlight and the convenience of access necessary thereof.

Section 74 - Definitions:

Alternative Energy Systems Structures, equipment, devices or construction techniques used for the production of heat, light, cooling, electricity or other forms of energy on site and may be attached to or a stand-alone system.

Building-Integrated Photovoltaic Systems 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 the relief of the roof.

Flush Mounted Solar Panel Photovoltaic panels and tiles that installed flush to the surface of the roof and which cannot be angled or raised.

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

Net-Metering A billing arrangement that allows solar customers to receive a credit for excess electricity that they generate and deliver to the power grid, so that they only pay for their net electricity usage at the end a given month.

Permit Granting Authority The Town authority charged with granting permits for the operation of solar energy systems.

Photovoltaic System A solar energy system that produces electricity by the use of semiconductor devices, called photovoltaic cells that generate electricity whenever light strikes them.

Qualified Solar Installer A person who has skills and knowledge related to the construction and operation of solar electrical equipment and installations and has received safety training on the hazards involved.

Persons who are on the list of qualified photovoltaic installers maintained by the New York State Energy Research and Development Authority (NYSERDA), or who are certified as solar installers by the North American Board of Certified Energy Practitioners (NABCEP), shall deemed to be qualified solar installers for the purposes of this definition.

Persons not on either of these lists may be deemed to be qualified solar installers if the Town's Code Enforcement Officer determines that such persons have had adequate training to determine the degree and extent of the hazards and personal protective equipment and job planning necessary to perform the installation safely. Such training shall include the use of special precautionary techniques and personal protective equipment as well as the skills and techniques necessary to distinguish exposed energized parts from other parts of electrical equipment and to determine the nominal voltage of exposed live parts.

Rooftop or Building Mounted Solar System A solar power 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 a frame which can be tilted toward the south at an optimal angle.

Small-Scale Solar Photovoltaic systems that produce up to ten (10) kilowatts (kW) per hour of energy, or solar thermal systems which serve the buildings to which they are attached, and do not provide energy for other buildings.

Solar Access Space open to the sun and clear of overhangs or shade including the orientation of 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 photovoltaic cell, panel, or array or solar hot air or water collector device which relies upon solar radiation as an energy source for the generation of electricity or the transfer of stored heat.

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, converted into a another form of energy, 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 stores energy from the sun and makes it available in an electrical form.

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

Utility-Scale Photovoltaic System A commercial solar collection system that produces a minimum of one (1) megawatt (MW) per hour of energy for the purpose of sale on the power grid.

Section 75 – Applicability to Solar Energy Systems

- A. The requirements of this local law shall apply to solar energy systems modified or installed after the effective date of this ordinance.
- B. Solar energy systems for which a valid permit has been properly issued or for which installation has commenced prior to the effective date of this article shall not be required to meet the requirements of this Local Law.
- C. All solar energy systems shall be designed, erected and installed in accordance with all applicable federal, state, local and industry codes regulations and standards.
- D. Solar energy collectors shall be permitted to provide power for use by owners, lessees, tenants, residents or other occupants of the premises which they erected, but nothing in this provision shall be construed to prohibit the sale of excess power through a “net billing” or “net-metering” arrangement in accordance with New York State Public Service Law or similar federal or state statute.
- E. Utility-scale solar energy collectors, properly permitted by the Town of Madrid, may be erected for the express purpose of generating electricity for sale as a commercial enterprise.

Section 76 – Permitting Solar Energy Systems

- A. No solar energy system or device shall be installed or operated in the Town of Madrid except in compliance with this article.
- B. To the extent practicable, the accommodation of solar energy systems and equipment and the protection of access to sunlight for such equipment shall be encouraged in the Town Code.
- C. Rooftop and building-mounted solar collectors are permitted in all zoning districts in the Town of Madrid subject to the following conditions:
 - 1. Building permits shall be required for the installation of all rooftop and building mounted solar collectors.
 - 2. The installation of rooftop and building mounted solar collectors shall be a standard use in all zoning districts, subject to building height restriction for the zoning district.
 - 3. The installation of rooftop and building mounted solar collectors shall be a standard use subject to site plan review in all zoning districts provided that the panels do not extend horizontally past the roofline. The installation of such systems on building listed on National or New York State Register of Historic Places is prohibited.
 - 4. Building-Integrated Photovoltaic Systems shall be a standard use subject to site plan review in all zoning districts. The installation of such systems on building listed on National or New York State Register of Historic Places is prohibited.
- D. Solar thermal systems shall be a standard use subject to site plan review in all zoning districts. The installation of such systems on building listed on National or New York State Register of Historic Places is prohibited.
- E. Solar energy systems and equipment shall be permitted only if they are determined by the Planning Board not to present any unreasonable risks to the public's health, safety and welfare, including but not limited to weight load and/or wind resistance.
- F. Ingress or egress in the event of fire or other emergency, for example, solar panels or collectors may not be installed in front of a window or door.
- G. Utility-scale photovoltaic collectors shall conform to the seismic standards of the NYS Uniform Fire Prevention and Building Code.
- H. Utility-scale solar collectors are permitted within the Residential-Agricultural (R-A) District, subject to site plan review and a special use permit.

- I. Ground-mounted and free standing solar collectors are permitted within the Residential-Agricultural (R-A) District, subject to site plan review and a special use permit, subject to the following conditions:
 1. Building permits shall be required for the installation of all ground-mounted solar collectors.
 2. The location of the solar collector meets all applicable set-back requirements.
 3. The height of the solar collector and any mounts shall not exceed 20 feet from finished grade when oriented at maximum tilt.
 4. Solar energy collectors and equipment shall be located in a manner to reasonably minimize view blockage for surrounding properties and shading of properties to the north, while still providing adequate solar access for the collectors.
 5. Free standing solar energy collectors shall be screened when possible and practicable through the use of architectural features, earth berms, landscaping, vegetation or other screening that will harmonize with the character of the property and surrounding area.
- J. An applicant for utility-scale solar collectors must provide one (1) parking space for each motor vehicle used in connection with the business and not less than five (5) additional spaces.

Section 77 - Safety

- A. All solar collector installations shall be performed by a qualified solar installer.
- B. Prior to operation, electrical connections must be inspected and approved by a qualified third Party electrical inspector as determined by the Code Enforcement Officer.
- C. Any connection to the public utility grid must be inspected and approved by the appropriate public utility.
- D. Rooftop and building mounted solar collectors shall meet the requirements of the New York's Uniform Fire Prevention and Building Code.
- E. 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 Uniform 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 of Madrid and any applicable federal, state, County or regional laws or regulations.

- F. If a solar collector ceases to perform its originally intended function for more than twelve (12) consecutive months, the property owner shall remove the collector, mounts and associated equipment and return the site or building to its original condition no later than ninety (90) days after the end of the twelve (12) month period.

Section 78 - Decommissioning Plan for Utility-Scale Photovoltaic Systems. Any applicant proposing a utility-scale photovoltaic system shall submit a decommissioning plan, which shall include:

- A. the anticipated life of the utility-scale photovoltaic system;
- B. The estimated decommissioning costs in current dollars;
- C. How said estimate was determined;
- D. The method of ensuring that funds will be available for decommissioning and restoration;
- E. The method, such as by annual re-estimate by a licensed engineer, that the decommissioning cost will be kept current; and
- F. The manner in which the utility-scale photovoltaic system will be decommissioned and the Site restored, which shall include removal of all roads, structures and debris to a depth of four (4) feet, restoration of the soil, and restoration of vegetation (consistent and compatible with surrounding vegetation), less any fencing or residual minor improvements requested by the landowner.

Section 79 - Zoning for Future Solar Access

- A. New residential and non-residential structures will be sited to take full advantage of solar access insofar as practical, including the orientation of proposed buildings with respect to sun angles, the shading and windscreen potential of existing and proposed vegetation on and off site, and the impact of solar access to adjacent uses and properties.
- B. The impact of street trees on the solar access of the surrounding property will be minimized to the greatest extent possible in selecting and locating shade

trees. Every effort shall be made to avoid shading solar collectors. The use of compact trees, particularly under overhead electrical, telephone and CATV lines is strongly encouraged.

- C. In the event that it is necessary to remove an existing tree(s) on public property to accommodate a solar collector, the property owner shall mitigate the loss of shade by planting a tree(s) in the public domain (parklands, schools, public streets).
- D. When the Planning Board or Zoning Board of Appeals reviews and acts upon application for site plan approval or sub-division approval, area or use variance, it shall take into consideration whether the proposed construction would block or limit access to sunlight between the hours of 9:00 A.M. and 3:00 P.M. Eastern Standard Time for existing approved solar energy collectors or for solar collectors for which a permit or approval has been issued.

ARTICLE X - ADMINISTRATION AND ENFORCEMENT

Section 80 - Code Enforcement Officer

- A. **Creation.** The Town Board has previously established the Office of Code Enforcement Officer in the Town of Madrid. This Local Law ratifies the continuance of this Office. The Code Enforcement Officer shall be appointed by the Supervisor with the approval of the Town Board and be compensated at a rate to be fixed by said Board. In the absence of the Code Enforcement Officer, or in the case of the inability of the Code Enforcement Officer to act for any reason, the Supervisor shall have the power, with the consent of the Town Board, to designate a person to act in this capacity.
- B. **Duties and Powers.** The Code Enforcement Officer shall perform all of the functions identified in this Local Law and shall otherwise assist the Town Board in the administration and enforcement of this and other local laws. The Code Enforcement Officer shall provide regular reports of activities to the Planning Board.
- C. **Certificates and Training.** The Code Enforcement Officer shall obtain the required State certification for the position and attend training workshops and courses, as they become available.