

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one:)

of Sanford

Local Law No. 1 of the year 2023

A local law Repealing and Replacing Section 1404 of Local Law No. 1 of the Year 2017 entitled
(Insert Title)
"Solar Energy Production Systems"

Be it enacted by the Town Board of the
(Name of Legislative Body)

County City Town Village
(Select one:)

of Sanford

as follows:

[See Attached]

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2023 of the ~~(County)(City)(Town)(Village)~~ of Sanford was duly passed by the Town Board on January 10, 2023, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* on _____ 20____, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. *(Elective Chief Executive Officer*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law. *(Elective Chief Executive Officer*)*

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)


I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph, 1 above.


Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 1/10/2023

(Seal)

**TOWN OF SANFORD
LOCAL LAW NO. 1 OF THE YEAR 2023**

**A LOCAL LAW REPEALING AND REPLACING SECTION 1404 OF LOCAL LAW
NO. 1 OF THE YEAR 2017, ENTITLED "SOLAR ENERGY PRODUCTION SYSTEMS"**

BE IT ENACTED by the Town Board of the Town of Sanford as follows:

SECTION 1. REPEAL AND REPLACEMENT

Section 1404 of Local Law No. 1 of the Year 2017, entitled "Solar Energy Production Systems", is hereby repealed in its entirety and replaced with the following:

**Section 1404
Solar Energy Production Systems**

1404.1 Definitions

APPLICANT: Any individual, corporation, municipal corporation, private business entity, estate, trust-partnership, joint-stock company, associate association of two or more persons, limited liability company or other entity submitting an application to the Town Sanford for a Special Use Permit for an SEPF, and its successors and assignees.

APPLICATION: The form approved by the Board, together with all necessary and appropriate documentation that an Applicant submits in order to receive a Special Use Permit for an SEPF.

BOARD: The Planning Board of the Town of Sanford.

BUILDING-INTEGRATED SEPF: A combination of Solar Panels and Solar Energy Equipment integrated into any building envelope system such as vertical facades, semitransparent skylight systems, roofing materials, or shading over windows, which produce electricity for onsite consumption.

FARMLAND OF STATEWIDE IMPORTANCE: Land, designated as "Farmland of Statewide Importance" in the U.S. Department of Agriculture Natural Resources Conservation Service (NRCS)'s Soil Survey Geographic (SSURGO) Database on Web Soil Survey that is of statewide importance for the production of food, feed, fiber, forage, and oilseed crops as determined by the appropriate state agency or agencies. Farmland of Statewide Importance may include tracts of land that have been designated for agriculture by State law.

GLARE: The effect by reflections of light with intensity sufficient as determined in a commercially reasonable manner to cause annoyance, discomfort, or loss in visual performance and visibility in any material respects.

GROUND-MOUNTED SEPF: A SEPF that is anchored to the ground via a pole or other mounting system, detached from any other structure, and generates electricity for onsite or offsite consumption.

LUMLL: The Town of Sanford Land Use Management Local Law, as amended.

NATIVE PERENNIAL VEGETATION: Native wildflowers, forbs, and grasses that serve as habitat, forage, and migratory way stations for pollinators and shall not include any prohibited or regulated invasive species as determined by the New York State Department of Environmental Conservation.

NON-PARTICIPATING PROPERTY: A parcel of land which is not subject to any lease or other agreement with the Applicant.

PARTICIPATING PROPERTY: A parcel of land subject to a lease, good neighbor agreement or other contract with the Applicant, in which the property owner receives consideration in exchange for authorizing or consenting to SEPF development by the Applicant on or in the vicinity of the parcel.

POLLINATOR: Bees, birds, bats, and other insects or wildlife that pollinate flowering plants, and includes both wild and managed insects.

PRIME FARMLAND: Land, designated as "Prime Farmland" in the U.S. Department of Agriculture Natural Resources Conservation Service (NRCS)'s Soil Survey Geographic (SSURGO) Database on Web Soil Survey that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and is also available for these land uses.

RIGHT OF WAY: A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer, and other similar uses.

ROOF-MOUNTED SEPF: A SEPF located on the roof of any legally permitted building or structure that produces electricity for onsite or offsite consumption.

SOLAR ACCESS: Space open to the sun and clear of overhangs or shade so as to permit the use of active and/or passive SEPFs on individual properties.

SOLAR ENERGY EQUIPMENT: Electrical material, hardware, inverters, conduit, storage devices, or other electrical and photovoltaic equipment associated with the production of electricity.

SOLAR ENERGY PRODUCTION FACILITY (SEPF): shall mean any mechanism or system designed for the converting solar energy into electrical energy and all equipment related thereto. A SEPF may be:

- A. Commercial - A SEPF that primarily produces energy for off-site sale or consumption and has a capacity of 200 kilowatts or more.
- B. Non-Commercial - A SEPF that is incidental and subordinate to another use on the same parcel and which primarily produces energy for onsite consumption; provided, however, that if such parcel uses the SEPF for net-metering with a utility company, such SEPF may be considered non-commercial unless net revenue is produced.

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

STORAGE BATTERY: A device that stores energy and makes it available in an electrical form.

SPECIAL USE PERMIT: The official document or permit by which an Applicant is allowed to conduct and use a SEPF as granted or issued by the Town.

Section 1404.2 Applicability

- A. The requirements of this Local Law shall apply to all SEPFs permitted, installed, or modified in the Town of Sanford after the effective date of this Local Law, excluding general maintenance and repair.
- B. SEPFs constructed or installed prior to the effective date of this Local Law shall not be required to meet the requirements of this Local Law.

Section 1404.3 Non-Commercial SEPFs: Permitted Locations

- A. A Non-Commercial SEPF shall be constructed pursuant to a building permit only and without the necessity of site plan review or Special Use Permits, so long as the SEPF meets the criteria set forth in Section 1404.4 below; provided, however, that a Non-Commercial SEPF shall require a Special Use Permit from the Board if such facility is located in the areas listed in Subsection C below. In such cases, an applicant for a Non-Commercial SEPF must comply with the requirements of Section 1404.6 below to the extent that the Board shall so require.
- B. A Commercial SEPF shall be constructed pursuant to a Special Use Permit issued by the Board, provided that the SEPF meets the criteria set forth in Section 1404.5, subject to obtaining all other necessary approvals including site plan review.
- C. Areas of potential sensitivity:
 - 1. 100-year flood hazard zones considered a V or AE zone on the FEMA Flood Maps
 - 2. Historic and/or culturally significant resources, in an historic district, or historic district transition zone
 - 3. Within a title or freshwater wetlands
 - 4. Adjacent to, or within, the control zone of any airport, subject to approval by the Federal Aviation Administration
 - 5. Within the Oquaga Lake Protection Overlay District
- D. Nothing herein shall supersede or limit any other code section contained within this chapter that may pertain to SEPFs, including but not limited to site plan review.

Section 1404.4 Non-Commercial SEPFs as Accessory Uses

- A. A Non-Commercial SEPF may be permitted as a customary accessory use in all zoning districts, subject to Town Code and Uniform Code requirements applicable to accessory uses, to the extent not inconsistent with this Local Law, and subject to the following:

1. A Non-Commercial SEPF as an accessory use shall be limited to one or more roof / wall and/or ground-mounted solar collector devices and solar-related equipment.
 2. Solar carports shall be permitted over existing and proposed parking facilities. For the purpose of this Section, solar carports shall not be considered a structure as defined by the LUMLL.
 3. Non-Commercial Roof-Mounted SEPFs shall be permitted in all zoning districts
- B. Non-Commercial Roof-Mounted SEPFs shall incorporate, when feasible, the following design requirements:
1. Solar Panels on pitched roofs shall be mounted with a maximum distance of 24 inches between the roof surface and the highest edge of the system.
 2. Solar Panels on pitched roofs shall be installed parallel to the roof surface on which they are mounted or attached and no greater than twenty (20) degrees.
 3. Solar Panels on pitched roofs shall not extend higher than the highest point of the roof surface on which they are mounted or attached.
 4. Solar Panels on flat roofs shall not extend above the top of the surrounding parapet, or more than 24 inches above the flat surface of the roof, whichever is higher.
 5. Glare: All Solar Panels shall have anti-reflective coating(s).
 6. Height: All Non-Commercial Roof-Mounted SEPFs shall be subject to the maximum height regulations specified for principal and accessory buildings within the underlying zoning district.
- C. Building-Integrated SEPFs shall be shown on the plans submitted for the building permit application for the building containing the system.
- D. Non-Commercial Ground-Mounted SEPFs: All Non-Commercial Ground Mounted SEPFs shall be permitted in all zoning districts as accessory structures and shall be exempt from site plan review under the local zoning code or other land use regulations, subject to the following conditions:
1. Glare: All Solar Panels shall have anti-reflective coating(s).
 2. Setbacks: Non-Commercial Ground Mounted SEPFs shall be subject to the setback regulations specified for the accessory structures within the underlying zoning district. All Ground-Mounted SEPFs shall only be installed in the side or rear yards in residential districts.
 3. Height: Non-Commercial Ground Mounted SEPFs shall be subject to the height limitations specified for accessory structures within the underlying zoning district.
 4. Screening and Visibility.
 - a. All Non-Commercial Ground Mounted SEPFs shall have views minimized from adjacent properties to the extent reasonably practicable.
 - b. Solar Energy Equipment shall be located in a manner to reasonably avoid and/or minimize blockage of views from surrounding properties and shading of property to the north, while still providing adequate solar access.
 5. Lot Size: Non-Commercial Ground Mounted SEPFs shall be limited to twenty percent (20%) lot coverage.
- E. Installations shall be compliant with all NYS requirements, including but not limited to, those set forth in Uniform Fire Protection and Building Code and the State Energy Conservation Construction Code.

Section 1404.5 Commercial SEPFs: Special Use Permit Required

- A. A Commercial SEPF is permitted by Special Use Permit as a primary use in all zoning districts except the following: Special District, Oquaga Lake Protection Overlay District, and Areas of Potential Sensitivity listed in Section 1404.3 (C) above. The Planning Board of the Town of Sanford is hereby designated and authorized to review, analyze, evaluate and make decisions with respect to granting, granting with conditions, denying, extending or revoking such permits for SEPFs. All Applicants for a Special Use Permit for a Commercial SEPF shall, in addition to any other requirements of the Town Code, comply with the procedures set forth in this Section 1404.5.
- B. An application for a Special Use Permit for a Commercial SEPF shall be signed on behalf of the Applicant by the person preparing the same and with knowledge of the contents and representations made therein and attesting to the truth and completeness of the information. If the Applicant is not also the landowner of the project location, the Applicant shall additionally provide one of the following:
 - 1. A signed writing from each landowner consenting to the filing of the Application by the Applicant; or
 - 2. A copy of the agreement(s) between the Applicant and each landowner authorizing the Applicant to use the landowner's property as proposed in the application.
- C. Applications not meeting the requirements stated herein, or which are otherwise incomplete may be rejected by the Board.
- D. At the discretion of the Board, any false or misleading statement in the application may subject the Applicant to denial of the application without further consideration or opportunity for correction.
- E. Completed applications for siting Commercial SEPFs shall be submitted to the Code Enforcement Officer at least forty five (45) days prior to the regular meeting of the Board. The Applicant shall attend any Board meeting where they request the application to be considered.
- F. The decision of the Board on the application shall be filed in the office of the Town Clerk and a copy thereof mailed to the Applicant.
- G. Upon a majority vote of the Board, the Board may hold a public hearing on the Commercial SEPF application if one is not otherwise required.

Section 1404.6 Special Use Permit Application Requirements

A plan for the proposed development of a Commercial SEPF shall be submitted with the application and such plan shall show and include:

- A. Name of project, boundary lines of parcel that project will be located on, a location map showing proposed site's location, date, north arrow, and scale of the plan.
- B. Name and address of the owner of the parcel where development is proposed, developer, and the seal of the engineer, architect, or surveyor preparing the plan.

- C. Name and address of all owners of record of abutting parcels and those within fifteen hundred (1500) feet of the property lines of parcel where development is proposed. Each such owner shall be designated as a “participating property” or “non-participating property” as those terms are defined in this Section 1404.
- D. A map showing all existing lot lines, easements, and right of ways.
- E. A sketch plan showing proposed road access including provisions for paving, if any, proposed transmission lines and accessory facilities, and location of all existing and proposed utility systems to the facility.
- F. A survey of the parcel.
- G. A map showing existing and proposed topography at five (5) foot contour intervals.
- H. A landscape plan showing all existing natural land features, trees, forest cover and all proposed changes to these features including size and type of plant material and erosion control measures.
- I. A soil testing report prepared by a professional environmental engineer or environmental scientist licensed to practice in the State of New York that shows the presence or absence of any preexisting, subsurface, hazardous materials that may be present at the project site. This report shall establish the “original condition” to which the project site soil must be restored upon decommissioning. For purposes of this section, hazardous materials are those listed in 6 NYCRR 597.3, as may be amended from time-to-time.
- J. Completed State Environmental Quality Review Act (SEQRA) Long Environmental Assessment Form (EAF).
- K. Photography assessing the visibility from key viewpoints, existing tree lines, and proposed elevations. Pictures shall be digitally enhanced to simulate the appearance of the as-built above ground site facilities as they would appear from distances within a three (3) mile radius of such SEPFs. Pictures from specific locations may be required by the Board and all pictures shall be no smaller than five (5) inches by seven (7) inches.
- K. Screening and Visibility.
 - 1. All Commercial SEPFs shall be required to:
 - a. Conduct a visual assessment of the visual impacts of the SEPF on public roadways and adjacent properties. At a minimum, a line-of-sight profile analysis shall be provided. Depending upon the scope and potential significance of the visual impacts, the Board may require, in its discretion, that the Applicant submit additional impact analyses, including, for example a digital viewshed report.
 - b. Submit a screening and landscaping plan to show adequate measures to screen through landscaping, grading, or other means so that views of Solar Panels and Solar Energy Equipment shall be minimized as reasonably practical from public roadways and adjacent properties to the extent feasible. The screening and

landscaping plan shall specify the locations, elevations, height, plant species, and/or materials that will comprise the structures, landscaping, and/or grading used to screen and/or mitigate any adverse aesthetic effects of the system, following the applicable rules and standards established by the Town of Sanford.

- L. Documentation of the proposed intent and capacity of energy generation as well as a justification for any clearing required.
- M. Preliminary report prepared by SEPF siting agency describing:
 - 1. Surrounding topography in relation to the capabilities of generation of electricity by the sun,
 - 2. Required improvements for construction activities, including those within the public's right of way or land controlled by the Town of Sanford,
 - 3. Proposed mitigation measures for visual impacts and other environmental impacts of each SEPF.
- N. Elevation map showing each solar panel's height and design including a cross-section of the structure.
- O. A description of the general geographic areas that would be accessible for solar projects within the Town of Sanford; furthermore: demonstrations that the proposed site is the most appropriate site within the immediate area for location of the SEPF. A copy of all manufacturers' specifications for SEPFs shall be included.
- P. Descriptions of the Applicant's long-range plans which project market demand and long-range facility expansion needs within the Town.
- Q. Report showing stormwater quality and run-off calculations for the area being disturbed.
- R. Insurance Certificates meeting the requirements of Section 1404.7 (I) below.
- S. Plans to prevent erosion of soil both during and after construction, excessive runoff, and flooding of other properties, as applicable, Pre-construction and post construction drainage calculations for the site completed by a professional engineer licensed to practice in the State of New York must show how there will be no increase in runoff from the site.
- T. 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.
- U. If any license, approval, permit, certification, or any type of registration or similar type of endorsement is required from any other agency, the Applicant shall notify the Board of such requirement and the Board shall coordinate the review as deemed appropriate. A copy of any such license, approval permit, certificate or registration shall be provided to the Board prior to the approval of any Special Use Permit.
- V. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, and screening vegetation or structures.

- W. A one- or three-line electrical diagram detailing the SEPF layout, solar collector installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and over current devices.
- X. Preliminary equipment specification sheet that documents all proposed solar panels, significant components, mounting systems, and inverters that are to be installed. A final equipment specification sheet shall be submitted prior to the issuance of building permit.
- Y. Zoning district designation for the parcel(s) of land comprising the project site.
- Z. Property Operation and Maintenance Plan. Such plan shall describe continuing photovoltaic maintenance and property upkeep, such as mowing and trimming.
- AA. The Board, upon request in writing by the Applicant, may waive specific requirements of this section when in its opinion such information is not necessary for the Board to take into account when considering an application. Any such waiver will not have the effect of nullifying the spirit and intent of these standards, the Comprehensive Plan, or any other applicable local laws, regulations or ordinances.

Section 1404.7 Requirements for Commercial SEPFs

- A. Commercial SEPF shall comply with the following standards:
 - 1. If the Board votes to hold a public hearing on a Commercial SEPF application pursuant to Section 1404.5 (G) above, the Applicant shall deliver notice of the public hearing by first class mail to adjoining landowners and all other landowners within 200 feet of the property at least 10 days prior thereto. Proof of mailing shall be provided to the Town of Sanford Planning Board at least 24 hours prior to the public hearing.
 - 2. Upon closing of the public hearing, the Board shall take action on the application within sixty-two (62) days, which can include approval, approval with conditions, or denial. The sixty-two (62) day period may be extended upon the mutual consent of the Board and the Applicant.
- B. Minimum lot area. The minimum lot area for a Commercial SEPF shall be 5 acres.
- C. Maximum lot coverage. The total coverage of a lot with freestanding solar panels cannot exceed sixty percent (60%) lot coverage. Lot coverage shall be defined as area measured from the outer edge(s) of the arrays, inverters, batteries, storage cells and all other mechanical equipment used to create, store or transfer solar energy, exclusive of fencing and roadways.
- D. Height and set back restrictions. The maximum height for freestanding solar panels located on the ground or attached to a framework located on the ground shall not exceed 20 feet from finished grade when oriented at maximum tilt.
- E. Buffer and setback restrictions:
 - 1. A minimum of 30% of the parcel shall be preserved as natural and vegetative open space. Site plans for the property shall be developed that provide for the preservation

of natural vegetation in large unbroken blocks that also allow contiguous open spaces to be established when adjacent parcels are developed.

2. No solar panel shall be closer than 100 feet from any non-participating residential property line.
 3. No solar panel shall be closer than 250 feet from non-participating, habitable residential structures.
 4. No solar panel shall be closer than 50 feet from non-participating, non-residential property lines.
 5. No solar panel shall be closer than 50 feet from the boundary line of any public street or roadway.
 6. A buffer of natural and undisturbed vegetation, supplemented with evergreen plantings in accordance with Town standards shall be provided as needed around the SEPF to provide screening from such adjacent roads and parcels.
- F. Design standards. The Applicant shall submit a site plan map and drawing which depict and include the elements found in Section 524.1 of the LUMLL, as well as the following:
1. Ground cover under and between the rows of solar panels shall be low-maintenance, drought-resistant, native, non-fertilizer dependent flora designed to attract pollinators.
 2. Access and emergency roadways within the site shall not be constructed of impervious materials and shall be designed to minimize the extent of roadways constructed and soil compaction. Paths of ingress and egress to the SEPF shall be shown on the plan.
 3. All onsite utility and transmission lines shall, to the extent feasible, be installed underground. If the Applicant seeks aboveground utilities or transmission lines, sufficient proof of infeasibility must be provided. The Board may waive or vary the requirements of underground installation of utilities whenever, in the opinion of the Board, the Applicant's proof establishes that such variance or waiver shall not be detrimental to the health, safety, general welfare and environment, including the visual and scenic characteristics of the area.
 4. All SEPF shall be designed and located in order to prevent reflective glare toward any inhabited buildings on adjacent properties as well as adjacent street right away. All Solar Panels shall have anti-reflective coating(s).
 5. The entirety of the SEPF, including any transformers, substations and/or structures for batteries or storage cells, shall be completely enclosed by a minimum eight (8) foot high anchored mini-mesh chain-link fence with two (2) foot tip out and a self-locking gate. Said fence shall contain five (5) inch high by sixteen (16) inch wide grade-level cutouts every seventy five (75) feet to permit small animals to move freely into and out of the site. Landscape screening shall be provided in accordance with landscaping and buffering provisions of this Section and Section 1404.6 above.
 6. The Applicant for a SEPF connected to the utility grid shall provide a "proof of concept letter" from the local utility company acknowledging the SEPF will be interconnected to the utility grid in order to sell electricity to the public utility entity.
 7. All debris, materials and/or mulch generated by the site clearing or construction shall be removed from the site and disposed of properly.
 8. Soil or material removal shall be in accordance with LUMLL Section 511, Extraction of Quarried Stone, and Section 516, Fences to Excavation.

9. All lighting shall be depicted and conform to the Town's exterior lighting standards and shall not unreasonably disturb adjacent parcels.
 10. Fire access roads and access for fire apparatus equipment shall be provided, as approved by the Town Fire Marshall.
 11. All stormwater and drainage shall be contained on site in accordance with the Town's standards.
 12. The design of an SEPF as required by this Section shall be prepared and sealed by a registered design professional.
- G. Signs. A sign not to exceed 2.25 square feet shall be attached to a fence adjacent to the main access gate and shall list the facility name, owner and phone number. A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
- H. Other approvals. If any license, approval, permit, certification, or any type of registration or similar type of endorsement is required from any other federal, state or local governmental subdivision or agency, such additional approvals shall be a condition precedent to the Board's issuance of a Special Use Permit.
- I. Certifications
1. Post Installation. A post-installation field report identifying the facilities generation of electricity and impacts upon the environment shall be submitted to the Town within sixty (60) days of when such information becomes available.
 2. National and state standards. The Applicant shall show that all applicable manufacturers, New York State and U S standards for the construction, operation, and maintenance of the proposed SEPF, including applicable industrial standards of the Institute of Electrical and Electronic Engineers (IEEE) and the American National Standards Institute (ANSI) have been met or are or being complied with. The Applicant shall furnish evidence over the signature of a professional engineer licensed to practice in the State of New York that such SEPF is in compliance with such standards.
- J. Insurance/Liability.
1. Prior to the commencement of construction of a Commercial SEPF, the owner/operator thereof shall secure and at all times maintain public liability insurance for personal injuries, death and property damage, and umbrella insurance coverage for the duration of the useful life of the Commercial SEPF. Insurance policy amounts shall be determined by the Board in consultation with Town's insurer to cover damage or injury that may result from the failure of a Commercial SEPF or any other part(s) of the generation or transmission facility. However, at minimum, the owner/operator shall carry the following insurances in the following amounts:
 - a. Commercial general liability covering personal injuries, death and property damage: \$1,000,000 per occurrence/\$2,000,000 aggregate.
 - b. Automobile coverage: \$1,000,000 per occurrence/\$2,000,000 aggregate.
 - c. Workers' compensation and disability: statutory amounts.
 2. The commercial general liability insurance policy shall specifically include the Town of Sanford as additional named insured.

3. The insurance policies shall be issued by an agent or representative of an insurance company licensed to do business in the state and with a Best's rating of at least "A".
 4. The insurance policies shall contain an endorsement obligating the insurance company to furnish the Town with at least 30 days prior written notice in advance of the cancellation of the insurance.
 5. Renewal or replacement policies or certificates shall be delivered to the Town at least 15 days before the expiration of the insurance policies currently in place.
 6. Before construction of a permitted Commercial SEPF is initiated, but no later than 15 days after the grant of the Town Board approval, the Special Use Permit holder shall deliver to the Town a copy of each of the policies or certificates representing the insurance in the required amounts.
- K. **Ownership Changes.** If the owner or operator of the SEPF changes or the owner of the property changes, the Special Use Permit shall remain in effect, provided that the successor owner or operator assumes in writing all of the obligations of the Special Use Permit, site plan approval required insurances and decommissioning plan. A new owner or operator of the SEPF shall notify the Code Enforcement Officer of such change in ownership or operator within 30 days of the ownership change.

Section 1404.8 Agricultural Resources. For projects located on agricultural lands:

- A. Commercial SEPFs located on the areas that consist of Prime Farmland or Farmland of Statewide Importance shall not exceed fifty percent (50%) of the area of Prime Farmland or Farmland of Statewide Importance on the parcel.
- B. Commercial SEPFs located on Prime Farmland shall be constructed in accordance with the construction requirements of the New York State Department of Agriculture and Markets.
- C. Commercial SEPF owners shall develop, implement, and maintain native vegetation to the extent practicable pursuant to a vegetation management plan by providing native perennial vegetation and foraging habitat beneficial to game birds, songbirds, and pollinators. To the extent practicable, when establishing perennial vegetation and beneficial foraging habitat, the owners shall use native plant species and seed mixes.

Section 1404.9 Decommissioning

- A. All applications for a Commercial SEPF shall be accompanied by a decommissioning plan to be implemented upon abandonment, or cessation of activity, or in conjunction with removal of the Commercial SEPF. Prior to issuance a building permit, the owner or operator of the facility or structure shall post an irrevocable letter or letters of credit in a face amount of not less than one hundred twenty percent (120%) of the estimated cost of complete decommissioning and removal to ensure proper, safe removal of the facility and related structures in accordance with the decommissioning plan described in this Section 1404.9. The amount of the financial guarantee shall be reviewed by the Applicant and the Town Board every five (5) years and may be changed based upon majority vote of the Board. The form of the guarantee must be reviewed and approved by the Attorney for the Town, and the guarantee must remain in effect until the system is fully removed and final inspection is completed by the Code Enforcement Officer.

- B. The Applicant shall submit a decommissioning plan that ensures that the site will be restored to a useful, nonhazardous condition, which plan shall be implemented without delay if:
1. The Applicant ceases operation of the Commercial SEPF for period of 18 months
 2. The Applicant begins but does not complete construction of the project within 18 months after receiving final Special Use Permit approval
 3. The Special Use Permit for the Commercial SEPF expires or is not renewed.
- C. The plan shall contain but not limited to the following:
1. Removal of the above ground and below ground equipment, structures and foundations.
 2. Restoration of the surface grade and soil, after removal of equipment, to the grade and quality of the soil's original condition. The original condition of soil quality at the project site shall be established by the pre-construction soil testing report required by Section 1404.6 (I) of this Local Law.
 3. Proper removal and disposal, in accordance with all applicable laws, of any hazardous substances present within any SEPF, Solar Energy Equipment, or Storage Batteries associated with the project. For purposes of this requirement, hazardous substances are those listed in 6 NYCRR 597.3, as may be amended from time-to-time.
 4. Revegetation of restored soil areas with native seed mixes, excluding any invasive species.
 5. The plan shall include a reasonable timeframe for the completion of site restoration work including:
 - a. The time required to decommission and remove the Commercial SEPF any ancillary structures.
 - b. The time required to repair any damage caused to the property by the installation and removal of the Commercial SEPF.
 6. The cost of removing the Commercial SEPF.
- D. In the event that construction of a Commercial SEPF has been started but is not completed and functioning within 18 months of issuance of the final site plan approval, the Town shall notify the Applicant, operator and/or the owner to complete construction and installation of the facility within ninety (90) days. If the Applicant, owner and/or operator fails to perform, the Town shall notify the Applicant, owner and/or operator to implement the decommissioning plan. The decommissioning plan must be completed within 180 days of such notification by the Town.
- E. Upon cessation of activity of a fully constructed Commercial SEPF for a period of 18 months, the Town shall notify the Applicant, owner and/or operator of the facility to implement the decommissioning plan. Within 120 days of notice being served, the Applicant, owner and/or operator can either restore operation equal to 50% of approved capacity or implement the decommissioning plan which must then be fully complete within 12 months of the beginning of its implementation.
- F. If the Applicant, owner and/or operator fails to fully implement the decommissioning plan within the 12 month time period (or 180 days, in the case of subsection (D) above) and

restore the site as required, the Town may, at its own expense, provide for the restoration of the site in accordance with the decommissioning plan and may, in accordance with the law, recover all expenses incurred for such activities from the Letter of Credit and from the defaulted Applicant, owner and/or operator. Any costs incurred by the Town which has not been fully paid by the Applicant, owner and /or operator 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 assess thereon, and enforced and collected with interest by the same officer and in the same manner as other taxes. The decommissioning plan shall provide for the ability of the Town, or its assignee or designee, to access the property owners' land in order to complete decommissioning if necessary.

Section 1404.10 Safety

- A. SEPFs and Solar Energy Equipment shall be certified under the applicable electrical and/or building codes as required.
- B. SEPFs shall be maintained in good working order and in accordance with industry standards. Site access shall be maintained, including snow removal at a level acceptable to the local fire department and, if the Tier 3 SEPF is located in an ambulance district, the local ambulance corps.
- C. If Storage Batteries are included as part of the SEPF, they shall meet the requirements of any applicable 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 Sanford and any applicable federal, state, or county laws or regulations.

Section 1404.11 Permit Time Frame and Abandonment

- A. The Special Use Permit and site plan approval for a SEPF shall be valid for a period of 18 months, provided that a building permit is issued and construction is timely commenced. In the event construction is not completed in accordance with the final site plan within the term of the Special Use Permit, the Board may extend the time to complete construction for up to one hundred eighty (180) days upon the written request of the Applicant, for good cause shown. If the owner and/or operator fails to perform substantial construction after twenty four (24) months, all previously granted approvals and extensions shall expire.
- B. Upon cessation of electricity generation of a SEPF on a continuous basis for 18 months, the Town of Sanford may notify and instruct the owner and/or operator of the SEPF to implement the decommissioning plan. The decommissioning plan must be completed within three hundred sixty (360) days of notification.
- C. If the owner and/or operator fails to comply with decommissioning upon any abandonment, the Town of Sanford may, at its discretion, utilize the Letter of Credit for the removal of the SEPF and restoration of the site in accordance with the decommissioning plan.

Section 1404.12 Retention of Expert Assistance; Reimbursement by Applicant

- A. The Applicant for a Special Use Permit for a Commercial SEPF shall be responsible for the cost of the engineering review by the Town Designated Engineer (TDE), as well as any additional consultants and/or experts the Town may hire to assist in the review and evaluation of the Application and any request for recertification of a previously issued special use permit. The Town Board may hire any consultant and/or expert necessary to assist the Board in reviewing and evaluating the application and any requests for recertification
- B. An Applicant shall deposit with the Town funds sufficient to reimburse the Town for all reasonable costs of TDE, consultant and expert evaluation and consultation to the Board in connection with the review of any application. The initial deposit shall be no less than \$15,000.00. These funds shall accompany the filing of an application, and the Town will maintain a separate escrow account for all such funds. The Town's consultants/experts shall bill or invoice the Town no more frequently than monthly for their services in reviewing the application and performing their duties. If at any time during the review process this escrow account has a balance less than 50% of the initially deposited amount, the Applicant shall immediately, upon notification by the Town, replenish said escrow account so that the balance of said account equals the amount of the initial deposit. Such additional escrow funds shall be deposited with the Town before any further action or consideration is taken on the application. In the event that the amount held in escrow by the Town is more than the amount of the actual billing or invoicing at the conclusion of the review process, the difference shall be promptly refunded to the Applicant.

Section 1404.13 Penalties for Violations

- A. A violation of this Section 1404 is hereby declared to be an offense, punishable by a fine not exceeding \$250 or imprisonment for a period not to exceed fifteen (15) days, or both. Each week's continued violation shall constitute a separate additional violation.
- B. Notwithstanding anything in this section 1404.13, the owner/operator of a Commercial SEPF may not use the payment of fines, liquidated damages or other penalties to evade or avoid compliance with this section. An attempt to do so may subject the owner/operator of a Commercial SEPF to the termination and revocation of any or all previously granted certificates, permits or approvals for the Commercial SEPF pursuant to the procedures described in Section 1404.14 (B), below. The Town may also seek injunctive relief to prevent the continued violation of this section, without limiting other remedies available to the Town.

Section 1404.14 Default and/or Revocation

- A. If a Commercial SEPF is repaired, rebuilt, placed, moved, relocated, modified or maintained in a way that is inconsistent or not in compliance with the provisions of this Section 1404, the Code Enforcement Officer shall notify the owner/operator of the Commercial SEPF in writing of such violation. Such notice shall specify the nature of the violation or noncompliance and state that the violations must be corrected within thirty (30) days of the date of the postmark of the notice, or of the date of personal service of the notice, whichever is earlier. Notwithstanding anything to the contrary in this Section 1404, if the violation causes, creates or presents an imminent danger or threat to the health or

safety of lives or property, the Code Enforcement Officer or his/her authorized designee may, at his/her sole discretion, order the violation remedied within twenty four (24) hours.

- B. If, within the period set forth in subsection A above, the Commercial SEPF is not brought into compliance with the provisions of this Section 1404 or substantial steps are not taken in order to bring the same into compliance, the Code Enforcement Officer may revoke any or all certificates, permits or approvals issued by him/her and shall notify the owner/operator of the same within 48 hours of such action. The Code Enforcement Officer shall, in addition to the foregoing, inform the Board of the owner/operator's failure to comply with subsection A above. The Board may thereafter, in its discretion, and after providing the owner/operator with notice and an opportunity to be heard, revoke any previously granted Special Use Permit for the Commercial SEPF in question.

SECTION 2. SEVERABILITY

If any part or provision of this Local Law or the application thereof to any person or circumstances be adjudged invalid by any court of competent jurisdiction, such judgement shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgement shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances. The Town Board of the Town of Sanford hereby declares that it would have passed this Local Law or the remainder thereof had such invalid provision been apparent.

SECTION 3. REPEALER

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

SECTION 4. EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the New York Secretary of State.