

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 of Livingston
Town
Village

Local Law No. 2 of the year 2015

A local law amending the Zoning Law of the Town of Livingston in
relation to solar panels.

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

County
City of Livingston as follows:
Town
Village

Section 1. LEGISLATIVE INTENT:

The Town of Livingston presently has in effect a Town Zoning Law which has established regulations for building, construction and allowable uses within the town. The Town Board has reviewed and revised the regulations concerning free standing solar panel installations in order to preserve and protect the health, safety and welfare of its residents. The town recognizes the potential benefits and desirability of solar power and renewal energy sources, but determines that the town should regulate the installations.

Section 2.

Be it enacted by the Town Board of the Town of Livingston that the Town of Livingston Zoning Law is amended as follows:

Section 1.3 entitled DEFINITIONS shall be amended to add the following definition in alphabetical order:

SOLAR PANELS - A device or combination of devices, structure, or part of a device or structure that transforms direct solar energy into thermal, chemical, or electrical energy.

Section 3.2 entitled SCHEDULE OF PERMITTED USES shall be amended to add the following use:

Schedule of Permitted Uses:

	CH-2	HDR-2	LDR-2	Con-7	C-1	FAO	AD/LI-1	LC-1
Solar Panels*	P	P	P	P	P	P	P	P

*Solar Panel use by residences and business / Pole Mounted / Free Standing, shall be allowed in all districts with Site Plan Approval and Public Hearing. Roof Mounted Solar Panel Systems for use by residences and business, shall be a permitted use without the requirement for site plan approval.

Section 4.39 entitled SOLAR PANELS shall be added as follows:

4.39 SOLAR PANELS

1. Requirements for Roof Mounted Systems:

- a. An engineer's report verifying roof will support the system load.
- b. Electrical schematic showing main system components and where they are physically located. A copy shall be given to local fire company.
- c. Description of cable routing from the solar array to the DC disconnect.
- d. Simple plot plan showing which building on the property is being used.

2. Requirements for Pole Mount or Remote Mount Systems:

- a. Submission of the project plans from installing contractors.
- b. Private owners installing the panels must follow same rules as professional installers.
- c. Photos are required of the site and depictions of the type of panels to be installed.
- d. Location: Solar Panels shall be placed in the rear yard and meet all

applicable provisions of this section. If the solar panel is unable to be placed in the rear yard because of a poor angle to the sun, it may be placed on a side yard.

- e. A setback of 20' shall be met for all pole or remote mounted solar systems. The setback of 20' shall be measured when the panel is in the flat position (horizontal) from the edges.
- f. The Planning Board has the right to request that a location of a proposed solar panel be demonstrated by a NYS license land surveyor to meet the setbacks and sideline requirements.
- g. Electrical schematic showing main system components and where they are physically located, including batteries, if included in the installation. A copy shall be given to local fire company.
- h. DC disconnect to be located externally, and labeled, as near the utility meter as possible.
- i. If DC disconnect cannot be located within six feet of the utility meter, a label at the meter will indicate the location of the external disconnect, which shall be labeled.
- j. Remote arrays shall also have a DC disconnect at the location of the array. Some remote arrays may be roof mounted on a different building than the one using the power from the array.
- k. Description of cable routing from the PV array to the exterior DC disconnect on the building using the power.
- l. Scaled drawing showing location of buried cables.
- m. Plot plan showing where property lines are in relation to the pole mount or remote system. All buildings on property shall be shown.
- n. Screening shall be provided between any ground mounted solar panel(s) and public byways, and between the solar panel(s) and adjacent properties to the maximum extent practical. Placement shall be in the back of the house when possible.
- o. Installations will comply with the Building Code of New York State and the National Electric Code. Labels shall be permanent type. Additional information may be requested for unusual installations. The above information is intended to permit a complete plan review.
- p. Documentation shall be provided for footings and wind resistance design.

- q. A certificate of Compliance shall be obtained from the Building Department prior to placing the system into service.

(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. 2 of 2015 of the Town of Livingston was duly passed by the Town Board on _____, 2015, 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__. 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.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

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 (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 chairman 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 _____, _____, 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.

Tammy Molinski, Town Clerk

(Seal)

Date: 6/18/15

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF COLUMBIA

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Signature Robert J. Fitzsimmons

Title: Counsel _____

County _____
City of Livingston _____
Town _____
Village _____

Date: