

## *Local Law Filing*

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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.

**TOWN OF SOMERSET  
LOCAL LAW NO. \_\_\_\_ OF THE YEAR, 2013**

**A Local Law Entitled “Amendment to the Code of the Town of Somerset”**

Be it Enacted by the Town Board of the Town of Somerset as follows:

To amend the Code of the Town of Somerset by adding a new **Article XXII entitled “Small Scale Solar Energy Systems”** as follows:

**§ 205-104. Purpose.**

The purpose of this article is to encourage and promote green energy systems while protecting the health and safety of the residents of the Town of Somerset by establishing regulations for the installation of small scale solar energy systems (as herein defined) for residential and commercial purposes.

**§ 205-105. Applicability.**

The requirements of this article shall apply to all solar energy system installations modified or installed after the effective date of this article.

**§ 205-106. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

**BUILDING-INTEGRATED SOLAR/PHOTOVOLTAIC (BPIV) SYSTEM -**  
A solar energy system incorporated into and becoming part of the overall architecture and design of a building or structure in a manner that the solar energy system is a permanent and integral part of the building envelope or structure.

**BUILDING-MOUNTED SOLAR ENERGY SYSTEM** - A solar energy system that has its solar collectors affixed to the side(s) of a building or other structure either directly or by means of support structures or other mounting devices, but not including those mounted to the roof or top surface of a building. Solar energy systems constructed over a parking lot are considered building-mounted solar energy systems.

**GROUND-MOUNTED SOLAR ENERGY SYSTEM** - A solar energy system that has its solar collectors affixed to the ground either directly or by support structures or other mounting devices.

**ROOFTOP-MOUNTED SOLAR ENERGY SYSTEM** - A solar energy system that has its solar collectors installed on the roof or top of a building or principal structure.

**SMALL SCALE SOLAR ENERGY SYSTEM** - Any solar energy system that (1) is an accessory use or structure, designed and intended to generate energy primarily for a principal use located on site; although, if excess energy is produced, it may be sold to a utility under a net energy metering agreement; and (2) consists of an overall area of less than 5,000 square feet of surface area of the solar collector(s).

**SOLAR COLLECTOR** - A solar or photovoltaic cell, plate, panel, film, array, reflector, or other structure affixed to the ground, a building, or other structure that harnesses solar radiation to directly or indirectly generate thermal, chemical, electrical, or other usable energy, or that reflects or concentrates solar radiation to a solar or photovoltaic cell, plate, panel, film, array, reflector, or other structure that directly or indirectly generates thermal, chemical, electrical, or other useable energy.

**SOLAR ENERGY SYSTEM** - A complete system intended for the collection, inversion, storage, and/or distribution of solar energy and that directly or indirectly generates thermal, chemical, electrical, or other useable energy. A solar energy system consists of, but is not limited to, solar collectors, mounting devices or structures, generators/turbines, water and energy storage and distribution systems, storage, maintenance and/or other accessory buildings, inverters, combiner boxes, meters, transformers, and all other mechanical, electrical, and plumbing components.

**SOLAR-THERMAL ENERGY (STE) SYSTEM** -- For purposes of this Article, any system which gathers sunlight and converts it to heat for heating water or air for residential or commercial use, which does not involve the generation of electricity.

**§ 205-107. Building permit required; Installation requirements.**

- A. Except as otherwise provided herein, building permits shall be required for installation of all solar energy systems.
- B. Except for small solar panels, all solar energy collectors/systems must be installed according to the manufacturer's instructions and inspected by a licensed electrical inspector.

**§ 205-108. Rooftop and building-mounted solar collectors.**

- A. Rooftop and building-mounted solar collectors are permitted in all zoning districts in the Town of Somerset subject to the following conditions set forth in this section.
- B. Height limitations of the Town of Somerset Zoning Code shall not be applicable to roof-mounted solar energy systems, provided that solar collectors are mounted to such height as is reasonably necessary to accomplish the purpose for which they are intended to serve and that such structures do not obstruct solar access to neighboring properties.
- C. Roof-mounted solar collectors must have a two foot setback on at least two sides.
- D. Roof and building-mounting structures must be properly engineered to support collectors. The applicant must provide a signed and sealed certification from a New York State licensed professional engineer containing the following information:
  - (1.) Design for mounting scheme appropriately considers "Climatic and Geographic Design Criteria" for Town of Somerset in conformance with the New York State Building Code (Chapter 3 of the Residential Code), which are: severe weathering; 90-mph wind zone; 50 pounds/square feet ground snow load; and Seismic Design Category "B".
  - (2.) The roof structure is strong enough to support the additional weight of the solar units as per Chapter 16 "dead load" standards of the New York State Building Code.
  - (3.) The mounting brackets and hardware and the attachment to the roof will meet or exceed New York State Building Code requirements for the geographic design criteria for the Town of Somerset.
  - (4.) Solar collectors are in compliance with Chapter 14 of the New York State Mechanical Code.

(5.) Solar energy systems used for heating potable water or using an independent medium for heating potable water shall comply with the applicable requirements of the New York State Plumbing Code.

(6.) The solar energy system is constructed and installed in compliance with Article 690 of the National Electric Code.

**§ 205-109. Building-integrated photovoltaic (BIPV) systems.**

BIPV systems are permitted outright in all zoning districts. No additional building permit is required if the system is installed when the structure that the BIPV is part of is constructed.

**§ 205-110. Ground-mounted racks and free standing solar collectors.**

Ground-mounted and free standing solar collectors mounted on poles are permitted as accessory structures in all zoning districts of the Town of Somerset, subject to the following conditions:

- A. The location of the solar collectors must meet all applicable setback requirements for accessory structures in the applicable zoning district.
- B. The unit must be installed in a side or rear yard.
- C. No unit shall exceed 15 feet in height from the ground unless an area variance is obtained from the Zoning Board of Appeals.
- D. The Town encourages installations that would employ landscape screening and other methods of enhancing the appeal of the ground-mounted and free standing solar collector, such as the use of architectural features, earth berms, or other screening which will harmonize with the character of the property and surrounding area.

**§ 205-111. Small solar panels.**

Small solar panels of less than one square yard for charging batteries and powering small instruments or devices shall not require a permit or engineering approval.

**§ 205-112. Solar-thermal energy systems.**

- A. Solar-thermal energy systems are permitted in all zoning districts subject to provision of a certification from a New York State licensed engineer including the information required by §205-108, above, to the extent applicable.
- B. All units shall be installed according to the manufacturer's specifications.

**§ 205-113. Safety.**

- A. Prior to operation, electrical connections must be inspected by the Code Enforcement Officer and by an electrical inspection person or agency as determined by the Building Inspector in conformance with the State Building Code.
- B. Solar energy systems shall be maintained in good working order and shall be removed if not in use for more than 12 months by removal of such system and mounting hardware within 90 days after the end of the 12th month.
- C. Rooftop and building-mounted solar collectors shall be designed to be and installed to be in conformance with the New York Uniform Fire Prevention and Building Code standards that are applicable when the building permit is issued.
- D. If solar storage batteries are included as part of the solar collector system, they must be placed in a secure container or enclosure and installed in accordance with manufacturer's specifications and the National Electrical Code.

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

(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. \_\_\_ of 2011 of the Town of Somerset was duly passed by the Town Board on \_\_\_\_\_, in accordance with the applicable provisions of law.

**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 200\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 200\_\_, and was approved/not approved/repassed after disapproval by the (Elective Chief Executive Officer\*) and was deemed duly adopted on \_\_\_\_\_ 200\_\_, 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 200\_ of the Town of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_, 200\_, and was approved/not disapproved/repassed after disapproval by the (Elective Chief Executive Officer\*) on \_\_\_\_\_, 200\_. 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 \_\_\_\_\_, 200\_, 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 200\_\_ of the County/City/Town/Village of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 200\_, and was approved/not approved/repassed after disapproval by the (Elective Chief Executive Officer\*) on \_\_\_\_\_ 200\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 200\_, 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 200\_\_ 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 \_\_\_\_\_ 200\_\_, became operative.

**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated at Local Law No. \_\_\_\_ of 200\_\_ of the County of \_\_\_\_\_, State of New York, having been submitted to the electors at the General Election of November \_\_\_\_, 200 \_\_, 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 of 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.

*(Seal)*

\_\_\_\_\_  
Clerk of the County legislative body, City, Town or Village  
Clerk or officer designated by local legislative body  
**REBECCA A. CONNOLLY, MMC**  
**Town Clerk, Town of Somerset**  
Date: \_\_\_\_\_, 2013