

*Local Law Filing*

New York STATE DEPARTMENT OF STATE  
~~162 WASHINGTON AVENUE, ALBANY, NY 12231~~

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**County**  
**City**  
**Town of Bristol**  
**Village**

**Local Law No:           2           of the year 2019.**

The purpose of this local law is to amend and supersede the Solar Energy Code adopted in 2017 regarding solar energy permitting guidelines for the Town of Bristol, New York.

**Be it enacted by the           Town Board           of the**

**County**  
**City**  
**Town of Bristol as follows:**  
**Village**

**See Exhibit “A” attached hereto and made a part herein:**

# Town of Bristol

## Solar Energy Code

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### Section 1: Authority

This solar energy law is adopted pursuant to §§261-263 of the New York State Town Law, which authorizes the Town of Bristol to adopt zoning parameters that advance and protect the health, safety, and welfare of the community, and to make provisions for, so far as conditions, may permit, the accommodation of solar energy systems and equipment and access to sunlight necessary therefor.

### Section 2: Purpose & Intent

- A. **The intent of this section of Town Code is to preserve and encourage a clean, naturally beautiful, rural environment with carefully planned growth and increased recreational opportunities, while promoting the preservation of agricultural lands.**
- B. Solar energy is a renewable energy resource that can reduce fossil fuel emissions and lower a municipality's energy load. Energy generated from solar energy systems can be used to offset energy demand on the grid where excess solar power is generated.
- C. The use of solar energy equipment for the purpose of providing electricity and energy for heating and/or cooling is encouraged and is a necessary component of the Town of Bristol current and long-term sustainability agenda and further implements the goals set forth in the Town of Bristol's Comprehensive Plan.

### Section 3: Definitions

**BUILDING-INTEGRATED PHOTOVOLTAIC (BIPV) SYSTEMS:** A combination of photovoltaic building components integrated into any building envelope system such as vertical facades including glass and other façade material, semitransparent skylight systems, roofing materials, and shading over windows.

**COMMUNITY SOLAR ARRAYS:** sometimes referred to as a shared solar array or solar garden, are centralized solar facilities owned by a group of individuals who receive credits on their electricity bills for the power produced. Members of an array are residential and commercial customers of the utility partner offering the program.

**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.

**HEIGHT:** The height of a solar collector is calculated as perpendicular from the ground to the highest point.

**LARGE-SCALE SOLAR ENERGY FACILITY** A Solar Energy System that exceeds 1,000 square feet in total surface area and/or has a rated direct current capacity of 25kW (kilowatts) or more.

**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.

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

**Power Purchase Agreement (P.P.A.):** or an electricity power agreement is a contract between two or more parties, one which generates electricity (the seller) and the other who is looking to purchase electricity (the buyer). The P.P.A. defines all of the commercial terms for the sale of electricity between the two parties, including when the project will begin commercial operation, schedule for delivery of electricity, payment terms, and termination.

**ROOFTOP OR BUILDING MOUNTED SOLAR SYSTEM:** A solar power system in which solar panels are mounted on top of the structure of a roof either as a flush-mounted system or as modules fixed to frames which can be tilted toward the south at an optimal angle.

**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 active and/or passive solar energy systems on individual properties.

**SOLAR COLLECTOR:** A solar photovoltaic cell, panel, or array, or solar hot air or water collector device, which relies upon solar radiation as an energy source for the generation of electricity or transfer of stored heat.

**SOLAR EASEMENT:** An easement recorded pursuant to NY Real Property Law § 335-b, the purpose of which is to secure the right to receive sunlight across real property of another for continued access to sunlight necessary to operate a solar collector.

**SOLAR ENERGY EQUIPMENT/SYSTEM:** Solar collectors, controls, heat pumps, heat exchangers, and other materials, hardware or equipment necessary to the process by which solar radiation is collected, converted into another form of energy, stored, protected from unnecessary dissipation and distributed. Solar systems include solar thermal, photovoltaic and concentrated solar.

**SOLAR PANEL:** Allow for “energy transfer” from light energy to heat and electrical.

**SMALL-SCALE SOLAR ENERGY SYSTEM:** A Solar Energy System that is ground-mounted, and does not exceed 1,000 square feet in total area and has a rated direct current capacity of less than 25 kW (killowatts.)

## **Section 4: New York State Unified Permit for all Small Scale Solar Electric Projects for Residential and Small Business Owners**

A. The unified solar permitting process is available to all districts in the Town of Bristol for eligible photovoltaic installations that meet the following criteria:

1. Has a rated direct current capacity of less than 25kW (kilowatt).
2. Does not require a zoning variance or special use permit.
3. Is mounted on a permitted roof structure, or a legal accessory structure as shown on a site plan showing location of major components of the solar and other equipment. The plan should represent relative location of components at site, including, but not limited to, location of array, existing electrical service location, utility meter, inverter location, system orientation and tilt angle. This plan should show access and pathways that are compliant with New York State Fire Code, if applicable.
4. The solar installation contractor complies with all licensing and other requirements of the Town of Bristol and New York State.
5. If the structure is a sloped roof, solar panels are mounted parallel to the roof surface.

B. If an applicant cannot meet the criteria for a NYS Unified Permit they must submit a site plan and a special use permit provided through the Town of Bristol Code Enforcement Office and subject to review by the Zoning Board of Appeals for Special Use Permit and the Planning Board for Site Plan approval.

## **Section 5: Small Scale Energy Systems less than (25kW)**

### **A. Applicability**

1. The requirements of this Local Law shall apply to all solar energy systems modified or installed after the effective date of this Local Law.
2. All solar energy systems shall be designed erected and installed in accordance with the zoning regulations of the Town of Bristol.

3. Solar energy collectors shall be permitted to provide power for use by owners, lessees, tenants, residents, or other occupants of the premises on which they are erected. In addition, nothing contained in this provision shall be construed to prohibit “community solar” installations or the sale of excess power through a “net billing” or “net-metering” arrangement.

## B. Permitting

1. No small-scale solar energy system or device shall be installed or operated in the Town of Bristol except in compliance with this article.

2. To the extent practicable, and in accordance with Town law, the accommodation of solar energy systems and equipment and the protection of access to sunlight for such equipment shall be encouraged in the application of the various review and approval provisions of the Town of Bristol Code.

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

4. Rooftop and Building-Mounted Solar Collectors: Rooftop and building mounted solar collectors are permitted as an accessory use in all zoning districts in the Town of Bristol when attached to any lawfully existing and lawfully permitted building subject to the following conditions:

**Aesthetics: Roof Mounted Solar Energy Systems installations shall incorporate, when feasible, the following design requirements:**

a. Building permits, electrical permits and or Unified Solar Permits shall be required for installation of all rooftop and building-mounted solar collectors,

b. Panels must be mounted at the same angle as the roof’s surface with a maximum distance of (18) inches between the roof and the highest edge of the system.

5. Building-Integrated Photovoltaic (BIPV) Systems: BIPV systems are permitted outright in all zoning districts.

6. Ground-Mounted and Free-Standing Solar Collectors: Ground-mounted and free-standing solar collectors are permitted as accessory structures in all zoning districts of the Town of Bristol, subject to the following conditions:

a. Building permits, electrical permits and or Unified Solar Permits are required for the installation of all ground-mounted solar collectors.

- b. The location of the solar collector meets all applicable setback requirements for accessory structures in the zoning district in which it is located.
- c. The height of the solar collector and any mounts shall not exceed 15 feet when oriented at maximum tilt.

**7. Planning and Zoning Regulations:**

- a. All such systems in residential zoning districts may be installed on all areas of a parcel in accordance with local planning and zoning regulations.
- b. Freestanding solar energy collectors shall be screened when possible and practicable through the use of architectural features, earth berms, landscaping, or other screening which will harmonize with the character of the property and surrounding area, and do not impact the effective amount of solar energy to be produced.

**8. Violations**

- a. The owner or general agent of a building or premises of land where violation of any provision of this Local Law has been committed or shall exist, or the lessee or tenant of an entire building, or entire premises or land where such violation has been committed or shall exist, or the owner, general agent, lessee or tenant of any part of the building or premises or land in which such violation has been committed or shall exist, or the general agent, architect, builder, contractor or any other person who commits, takes part or assists in any such violation or who maintains any building or premises or land or any part thereof in which any violation shall exist, shall be guilty of a violation/offense and subject to a minimum fine of Three Hundred Fifty Dollars (\$350.00) or imprisonment for a period of not more than 10 days or both and in addition may be ordered to pay all costs and expenses including fees and expenses of attorneys and engineers and other experts involved in the enforcement hereof.
- b. Every such person, firm, company, corporation, partnership, Limited Liability Company or other entity shall be deemed guilty of a separate offense for each week such violation, disobedience, omission, neglect or refusal shall continue from the expiration of the period stated in the Notice to Remedy. Each week's continued violation shall constitute a separate additional violation.
- c. In addition, the Town authorities shall have such other remedies as are provided by law to restrain corrects or abates any violation of this Local Law, and the violator shall be liable to the Town of Bristol for a civil penalty of Five Hundred Dollars (\$500.00) for each violation.

## Section 6: Large Scale Solar Energy Systems:

### A. Applicability

1. The requirements of this Local Law shall apply to all solar energy systems modified or installed after the effective date of this Local Law.
2. All solar energy systems shall be designed erected and installed in accordance with all applicable codes, regulations and standards.

### B. Permitting

1. Large Scale Solar Energy Systems are permitted through the issuance of a special use permit in all zoning districts, subject to the requirements set forth in this section including site plan approval. Applications for the installation of a Large-Scale Solar Energy System shall be reviewed by the CEO and referred, with comments to the Zoning Board of Appeals for its review and action as well as to the Planning Board for Site Plan review, which can include approval, approval with conditions, or denial.
2. Special Use Permit application requirements. In addition to the requirements set forth in Article Eighteen of the current zoning regulations, the following information must be included with an application for a special use permit for large scale solar energy system.
  - a. 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 such as a P.P.A., shall be submitted.
  - b. Plans showing the layout of the solar energy system signed by a professional engineer or registered architect shall be required.
  - c. The equipment specification sheets shall be documented and submitted for all photovoltaic panels, significant components, mounting systems, and inverters that are to be installed.
  - d. Design Standards
    1. Removal of trees and other existing vegetation shall be minimized or offset with planting elsewhere on the property.
    2. All on-site utility and transmission lines shall be non-accessible and meet NEC regulations.
    3. Buffering may be required and shall be designed and located in order to prevent reflective glare toward any inhabited buildings on adjacent properties and roads.

4. All electrical equipment shall be enclosed within the fenced compound and locked within suitable cabinets.
5. Each Large-Scale Solar Energy System shall be designed to minimize the total acreage of developed land.
6. Site and storm water management plan for Large Scale Solar Energy Systems shall be reviewed by Town Engineering, Code Enforcement, and/or Ontario County Soil and Water District prior to final site plan approval.
7. Applicant shall provide a letter of credit acceptable to the Zoning Board of Appeals.

3. Property Operation and Maintenance Plan. Such plan shall describe continuing photovoltaic maintenance and property upkeep, such as mowing, and trimming, safety concerns, and access. The Property Operation and Maintenance Plan shall include details about the proposed use or uses of the remaining property not used for the Large-Scale Solar Energy System, as well as ingress and egress to all portions of the property.

4. Decommissioning Plan. To ensure the proper removal of a Large-Scale Solar Energy Systems, a decommissioning plan shall be submitted as part of the application. Compliance with this plan shall be made a condition of the issuance of a special use permit under this section.

a. In the event that the owner or leasee of any facility ceases for a period of six (6) months to use or operate the said facility, then in that event, such facility shall be dismantled and removed from the site and the site shall be restored to its natural state by the owner. Failure to dismantle and remove a facility and restore the site to its natural state within thirty (30) days after said facility has been declared abandoned by the Town Board will result in forfeiture of said Letter of Credit, cash bond, or surety posted by said owner or leasee of said facility. If a website has been established to monitor the activity of the array it shall be provided to the Code Enforcement Office to prove the ongoing operation of the facility. If there is no monitoring system the CEO may request proof of operation from the owner.

b. The plan shall demonstrate how the removal of all infrastructures and the remediation of soil and vegetation shall be conducted to return the parcel to its original state prior to construction.

c. The plan shall also include an expected timeline for execution.

d. A cost estimate detailing the projected cost of executing the Decommissioning Plan shall be prepared by a Professional Engineer. Cost estimations shall take into account inflation. A Letter of Credit, bond, or surety shall be issued to the Town of Bristol in that amount.

e. Removal of Large-Scale Solar Energy Systems must be completed in accordance with the Decommissioning Plan.

f. If the Large-Scale Solar Energy System is not decommissioned after being considered abandoned, the Town may remove the system and restore the property and impose a lien on the property to cover these costs to the municipality. In addition to any other remedies available to the Town.

5. Special Use Permit Standards. No special use permit for large-scale solar energy shall be issued unless the Zoning Board of Appeals specifically finds that the proposed project is in compliance with each of the following:

a. Solar arrays shall not be allowed on lands where a P.D.R. (Property Development Rights) has been obtained.

b. Setbacks. Large-Scale Solar Energy Systems shall adhere to the setback requirements for accessory structures of the underlying district.

c. Height. Large-Scale Solar Energy Systems shall not exceed 15 feet in height.

## 6. Violations

a. The owner or general agent of a building or premises of land where violation of any provision of this Local Law has been committed or shall exist, or the lessee or tenant of an entire building, or entire premises or land where such violation has been committed or shall exist, or the owner, general agent, lessee or tenant of any part of the building or premises or land in which such violation has been committed or shall exist, or the general agent, architect, builder, contractor or any other person who commits, takes part or assists in any such violation or who maintains any building or premises or land or any part thereof in which any violation shall exist, shall be guilty of a violation/offense and subject to a minimum fine of Three Hundred Fifty Dollars (\$350.00) or imprisonment for a period of not more than 10 days or both and in addition may be ordered to pay all costs and expenses including fees and expenses of attorneys and engineers and other experts involved in the enforcement hereof.

b. Every such person, firm, company, corporation, partnership, Limited Liability Company or other entity shall be deemed guilty of a separate offense for each

week such violation, disobedience, omission, neglect or refusal shall continue from the expiration of the period stated in the Notice to Remedy. Each week's continued violation shall constitute a separate additional violation.

c. In addition, the Town authorities shall have such other remedies as are provided by law to restrain corrects or abates any violation of this Local Law, and the violator shall be liable to the Town of Bristol for a civil penalty of Five Hundred Dollars (\$500.00) for each violation.

## **Section 7: Administrative Relief:**

A. If an individual is found to be in violation of the provisions of this Local Law for either Small- or Large-Scale Solar Energy Systems, appeals should be made in accordance with the established procedures of the Town of Bristol code.

B. If a building permit for a solar energy device is denied because of a conflict with other goals of the Town of Bristol the applicant may seek relief from the Zoning Board of Appeals, which shall regard solar energy as a factor to be considered, weighed and balanced along with other factors.

## **Section 8: Transfer of Ownership.**

If there is a transfer of ownership of the solar array or its lease the new owners will advise the Town of Bristol. In addition, the new owners shall comply with all original conditions as well as being responsible for bringing the solar array current with regulations in place at the time of sale or lease transfer.

## **Section 9: Severability**

The provisions of this local law are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses or part of this local law.

## **Section 10: Effective Date.**

This local law shall take effect immediately upon its filing with the NYS Secretary of State.