

ARTICLE X – Solar Energy Systems

A. PURPOSE AND INTENT

1. Solar Energy is a renewable and non-polluting energy resource that can prevent fuel emissions and reduce the Town of Morristown 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.
2. This section aims to promote the accommodation of solar energy systems and equipment and the provision for adequate sunlight and the convenience of access necessary thereof.

B. APPLICABILITY TO SOLAR ENERGY SYSTEMS

1. The requirements of this section shall apply to solar energy systems modified or installed after the effective date of this ordinance.
2. 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.
3. All solar energy systems shall be designed, erected and installed in accordance with all applicable federal, state, local and industry codes regulations and standard.
4. 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 constructed to prohibit the sales of excess power through a “net billing” or “net -meeting” arrangement in accordance with New York Public Service Law or similar federal or state statute.
5. Utility-scale solar energy collectors, properly permitted by the Town of Morristown may be erected for the express purpose of generating electricity for a sale as a commercial enterprise.

C. PERMITTING SOLAR ENERGY SYSTEMS

1. No solar energy system, or device shall be installed or operated in the Town of Morristown except in compliance with this article.
2. 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.
3. Rooftop and building-mounted solar collectors are permitted in all zoning districts in the Town of Morristown, subject to the following conditions:
 - a. Building permits shall be required for the installation of all rooftop and

- building mounted solar collectors.
 - b. 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 districts.
 - c. The installation of rooftop and building mounted solar collectors shall be standard use 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. 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.
5. 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.
6. Utility-scale solar photovoltaic collectors shall conform to the seismic standards of the NYS Uniform Fire Prevention and Building Code.
7. Utility-scale solar collectors are permitted within the Residential-Agricultural (R-A) District, subject to site plan review and a special use permit.
8. Ground-mounted and free standing solar collectors are permitted within the Residential-Agricultural (R-A) District, subject to the following conditions:
- a. Building permits shall be required for the installation of all ground-mounted solar collectors.
 - b. The location of the solar collectors meets all applicable set-back requirements.
 - c. The height of the solar collector and any mounts shall not exceed 20 feet from finished grade when oriented at maximum tilt.
 - d. 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 collectors.

D. SAFETY

1. All solar collector installations shall be preformed by a qualified solar installer.
2. Prior to operation, electrical connections must be inspected and approved by a qualified third party electrical inspector as determined by the Code Enforcement Officer.
3. Any connection to the public utility grid must be inspected and approved by the appropriate public utility.
4. Rooftop and building mounted solar collectors shall meet the requirement of the New York's Uniform Fire Prevention and building Code.

5. 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 Morristown and any applicable federal, state, county or regional laws and regulations.

6. If a solar collector ceases to perform in originally intended to 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.

E. DECOMMISSIONING PLAN FOR UTILITY SCALE PHOTOVOLTAIC SYSTEMS

Any applicant proposing a utility-scale photovoltaic system shall submit a decommissioning plan, which shall include:

1. The anticipated life of the utility-scale photovoltaic system.
2. The estimated decommissioning costs in current dollars;
3. How said estimated was determined;
4. The method of ensuring that funds will be available for decommission and restoration;
5. The method, such as by annual re-estimated by a license engineer, that the decommissioning cost will be kept current; and
6. 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.

F. DECOMMISSIONING PROCESS REQUIREMENTS

Operators of a permitted utility scale photovoltaic systems shall follow the rules for maintaining the Decommissioning Fund Bond and for the following the Decommissioning Plan Procedures and timeline.

1. The facility owner or operator shall post and maintain Decommissioning Fund Bond in an amount equal to Net Decommissioning Cost; provided, that at no point shall Decommissioning Fund Bond be less than 100% (one hundred percent) of Decommissioning Costs. The Decommissioning Funds shall be posted and continuously and uninterrupted maintained with a bonding company chosen by the Facility Owner or Operator and participating landowner posting the financial security, provided that the bonding company or lending institution is authorized to conduct such business within NYS and is approved by the Town of Morristown. Should the decommissioning bond

lapse, the Utility Scale Photovoltaic Facility permit will be suspended and the facility not permitted to operate until the bond is reinstated.

2 If the Facility Owner or Operator fails to complete decommissioning within twelve (12) months, the landowner shall have six (6) months to complete decommissioning.

3. If neither the Facility Owner or Operator, nor the landowner complete decommissioning within the periods prescribed, then the Town of Morristown may take such measures as necessary to complete decommissioning. The entry into and submission of evidence of a Participating Landowner agreement to the Town of Morristown shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors and assigns that the Town of Morristown may take such action as necessary to implement the decommissioning plan.

4. The escrow agent shall release the Decommissioning funds when the Facility Owner or Operator has demonstrated and the municipality concurs that decommissioning has been satisfactorily completed, or upon written approval of the municipality in order to implement the decommissioning plan.

5. The manner in which the Utility Scale Photovoltaic Facility will be decommissioned and the Site restored shall include reclamation of all road, removal of structures and debris to a depth of disturbance or minimum of 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 in writing and shall include removal of all solar arrays, buildings, cable, electrical components and any other associated facilities as directed by the Town of Morristown.

6. Decommissioning Bond the applicant, or successor, shall continuously maintain a bond payable to the Town for the removal of non-functioning solar arrays and appurtenant facilities in an amount to be determined by the Town for the period of the life of the facility. The decommission cost shall be reviewed at minimum once every two years. All costs of the financial security shall be borne by the applicant. All decommissioning funding requirements shall be met prior to commencement of construction. The Facility Owner or Operator shall post and maintain Decommissioning Funds in an amount equal to Net Decommissioning Cost; provided, that at no point shall Decommissioning Funds be less than 100% (one hundred percent) of Decommissioning Costs. The Decommissioning Funds shall be posted and maintained with a bonding company chosen by the Facility Owner or Operator and participating landowner posting the financial security, provided that the bonding company is authorized to conduct such business within NYS and is approved by the Town of Morristown