

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 Niles

FILED
STATE RECORDS

OCT 16 2018

DEPARTMENT OF STATE

Local Law No. 1 of the year 2018

A local law Regulating Solar Energy Systems
(Insert Title)

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

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

of Niles as follows:

See Attachment

(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 2018 of the (County)(City)(Town)(Village) of Niles was duly passed by the Town Board on October 11 2018, 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) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

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) (repassed after disapproval) by the _____ on _____ 20____.
(Name of Legislative Body)
(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) (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.
(Name of Legislative Body)
(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.)

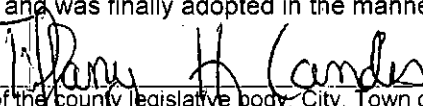
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified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


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

Date:

10/13/18

(Seal)

Town of Niles
Local Law 1 of the Year 2018
A Local Law Regulating Solar Energy Systems

Section 1.

The purpose of this local law is to regulate the development and operation of solar energy systems, to minimize adverse impacts of solar systems on neighboring properties, and to protect the public health, safety and welfare.

Section 2.

Part II of the Town Code shall be amended to add Chapter 175 to read as follows:

§ 175-1. Title. This chapter shall be known as the "Solar Law for the Town of Niles"

§ 175-2. Definitions. As used in this chapter, the following terms shall have the meaning indicated:

SOLAR SYSTEM

Any device, facility or system used to capture solar energy and directly or indirectly convert it to electrical energy. Facilities may include any solar collection devices, solar-related equipment, light reflectors, concentrators, heat exchangers, solar photovoltaic cell, panels, arrays, solar hot air or water collector devices, substations, electrical infrastructure, transmission lines and other appurtenant or accessory equipment, structures, buildings and facilities.

MAJOR SOLAR SYSTEM

Any ground-mounted Solar System with a total surface area greater than 2,000 square feet.

MINOR SOLAR SYSTEM

Any roof-mounted or building-mounted Solar System with total surface area greater than 50 square feet or a ground-mounted Solar System with the total surface area greater than 50 square feet and less than 2,000 square feet.

§ 175-3. General Regulations for Solar Systems

A. Solar Systems, including Minor Solar Systems and Major Solar Systems, are permitted in all zoning districts in the Town.

B. The installation of all Solar Systems shall be performed in accordance with applicable electrical and building codes, the manufacturer's installation instructions, and industry standards.

C. Solar Systems shall be designed and located in order to minimize reflective glare toward any adjacent properties, roads, and inhabited buildings.

D. When solar storage batteries are included as part of a Solar System, they must be placed in a secure container or enclosure meeting the requirements of the New York State Building Code. When any storage battery can no longer be used, it shall be disposed of in accordance with the laws and regulations of Cayuga County and other applicable laws and regulations.

E. When a solar system is part of a farm operation located within an agricultural district as defined in Article 25AA of the NYS Agriculture and Markets Law, it shall be considered to be part of the farm operation and shall be exempt from the requirement to obtain site plan approval. A solar system co-located on farm land as an unrelated and separate principal use shall NOT be considered an exempted agricultural activity and shall be subject to the provisions of this section.

b.

§ 175-4. Standards for Minor Solar Systems.

A. A building permit shall be required for all Minor Solar Systems.

B. Unless otherwise provided, applications for a Minor Solar System may be reviewed and issued as a ministerial act by the Code Enforcement Officer. However, where site plan approval, special use permit approval, or any other regulatory approval is required elsewhere in the regulations of the Town, those regulations shall govern.

C. All Minor Solar Systems are subject to the following requirements:

1) The minimum setback for any Minor Solar System shall be 75 feet from the centerline of any public or private right-of-way. No Minor Solar Project shall be located within 250 feet of Owasco Lake or Skaneateles Lake. These setback requirements shall not apply to roof mounted systems.

2) The height of any ground-mounted Minor Solar System shall not exceed 20 feet in height above the ground.

3) The height of any roof-mounted or building-mounted Minor Solar System shall not exceed 6 feet from the connection with the roof or building.

4) Ground-mounted Minor Solar Systems must be located in the side and rear yards. Minor Solar Systems may be located in the front yard only upon determination by the Code Enforcement Officer that the side and rear yards would provide limited solar collection. The Code Enforcement Officer may, at his discretion, require site plan review for any Minor Solar System located in the front yard.

5) All on-site utility lines shall, to the extent feasible, be placed underground.

D. Prior to operation of any Minor Solar System, the operator must (1) have the system inspected and approved by the Code Enforcement Officer and by any additional Town designated electrical inspector or agency; and (2) provide sufficient documents that any connection to the public utility grid has been inspected and approved by the appropriate public utility.

§ 175-5. Standards for Major Solar Systems.

A. A building permit shall be required for all Major Solar Systems.

B. Site plan approval from the Planning Board shall be required for all Major Solar Systems.

C. All Major Solar Systems are subject to the following requirements:

1) The minimum setback for any Major Solar System shall be 200 feet from the centerline of any public or private right-of-way. No Major Solar Project shall be located within 500 feet of Owasco Lake or Skaneateles Lake.

2) The maximum height for any Major Solar System shall not exceed 20 feet in height above the mean grade of the ground upon which it sits.

3) The total surface area of any Major Solar System, together with all accessory structures, aisles, alleyways, walkways, roads, and parking areas, shall not occupy more than 80% of the lot.

4) Removal of trees and other existing vegetation shall be minimized, and offset with planting elsewhere on the property. Based on site specific conditions, including topography, adjacent structures, and roadways, a landscaped buffer may be required to provide screening from adjacent residential properties and roads.

5) Roadways within the site shall be constructed of materials appropriate to the site and shall be designed to minimize the extent of roadways constructed and soil compaction.

6) All on-site utility and transmission lines shall, to the extent feasible, be placed underground.

7) All electrical equipment, including any structure for batteries or storage cells, shall be enclosed by a minimum six-foot-high fence with a self-locking gate and provided with landscape screening.

8) No Major Solar System shall produce noise in excess of 60 decibels, as measured at each nearest property line.

9) A sign not to exceed eight square feet shall be displayed on or near the main access point 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. Solar collection systems shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the system.

10) All Major Solar Systems shall provide a sufficient property operation and maintenance plan describing continuing system maintenance and property upkeep, such as mowing and trimming.

11) At its discretion, the Town may require financial security for any Major Solar Project either through cash escrow account, bond, letter of credit, or other finance security to ensure sufficient funds are provided to cure any code violation or remove any abandoned or decommissioned system.

12) All Major Solar Systems shall provide a decommissioning plan to be implemented upon abandonment, cessation of activity, or in conjunction with removal of the facility. The decommissioning plan must ensure the site will be restored to a useful, nonhazardous condition without delay, including, but not limited to, the following: (i) Removal of aboveground and below-ground equipment, structures and foundations; (ii) Restoration of the surface grade and soil after removal of equipment; (iii) Revegetation of restored soil areas with native seed mixes, excluding any invasive species; and (iv) A time frame for the completion of site restoration work. Upon failure to complete construction of the Major Solar System within 18 months or cessation of solar production for 12 months, the Town may, at its discretion, serve written notice that the site must be restored in accordance with the decommissioning plan. Upon service of such notice, the owner and operator shall either repair the system within 30 days or complete the decommissioning plan within the time specified therein.

D. Prior to operation of any Major Solar System, the operator must (1) have the system inspected and approved by the Code Enforcement Officer and by any additional Town designated electrical inspector or agency; (2) provide sufficient documents that any connection to the public utility grid has been inspected and approved by the appropriate public utility; and (3) provide a copy of the site plan to the fire department and respond to any question posed by the fire department.

Section 3.

Chapter 196 shall be amended to read as follows:

Article IX Solar Exemption

§ 196-32 Purpose. The Purpose of this article is to opt-out of the real property tax exemption for solar and wind projects pursuant to § 487 of the Real Property Tax Law ("RPTL") of the State of New York.

§ 196-33 Opt-Out. The Town hereby provides that no exemption under RPTL § 487 shall be applicable with its jurisdiction with respect to any solar or wind energy system or farm waste energy system which begins construction subsequent to the effective date of this local law.

Section 4.

The Town Clerk is hereby authorized and directed to cause a certified copy of this article to be recorded and filed with the Secretary of State pursuant to the Town Law. This local law shall be effective immediately upon filing with the Secretary of State



Real Property Tax Law Section 487 NYSERDA

Submitted On:

Jul 22, 2024, 09:52AM EDT

Jurisdiction Name	Niles
Jurisdiction Type	Town
Jurisdiction Website	
County	Cayuga
Street Address	5923 New Hope Rd
Street Address 2	
City	Moravia
State	NY
Zip/Postal Code	13118
First and Last Name	Jennifer Indelicato
Title	Director of Real Property Services, Cayuga County
Email	jjindelicato@cayugacounty.us
Phone Number	3152531297
Phone Extension	
Local law or resolution attachment	Niles _1 of 2018 - 487 - no exemption for solar, wind or farm waste.pdf
Type of Filing	Opt-out
Tracking ID	RPTL487_0000356
User's Session Information	IP Address: 76.37.15.143 Referrer URL: https://www.nyserda.ny.gov/