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☐ **County** ☐ **City** ☒ **Town** ☐ **Village**
(Select one:)

of Volney

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MAR 25 2024
DEPARTMENT OF STATE

Local Law No. 1 **of the year 20** 24

A local law regulating solar energy systems in the Town of Volney.
(Insert Title)

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

☐ **County** ☐ **City** ☒ **Town** ☐ **Village**
(Select one:)

of Volney **as follows:**

SECTION 1: TITLE

This local law shall be known as Local Law No. 1 of 2024, a local law regulating solar energy systems in the Town of Volney.

SECTION 2: STATEMENT OF AUTHORITY

The Town Board of the Town of Volney, pursuant to the authority granted it under Article 16 of the Town Laws and Sections 10 and 20 of the Municipal Home Rule Law of the State of New York, hereby enacts as follows:

SECTION 3: PURPOSE AND INTENT

A. The Town of Volney recognizes that solar energy is a clean, readily available and renewable energy source. It further recognizes that energy generated from solar energy systems can be used to offset energy demand on the grid where excess solar power is generated.

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

B. The Town of Volney has determined that comprehensive regulations regarding the development of solar energy systems are necessary to protect the interests of the Town, its residents and its businesses. This local law aims to accommodate solar energy systems while balancing the potential impact on neighbors and preserving the rights of property owners to install solar energy systems. This local law is intended to promote the effective and efficient use of solar energy resources, set provisions for the placement, design, construction and operation of such systems to be consistent with the Town of Volney's Comprehensive Plan, to uphold the public health, safety and welfare, and to ensure that such systems will not have a significant adverse impact on the environment, aesthetic qualities and character of the Town.

C. It is not intended by this local law to repeal, except as herein stated, abrogate or impair existing conditions previously made or permits previously issued relating to the use of buildings or premises or to impair or interfere with any easements, covenants or agreements existing between parties. Except as otherwise provided herein, whenever this local law imposes a greater regulation upon the use of buildings or premises than is required by existing provisions of law, ordinance, regulations or permits, or by such easements, covenants or agreements, the provisions of this local law shall control.

D. The several independent legal and economic experts have concluded that there can be significant legal and economic detriments to the Town caused by landowners entering into secretive, complicated and one-sided lease/easement contracts written by industrial solar energy developers. Such secret unrecorded instruments materially affect the land use and regulation of land use and thereby can cause detriments to the health, safety and welfare of the Town.

SECTION 4: DEFINITIONS

The following terms shall have the meanings indicated:

ACCESSORY BUILDING: A prefabricated or erected structure of a size no greater than 144 square feet which is used for the storage of tools, materials, including lawn mowers, snowplows, and other equipment used in the general upkeep in the home and the property and not intended to be used in a business or commercial manner.

ACCESSORY EQUIPMENT: Any equipment serving or being used in conjunction with a (SEF). The term includes utility or transmission equipment, power supplies, generators, batteries, equipment buildings, and storage sheds, shelters or similar structures.

ACCESSORY USE: A use incidental and subordinate to the principal use and located on the same lot with such principal use or building.

AGRICULTURAL USE: Land consisting of four contiguous acres or more used for raising or harboring livestock which includes, but is not limited to poultry, horses, cows, sheep and goats; and/or land for used for growing agricultural products. Agricultural use includes farm structures and storage of agricultural equipment; riding and boarding stable; and as accessory use, sale of agricultural products raised on the property. Growing of fruit or garden for personal onsite consumption is not considered agricultural use. Land upon which an agricultural structure or stable is situated must consist of four contiguous acres or more under the same ownership.

BUILDING HEIGHT: Vertical distance measured from the average elevation of proposed finished grade at the front of a building to the highest point of roof for flat and mansard roofs, and to average height between eaves and ridge for other types of roofs.

BUILDING-INTEGRATED PHOTOVOLTAIC (BIPV) SYSTEM: A solar system that consists of integrating photovoltaic modules into the building structure, such as the roof or the façade, which does not alter relief of the roof.

COVERAGE: The percentage of a lot area covered by a building area.

EIS: Environmental Impact Statement

ELECTRICAL TRANSMISSION TOWER: An electrical transmission structure used to support high voltage overhead power lines. The term shall not include any utility pole.

ENERGY COOPERATIVE: An electrical distribution system using alternative energy sources such as, but not limited to, solar energy systems and designed to supply energy needs to designated users.

FENCE: Any structure including walls or screens, erected for the purposes of enclosing land, screening land, dividing land, to direct or prohibit passage across land, to protect against a potential hazard or for decorative purposes.

FINISHED GRADE: The completed surface of lawns, walks and road brought to grade as shown on the official plans or designs relating thereto.

GROUND-MOUNTED SOLAR ENERGY SYSTEMS: A solar energy system that is affixed to the ground either directly or by support structures or other mounting devices and that is not attached or affixed to an existing structure. Pole-mounted solar energy systems shall be considered ground-mounted solar energy systems for the purposes of this local law.

INVENTOR: A tabulation describing the:

1. Number and type of each proposed solar array, including their generating capacity.
2. Dimensions
3. Appurtenant structures and/or facilities.

LOT: Land occupied or which may be occupied by a building and its accessory uses, together with such open spaces as are required, having not less than minimum area, width and depth required for a lot in the district in which such land is situated, and having frontage on a street, or other means of access as may be determined by the planning board to be adequate as a condition of issuance of a building permit for a building.

LOT AREA: Total area within property lines, excluding any part thereof lying within the boundaries of a street, or proposed street.

LOT FRONTAGE OR WIDTH: That portion of a lot or parcel of land that borders a public road. Frontage shall be measured along the common lot line separating said lot or parcel of land from the public street or road right of way.

MODIFICATION OR MODIFY: Any change, addition, removal, swap-out, exchange, and the like that does not qualify as "Repairs and/or Maintenance" as defined herein is a Modification. Also included is any change, addition, swap-out, exchange, and the like that requires or results in changed and/or upgrades to the structural integrity of a solar array.

NET-METERING: A billing arrangement that allows solar customers to get credit for excess electricity that they generate and deliver back to the grid so that they only pay for their net electricity usage at the end of the month.

REFLECTOR, SOLAR: A device for which the sole purpose is to increase the solar radiation received by a solar collector.

RESIDENTIAL/SMALL BUSINESS/SMALL-SCALE SOLAR ENERGY SYSTEM: Any solar energy system that cumulatively on a lot meets all of the following provisions:

a. Is an accessory use or structure designed and intended to generate energy primarily for a principal use located on site, and

b. Produces up to twenty-five (25) kilowatts (kW) per hour of energy or solar thermal systems which serve the building to which they are attached, and do not provide energy for any other buildings beyond the lot i.e. small-scale solar energy systems located on a farm operation (as per NYS Agriculture and Markets Law Section 301(11) definition of that term) can produce up to 110% of the farm's needs.

RESIDENTIAL USE: One-family dwelling, two-family dwelling, multiple family dwelling, professional residence-office and mobile home.

ROAD/STREET: An existing public, federal, state, county, or town right-of-way, whether paved or not, which is used for the movement of people and goods and to provide access to adjacent property.

ROOF-MOUNTED SOLAR ENERGY SYSTEM: A solar energy system that is affixed to the roof or other structure, either directly or by means of support structures or other mounting devices. Solar energy systems constructed over a parking lot are considered building-mounted solar energy systems (by permit from Planning Board).

SEF: Solar Energy Facility.

SET BACK: The horizontal distance from a particular lot line and the façade of any existing proposed building or structure nearest a lot line.

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 a solar energy system on individual properties.

SOLAR COLLECTOR: A solar or photovoltaic cell, plate, panel, film, array, reflector or other structure affixes to the ground, a building or other structure, that harnesses solar radiation to directly or indirectly generate thermal, chemical, electrical or other usable energy, or that reflects or concentrates solar radiation to a solar or photovoltaic cell, plate, panel, film, array, reflector or other structure that directly or indirectly generates thermal, chemical, electrical or other usable energy.

SOLAR ENERGY SYSTEM: Any solar collector panel(s), film(s), shingle(s) or other solar energy devices(s), or solar structural component(s), mounted on a building or on the ground and including other appurtenant structures and facilities, whose primary purpose is to provide for the collection, storage, and distribution of solar, or radiant, energy received from the sun and used for heating or cooling, for water heating, and/or generation of electricity. A Solar Energy System may be ground-mounted (i.e., placed on top of the ground surface) or roof-mounted (i.e., placed on or as an integral part of a building).

SOLAR GLARE: The sensation produced by brightness produced from a light source or from reflection off a surface on a solar panel.

SOLAR PANEL: A photovoltaic device capable of collecting for the direct conversion of solar energy into electricity.

SOLAR SKYSPACE: The space between a solar collector and the sun through which solar radiation passes.

SOLAR THERMAL SYSTEM: A system that directly heats water or other liquid using sunlight.

STREET LINE: Right of way line of a street as dedicated by a deed or record. Where the street width is not established, the street line shall be considered to be thirty feet from centerline of street pavement.

STRUCTURE: A combination of material assembled, constructed or erected at a fixed location, including for example, a building, stationary and portable carports, swimming pools, the use of which requires location on the ground or attachment to something having location on the ground.

UTILITY POLE: A structure owned and/or operated by a public utility, municipality, electric membership corporation, or rural electric cooperative that is designed specifically for and used to carry lines, cables or wires for telephone, cable television, or electricity, or to provide lighting.

UTILITY-SCALE SOLAR ENERGY SYSTEM, SOLAR INDUSTRIAL COMMERCIAL SYSTEMS OR SOLAR FARM: Energy generation facility or area of land principally used to convert solar energy to electricity, whether by photovoltaics, concentrating solar thermal devices or various experimental solar technologies, designed and intended to supply energy principally into a utility grid for sale to the general public.

YARD: Space on a lot not occupied with a building. Porches shall be considered as part of the main building and shall not project into a required yard.

YARD, FRONT: The space within and extending the full width of the lot from the front lot line to the part of the principle building which is nearest to such front lot line.

YARD, REAR: A space within and extending the full width of the lot from the rear lot line to the part of the principle building which is the nearest to such lot line.

YARD, SIDE: The space within the lot extending the full distance from the front yard to the rear yard and from the side lot line to the part of the principle building which is nearest to such lot line.

SECTION 5: APPLICABILITY

A. The requirements of this local law shall apply to all solar energy system and equipment installations modified or installed after the effective date of this local law, excluding general maintenance and repair and Building Integrated Photovoltaic Systems.

B. Solar energy system installations for which a valid building permit, or special permit has been issued or, if no building permit is presently required, for which installation has commenced before the effective date of this local law shall not be required to meet the requirements of this local law.

C. All solar energy systems under 25 MW must be reviewed and approved in accordance with the provisions of this Section and under the procedures of Article 6-Special Use

Permits **(hereinafter "The Permit or Permit")**, Article 7-Site Plan Review and Article 8-Administration and Enforcement. The Planning Board is authorized to review and approve, approve with modifications, or disapprove Special Use Permits and Site Plans for solar energy systems pursuant to the Town of Volney Zoning Law. The Planning Board shall have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed solar energy system.

D. Transfer of Permit: The Permit shall not be transferrable without the permission of the Town Board after a thorough review of the financial character and condition of the proposed transferee by the Planning Board along with a finding that the Permittee is not already in violation of the Permit in any way, that the proposed transferee has the necessary financial resources, management experience, skill and creditable ability to perform according to the terms of the Permit.

E. The Planning Board and the Town Board shall have the authority to impose new conditions on the proposed permittee's permit as a condition of approval of the transfer. Such conditions may be related to financial concerns and/or any studies or data (post the date of the original permit) which may show an increased environmental or health impact on the Town, its people and/or its wildlife.

F. No transfer of the Permit shall release any present or future permittee from the decommissioning obligations, both financial and performance related.

G. Permit Application: Throughout the permit process, the Applicant shall promptly notify the Planning Board of any changes to the information contained in the permit application. Changes which do not materially alter the initial site plan may be administratively accepted. Any changes which materially or substantively add to or affect the environmental, health, economic, cultural, scenic, pastoral/rural, cumulative, and technological impacts shall be included in an amended EIS. The application for a SEF shall consist of an electronic (digital) filing that contains the Inventory. A tabulation describing the number and type of each proposed solar array, including their generating capacity, dimensions, appurtenant structures and/or facilities.

H. All costs and expenses incurred related to the Environmental tests for the SEF shall be paid from the Escrow Account **that will be established by the Town.**. The Town shall also use the Escrow Account funds to hire independent qualified experts, as needed, to assure the following:

1. That the Applicant provides a written report from all appropriate state and federal agencies detailing their evaluation of the proposed SEF.

2. That the Applicant provide a complete list of all materials that will be used in the solar array, highlighting any materials that are known to be carcinogenic, (i.e., cadmium, PFOS, PFAS).

3. The Applicant shall be responsible for any attorney's fees and engineering fees incurred relative to the Environmental testing and review of any plans.

4. As built documents must be submitted to the Town at the completion of the project. The documents will be reviewed by the Town's engineer to determine compliance with the permits and with local and NYS solar law.

I. SEF Airspace Impacts: If any portion of a SEF will be located within five (5) miles of any civilian or military airport runway, or heliport, the Applicant shall provide a copy of the FAA determination resulting from the filing of FAA Form 7460-2. The Applicant shall also demonstrate compliance with all Local, State and Federal airport related laws.

J. If requested by the Town Planning Board, the SEF Applicant shall use the latest version of the Solar Glare Hazard Analysis Tool (SGHAT), per its user's manual to evaluate the solar glare aviation hazard, as indicated in D(i) and D(ii). The full report for each flight path and observation point, as well as the contact information for the zoning administrator, shall be sent to the appropriate authority at least 30 days prior to site plan approval. Proof of delivery of notification and date of delivery shall be submitted with permit application.

K. The applicant and/or owner shall provide to the Fire Department any data relative to the care and control of potential fires at the site, including, but not limited to, any precautions that should be taken in relation to fire control.

SECTION 6: SEF INDEMNIFICATION

Any application for a SEF within the Town shall contain an indemnification provision. The provision shall require the Applicant to at all times defend, indemnify, protect, save, hold harmless, and exempt the Town, and its officers, councils, employees, committee members, attorneys, agents, and consultants from any and all penalties, damages, costs, or charges arising out of any and all claims, suits, demands, causes of action, or award of damages, whether compensatory or punitive, or expenses arising therefrom, either at law or in equity, which might arise out of, or are caused by, the placement, construction, erection, modification, location, equipment's performance, use, operation, maintenance, repair, installation, replacement, removal, or restoration of said SEF, excepting however any portion of such claims, suits, demands, causes of action or award of damages as may be attributable to the negligent or intentional acts or omissions of the Town, or its employees or agents. With respect to the

penalties, damages, or charges referenced herein, reasonable attorney's fees, consultant's fees, and expert witness fees are included in those costs that are recoverable by the Town.

SEF Permit Fees. The non-refundable Permit Application Fee shall be $7,000 per megawatt (MW) of DC power rated maximum capacity. A transfer ownership application fee shall be $3,500 per megawatt (MW) of DC rated maximum capacity.

SECTION 7: MAINTENANCE PLAN

A. The Applicant shall detail storm follow-up and other actions that will be taken to keep the SEF operating quietly, efficiently, and not polluting land, water, or air.

B. The Applicant shall conduct preventive maintenance inspections at least once every season and after any wind defined as a tropical storm or Category 1 level winds or lightning, flooding or draining altering event, or seismic event. The Town's Zoning/Code Enforcement Officer shall be present for the inspection.

C. Each inspection shall look for such things as metal fatigue, nut loosening, and other potential failures that might impact the public health and safety. Such inspection reports shall be provided to the Planning Board and the landlord of the premises if there is one, within thirty (30) days of the inspection.

SECTION 8: SOLAR DESIGN STANDARDS

A. All Solar Energy Systems shall be designed in conformance with the current International Building Code requirements, the New York State Unified Solar Permit (where applicable), and the manufacturer's recommendations.

B. Height: Roof Mounted Solar Energy Systems shall not exceed the allowable maximum height plus an additional 2 feet.

C. All on-site electrical wires associated with Solar Energy Systems shall be installed underground, except for "tie-ins" to a public utility company and public utility company utility poles, towers and lines, (all electrical wires that are not installed underground shall be inside of proper conduit, if possible). This standard may be modified by the Town if the project terrain is determined to be unsuitable due to reasons of excessive grading, biological impacts or similar factors.

D. All Solar Energy Systems shall be operated such that no damage is caused by stray voltage. If it has been demonstrated that a system is causing stray voltage, the system

operator shall (within seven (7) days) mitigate the damage or cease operation of the system.

E. Photovoltaic systems that are integrated directly into building materials, such as roof shingles, and that are a permanent and integral part of, and not mounted on the building or structure, are exempt from the requirements of this local law.

F. All Solar Collectors and related equipment shall be surfaced, designed and sited to prevent glare and/or reflection of solar rays onto neighboring properties and public roads in excess of that which already exists. If needed the company shall hire a professional photovoltaic contractor to evaluate potential problems.

G. Ground-mounted Solar Energy Systems shall not exceed fifteen (15) feet in height when oriented at maximum tilt.

H. All Solar Collectors and their associated support elements shall, at the time of installation, be designed according to generally accepted engineering practice to withstand wind pressures applied to exposed areas by wind from any direction, to minimize the migration of light or sound from the installation and to minimize the development of sight obstructions for adjacent structures or land parcels.

I. All Solar Energy Systems, solar collectors and solar panels shall be maintained in good condition and in accordance with all requirements of this Local Law.

J. All Solar Energy Systems shall be located in a manner to reasonably minimize view blockage for surrounding properties and shading of property to the north, while still providing adequate solar access for collectors.

K. Solar Energy Systems and equipment shall be permitted only if they are determined by the Town of Volney not to present safety risks, including, but not limited to, weight load and ingress or egress in the event of an emergency.

L. Small solar panels of less than two square yard used individually for charging of batteries and powering small equipment or devices shall not require a permit.

M. All Ground Mounted Solar Energy Systems and Utility-Scale Solar Energy System or Solar Farms shall obtain approval from the Town of Volney prior to the issuance of a special building permit by the Town of Volney Planning Board.

SECTION 9: ROOF MOUNTED SOLAR ENERGY SYSTEMS

Roof-Mounted Solar Energy Systems that use the electricity onsite or offsite are permitted as an accessory use when attached to any lawfully permitted building or structure. A NYS Building permit shall be required for installation of Roof Mounted Solar Energy Systems.

SECTION 10: GROUND MOUNTED SOLAR ENERGY SYSTEMS

A. Ground-Mounted Solar Energy Systems that use the electricity primarily onsite are permitted by special permit as accessory structures in the underlying zoning districts in the Town of Volney. A NYS Building permit shall be required for installation of Ground Mounted Solar Energy Systems.

B. Height and Setback. Ground-Mounted Solar Energy Systems shall not exceed the maximum height of fifteen (15) feet and shall be set back a minimum of one hundred - (100) feet from all property lines to edge of solar array. The setback distance for commercial properties shall be (500) feet from centerline of road to edge of solar array.

C. Residential Ground Mounted Solar Energy shall only be located in the side or rear yard of a property.

D. Solar Energy Systems shall be located in the least visibly obtrusive location where panels would be functional.

E. Reservation of Authority to Inspect (Solar Electric Generating System Facility). In order to verify that the holder of a Permit for a Solar Energy Facility and all lessees, renters, and/or licensees of it, have placed and constructed such facilities in accordance with all applicable technical, safety, fire, building, and zoning codes laws, local laws of the Town of Volney and regulations and other applicable requirements, the Town may, after notification to owner, inspect all facets of said Permit renter's, lessee's placement, construction, and maintenance of such facilities, including all solar panels, buildings, and other structures constructed or located on the site.

F. Solar Electric Generating System Facility, shall not begin Construction until all approvals required under this Local Law shall have been obtained, and all required certifications are provided.

G. Following the issuance of any approval required under this Local Law, the Town Board or its designee shall have the right to enter onto the Site upon which a Solar Electric Generating System has been placed, at reasonable times in order to inspect such Solar Electric Generating System and its compliance with this Local Law.

H. After undertaking such inspection, the Town Board or its designated representative shall provide notice of any non-compliance, within fifteen days, with the terms of this Local Law or the conditions of approval of any permit issued hereunder, and shall provide the owner or applicant with a reasonable time frame to cure such violation, such time frame to be determined based upon the seriousness of the violation, its actual and/or potential impact upon public safety, and the actual and/or potential impact of the violation upon Town residents.

SECTION 11: RESIDENTIAL/SMALL BUSINESS/SMALL SCALE SOLAR ENERGY SYSTEMS

A. The installation of a solar collector or panel for a Residential/Small Business/Small Scale Solar Energy System, whether attached to the main structure, an accessory building, or as a detached, free-standing or ground mounted solar collector is permitted as an accessory structure, shall meet all requirements of this Section and shall require the issuance of a building permit.

B. Free-standing or ground-mounted solar collectors for a Residential/Small Business/Small Scale Energy System are permitted as accessory structures subject to the following additional conditions:

1. Lot size minimum of 87,120 feet (two acre) for a ground-mounted or free-standing system.

2. Height and Setback. Ground-Mounted Solar Entergy Systems or free standing systems shall not exceed the maximum height of fifteen (15) feet and shall be set back a minimum of **seventy five**- (75) feet from all property lines to edge of solar array and a minimum of **one hundred and seventy five**- (175) feet from centerline of road to edge of solar array.

3. Screening shall be provided from adjoining lots through the use of architectural features, earth berms, landscaping, fencing or other screening which will harmonize with the character of the property and surrounding area. The proposed screening shall not interfere with normal operation of the collectors.

SECTION 12: UTILITY-SCALE SOLAR ENERGY SYSTEMS/SOLAR FARMS

A. Utility-Scale Solar Energy Systems or Solar Farms are permitted through the issuance of Special Permit and site plan approval subject to the requirements set forth in this Section.

B. 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 in the application for site plan approval.

C. Plans showing the layout of the Solar Energy System shall be signed by a professional engineer (or professional engineering company/firm in New York State. Any Solar Energy Systems attached to a structure shall be required to submit a structural report to address all load impacts.

D. Siting of the Utility Scale Energy System shall not block any required parking areas, sidewalks, or driveways, and must take into account existing vegetation on adjacent lots and their potential growth.

E. The equipment specification sheets shall be documented and submitted for all photovoltaic panels, significant components, mounting systems and inverters that are to be installed.

F. Property Operation and Maintenance Plan. Such plan shall describe continuing photovoltaic maintenance and property upkeep, such as mowing and trimming.

G. Decommissioning Plan. To ensure the proper removal of Utility-Scale Solar Energy Systems, or Solar Farms, a Solar Decommissioning Plan shall be submitted as part of the application. Compliance with this plan shall be made a condition of the issuance of site plan approval under this section. The Solar Decommissioning Plan must specify that **after the Utility-Scale Solar Energy System or Solar Farms can no longer be used, it shall** be removed and disposed of by the applicant or any subsequent owner in a lawful and proper manner. The plan shall demonstrate how the removal of all infrastructure and the remediation of soil and vegetation shall be conducted to return the parcel to its original state prior to construction. The plan shall also include an expected timeline for execution. Removal of Utility-Scale Solar Energy System or Solar Farms must be completed in accordance with the Solar Decommissioning Plan. If the Utility-Scale Solar Energy System or Solar Farm ceases to perform its originally intended function for more than twelve (12) consecutive months, the property owner shall remove the system, mount and associated equipment and facilities by no later than ninety (90) days after the end of the twelve(12) month period. If the Utility-Scale Solar Energy System or Solar Farm is not decommissioned after being considered abandoned, the municipality may remove the system and restore the property and impose a lien on the property to cover these costs to the municipality. A licensed professional engineer registered in the State of New York, with solar development experience, shall be hired by the company, and shall estimate decommissioning cost. The Solar developer/applicant can provide decommissioning security in the form of a cash bond. The cash bond amount shall be 150 % of the decommissioning and reclamation costs for the entire system. The cash bond shall remain valid until the decommissioning obligations have been met to the satisfaction of the

Town. The Cash Bond shall be maintained in an escrow account established by the Town of Volney.

In the case of a lease, the cost of decommissioning shall be borne by the entity or corporation that is leasing the property in question and not the landowner.

H. Security. As a condition of Special Use Permit approval, the Planning Board shall require the Applicant to execute and file with the Town Clerk a cash bond or other form of security acceptable to the Town Board and Counsel, in the amount of 150% of the cost of the removal of solar panels and restoration of the site in accordance with the approved Decommissioning and Site Restoration Plan. All bond requirements shall be fully funded before a Building Permit is issued. The required bond funds shall remain in the established escrow account for the duration of the Special Use Permit.

I. Lot Size. Utility-Scale Solar Energy System or Solar Farms shall be located on lots with a minimum lot size of five-(5) acres.

J. Height and Setback. Ground-Mounted Solar Energy Systems shall not exceed the maximum height of fifteen (15) feet and shall be set back a minimum of one hundred - (100) feet from all property lines to edge of solar array and a minimum of three hundred- (300) feet from centerline of road to edge of solar array unless in the Town's discretion the property is properly screened.

K. Under Planning Board Guidelines, approved by the Town, all Utility-Scale Solar Energy System or Solar Farms shall be enclosed by fencing to prevent unauthorized access. Warning signs, every 100 feet, with the owner's contact information shall be placed on the entrance and perimeter of the fencing. The fencing and the system may be further screened by landscaping as needed to avoid adverse aesthetic impacts.

L. Any application under this Section shall meet any substantive provisions contained in the Town's site plan requirements.

M. All applicants must meet with the Town of Volney Sole Tax Assessor to determine potential impact on their tax assessment prior to installation as part of the site permit process.

N. The Town Board may impose conditions on its approval of site plan approval under this section in order to enforce the standards referred to in this Section or in order to discharge its obligations under the State Environmental Quality Review Act (SEQRA).

O. Construction of on-site access roadways shall be minimized.

P. All Utility-Scale Energy Systems or Solar Farms installations must be performed by a certified and recognized solar installation contractor, and prior to operation, the electrical connections must be inspected by a certified New York State electrical inspection agency and by a appropriate electrical inspection person or agency, as determined by the Town of Volney. In addition, any connection to the public utility grid must be inspected by the appropriate public utility.

Q. Fencing: All mechanical buildings and equipment, including, but not limited to, substations, transformers or any structure used for storage of batteries, shall be enclosed by a fence not to exceed 6 feet in height if required by the National Electric Code, and a locking gate to prevent unauthorized access. Fencing may surround the solar panel array(s), but the entire lease area or property shall not be fenced.

R. Applicants shall be required to submit a screening and landscaping plan, stamped and signed by a New York State licensed landscape architect, showing adequate measures to screen the solar energy system through landscaping or other means so that the views of solar panels and other solar energy systems buildings and equipment shall be minimized as reasonably practical from roadways and neighboring properties. The screening and landscaping plan shall include the locations, elevations, height, plant species and/or materials that will comprise the vegetative buffer or landscaping used to screen and/or mitigate any adverse aesthetic impacts of the solar energy system. The applicant and/or owner shall install a 6 foot-high triple row of trees on the road front, and the owner shall maintain the trees for the duration of the project life. If the trees die then the applicant is responsible for replacement.

S. A Visual Impact Assessment (VIA) shall be provided to determine the potential visual impacts of the proposed solar energy system on public roadways and adjacent properties. At a minimum, a viewshed analysis map and line-of-sight profile analysis shall be provided. A rendering or photo-simulation of the solar energy system shall also be provided as part of a complete application. The view(s) provided shall be from the closest public road(s) and closest existing (non-participating) residence(s). Depending upon the scope and potential significance of the visual impacts, additional impact analyses may be required by the Planning Board in order to determine the effectiveness of the proposed buffers and/or setbacks. The VIA shall be prepared according to the NYS policy for Assessing and Mitigating Visual Impacts (DEP-00-02) as applicable to the setting and location.

T. Site Plan: Any Utility-Scale solar energy system requiring a Special Use Permit shall also require Site Plan Review in accordance with any Town Codes and Local Laws.

1. Survey: Project site boundaries (if part of a larger parcel, include a map of the larger parcel and the location of the area to be acquired or leased for the project). A copy of an up-to-date property survey must be provided.

2. Site Plan: Proposed Site Plan depicting proposed changes to the landscape of the site, location of lease lines, location and orientation of all the arrays, battery storage, supporting equipment and structures, access from public highway, means of interconnection to the existing electric grid, vehicular paths, grading, limits of vegetation clearing, limits of tree cutting, exterior lighting, fencing and plantings and vegetative screening as well as any additional information relevant to the proposed project as determined by the Town Code Enforcement Officer and/or Planning Board.

3. An electrical diagram detailing the solar energy system layout, solar collector installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and over current devices.

4. Preliminary equipment specification sheets that document all proposed solar panels, significant components, mounting systems and inverters that are proposed. Final equipment specification sheets shall be submitted prior to the issuance of a building permit.

5. Property Operating and Maintenance Plan. Such plan shall describe continuing photovoltaic maintenance and property upkeep, such as mowing and trimming.

6. Erosion and sediment control and storm water management plans prepared to New York State Department of Environmental conservation standards, as applicable, and to such standards as may be established by the Planning Board.

7. Prior to the issuance of the building permit or final approval by the Planning Board, but not required as part of the application, engineering documents must be signed and sealed by a New York State Licensed Professional Engineer.

U. Security: As a condition of Special Use Permit approval, the Planning Board shall require the Applicant to execute and file with the Town Clerk, a bond or other form of security acceptable to the Town Board and Counsel to the Town as to the form, content and manner of execution, in an amount sufficient to ensure the faithful performance of the removal of the solar energy system and the restoration of the site subsequent to such removal, in accordance with the approved Decommissioning and Site Restoration Plan. All bond requirements shall be fully funded before a Building Permit is issued. The applicant and his/her successors shall maintain the required bond funds for the duration of the Special Use Permit.

SECTION 13: BATTERY ENERGY STORAGE SYSTEM

A. AUTHORITY

1. This Battery Energy Storage System Section, New York State of Local Governments, Sections 261-263 of the Town Law and Section 10 of the Muncipal Home Rule Law of the State of New York, which authorizes the Town to adopt zoning provisions that advance and protect the health, safety and welfare of the community.

2. If available, the Project Owner shall install fire suppression systems on all battery storage systems.

B. STATEMENT OF PURPOSE

This Battery Energy Storage System Section is adopted to advance and protect the public health, safety, welfare and quality of life of the Town by creating regulations for the installation and use of battery energy storage systems with the following objectives:

1) To provide a regulatory scheme for the designation of properties suitable for the location, construction and operation of battery energy storage systems;

2) To ensure compatible land uses in the vicinity of the areas affected by battery energy storage systems;

3) To mitigate the impacts of battery energy storage systems on environmental resources such as important agricultural lands, forests, wildlife and other protected resources; and
4) To create synergy between battery energy storage system development and [other stated goals of the community pursuant to its Comprehensive Plan].

C. DEFINITIONS:

As used in this Section, the following terms shall have the meanings indicated:

ANSI: American National Standards Institute

BATTERY(IES): A single cell or a group of cells connected together electrically in series, in parallel, or a combination of both, which can charge, discharge and store energy electrochemically. For the purpose of this law, batteries utilized in consumer products are excluded from these requirements.

BATTERY ENERGY STORAGE MANAGEMENT SYSTEM: An electronic system that protects energy storage systems from operating outside their safe operating

parameters and disconnects electrical power to the energy storage system or places it in a safe condition if potentially hazardous temperatures or other conditions are detected.

BATTERY ENERGY STORAGE SYSTEM: One or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time, not to include a stand-alone 12-volt care battery or an electric motor vehicle. A battery energy storage system is classified as a Tier 1 or Tier 2 Battery Energy Storage System as follows:

1) Tier 1 Battery Energy Storage System have an aggregate energy capacity less than or equal to 600 kWh and, if in a room or enclosed area, consist of only a single energy storage system technology.

2) Tier 2 Battery Energy Storage Systems have an aggregate energy capacity greater than 600 kWh or are comprised of more than one storage battery technology in a room or enclosed area.

CELL: The basic electrochemical unit, characterized by an anode and a cathode, used to receive, store and deliver electrical energy.

COMMISSIONING: A systematic process that provides documented confirmation that a battery energy storage system functions according to the intended design criteria and complies with applicable code requirements.

DEDICATED-USE BUILDING: A building that is built for the primary intention of housing battery energy storage system equipment is classified as Group F-1 occupancy as defined in the International Building Code, and complies with the following:

1) The building's only use in battery energy storage, energy generation, and other electrical grid-related operations.

2) No other occupancy types are permitted in the building.

3) Occupants in the rooms and areas containing battery energy storage systems are limited to personnel that operate, maintain, service, test and repair the battery energy storage system and other energy systems.

4) Administrative and support personnel are permitted in areas within the buildings that do not contain battery energy storage system, provided the following:

    a. The areas do not occupy more than 10 percent of the building area of the story in which they are located.

b. A means of egress is provided from the administrative and support use areas to the public way that does not require occupants to traverse through areas containing battery energy storage systems or other energy system equipment.

ENERGY CODE: The New York State Energy Conservation Construction Code adopted pursuant to Article 11 of the Energy Law, as currently in effect and as hereafter amended from time to time.

FIRE CODE: The fire code section of the New York State Uniform Fire Prevention and Building Code adopted pursuant to Article 18 of the Executive Law, as currently in effect and as hereafter amended from time to time.

NATIONALLY RECOGNIZED TESTING LABORATORY (NRTL): A US Department of Labor designation recognized a private sector organization to perform certification for certain products to ensure that they meet the requirements of both the construction and general industry OSHA electrical standards.

NEC: National Electric Code

NFPA: National Fire Protection Association

NON-DEDICATED-USE BUILDING: All buildings that contain a battery energy storage system and do not comply with the dedicated use-building requirements.

NON-PARTICIPATING PROPERTY: Any property that is not a participating property

NON-PARTICIPATING RESIDENCE: Any residence located on non-participating property

OCCUPIED COMMUNITY BUILDING: Any building in Occupancy Group A, B, E, I, R, as defined in the International Building Code, including but not limited to schools, colleges, daycare facilities, hospitals, correctional facilities, public libraries, theaters, stadiums, apartments, hotels and houses of worship.

PARTICIPATING PROPERTY: A battery energy storage system host property or any real property that is the subject of an agreement that provides for the payment of monetary compensation to the landowner from the battery energy storage system owner (or affiliate) regardless of whether any part of a battery energy storage system is constructed on the property.

UNIFORM CODE: The New York State Uniform Fire Prevention and Building Code adopted pursuant to Article 18 of the Executive Law, as currently in effect and as hereafter amended from time to time.

D. APPLICABILITY

1) The requirements of this Local Law shall apply to all battery energy storage systems permitted, installed, or modified in the Town after the effective date of this Local Law, excluding general maintenance and repair.

2) Battery energy storage systems constructed or installed prior to the effective date of this Local Law shall not be required to meet the requirements of this Local Law.

3) Modifications to, retrofits or replacements of an existing battery energy storage systems that increase the total battery energy storage system designed discharge duration or power rating shall be subject to this local law.

E. GENERAL REQUIREMENTS

1) A building permit and an electrical permit shall be required for installation of all battery energy storage systems.

2) Issuance of permits and approvals by the Planning Board shall include review pursuant to the State Environmental Quality Review Act [ECL Article 8 and its implementing regulations at 6 NYCRR Part 617 ("SEQRA")].

3) All battery energy storage systems, all Dedicated Use Buildings, and all other buildings or structures that (1) contain or are otherwise associated with a battery energy storage system and (2) subject to the Uniform Code and/or the Energy Code shall be designed, erected, and installed in accordance with all applicable provisions of the Uniform Code, all applicable provisions of the Energy Code, and all applicable provisions of the codes, regulations, and industry standards as referenced in Uniform Code, the Energy Code, and the Town Code.

F. PERMITTING REQUIREMENTS FOR TIER 1 BATTERY ENERGY STORAGE SYSTEMS: Tier 1 Battery Energy Storage Systems shall be permitted in all designated zoning districts, subject to the Uniform Code and the "Battery Energy Storage System Permit", and exempt from site plan review.

G. PERMITTING REQUIREMENTS FOR TIER 2 BATTERY ENERGY STORAGE SYSTEM: Tier 2 Battery Energy Storage Systems are permitted through the issuance of a Special Use Permit within the Town of Volney Zoning District, and shall be subject to the Uniform Code and the site plan application requirements set forth in this Section.

1) Application for the installation of Tier 2 Battery Storage System shall be:

   a. reviewed by the Code Enforcement/Zoning Enforcement Officer and Planning Board for completeness. An application shall be complete when it addresses all matters listed in this Local Law, including, but not necessarily limited to, (i) compliance with all applicable provisions of the Energy Code and (ii) matters relating to the proposed battery energy storage system and Floodplain, Utility Lines and Electrical Circuitry, Signage, Lighting, Vegetation and Tree-cutting, Noise, Decommissioning, Site Plan and Development, Special Use and Development, Ownership Changes, Safety, and Permit Time Frame and Abandonment. Applicants shall be advised within 10 business days of the completeness of their application or any deficiencies that must be addressed prior to substantive review.

   b. Subject to a public hearing to hear all comments for and against the application. The Planning Board or the Town shall have a notice printed in a newspaper of general circulation in the Town at least 5 days in advance of such hearing. Applicants shall have delivered the notice by first class mail to adjoining landowner or landowners within a ¾ mile radius of the property at least 10 days prior to such a hearing. Proof of mailing shall be provided to the Planning Board at the public hearing. Any publication costs are the responsibility of the applicant and shall be reimbursed to the Town.

   c. Referred to the County Planning Department pursuant to General Municipal Law §239-m, if required.

   d. Upon closing of the public hearing, the Planning Board shall take action on the application within 62 days of the public hearing, which can include approval, approval with conditions or denial. The 62-day period may be extended upon consent by both the Planning Board and Applicant.

2) Utility Lines and Electrical Circuitry. All on-site utility lines shall be placed underground to the extent feasible and as permitted by the serving utility, with the exception of the main service connection at the utility company right-of-way and any new interconnection equipment, including without limitation any poles, with new easements and right-of-way.

3) Signage:

   a. The signage shall be in compliance with ANSI Z535 and shall include the type of technology associated with the battery energy storage systems, any special hazards associated, the type of suppression system installed in the area of battery

energy storage systems, and 24-hour emergency contact information, including reach-back phone number.

b. As required by the NEC, disconnect and other emergency shutoff information shall be clearly displayed on a light reflective surface. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.

4) Lighting: Lighting of the battery energy storage systems shall be limited to that minimally required for safety and operational purposes and shall be reasonably shielded and downcast from abutting properties.

5) Vegetation and Tree Cutting. Areas within 10 feet on each side of Tier 2 Battery Enertgy Storage Systems shall be cleared of combustible vegetation and other combustible growth. Single specimens of trees, shrubbery, or cultivated ground cover such as green grass, ivy, succulents, or similar plants used as ground covers shall be permitted to be exempt provided that they do not form a means of readily transmitting fire. Removal of trees should be minimized to the extent possible.

6) Noise. The 1-hour average noise generated from the battery energy storage system, components and associated ancillary equipment shall not exceed a noise level of 60 dBA as measured at the outside wall of any non-participating residence or occupied community building. Applicants may submit equipment and component manufacturers noise ratings to demonstrate compliance. The applicant may be required to provide Operating Sound Pressure Level measurements from a reasonable number of sampled locations at the perimeter of the battery energy storage system to demonstrate compliance with this standard.

7) Site Plan Application: For a Tier 2 Battery Energy Storage System requiring a Special Use Permit, site plan approval shall be required. Any site plan application shall include the following information:

a. Property lines and physical features, including roads, for the project site.

b. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, and screening vegetation or structures.

c. A one- or three-line electrical diagram detailing the battery energy storage system layout, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and over current devices.

d. A preliminary equipment specification sheet that documents the proposed battery energy storage system components, inverters and associated electrical equipment

that are to be installed. A final equipment specification sheet shall be submitted prior to the issuance of building permit.

e. Name, address and contact information of proposed or potential system installer and the owner and/or operator of the battery energy storage system. Such information of the final system installer shall be submitted prior to the issuance of building permit.

f. Name, address, phone number and signature of the project Applicant, as well as all the property owners, demonstrating their consent to the application and the use of the property for the battery energy storage system.

g. Zoning district designation for the parcel(s) of land comprising the project site.

h. Commission Plan: Such plan shall document and verify that the system and its associated controls and safety systems are in property working condition per requirements set forth in the Uniform Code. Where commissioning is required by the Uniform Code, battery energy storage system commissioning shall be conducted by a New York State (NYS) Licensed Professional Engineer after the installation is complete but prior to final inspection and approval. A corrective action plan shall be developed for any open or continuing issues that are allowed to be continued after commissioning. A report describing the results of the system commissioning and including the results of the initial acceptance testing required in the Uniform Code shall be provided to Code Enforcement/Zoning Enforcement Officer and Planning Board prior to final inspection and approval and maintained at an approved on-site location.

i. Fire Safety Compliance Plan: Such plan shall document and verify that the system and its associated controls and safety systems are in compliance with the Uniform Code.

j. Operation and Maintenance Manual: Such plan shall describe continuing battery energy storage system maintenance and property upkeep, as well as design, construction, installation, testing and commissioning information and shall meet all requirements set forth in the Uniform Code.

k. Erosion and sediment control and storm water management plans prepared to New York State Department of Environmental Conservation standards, if applicable, and to such standards as may be established by the Planning Board.

l. Prior to the issuance of the building permit or final approval by the Planning Board, but not required as part of the application, engineering documents must be signed and sealed by a NYS Licensed Professional Engineer.

m. Emergency Operations Plan: A copy of the approved Emergency Operations Plan shall be given to the system owner, the local fire department and local fire code official. A permanent copy shall also be placed in an approved location to be accessible to facility personnel, fire code officials and emergency responders. The emergency operations plan shall include the following:

1. Procedures for safe shutdown, de-energizing or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, and personal injuries, and for safe start-up following cessation of emergency conditions.

2. Procedures for inspection and testing of associated alarms, interlocks and controls.

3. Procedures to be followed in response to notifications from the Battery Energy Storage Management System, when provided, that could signify potentially dangerous conditions, including shutting down equipment, summoning service and repair personnel, and providing agreed upon notification to fire department personnel for potentially hazardous conditions in the event of a system failure.

4. Emergency procedures to be followed in case of fire, explosion, release of liquids or vapors, damage to critical moving parts, or other potentially dangerous conditions. Procedures can include sounding the alarm notifying the fire department, evacuating personnel, de-energizing equipment and controlling and extinguishing the fire.

5. Response considerations similar to a safety data sheet (SDS) that will address response safety concerns and extinguishment when an SDS is not required.

6. Procedures for dealing with battery energy storage system equipment damaged in a fire or other emergency event, including maintaining contact information for personnel qualified to safely remove damaged battery energy storage system equipment from the facility.

7. Other procedures as determined necessary by the Town to provide for the safety of occupants, neighboring properties, and emergency responders.

8. Procedures and schedules for conducting drills of these procedures and for training local first responders on the contents of the plan and appropriate response procedures.

8) Special Use Permit Standards

   a. Setbacks: **Tier 2 Battery Energy Storage Systems shall comply with the same setback requirements as Section 10 (B) of this Local Law.**

   b. Height: **Tier 2 Battery Energy Storage Systems shall comply with the same Height requirements as Section 10 (B) of this Local Law**

   c. Fencing Requirements: Tier 2 Battery Energy Storage Systems, including all mechanical equipment, shall be enclosed by a 7-foot high fence with a self-locking gate to prevent unauthorized access unless housed in a dedicated-use building and not interfering with ventilation or exhaust ports.

   d. Screening and Visibility: Tier 2 Battery Energy Storage Systems shall have views minimized from adjacent properties to the extent reasonably practicable using architectural features, earth berms, landscaping, or other screening methods that will harmonize with the character of the property and surrounding area and not interfering with ventilation or exhaust ports.

9) Ownership Changes: If the owner of the solar energy system 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, and decommissioning plan. A new owner or operator of the solar energy system shall notify the Code Enforcement/Zoning Enforcement Officer and the Town of such change in ownership or operator within 30 days of the ownership change. A new owner or operator must provide such notification to the Code Enforcement/Zoning Enforcement Officer and the **Town Planning Board** in writing. The special use permit and all other local approvals for the battery energy storage system would be void if a new owner or operator fails to provide written notification to the Code Enforcement/Zoning Enforcement Officer and **the Town Planning Board** in the required timeframe. Reinstatement of a void special use permit will be subject to the same review and approval processes for new applications under this Local Law.

SECTION 14: PLANNING BOARD DECISION

The Permit shall run from the date of the approval by the Planning Board. Failure by the Permittee to complete the construction and to commence operations within 18 months of the date of approval shall cause the permit to expire. Upon good cause shown and after a public hearing, the Planning Board may grant a one-time extension of 6 months. No further extensions are allowed. Upon termination of the Permit under this paragraph, the decommissioning and restoration shall commence immediately upon the day after such termination.

SECTION 15: ABANDONMENT AND REMOVAL

A. Solar Energy Systems are considered abandoned when the Code Enforcement Officer, has notified the Town, and has determined the site and system has not been maintained, is a safety risk, or after the system has gone for one year without electrical energy generation. Systems deemed abandoned must be removed. If the Solar Energy System ceases to perform its originally intended function for more than twelve (12) consecutive months, the property owner shall remove the system, mount and associated equipment and facilities by no later than ninety (90) days after the end of the twelve (12) month period. **The owner of the SEF shall notify the Town Code Enforcement Officer in writing 60 days prior to the SEF going offline and discontinuing energy generation permanently.**

B. In the case of a lease, the cost of decommissioning shall be borne by the entity or corporation that is leasing the property in question and not the landowner. The plan shall include a description of the form of surety the applicant intends to use.

SECTION 16: APPEALS

All appeals of any decision by the Town of Volney Planning Board shall be directed to the Board of Appeals.

SECTION 17: PENALTIES

A. Any persons who shall violate any of the provisions of this local law shall be guilty of a misdemeanor and subject to a maximum fine of One Thousand ($1,000.00) Dollars per-day for each offense. Every such person shall be deemed guilty of a separate offense for each week the violation, disobedience, omission, neglect or refusal shall continue.

B. In addition to the above provided penalties, the Board may also maintain an action or proceeding in the name of the Town in a court or competent jurisdiction to compel compliance with or restrain by injunction the violation of any article of this local law.

SECTION 18: SEVERABILITY

The provisions of this local law are severable, and the invalidity of a particular provision shall not invalidate any other provision.

SECTION 19: EFFECTIVE DATE

This local law shall take effect immediately upon passage and thereafter filed with the New York State Department of State.

(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 20 24 of the (County)(City)(Town)(Village) of Volney was duly passed by the Town Board on March 21, 20 24, 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 w ith 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 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.

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

(Seal)

Date: 3-21-2024