

**TOWN OF OTISCO**  
**Local Law No. 5 of 2024**  
**Solar Energy Systems**

**Be it enacted by the Town Board of the Town of Otisco, Onondaga County, New York, as follows:**

**1. LEGISLATIVE INTENT.**

The Town of Otisco, through this Local Law, seeks to promote the safe, effective, and efficient use of solar energy systems within the Town in order to reduce on-site and off-site consumption of utility-supplied energy, and to balance the use of such solar energy systems with potential impacts on the health, safety and welfare of the residents of the Town of Otisco and to preserve and protect the environment and aesthetic qualities of the Town of Otisco.

This Local Law shall be known and may be cited as the "Solar Energy Systems Law of the Town of Otisco" (hereinafter referred to as the "Local Law").

**2. DEFINITIONS.**

As used in this Local Law, the following terms shall have the meanings indicated, unless the context or subject matter requires otherwise.

- **BUILDING CODE**- As used in this Local Law, the term "Otisco Building Code" refers to Town of Otisco Local Law No. 3 of 2010 titled "A Local Law Providing for the Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code" and the term "New York State Building Code" refers to the New York State Fire Prevention and Building and Property Maintenance Code.
- **BUILDING-INTEGRATED PHOTOVOLTAIC (BIPV) SYSTEMS** - a solar energy system that consists of integrating photovoltaic modules into the building structure such as the roof or the façade of a structure and which does not impair the structural integrity of the roof, façade or structure.
- **COLLECTIVE SOLAR** – Solar installations owned collectively through subdivision homeowner associations, college student groups, "adopt-a-solar-panel" programs, or other similar arrangements.
- **FLUSH MOUNTED SOLAR PANEL** – A photovoltaic panel or tile that is installed substantially flush to the surface of a roof and which cannot be angled or raised.
- **FREE-STANDING OR GROUND-MOUNTED SOLAR ENERGY SYSTEM** – a solar energy system that is directly installed in the ground and is not attached or affixed to an existing structure. Pole mounted solar energy systems shall be considered Free-Standing or Ground-Mounted Solar Energy Systems for purposes of this Local Law.

- **PERMIT GRANTING AUTHORITY** – The Town Code Enforcement Officer who is charged with granting Building Permits for the installation of solar energy systems.
- **PHOTOVOLTAIC (PV) SYSTEMS** – A solar energy system that produces electricity by the use of semiconductor devices, referred to as photovoltaic cells that generate electricity whenever light touches 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 Local Law. Persons who are not on NYSEDA’s list of eligible installers or NABCEP’s list of certified installers may be deemed to be qualified solar installers if the Town Code Enforcement Officer or the Town Board has determined that such persons 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 exposed live components.
- **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 at an optimal angle.
- **SEQRA** – Refers to the New York State Environmental Quality Review Act (“SEQRA”) and Regulations promulgated thereunder, and Town of Otisco Environmental Quality Review Local Laws and Ordinances, as the same may be amended from time-to-time.
- **SETBACK** – The distance from a front boundary line, side boundary line or rear boundary line of a parcel within which a free-standing or ground-mounted solar energy system or any appurtenant permanent equipment of structure may be installed.
- **SMALL-SCALE SOLAR** – For purposes of this Local Law, the term “small-scale solar” refers to solar photovoltaic systems that produce up to 25 kilowatts (kW) per hour of energy or solar thermal systems which serve the building to which they are attached, or to other buildings or electrical fixtures which are located on the same property as the solar photovoltaic systems, and do not provide energy for any other buildings not located on the same property.

- **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 the transfer of stored heat.
- **SOLAR ENERGY EQUIPMENT/SYSTEM** – Solar collectors, controls, energy storage devices, 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. These systems include solar thermal, photovoltaic and concentrated solar.
- **SOLAR FARM OR SOLAR POWER PLANT** – An 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, with the primary purpose of wholesale or retail sales of electricity.
- **SOLAR PANEL** - A device for the direct conversion of solar energy into electricity.
- **SOLAR –THERMAL SYSTEMS** – Solar thermal systems that directly heat water or other liquid using sunlight. The heated liquid is used for such purposes as space heating and cooling, domestic hot water, and heating pool water.
- **TOWN** – As referenced in this Local Law, the Town shall be the Town of Otisco, State of New York.

### 3. APPLICABILITY.

- A. All provisions of this Local Law shall apply to all solar energy systems and equipment installations modified or installed within the Town of Otisco after the effective date of this Local Law.
- B. All Solar energy system installations shall require a valid Building Permit to be issued prior to installation or construction. If no Building Permit was required when the installation commenced or was completed before the effective date of this Local Law, such solar energy systems shall not be required to meet the requirements of this Local Law, unless such systems are modified or replaced subsequent to the effective date of this Local Law.
- C. All solar energy systems shall be designed, erected and installed in accordance with applicable laws, codes, rules, regulations and industry standards as referenced in the New York State Building Code as amended from time to time, and the Town of Otisco Building Code.
- D. Solar collectors, unless part of a Solar Farm or Solar Power Plant, shall be permitted only to provide power for use by owners, lessees, tenants, residents, or other occupants of the premises on which they are erected, but nothing contained in this Local Law shall prohibit “collective solar” installations or the sale of excess power through a “net billing” or “net-metering” arrangement in accordance with New York Public Service Law Section

66-j or similar state and federal statutes or regulations.

**4. PERMITS.**

- A. No solar energy system or device capable of producing 25KW or less of electricity shall be installed or operated in the Town except in compliance with this Local Law, and the issuance of a Building Permit.
- B. Applications for permits to allow the installation of systems capable of producing 25KW or more of electricity shall be made on forms required for such purposes as issued by the Town.

**5. ROOFTOP AND BUILDING-MOUNTED SOLAR COLLECTORS.** Rooftop and building mounted solar collectors are permitted in the Town subject to the following conditions:

- A. Building Permits shall be required for the installation, modification or replacement of all rooftop and building-mounted solar collectors.
- B. Rooftop and Building-Mounted Solar Collectors shall not exceed the overall height of the structure on pitched roofs. Building mounted solar collectors on flat roofs shall not exceed the height of the structure by more than 15 feet.
- C. In order to ensure firefighter and other emergency responder safety, there shall be a minimum perimeter area around the edge of the roof and structurally supported pathways to provide space on the roof for walking around all Rooftop and Building-Mounted Solar Collectors. Additionally, installations shall provide for adequate access and spacing in order to:
  - i. Ensure access to the roof;
  - ii. Provide pathways to specific areas of the roof;
  - iii. Provide smoke ventilation opportunity areas;
  - iv. Provide emergency egress from the roof.

In the event that the standards in this subsection are more stringent than the New York State Building Code, they shall be deemed to be installation guidelines only and the standards of the New York State Building Code shall apply.

**6. BUILDING-INTEGRATED PHOTOVOLTAIC (BIPV) SYSTEMS:** BIPV systems are permitted and shall be shown on the plans submitted with the New York State Solar Permit Application for systems capable of producing 25 KW or less and any Building Permit application for the building containing the system.

**7. FREE-STANDING AND GROUND-MOUNTED SOLAR COLLECTORS:** Free-standing or ground-mounted solar collectors are allowed under the following conditions:

1. Building Permits are required for the installation, modification or replacement of all ground-mounted and free-standing solar collectors.
2. Except for ground-mounted and free-standing solar collectors which are accessory structures to residential, commercial, farming or industrial structures, a lot containing ground-mounted and free-standing solar collectors must meet the minimum lot size in order for a ground-mounted or free-standing solar collector to be permitted under the set-back requirements described below.
3. The location of the ground-mounted or free-standing solar collector shall meet the Town's setback requirements as follows:
  - a. The distance of any structure relating to free-standing or ground-mounted solar energy systems from the property line adjoining any Town road shall be at least 40 feet from the center line of a Town road.
  - b. The distance of any free-standing or ground-mounted solar energy system which is an accessory structure to residential, commercial, farming or industrial structures shall be, to the extent practical, at least 30 feet from any adjoining property line.
4. The height of the solar collector and any mounts shall not exceed 20 feet when oriented at a maximum tilt.
5. Ground-mounted and free-standing solar collectors shall be screened to the greatest extent practicable from adjoining lots and street rights-of-way through the use of architectural features, earth berms, landscaping, fencing or other screening which will be harmonious with the character of the property and surrounding areas as determined in the discretion of the Code Enforcement Officer. Security fences to prevent injury to persons or animals may be required in the Code Enforcement Officer's discretion. The proposed screening shall not interfere with normal operation of the solar collectors.
6. Solar energy equipment shall be located in a manner to reasonably minimize view blockage for surrounding properties and shading of adjoining property, while still providing adequate solar access for collectors.
7. Solar energy equipment shall not be located within any required buffer area or public easement or right-of-way.
8. The total surface area of all ground-mounted and free-standing solar collectors on a lot shall not exceed the area of the ground covered by the building structure of the largest building on the lot measured from the

exterior walls, excluding patios, decks, balconies, screened and open porches and attached garages, provided that non-residential placements exceeding this size may be approved by the Town Board, subject to site plan review.

9. The area beneath ground-mounted and free-standing solar collectors shall be included in calculating whether the lot meets maximum permitted lot coverage requirements.

**8. SOLAR-THERMAL SYSTEMS.** Solar-thermal systems are permitted subject to the following conditions:

- a. Building Permits are required for the installation, modification or replacement of all Solar-Thermal Systems.
- b. Solar-Thermal Systems shall be subject to the same requirements set forth in subsection 7, above, as for ground-mounted and free-standing Solar Collectors.

**9. SAFETY.** Notwithstanding any provision of this Local Law to the contrary, Solar energy systems and equipment shall be permitted only if they are determined by the Code Enforcement Officer to not present any unreasonable safety risks, including, but not limited to, the following:

- a. Weight load;
- b. Wind resistance;
- c. Adequate ingress or egress in the event of fire or other emergency;
- d. Other Otisco Building Code or New York State Building Code requirements.

**10. INSTALLATION AND INSPECTION.**

1. All solar collector installations must be performed by a Qualified Solar Installer, as defined in the Definitions sections of this Local Law.
2. Prior to operation, electrical connections must be inspected by the Town Code Enforcement Officer and by an appropriate electrical inspection person or agency, as determined by the Town, at the Owner's expense.
3. Any connection to the public utility grid must be approved and inspected by the appropriate public utility.
4. Solar Energy Equipment/Systems and related equipment shall be surfaced, designed and sited so as not to reflect glare onto adjacent properties and roadways.
5. Solar Energy Equipment/System components shall be maintained in good working order.
6. Rooftop and building-mounted solar collectors shall meet the New York State

Building Code and Otisco Building Code.

7. If solar storage batteries are included as part of the solar collector system, they must be placed in a secure container or enclosure meeting the requirements of the New York State Building Code when in use and, when no longer used, shall be disposed of in accordance with applicable laws and regulations.
8. If a Solar Collector ceases to perform its originally intended function for more than twelve (12) consecutive months, the property owner shall remove the Solar Collector, mount and associated equipment no later than ninety (90) days after the end of the twelve-month period.
9. Solar Energy Equipment/Systems shall be properly marked in order to provide emergency responders with appropriate warnings and guidance with respect to isolating the Solar Energy Equipment/system. Materials used for marking shall be weather resistant. For a residential application, the marking may be placed with the main service disconnect. If the main service disconnect is operable with the service panel closed, then the marking should be placed on the outside cover of the service panel. For commercial, farming and industrial applications, the marking shall be placed adjacent to the main service disconnect in a location clearly visible from the location where the disconnect lever is operated. In the event any of the standards in this subsection 9 pertaining to markings are more stringent than applicable provisions of the New York State Building Code, they shall be deemed to be guidelines only and the standards of the New York State Building Code shall apply.

## **11. SOLAR FARMS AND SOLAR POWER PLANTS.**

Solar Farms and Solar Power Plants shall be permitted subject to Permit Applications required by the Town Board and supporting documentation being approved by the Town Board, SEQR review by the Town Board, and shall be subject to the following supplementary regulations:

- A. Solar Farms and Solar Power Plants can only be located on lots of fifteen (15) acres or larger with a maximum coverage of Solar Energy Equipment/Systems of 50% of the lot.
- B. All Solar Panels and related equipment shall be setback at least two-hundred feet (200') from all property lines, public roads, power lines and preexisting and future planned structures, unless full visual screening is provided and approved by the Town Board. Additional setbacks may be required by the Town Board in order to provide for the public's safety, health and welfare.
- C. Appropriate landscaping and/or screening materials may be required to help screen the Solar Farm or Solar Power Plant and accessory structures from roads and neighboring residences.
- D. Solar Farms and Solar Power Plants shall be enclosed by perimeter fencing to

- restrict unauthorized access at a height of not less than eight feet (8').
- E. The solar manufacturer's or installer's identification and appropriate warning signage shall be posted on weather resistant signs around the perimeter of the security fence at least every 100' and shall be at all times clearly visible.
  - F. Solar Farms and Solar Power Plant buildings and accessory structures shall, to the extent reasonably possible, use materials, colors, and textures that will blend the facility into the existing environment.
  - G. The average height of the Solar Panel arrays on any given lot shall not exceed twenty feet (20').
  - H. Solar Farm and Solar Power Plant Solar Panels and equipment shall be surfaced, designed and located so as not to reflect glare onto adjacent properties and roadways.
  - I. On-site power lines shall be placed underground.
  - J. The following requirements shall be met for decommissioning.
    - a. Property damage and liability insurance coverage naming the Town as Additional Insured shall be required in amounts required by the Town Board as set forth in the Town's Permit Application.
    - b. A reclamation or removal bond in an amount to be determined by the Town Board shall be filed with the Town Clerk to cover the costs of reclamation and removal of any and all Solar Farm or Solar Power Plant components, whether above or below ground. In addition, should the Solar Farm or Solar Power Plant be nonoperational to the extent of 50% or more of the Solar Farm or Solar Power Plant for any continuous six-month period, or if the bond expires and is not renewed, the approvals granted shall be deemed void and the Solar Farm or Solar Power Plant shall be decommissioned subject to a new approval under this section. Such bond shall be in place prior to the issuance of a Building Permit. The Attorney for the Town shall review the bonding requirement to obtain an updated demolition estimate from a local third party demolition contractor at prevailing wage rates every 5 years after issuance of Town approval to establish an updated bonding requirement.
    - c. Solar Farms and Solar Power Plants which have not been in active and continuous service for a period of one (1) year shall be removed at the owner's or operator's expense.
    - d. The site shall be restored to as natural a condition as possible within six (6) months of removal.

## **12. VIOLATIONS.**

- A. The Town's Code Enforcement Officer shall be charged with enforcing the provisions of this Local Law.



B. The failure to comply with any of the provisions of this Local Law shall be an Offense as contemplated by Article 10 of the New York Penal Law, and, upon conviction thereof, shall be punishable by a fine of not more than One-Thousand Dollars (\$1,000.00) or imprisonment for not more than 10 days, or both, for the first offense. Any subsequent offense within a ninety (90) day period shall be an unclassified Misdemeanor as contemplated by Section 80.05 of the New York State Penal Law, punishable by a fine of not more than One-Thousand Five-Hundred Dollars (\$1,500.00) or imprisonment for a period of not more than 30 days, or both. For purposes of this subparagraph A, each day that a violation of this Local Law exists shall constitute a separate and distinct offense.

C. Compliance with this Local Law may also be compelled and violations of this Local Law shall be subject to being restrained by Court Order or by other injunctive relief by a Court of competent jurisdiction in an action brought on behalf of the Town of Otisco.

D. In the event the Town is required to take legal action to enforce this Local Law, upon conviction, the violator shall be responsible for any and all necessary costs incurred by the Town in enforcing this Local Law relative thereto, including the Town's reasonable attorney's fees, costs, including Court costs and expenses, including expert witness fees and expenses, and such amounts shall be determined and assessed by the Court. If such costs and expenses are not paid in full within thirty (30) days from the date they are determined and assessed by the Court, such costs and expenses shall be charged to the property(ies) within the Town on which the violation occurred, by including such costs and expenses in the next annual Town Tax Levy against such property(ies), and such costs and expenses shall be a lien upon such property(ies) until paid.

E. If a Court determines that a violation of this Local Law results from the acts or omissions of an employee or agent of a person, corporation, limited liability company, partnership, association, firm, organization or other type of entity while such employee or agent is acting within the scope of such employee's or agent's employment or agency, in addition to finding such employee or agent liable for the fines, penalties and expenses of the Town in taking legal action to enforce this Local Law as provided in this paragraph 12, the Court may also find such employer, corporation, limited liability company, partnership, association, firm, organization or other type of entity to be vicariously liable for the fines, penalties and expenses of the Town in taking legal action to enforce this Local Law as provided in this paragraph 12. Further, to the extent permitted by other applicable law, a Court may impose the imprisonment penalties set forth in subparagraph A, above, on such employee or agent and/or on one or more shareholders, members, partners or owners of a corporation, limited liability company, partnership, association, firm, organization or other type of entity found by the Court to be vicariously liable for the acts or omissions of any of its employees or agents.

F. If a person or entity is found to be in violation of the provisions of this Local Law, their permit may be revoked if violations are not cured within thirty days (30) of notice of violation.

G. Multiple or continuous violations of this Local Law shall be subject to legal action for injunctive relief.

H. If a Building Permit for any Solar Energy Equipment/System or any component thereof is denied based upon a failure to meet the requirements of this Local Law, the applicant may seek relief in accordance with the established procedures and time limits of the Otisco Building Code and New York State Law.

### **13. BUILDING PERMIT FEES.**

The fees for all Building Permits required pursuant to this Local Law shall be paid at the time each Building Permit application is submitted in such amount as the Town Board may by Resolution establish and amend from time to time and publish in a Schedule of Fees.

### **14. TAX EXEMPTIONS UNDER N.Y. REAL PROPERTY TAX LAW § 487.**

The owner of real property upon which a Solar Energy Equipment/System, a Solar Farm or a Solar Power Plant is located which receives a tax exemption under N.Y. Real Property Tax Law § 487 may be required to enter into a Payment In Lieu of Taxes arrangement (PILOT) with the Town pursuant to any subsequently enacted Local Law requiring the same.

### **15. SEVERABILITY.**

If any clause, sentence, paragraph, section, article, subdivision, provision, or part of this Local Law shall be adjudged by any Court of competent jurisdiction to be void, invalid or unenforceable, such adjudication or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operations and only apply to the clause, sentence, paragraph, section, article, subdivision, provision, or part thereof directly involved in the controversy in which such adjudication or judgment shall have been rendered or so adjudged, and the remainder of this Local Law shall remain valid and in full force and effect.

### **16. CONFLICT WITH OTHER LAWS.**

Where this law differs or conflicts with other laws, rules and regulations, unless the right to do so is preempted or prohibited by County, State or Federal laws or regulations, the more restrictive or protective law shall apply.

### **17. EFFECTIVE DATE.**

This Law shall become effective upon filing with the New York State Secretary of State.

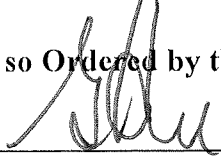
### **18. AUTHORITY.**

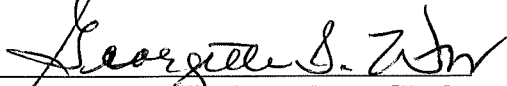
This Local Law is enacted pursuant to the Municipal Home Rule Law. This Local Law is intended to supersede any inconsistent provisions of Town Law to the extent permitted by the New York State Constitution, the Municipal Home Rule Law, or any other applicable statute.

Town Board of the Town of Otisco

April 8, 2024

Be it so Ordered by the Town Board of the Town of Otisco.

  
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Glenn R. Hall, Town Supervisor

  
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Georgette T. Waldau, Town Clerk