

TOWN OF HARTFORD
COUNTY OF WASHINGTON, STATE OF NEW YORK

LOCAL LAW NO. 1 OF 2018

RECEIVED

JAN 17 2018

Washington County
Real Prop. Tax Serv.

**A LOCAL LAW TO OPT-OUT OF SECTION 487 OF THE NYS REAL PROPERTY
TAX LAW CONCERNING TAX EXEMPTIONS FOR CERTAIN ENERGY SYSTEMS
IN THE TOWN OF HARTFORD**

Be it enacted by the Town Board of the Town of Hartford, as follows:

Section 1. Purpose.

It is the intent of this Local Law to update Article V of Chapter 124 of the Code of the Town of Hartford and to opt-out of all of the real property tax exemptions from taxation for the increase in assessment due a taxpayer for those certain energy systems as authorized in NYS Real Property Tax Law Section 487.

Section 2. Amendment.

Article V of Chapter 124 of the Code of the Town of Hartford shall be repealed and replaced as follows:

Article V: Repeal of NYS Exemptions for Certain Energy Systems

Section 1. Purpose.

It is the intent of this Local Law to remove all of the real property tax exemptions from taxation for the increase in assessment due a taxpayer for those certain energy systems as authorized in NYS Real Property Tax Law Section 487.

Section 2. Exemption from taxation.

No exemption from taxation shall be available within the Town of Hartford for the increase in assessment which may result from the installation or construction of any solar or wind energy system constructed after July 12, 2016 in accordance with Local Law 1 of 2016, farm waste energy system constructed after July 12, 2016 in accordance with Local Law 1 of 2016, micro-hydroelectric energy system, fuel cell electric generating system, micro-combined heat and power generating equipment system, or electric energy storage equipment and electric energy storage system by any taxpayer to or on their property within the Town of Hartford.

Section 3. Effective Date.

This Local Law shall take effect immediately after filing with the New York State Secretary of State in accordance with section 27 of the NYS Municipal Home Rule Law.

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JUL 22 2016

Washington County
Real Prop. Tax Serv.

**TOWN OF HARTFORD
COUNTY OF WASHINGTON, STATE OF NEW YORK
Ordinance 1 of 2016**

**AN ORDINANCE REGULATING THE SITING OF SOLAR ARRAYS
IN THE TOWN OF HARTFORD**

Section 1. Authority and Title.

This Ordinance is adopted pursuant to the authority granted to the Town of Hartford in Articles 2 and 3 of the Municipal Home Rule Law and Section 130 of Article 9 of the NYS Town Law.

Section 2. Legislative Intent.

It is the purpose of this Ordinance to promote the health, safety and general welfare of the inhabitants of the Town of Hartford by establishing specific minimum requirements and regulations governing the location, use, and maintenance of solar arrays within the Town of Hartford.

Solar energy is a renewable and nonpolluting energy resource that can prevent fossil fuel emissions and reduce a municipality's energy load. Energy generated from solar energy systems can be used to offset energy demand on the grid when excess solar power is generated.

The Town of Hartford is also committed to preserving the future of agriculture in the community as stated in the Town Agriculture and Farmland Protection Plan. The Ordinance is adopted to ensure the land base and most productive agricultural soils remains as agricultural and available to be farmed by future generations.

The purpose of this legislation is to balance the potential impact on agriculture and neighbors when solar collectors may be installed near their property while preserving the rights of property owners to install solar collection systems without excess regulation. The intent is to allow small scale building-integrated photovoltaic (BIPV) systems, flush-mounted solar systems, roof-mounted and building-mounted and pole-mounted solar installations that have a minimum footprint (height) to be approved using the building permit process while requiring solar energy system installations rated for an electrical output of over 12 kW to go through the site plan review process before the Planning Board. This legislation is not intended to override agricultural exemptions that are currently in place for farmers.

The use of solar energy equipment for the purpose of providing electricity and for heating and/or cooling is a priority of New York State and is a necessary component of the Town of Hartford's current and long-term plans while protecting the Town of Hartford's farmland.

Section 3. Definitions.

Definitions. As used in this Chapter, the following terms shall have the meanings indicated:

ALTERNATIVE ENERGY SYSTEM: Structure, equipment devices or construction techniques for the production of heat, light, cooling, electricity or other forms of energy on site and may be attached to or separate from the principal structure.

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

COLLECTIVE SOLAR: Solar installation owned collectively through subdivision homeowner association, college student groups, "adopt-a-solar-panel," or other similar arrangements.

FLUSH-MOUNTED SOLAR PANEL: Photovoltaic panels and tiles that are installed flush to the surface of a roof or wall and which cannot be angled or raised.

FREESTANDING OR GROUND-MOUNTED SOLAR ENERGY SYSTEM: A solar energy system that is directly installed on the ground and is not attached or affixed to an existing structure.

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.

PERMIT GRANTING AUTHORITY: The Town of Hartford authority charged with granting permits for the installation of alternative energy systems.

PHOTOVOLTAIC (PV) SYSTEM: A solar energy system that produces electricity by the use of semiconductor devices, called photovoltaic cells, which generate electricity when light strikes them.

QUALIFIED SOLAR INSTALLER: A person who has skills and knowledge related to the construction and operation of solar electrical equipment and installations and has received safety training on the hazards involved. Persons who are on the list of eligible photovoltaic installers maintained by the New York State Energy Research and Development Authority (NYSERDA), or who are certified as a solar installer by the North American Board of Certified Energy Practitioners (NABCEP), shall be deemed to be qualified solar installers for the purposes of this definition. Persons who are not on NYSEDA's or NABCEP's list of certified installers may still be deemed to be qualified solar installers if the Town of Hartford determines such persons to have had adequate training to determine the degree and extent of the hazard and the personal protective equipment and job planning necessary to perform the installation safely. Such training shall include the proper use of special precautionary techniques and personal protective equipment, as well as the skills and techniques necessary to distinguish exposed energized parts from other parts of electrical equipment and to determine the nominal voltage of the exposed parts.

each day such offense shall continue shall be a separate violation and subject to a separate fine, imprisonment or combination thereof.

C. In addition to Sections (a) and (b) above, the violation of any section or provision of this Chapter shall subject the person violating the same to a civil penalty not to exceed Two Hundred Fifty Dollars (\$250.00), and when a violation of this Chapter is continuous, each day shall constitute a separate and distinct violation, said penalty to be recovered by the Town of Hartford in a civil action.

D. The application of the above penalty or penalties, or the prosecution for the violation of the provisions of this Chapter shall not be deemed to prevent the revocation of any permit issued pursuant thereto, without reimbursement of the fee paid therefor or the enforced removal of conditions prohibited by this Chapter. Said cost for enforced removal of non-complying conditions will be assessed against the owner.

E. The penalties and remedies of the Town set forth in this Section are in addition to and not exclusive of other remedies found within this Chapter or the laws of the State of New York.

Section 8. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this Ordinance or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this Ordinance, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 9. Effective Date.

This Ordinance shall take effect ten (10) days after publication and posting, or immediately upon personal service as provided by Section 133 of the Town Law.

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 Hartford

Local Law No. 1 of the year 20¹⁶

A local law A LOCAL LAW TO OPT-OUT OF SECTION 487 OF THE NYS REAL PROPERTY
(Insert Title)
TAX LAW CONCERNING TAX EXEMPTIONS FOR QUALIFIED SOLAR AND WIND
ENERGY STRUCTURES IN THE TOWN OF HARTFORD

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

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

of Hartford

as follows:

A COMPLETE COPY OF THE LOCAL LAW IS ATTACHED.

RECEIVED

JUL 22 2016

**Washington County
Real Prop. Tax Serv.**

(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 2016 of the ~~(County)(City)(Town)(Village)~~ of Hartford was duly passed by the Town Board on JULY 12, 2016, 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 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.)

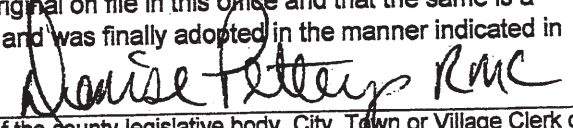
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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: _____

7/12/16

(Seal)

**TOWN OF HARTFORD
COUNTY OF WASHINGTON, STATE OF NEW YORK**

LOCAL LAW NO. 1 OF 2016

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TAX LAW CONCERNING TAX EXEMPTIONS FOR QUALIFIED SOLAR AND WIND
ENERGY STRUCTURES IN THE TOWN OF HARTFORD**

Be it enacted by the Town Board of the Town of Hartford, as follows:

Section 1. **Purpose.**

It is the intent of this Local Law to remove the exemptions from taxation for the increase in assessment due a taxpayer for the installation of solar and wind energy equipment as authorized in NYS Real Property Tax Law Section 487.

Section 2. **Exemption from taxation.**

No exemption from taxation shall be available within the Town of Hartford for the increase in assessment which may result from the installation or construction of any solar or wind energy system or systems by any taxpayer to or on their property within the Town of Hartford.

Section 3. **Effective Date.**

This Local Law shall take effect immediately after filing with the New York State Secretary of State in accordance with section 27 of the NYS Municipal Home Rule Law.

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COUNTY OF WASHINGTON, STATE OF NEW YORK**

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