said removal plus 50% shall be charged to the owner of said premises. Said cost and fifty-percent charge if not paid shall be assessed and collected in the same manner , by the same proceedings, at the same time, under the same penalties, and having the same lien upon the property so assessed as the General Village Tax and as a part thereof.

Restoration: No outdoor wood-burning furnace which has been damaged by natural causes to the extent of more than seventy five percent (75%) of its assessed value for the Village of Waddington tax purposes shall be repaired or rebuilt.

ARTICLE XIII- SOLAR ENERGY REGULATIONS

Purpose

This Article aims to promote 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. This regulation is intended to apply to free standing; ground mounted or pole mounted solar energy system installations based upon certain placement. This regulation is not intended to override agricultural exemptions that are currently in place.

Definitions

Alternative Energy Systems: Structures, equipment, devices, or construction techniques used to produce 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): 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 or leased through a homeowner's association, community, or municipal system, "adopt-a-solar-panel" programs, 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 in order to sell electricity to or receive a credit from a public utility entity, but also may be for on-site use. Solar farm facilities consist of one or more freestanding ground mounted or roof mounted solar collector devices. Solar energy systems producing 25MW or more are regulated by the New York State Board on Electric Generation Siting and the Environment (siting board) under Article 94-C of the New York State Public Service Law. The Sitting Board is responsible for issuing Certificates of Environmental Compatibility.

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 may consist of Building- Integrates, photovoltaics, ground mounted, or roof mounted solar collector devices. A system that generates no more than 125% of the power consumption needed on site and/or a total surface area of all solar panels on the lot of up to 4,000 square feet. Farm operations is an Agricultural District may construct a minor or accessory solar collection system that does not exceed 110% of the farm's energy needs.

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.

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: Other accessory structures and buildings, including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures and facilities.

Solar Energy Equipment/Systems: Energy storage devices, material, hardware, or electrical equipment and conduit associated with the production of electrical energy.

Solar Panel: A device capable of collecting and converting solar energy into electrical energy.

Commercial Solar: A solar energy system which is intended to be used for any purpose, other than private, or residential, or agricultural use, including community-based systems.

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. All Solar energy system installations require a building permit.
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 Codes and the Village Code.
4. 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 §sixty-six- j (§ 66-j) or similar New York State or federal law or regulation.
5. All solar energy systems shall be designed, erected, and installed to prevent undue glare from falling on adjoining properties or creating traffic safety issues.
6. It is the discretion of the Code Enforcement Officer to approve installation of minor solar systems. The Waddington Village Planning Board must approve all Major solar installations

Solar Collectors and Installations for Minor Systems

1. Roof-mounted systems are permitted as accessory uses in all zoning districts, subject to the following requirements:
   a. The distance between the roof and highest edge of the system shall be in accordance with the New York State Uniform Fire Prevention and Building Code.
   b. Rooftop and building-mounted solar collectors shall not obstruct solar access to adjacent properties.
2. Ground-mounted and freestanding solar collectors are permitted as accessory structures in all zoning districts, subject to the following requirements:
   a. The location of the solar collectors is not permitted in front yards and must be twenty (20) feet from side and twenty (20) feet from rear dimensions.
   b. The height of the solar collectors and any mounts shall not exceed twelve (12) feet height restriction and oriented at a maximum tilt.
   c. 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 **MUST** be installed along shared lot lines to minimize visual impact to neighboring properties.
   d. Ground-mounted and freestanding solar collectors shall not obstruct solar access to adjacent properties.
3. All solar collector installations must be performed in accordance with applicable electrical and building codes, the manufacturer's installation instructions, and industry standards, and prior to operation the electrical connections must be inspected by an appropriate electrical inspection person or agency and the Code Enforcement Officer as determined by the Village. In addition, any connection to the public utility grid must be inspected by the appropriate public utility.

4. 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 and Village of Waddington Local Law # entitled Battery Energy Storage Systems when in use and when no longer used shall be disposed of in accordance with the laws and regulations of St. Lawrence County and other applicable laws and regulations
5. Decommissioning. Small scale solar. Decommissioning Requirements for Small Scale Solar Energy Systems and Solar Energy Systems Designed for Subdivision Use Using Free-Standing or Ground Mounted Solar Collectors. 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. If the property owner fails to remove the aforesaid non-functioning system within the time prescribed herein, the Village may enter upon the land where such system has been installed and remove same. All expenses incurred by the Village 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 fifteen (15) of the N.Y. Town Law for the levy and collection of a special ad valorem levy.

Major Solar Systems

1. Major Solar Systems are permitted through the issuance of a special use permit in all zoning districts except the waterfront overlay district and site plan review in accordance with this chapter. In addition, Major Solar Systems must meet the criteria set forth below.

2. A Major Solar System may be permitted when authorized by site plan review and special use permit from the Village Planning Board subject to the following terms and conditions.

    a. Height and setback restrictions.

        1. The maximum height for freestanding solar panels located on the ground or attached to a framework located on the ground shall not exceed twenty (20) feet in height above the ground.

        2. The minimum setback from property lines shall be twenty-five (25) feet, unless adjacent to residential neighbor.
        3. Fencing and/or a berm of vegetative screening shall be provided around all equipment and solar collectors to provide screening from adjacent residential properties and roads. Fencing shall not be barbed wire. When fencing will enclose the perimeter of the site or facility, wildlife friendly fencing that allows the passage of small mammals and reptiles and is designated to minimize wildlife injury and death due to entanglement or strangulation shall be used on sites having solar facility footprint greater than five (5) acres. Exceptions can

be made by the Planning Board for sites that have limited surrounding wildlife habitat.

4. For adjoining arrays, the number of features installed for the facility should be kept to a minimum, such as the use of shared access roads and fencing.

b. Design Standards

1. Removal of trees and other existing vegetation should be minimized or offset with planting elsewhere on the property.
2. Removal of any prime agricultural soil from the subject parcel is prohibited.
3. Any solar energy system located on farmland that consists of Prime Farmland, Prime Farmland if drained, or Farmland of Statewide Importance- shall not exceed thirty-five (35) percent of the entire lot.
4. 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 sixteen (16) feet. Roadways shall not be constructed of impervious materials and shall be designed to minimize the extent of roadway constructed and soil compaction.
5. 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 utility poles that are tall enough and installed at widths able to accommodate farm machinery and equipment. All utility poles shall provide 20' of clearance as measured from the shortest distance between the lowest electrical/utility lines and final grade. The installation of guy wires to utility poles is discouraged.
6. Solar collectors and other facilities shall be designed and located to minimize reflective glare and/or glint toward any inhabited buildings on adjacent properties and roads.
7. All mechanical equipment, including any structure for batteries or storage cells, shall be enclosed by a minimum of a six (6) foot-high fence with a self-locking gate.
8. Major systems or solar farms shall not obstruct solar access to adjacent properties.
9. Any exterior lighting installed within the facility shall be downcast and dark sky compliant with recessed bulbs and full cut off shields.

c. Signs

1. A sign not to exceed twelve (12) square feet shall be displayed on or near the main access point and shall list the facility name, owner, and emergency phone number.
2. A clear visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations not to exceed four square feet.

d. Safety

1. The owner/operator shall provide evidence that a copy of the site plan application has been submitted to the Fire Chief of the Waddington Fire

Department. All means of shutting down the photovoltaic solar energy system shall be clearly marked on the site plan and building permit application.

3. A piece of equipment meets the definition of oil-filled operational equipment at forty (40) CFR part 112.2 (e.g., transformers, capacitors, and electrical switches) shall comply with the secondary containment procedures of that regulation.

4. Decommissioning. Prior to removal of a large-scale solar energy system, a demolition permit for removal activities shall be obtained from the Village of Waddington.
   a. Decommissioning Bond.
      Prior to issuance of a building permit for a Large-Scale Solar Energy System, the owner or operator of the Solar Energy System shall post a surety in an amount and form acceptable to the Village of Waddington for the purposes of removal in the event the Large-Scale Solar Energy System is abandoned. The amount of the surety required under this section shall be 125% of the projected cost of removal 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 Large Scale Solare Energy System should the system be abandoned. In such case, the Village Building Inspector/Code Enforcement Officer shall then provide written notice to the owner or operator to removal the Large Scale Solar Energy System, and the owner or operator shall have one (1) year from written notice to remove the Solare Energy System including any associated accessory structures and/or equipment, and restore the site to a condition approve 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 Board, all costs of the Village incurred to enforce or comply with this condition shall be paid using the surety provided by the applicant.
   b. Decommissioning Plan. An application for a Large-Scale Solar Energy System shall include a Decommissioning Plan. Removal of a Large-Scale Solar Energy System must be completed in accordance with the Decommissioning Plan. The Decommissioning Plan shall:
      1. Specify that after the Large-Scale Solar Energy 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. Within thirty (30) days of changing ownership, notice shall be provided to the Village with the name of the new owner and contact information.
      2. Demonstrate how the removal of all infrastructure (including but not limited to above ground and below ground equipment, structures, and foundations)

and the remediation of soil and vegetation shall be conducted to return the parcel to its original state prior to construction. For the decommissioning of solar systems on farmland, all equipment above grade and to a depth of four (4) feet below grade shall be removed from the site. The soil should also be de-compacted to a depth of two (2) feet, regraded and reseeded with native plants and seed mixes and exclude invasive species.

3. Include photographs or archival color images of the proposed site plan area. For the Large-Scale Solar Energy 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.
4. State that disposal of all solid and hazardous waste shall be in accordance with local, state, and federal waste disposal regulations.
5. Proved an expected timeline for decommissioning within the one-hundred eighty (180) day period set forth below.
6. Provide a cost estimate detailing the projected cost of executing the Decommissioning Plan.

5. Abandonment and Removal.

(a) A Large-Scale Solar Energy System is considered abandoned after one (1) year of not performing all normal functions associated with electrical energy generation on a continuous basis.

(b) Upon cessation of activity of a fully constructed Large Scale Solar Energy System for a period of one (1) year, the Village may notify the owner and/or operator of the facility to implement the Decommissioning Plan. Within one-hundred and eighty (180) days of notice being served, the owner and/or operator can either restore operation equal to 80% of approved capacity or implement the Decommissioning Plan.

(c) In the event that construction of the Large Scale Solar Energy System has been started but is not completed and functioning within eighteen (18) months of the issuance of the final Site Plan, the Village may notify the operator and/or the owner to complete construction and installation of the facility within one-hundred and eighty (180) days. If the owner and/or operator fail to perform, the Village may require the owner and/or operator to implement the Decommissioning Plan. The decommissioning plan must be completed within one-hundred and eighty (180) days of notification by the Village to implement the Decommissioning Plan.

(d) Applications for extensions of the time periods set forth in this subsection of no greater than one-hundred and eighty (180) days shall be reviewed by the Village Board.

(e) Upon recommendation of the Building Inspector/Code Enforcement Officer, the Village Board may waive or defer the requirement that a Large-Scale Solar Energy System be removed if it determines that retention of such facility is in the best interest of the Village.

(f) If the owner and/or operator fails to fully implement the Decommissioning Plan within the prescribed time period and restore the site as required, the Village may use the financial surety posted by the owner and/or operator to decommission the site, or it may proceed with decommissioning at its own expense and recover all expenses incurred for such activities from the defaulted owner and/or operator. Any costs incurred by the Village shall be assessed against the property, shall become a lien and tax upon said property, shall be added to and become a part of the taxes to be levied and assessed thereon, and enforced and collected with interest by the same officer and in the same manner as other taxes.

Special Use Permit Requirements

1. In addition to the other special use permit requirements of this Code, the following shall be provided to the Village.

a) Verification of utility notification. Any foreseeable infrastructure upgrades shall be documented and submitted. Off-grid systems are exempt from this requirement.
b) Name, address, and contact information of the applicant, property owner(s), and agent submitting the project. In the event ownership of the facility changes hands, or if the lease is terminated, notification shall be sent to the Village within thirty 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.
c) 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.
d) Site Plan: Site plan approval is required.
e) Blueprints signed by a New York State registered Professional Engineer or Registered Architect of the solar installation showing the layout of the system.
f) Property Operation and Maintenance Plan: A property operation and maintenance plan is required, describing continuing photovoltaic maintenance and property upkeep, such as mowing, trimming, etc. Any such plan shall propose that the property maintain a neat and orderly appearance consistent with surrounding properties. The property shall always be maintained in a manner consistent with all properties within the Village of Waddington. If the array will be sited on farmland located in an Agricultural District, a completed Agricultural Data statement must be completed.
g) The Village of Waddington has established that there shall be a Community

Benefit to maximize the benefits of a solar project to the Village of Waddington and its residents. The benefit shall be determined, through an agreement negotiated between the Village and the developer/owner.

ARTICLE XIV - TELECOMMUNICATIONS TOWERS REGULATIONS

Description

Recent advances in wireless communications technology have resulted in a new generation of telecommunication services. These new services transmit electromagnetic waves of such a frequency and power that will likely require numerous antenna locations. These antennas may be located on buildings, water towers and other similar structures but will also frequently be located on new or enlarged towers. This requires that the Village of Waddington regulate these wireless communication system facilities in a different manner than conventional television and radio transmission towers which can transmit their signals at much greater distances.

The Federal Communications Commission has recently licensed a number of providers of wireless communication services and additional providers are expected to be licensed in the near future. These firms are expected to pursue antenna sites within the Village of Waddington and these efforts are expected to include requests to construct new communication towers and/or structures as well.

The intent of this proposed regulation is to provide for the establishment and/or expansion of wireless telecommunication services within the Village of Waddington while protecting neighborhoods and minimizing the adverse visual and operational effects of wireless telecommunications facilities through careful design, siting, and screening. More specifically this regulation has been developed in order to:

- Maximize use of existing and approved towers and other structures to accommodate new antennas and transmitters in order to reduce the number of communication towers needed to serve the village.
- Encourage providers to co-locate their facilities on a single tower.

The Village of Waddington has undertaken a deliberate process to establish policy, standards and procedures related to the siting of tower structure and antenna arrays for wireless telecommunications as contained herein. In doing so, the municipality attempted to:

- Preserve property values and development opportunities.
- Minimize the visual impact of towers.
- Minimize the number of towers and their heights.
- Promote safety, general welfare, and quality of life.
- Assure adequate access to wireless communication service for the community.

A. Telecommunication Definitions